



## **DECISION**

Complaint No. : **POS/2458/2025/F-34**

Name and address of the complainant : Mr. Usman Jamshed Iqbal, R/o House No.B-10, Lal Quarters, Model Colony, Malir, Karachi

Name of the Agency Complained against : Sindh Building Control Authority

Name & Designation of Investigating Officer : Syed Ali Mumtaz Zaidi, (PAS), Advisor-F

Vetted by : Mr. Shahid Ahmed Hashmi, Consultant-Legal

Subject : **SBCA'S INACTION IN RESOLVING COMPLAINT AGAINST THE BUILDER WHO IS REFUSING TO HAND OVER THE BOOKED UNIT TO THE COMPLAINANT.**

### **THE COMPLAINT:**

Mr. Usman Jamshed Iqbal in his complaint received on 15.04.2025 deposed that despite having cleared all dues against the booked apartment in the Chapal Sky mark Project (Flat No.2904, 29<sup>th</sup> Floor) in 2015, the builder instead of handing over the possession of the booked unit is demanding additional amount of Rs.24 Million. After failing to get assistance from the agency, he was compelled to approach this office.

### **PROCEEDINGS:**

2. The complaint was admitted. Notice issued to the respondent regulatory agency. The Deputy Director (PSA&C), SBCA, vide report dated 21.05.2025 informed about issuance of notice to the builder to resolve the issue / matter within 15 days' time.
3. A copy of the Builder's reply dated 30.06.2025 addressed to the SBCA in response of their notice, was received in this office, revealing that currently the project is under litigation before the Honourable Sindh High Court with the agency also named as respondent. The report further reads that the booked unit of the complainant has been cancelled on 14.11.2022 due to failure to fulfill the payment obligations. The report highlights an ongoing family dispute regarding the booked unit and once the complainant manages to resolve this internal dispute and clear the dues, the matter would be resolved amicably.
4. The complainant's mother Mst. Soraya wd/o Late Jamshed Iqbal through her counsel has also approached this Institution vide application dated 18.06.2025, as an intervener. She declared in her application that the subject unit was booked by herself in the name of his complainant son as an investment; all the payments were made from her or her late husband's accounts. The title of the said property in the name of Mr. Usman was nominal and does not reflect the true ownership or beneficial interest. She has complied with all obligations in respect of the property, and the builder is now, in the process of delivering the possession in accordance with the agreed terms. She further contended that she has informed the builder in writing about the dispute over the property. She termed the grievance of her complainant son as frivolous, malicious and based on concealment and misrepresentation of the material facts.



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5. The Builder through his counsel submitted an application dated 18.06.2025, confirming receipt of all payments from the accounts of complainant's mother and father. The application reads that after demise of Mr. Jamshed Iqbal, the father of the complainant, they received a duly-attested letter dated 15.02.2025 from the complainant's mother, directing therein to withhold the possession of such property until the family dispute over its ownership is resolved.

**FINDINGS:**

6. I have examined the case and found the matter to be a civil dispute on following grounds:

- i. The apartment in-question was booked by the parents of the complainant as investment in the name of the complainant son, with the appointment of Soraya Jamshed Iqbal, the widow mother of the complainant, as nominee;
- ii. Payments against all the installments and dues were made from the bank accounts of the complainant's mother and father. Not a single payment had ever been deposited by the complainant from his own account, as confirmed by the builder;
- iii. After the death of Jamshed Iqbal, the father of the complainant, the builder was restrained by the mother of the complainant from dealing with her son, until their internal dispute is resolved;
- iv. The payments history validate the claim of the widow intervener, the mother of the complainant, that her husband had booked the property as *hedge* in the name of their complainant son, who has now become hostile.
- v. Owing to the above facts, this office could not determine the factual dispute, concerning the ownership status of the subject property or its legality, as these are matters of contested facts, which can only be determined by a competent civil court. Therefore, prudence demands not to continue the investigations.

**DECISION:**

7. Given the foregoing, I, therefore, in exercise of powers vested in me under section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended up to date) order to close the investigations henceforth. However, the complainant is at liberty to approach the competent civil court to resolve his family dispute regarding property ownership and possession.

*Given under my hand and seal of office*



**Sd /-**  
(MUHAMMAD SOHAIL RAJPUT)  
**Sitara-e-Imtiaz, PAS**  
**Ombudsman Sindh**  
Karachi, Dated 29<sup>th</sup> August, 2025