



TRANSPARENCY INTERNATIONAL - PAKISTAN

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TL2021/0921/1A

May 24, 2023

The Director General,
National Accountability Bureau (NAB),
NAB Office, Karachi

Subject: Provision of Information Under Section 27 of National Accountability Ordinance -1999

Dear Sir,

Transparency International Pakistan has received a letter No. CVC-6362/CSM-578 /NAB(K) 2022/1163, dated 19th May 2023 and received by TI Pakistan on 23rd May 2023, from Mr. Saeed Ahmed, Additional Director (Staff) for Director General NAB against our letter No. TL2021/0921/1A dated 21st September 2021.

The letter states:

“In connection with the aforesaid complaint being processed in this Bureau, you are requested to nominate a focal person for identification of the illegal garbage dumping at Malir River bed site by Sindh Solid Waste Management Board. The nominated officer is required to attend this Bureau along with the site MAP drawing /Google MAP and any other information /evidence in support of the aforesaid complaint/ application.

The required focal person is requested to attend the office of In-charge Complaint Verification Cell at NAB Karachi Office, 197/5 PRCS Building, Dr. Daud Pota Road, Karachi Cantonment by 25th May 2023.” **(Annex-A)**

This is to clarify that **Transparency International Pakistan is a whistleblower and not a complainant**, and operates under Article 19-A, of the Constitution of Pakistan, which gives the right to public to know how government is being run by public officers. TI Pakistan letter No. TIP2022/1019/1A dated 17th October 2022 copied to DG NAB Karachi, is attached for your reference and it clearly states the following at the end **“This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower” (Annex-B).**

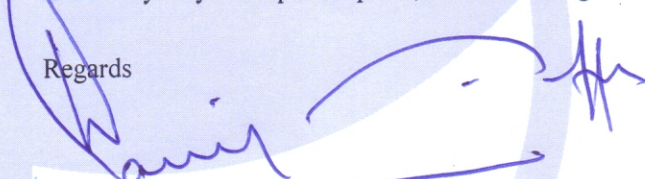
The Additional Director FIA Sindh in letter number DS-195/2021/PA dated 11 June 2021 informed all Deputy Directors FIA Karachi that:

“The reports/information received from Transparency International should be treated /considered as Source Reports / Whistleblowers instead of complaints and should be processed accordingly.” (Annex- C)

TI Pakistan vide its letter No. TL2021/0921/1A dated 21st September 2021 has provided all the necessary details along with relevant evidence / information.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption

Regards


Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan



Note:

TI Pakistan act as whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, Justice Syed Mansoor Ali Shah in his landmark judgment in case of *Ataullah Malik v. Federation of Pakistan* includes following order;

Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. PLD 2010 Lahore 605.



KARACHI

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU (KARACHI)
PRCS BUILDING 197/5, DR DAUDPOTA ROAD
KARACHI CANTONMENT

Tel: 021- 99207941
Fax: 021-99207949

OUR FAITH,
CORRUPTION FREE PAKISTAN

No. CVC-6362/CSM-578/NAB(K)2022/ 1163
19 May 2023

To: The Vice Chairman
Transparency International, Pakistan
Plot 72-F/2, 1st Floor, 9th Street,
Jami Commercial,
Phase VII, DHA,
Karachi.


Subject: Provision of Information Under Section 27 of National Accountability Ordinance -1999.

Reference: Your complaint / application No. TL2021/0921/1A dated 21st September 2021.

In connection with the aforesaid complaint being processed in this Bureau, you are requested to nominate a focal person for identification of the illegal garbage dumping at Malir River bed site by Sindh Solid Waste Management Board. The nominated officer is required to attend this Bureau alongwith the site MAP drawing / Google MAP and any other information / evidence in support of the aforesaid complaint / application.

2. The nominated focal person is requested to attend the office of Incharge, Complaint Verification Cell at NAB Karachi Office, 197/5 PRCS Building, Dr. Daudpota Road, Karachi Cantonment by 25th May 2023, please.

3. The above information is required Under Section 27 of National Accountability Ordinance, 1999.


Additional Director (Staff)
For Director General
(Saeed Ahmed)

Annex-B

October 17, 2022

TIP 2022/1019/1A

Mr. Sohail Baig,
Chief Executive Officer,
Emaar Pakistan
DHA, Karachi

Subject: Allegation of Violation of Pakistan Defence Officers Housing Authority (PDOHA) Building Control and Town Planning Regulations 2020, Public Sale Projects Chapter XX by Emaar Pakistan for illegally selling citizens properties

Dear Sir,

Transparency International Pakistan has received a complaint on the allegation of Violation of Pakistan Defence Officers Housing Authority (PDOHA) Building Control and Town Planning Regulations 2020, Public Sale Projects Chapter XX by Emaar Pakistan for illegally selling citizens properties who have put their hard earned money, amounting to committing Contempt of Honorable High Court of Sindh in Constitution Petition No. 1559/2009.

The complainant has made the following allegations that;

1. The complainant booked two properties, Sale Unit No. Pan-14-1409 and Pan-14-1407 with Emaar Giga Karachi Limited (Emaar) on 14th March 2020 with booking price Thirty Four Million, Seven Hundred, Sixty Thousand (PKR 34,760,000/-) and Forty Six Million, Seven Hundred, Seventy Eight Thousand (46,778,000/-) respectively and confirmed by EMaar Pakistan vide letters No. EGKL-786703 and EGKL-786701 dated 14th March 2020 **(Annex-A)**.
2. On 15th April 2022, the complainant was informed by Finance Executive, Emaar Pakistan that Emaar Pakistan had sent a default letter to the complainant on 8th March 2021, and subsequently sold complainant's 02 properties. The default letter was never received by the complainant through any medium such as mail, email, fax or via a call intimation.
3. Through the period 8th March 2021 and 15th April 2022 (when the complainant was first intimated of the default), the complainant was in regular contact with the Emaar Pakistan and also provided Emaar Pakistan four payments, the details are , 1st cheque numbered 07765382 dated 25th March 2022, 2nd cheque numbered 07765381 dated 25th March 2022, 3rd cheque numbered 07765384 dated 20th May 2022 and 4th cheque numbered 07765383 dated 20th May 2022
4. Among the 4 cheques, the first 2 cheques of PKR. 0.5 Million each dated 25th March 2022, were cashed by Emaar Pakistan and officially acknowledged to the complainant via email **(Annex-B)**. The remaining 2 cheques, each having amount PKR 2 Million, were due in May 2022 respectively and also acknowledged by the company.
5. After the encashment of the installment payments on 25th March 2022 and accepting post dated installment payment amount for May 2022, Emaar Pakistan on 15th April 2022 informed the complainant via email that the complainant properties are defaulted and already sold out to other clients.
6. On the insistence of the complainant that he had never received payment outstanding dues letter, the company provided the complainant a false letter via email dated 8th March 2021.
7. The back dated letter declared that the complainant has paid Rs 4,703,445/-, however, up till 8th March 2021, the complainant had only paid Rs. 3,703,455/-. The remaining 1 Million was paid by the complainant on 25th March 2022. The reflection of payment made on 25th March 2022 in the letter issued by the company on 8th March 2021 clearly shows that the letter is bogus and issued with a malafied intention **(Annex-C)**.
8. How was Emaar Pakistan discussing payment schedule and receiving payments from the client whose property they have already sold to someone else?

Annex-B

Transparency International Pakistan Comments

Transparency International Pakistan has reviewed the allegations of the complaint.

The Honorable High Court of Sindh in Constitution Petition No. 1559/2009, by TI Pakistan against SBCA (KBCA), Sindh Government, DHA, ABAD and the builders, on 6th June 2011, accepted the petition, and after DHA submitted **The Defence Housing Authority's Building Control & Town Planning Regulations 2011**, granted with consent in toto (Annex-D).

The High Court Ordered, :

“By consent, this petition is allowed in toto, but with a caution that any violation of this order, meaning thereby that any non-compliance of the prayer/relief granted and spirit, the officers responsible for such default/violation/defiance shall expose themselves to the contempt of court proceedings”.

As per PDHA Building Control & Town Planning Regulations 2011, Chapter XIII; Public Sale Projects, Section 20.11, and PDHA Building Control & Town Planning Regulations 2020, Chapter XX; Public Sale Projects, Section 20.11: Payment of Installment, copy is enclosed (Annex-E).

According to Section 20.11, 2.11.1, 2.11.3 & 2.11.3, in case of default of installments, M/s Emaar should have followed the prescribed process, which seems to have been violated. .

20.11 Payment of Instalment: *The payment of installment will be made by the allottee strictly according to the schedule of payment. In case of failure a fifteen-day notice will be issued through registered courier service on the last given address and if the allottee fails to make payment within the above period another notice will be issued by the builder up to another thirty days. In case of further failure, a cancellation letter will be issued to the allottee and a copy of which will be endorsed to PDOHA. The builder will not rebook the cancelled unit within thirty days of receipt of copy of cancellation letter by PDOHA. Provided that builder will publish the cancellation notice in the two leading newspapers (English and Urdu) under the heading of cancellation of flat or unit.*

Prima facia, the cancellation of the apartment by M/s EMAAR is against the law, i.e. DHA Building Control & Town Planning Regulations 2020, Chapter XX; Public Sale Projects, Section 20.11.

Transparency International Recommendations

Transparency International Pakistan requests the CEO review the complaint in light of the Honorable High Court of Sindh Order in Constitution Petition No. 1559/2009 Court Order and the PDOHA Building Control & Town Planning Regulations 2011, and PDOHA Building Control & Town Planning Regulations 2020, and restore complainant's property, to avoid Contempt of Court Orders in CP 1559/2009 dated 6th June 2011.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption.

Regards

Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Administrator DHA, DHA Karachi
2. CEO, Cantonment Board Clifton, CBC Karachi
3. Director General, NAB, Karachi
4. Registrar, High Court of Sindh, Karachi
5. Chief Executive Office, Emaar Dubai, Dubai

Annex-B

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, Justice Syed Mansoor Ali Shah in his landmark judgment in case of Ataullah Malik v. Federation of Pakistan includes following order.

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Annex-C



No. DS- 195/2021/PA.
OFFICE OF THE DIRECTOR
FEDERAL INVESTIGATION AGENCY
SINDH ZONE - I, KARACHI

Dated: 11.06.2021

01. The Additional Director,
FIA, CCC, Karachi.
02. The Deputy Director,
FIA, AHT Circle, Karachi
03. The Deputy Director,
FIA, SBC, Karachi.
04. The Deputy Director,
FIA, ACC, Karachi.
05. The Deputy Director,
FIA, CBC, Karachi.

Subject: REPORTS / INFORMATION RECEIVED FROM TRANSPARENCY INTERNATIONAL

Reference is made to the subject matters.

2. The reports / information received from Transparency International should be treated / considered as Source Reports / Whistleblowers instead of Complaints and should be processed accordingly.
3. This issues as per directions of Director, FIA, Sindh Zone - I, Karachi.
4. Ensure compliance and report, please.

(EADAD KHUWAJA)
DEPUTY DIRECTOR/CRIME

Copy to the Chairman, Transparency International, 4-C, 1st Floor, Khyaban-e-Iffehad, Phase VII, DHA, Karachi.