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GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT ELECTION AND RURAL DEVELOPMENT,
DEPARTMENT

THE KHYBER PAKHTUNKHWA LAND-USE AND BUILDING CONTROL
AUTHORITY

NOTIFICATION

Dated Peshawar, the 1st November, 2024.

No.Dir,(Planning)/LUBCA/General File/1-2/2024. In exercise of the powers conferred by clause (c) of sub-section (1) of section 52 of the Khyber Pakhtunkhwa Land-Use and Building Control Act, 2021 (Khyber Pakhtunkhwa Act No. XXXII of 2021), read with clause (c) of section 4 thereof, the Provincial Land-Use and Building Control Council is pleased to make the following Regulations, namely:

THE KHYBER PAKHTUNKHWA HOUSING SCHEMES (PLANNING, DEVELOPMENT AND CONTROL) REGULATIONS, 2024

Chapter-I General

1. **Short title and commencement.** —(1) These Regulations may be called the Khyber Pakhtunkhwa Housing Schemes (Planning, Development and Control) Regulations, 2024.

(2) These regulations shall come into force at once.

2. **Definitions.**---(1) In these regulations, unless the context otherwise requires,-

(a) "Act" means the Khyber Pakhtunkhwa Land-Use and Building Control Act, 2021 (Khyber Pakhtunkhwa Act No. XXXII of 2021));

- (b) **"Agency"** means a government body, responsible for the provision of utility services;
- (c) **"Architect"** means an Architect, registered with the Pakistan Council of Architects and Town planners;
- (d) **"Authority"** means the Provincial Land-Use and Building Control Authority or any other officer exercising the powers on behalf of the Authority under the Act;
- (e) **"bank guarantee"** means legally binding assurance to the satisfaction of the Authority and unconditionally encashable in favour of the Authority at any time of its validity;
- (f) **"chamfer"** means the flat surface made by cutting of sharp edge or corner of a plot to enhance the visibility at the turning point;
- (g) **"Competent authority"** means the Scrutiny Committee, constituted under regulation 19 of these Regulations, which grant approval for Housing Schemes under these regulations.
- (h) **"Cooperative Society"** means a society registered under the Cooperative Societies Act, 1925(Act No. VII of 1925);
- (i) **"developer"** means a firm, company, cooperative society, residents welfare association, owner of a land or a scheme or any other person who has developed a scheme, wholly or partly, or is developing the scheme with or without approval under the applicable laws;
- (j) **"Form"** means the Forms appended to these regulations;
- (k) **"Government agency"** means and includes-
 - a department bureau, commission, board, office or unit of the Government;
 - (i) a local government; and
 - (ii) an urban areas development authority or any other public authority, by whatever name it may be called, company or corporation owned or controlled by the Government or a local government;
- (l) **"horticulture"** means the art or practice of garden cultivation, tree plantation, arranging of grass and flower beds;
- (m) **"housing scheme categorization"** means categories of housing schemes on the basis of the total area of land as prescribed in regulation 13 of these regulations;

- (n) **"infrastructure"** means the services including road network, water supply, drainage and sewerage system, telephone, gas, cable, power lines, other civil work, etc;
- (o) **"irregular housing scheme"** means a housing scheme or a built-up area, whether whole or a part of which has been developed or sold without approval of the competent authority or in violation of the approved layout plan or the applicable laws or with the approval of the authority not competent to approve such housing scheme;
- (p) **"Kanal"** means the size of land, equal to twenty (20) Marlas;
- (q) **"landscape plan"** means a plan showing visible features in an open space of a housing scheme such as walkway, green area, fountain, flower bed, grass and trees;
- (r) **"land use plan"** means a plan for optimum use of land, in any region, to serve as a guide in zoning to meet the needs of the community and approved by the competent forum;
- (s) **"master plan"** means the traditional method for presenting a set of land usage, allocation and control measures in the form of a map or in a graphical form and is supported by written statement of goals and objectives, strategy, financial implications and policies for planning and development for an area and include a structure plan, a spatial plan, peri-urban structure plan, and a metropolitan plan approved by the competent forum;
- (t) **"Land use Zone"** means the area specified for the particular land use in the approved District land use/master plan.
- (u) **"Marla"** means the size of land, as defined in the revenue record of that particular mauza or revenue estate of a revenue tehsil or district;
- (v) **"member"** means a member of the Scrutiny Committee and includes the Chairman;
- (w) **"open space"** means and includes a public park, green-belt, playground in context of a housing scheme;
- (x) **"property"** means a plot or a building in a housing scheme;
- (y) **"public building"** means a dispensary, post office, police station, local government office, educational institution, hospital, clinic, mosque, fire station and any other Government building;

- (z) "regularization" means an approval of an irregular housing scheme by the Scrutiny Committee, after following due process provided in these regulations;
- (aa) "residents welfare association" means a society or an association of residents, owners, or plot allottees of an irregular housing scheme or built-up area, registered under any law for the time being in force.
- (bb) "right of way" means the width of road or street between two opposite properties;
- (cc) "saleable area" means an area under the residential, commercial and public building plots in a housing scheme meant for sale;
- (dd) "Technical Review Committee" means the Technical Review Committee constituted under regulation 11 of these regulations;
- (ee) "Town planner" means a town planner registered with the Pakistan Council of Architects and Town Planners.
- (ff) "Unit" means the Local Planning and Enforcement Unit as prescribed under Section 10 of the Act.

(2) Words, terms and expressions, used but not defined in these regulations, shall have the same meanings as are assigned to them under the Act.

Chapter-II

Application for Preliminary Planning Permission

3. **Submission of application seeking preliminary permission for planning.**---(1) A developer shall submit an application to the Unit for seeking preliminary planning permission for a housing scheme before initiating any planning or development activity thereon.
 - (2) The application, so received shall be entered into relevant register being maintained with the concerned Unit by issuing proper acknowledgement receipt to the developer, duly signed, stamped and dated for record.
 - (3) In case of online application, the date of submission of application and other details and attachments shall be downloaded and printed in hard copies, maintained, in a standard manner, for official record.
4. **Attachments with application.**---An application, under regulation 3 (1), shall be accompanied by-

- (a) attested copy or copies of Computerized National Identity Card (CNIC) of the developer, however in case of a company or a firm then the copies of the Computerized National Identity Card of all partners or directors of the firms or company shall be furnished;
- (b) complete mailing address of the developer;
- (c) copies of the latest paid utility bills (electricity or sui-gas bills) in respect of the property mentioned in mailing address as a proof of residence;
- (d) certified copy of the registration certificate from the concerned Agency, in case of a company or a co-operative society;
- (e) a location plan of proposed housing scheme supported by google map;
- (f) Khasra plan or aks-e-shajarah certified from the concerned Tehsildar Revenue;
- (g) certified title documents including a registry, intiqal, fard or any other document thereby certifying the ownership of the land, proposed for development of housing scheme, duly verified from the concerned Tehsildar;
- (h) registered agreement between the developer and the land owner in case the land is not owned by the developer himself;
- (i) a non-encumbrance certificate issued by the office of Sub- Registrar of concerned tehsil;
- (j) processing fee in the form of a bank draft or pay order at the rate notified by the Authority from time to time;
- (k) bank guarantee as per below table which may be released after issuance of sanction;

S. No.	District	Bank Guarantee (i)
1.	Abbottabad, Manshera, Haripur, Swat, Malakand, Lower Dir, Swabi, Mardan, Peshawar, Nowshera, Charsadda, Kohat, Bannu, DI Khan	Rs. 0.75 Million per Kanal
2.	Remaining Districts	Rs. 0.5 Million per Kanal
3.	Merged Districts	Rs. 0.1 Million per Kanal

Note: The amount of bank guarantee shall be maximum upto 500 million.

- (l) Active Tax Payer Certificate from Federal Bureau of Revenue,

5. **Evaluation criteria for an application.**---The Authority, through the Unit, or having representation of such other specialized agencies or organizations, as it may deem fit, shall satisfy that-

- (a) application is complete in all respect and that the required attachments provided are genuine and validly issued by the concerned Agencies;
- (b) the developer has a valid Computerized National Identity Card; ○
- (c) registration of the firm, company or cooperative society, as the case may be, is confirmed from the registering authority for being genuine and valid;
- (d) ownership documents, submitted with the application, are certified from the Revenue and Estate Department of Government;
- (e) land is not notified by Government or local government for any other public use;
- (f) land does not fall under the definition of agriculture land or any other land use (not fit for residential development) notified or declared as such by the approved District land use/master plan;
- (g) bank guarantee, submitted to the Unit, is duly confirmed from the issuing bank as per standard procedure;
- (h) site proposed for such housing scheme shall be physically inspected to ensure that it fulfils the following requirements:
 - (i) width of access road is not less than thirty(30) ft; for category B, C, D and 40 ft for Category A and Mega housing scheme;
 - (ii) site is not prone to any flooding, erosion or other environmental hazards;
- (i) development of a housing scheme shall not cause any damage to the existing major infrastructure of Government; and
- (j) area of proposed housing scheme falls within the categories as mentioned and defined in regulation 13 of these regulations.

6. **Verification of ownership documents and revenue record.**---(1)The concerned Revenue Officer through Tehsildar shall, within fourteen (14) days, scrutinize the ownership documents to ascertain the genuineness and validity of the same thereby confirming the ownership of land.

(2) The Unit may, in co-ordination with Assistant Commissioner Revenue through Tehsildar concerned, shall carry out the measurement of the land in light of the Khasra plan

and demarcation, carried out by the Revenue and Estate Department of Government, in order to certify that the land area is equal or more than the minimum area required as per the category for development of housing scheme.

(3) The concerned Tehsildar office shall certify that the width of access road as specified in Section 5 (h) (i) to the proposed housing scheme.

(4) The concerned Tehsildar office shall verify the non-encumbrance certificate from the relevant Government office thereby certifying that the land has not been notified by Government for any other purpose nor mortgaged with any financial institution.

(5) Clearance report or observations shall be forwarded to the Planning Control Officer of the concerned Unit within fourteen (14) days under proper covering letter, duly dated, numbered and signed.

7. Role of Environmental Protection Agency.---(1) The Unit shall forward the location plan to the Environmental Protection Agency, Government of Khyber Pakhtunkhwa, for confirmation-

- (a) To conduct a detailed study for proposing necessary mitigation measures for any damage it may cause to the physical environment;
- (b) that development of a housing scheme, thereon, shall not result in any damage to the physical environment.

(2) The certification, in respect of sub- regulation (1), shall be furnished by the Environmental Protection Agency, within Forty-Five (45) days of receipt of such application, from the Unit:

Provided that in case the Environmental Protection Agency fails to provide certification under sub- regulation (2), within forty-five (45) days, the Unit may issue provisional planning permission to the developer subject to the fulfilment of other conditions.

(3) In case of any observation by the Environmental Protection Agency, the same shall be furnished to the Unit, which shall, in turn, convey the same to the developer for settling the observations and resubmit the case after clearance of observations so conveyed. The time so consumed on the part of the developer shall not be counted towards the approval timelines notified by the concerned authority.

(4) Once the document verification of the proposed housing scheme is carried out by the concerned Planning Control Officer of the concerned Unit and the clearance reports are received from the concerned Tehsildar and the Environmental Protection Agency, the Unit, within three working days furnish a self-contained case to the Competent Authority for approval of preliminary planning with such terms and conditions as may be specified in the permission letter.

(5) Upon approval of the Competent Authority, the preliminary planning permission shall be issued in respect of the applying developer by the Unit, on its official letterhead, duly numbered, dated, stamped and signed and copies provided to the respective Deputy Commissioners, Assistant Commissioners and all relevant departments of Government.

8. Preliminary planning permission.---(1) A preliminary planning permission shall-

- (a) be a confirmation that a housing scheme may be submitted for approval in accordance with these regulations;
- (b) be valid for six months from the date of issuance;
- (c) not be construed as permission to carry out any construction activities at the proposed site; and
- (d) shall not be treated as permission that the sanction shall definitely be granted for such housing scheme.

(2) Only a developer, in whose name a planning permission has been issued, shall be entitled to submit the application for sanction of housing scheme:

(3) Provided that the Planning Permission, as mentioned in this regulation, shall only be applicable to two hundred (200) Kanals and above housing scheme as defined in regulation 13 and 14 of these regulations.

Chapter-III

Application for Sanction of Housing Scheme

9. Submission of plan.---(1) The Unit shall entertain an application for sanction of a housing scheme, if submitted within validity period of the preliminary planning permission.

(2) An application for sanction of housing scheme shall be accompanied by-

- (a) a copy of the preliminary planning permission, issued previously to the developer by the Unit, where applicable;
- (b) a topographic survey, extended to a depth of one thousand (1000) ft, around the area of housing scheme;
- (c) layout plan, superimposed on a khasra plan, with proposed division of scheme into residential and commercial plots, road network, drainage, open spaces, graveyard and public buildings, prepared and signed by a registered town planner, developer or developers and the developer in accordance with these regulations, where applicable;

- (d) a detail of developmental work along with proposed schedule of time and tentative cost to be incurred on carrying out the said works duly signed by the developer ;
- (e) financial statement of the developer indicating that enough funds are available for development of the proposed housing scheme which may include-
 - (i) bank statements;
 - (ii) detail of self-owned assets;
 - (iii) loan agreement with a scheduled bank (if any); and
 - (iv) list of registered members; and
- (f) pay order or paid bank challan in respect of the approved fees, the housing scheme. In case of rejection and or withdrawal of the application by the developer 20 % of the approval fee shall be deducted.

(3) Requirements under clauses (a) and (b) above shall be submitted in triplicate.

10. Planning standards for a housing scheme.—The Unit, through a Technical Review Committee, notified for the purpose, ensure that a housing scheme is planned and sanctioned in accordance with the planning standards, as defined, for each category, in regulations 13 and 14 of these regulations.

11. Composition of the Technical Review Committee.—The composition of Technical Review Committee shall be as follows:

- (a) Chief Planning Control Officer; Chairman
- (b) Planning Control Officer; Member
- (c) Assistant Town / Tehsil Officer Infrastructure Member concerned
- (d) District Architect Member
- (e) a representative of the Environmental Protection Agency; Member
- (f) Revenue Tehsildar of Tehsil concerned; and Member
- (g) Town Planner, registered with Pakistan Council of Architects and Town Planners from private sector and town planner on behalf of the developer Co-opted-Member

Explanation: Remuneration of the co-opted-member(s) shall be borne by the developer at the rates notified by the Authority from time to time.

12. Functions and powers of the Technical Review Committee.---The Technical Review Committee shall be responsible to-

- (a) scrutinize the detail of developmental works, proposed by the developer, in accordance with the requirements of the housing society;
- (b) assess the tentative schedule, proposed for carrying out the said development works;
- (c) review the plan proposal in accordance with the planning standards mentioned in these regulations
- (d) propose changes in the development works and the schedule of time in order to make it in conformity with the provisions of these regulations;
- (e) convey to the developer for incorporating the same in his plan and re-submitting the same to the Technical and Review Committee for clearance;
- (f) call formal meeting with the developer in order to deliberate upon the details of the proposed plan;
- (g) record its decisions and recommendations in the form of minutes of the meeting which shall be circulated to all concerned; and
- (h) recommend proposal to the Chief Planning Control Officer for further processing of the case.
- (i) on recommendation(s) of the Technical Review Committee the Chief Planning Control Officer shall submit the proposal to the Scrutiny Committee or to the Authority as the case may be for approval.

13. Housing schemes categorization.--- On the basis of area of land, the following shall be the categories of housing schemes for the purpose of these regulations:

- (a) Category- D (10 to 50 Kanal); (In-fill development)
- (b) Category- C (51 to 100 Kanal); (In-fill development)
- (c) Category-B (101 to 200 Kanal);
- (d) Category-A (201 to 500 Kanal);
- (e) Mega Housing Scheme (above 500 Kanal);

(f) Farm housing scheme (not less than 100 Kanal) and

(g) Apartment housing scheme (not less than 25 Kanal)

14. Planning standards for housing schemes.---(1)The Competent Authority shall ensure that a housing scheme is planned and approved in accordance with the following planning standards and requirements:

S. No	Land use.	Category D (10-50 Kanal)	Category C (51-100 Kanal)	Category B (101-200 Kanal)	Category A (201-500 Kanal)	Mega Housing Scheme (Above 500 Kanal)	Farm housing scheme (not less than 100 Kanal)	Apartment housing scheme (not less than 25 Kanal)
1.	Open Space	-	Min. 5%	Min. 7 %	Min. 7 %	Min. 10 %	Min 7%	Min 10%
2.	Graveyard	Min 2%	Min 2 %	Min. 2 %	Min. 2 %	Min. 2 %	Min.2 %	-
3.	Commercial	Max. 1%	Max. 2 %	Max. 5 %	Max. 7 %	Max. 7 %	Max.5%	Ground + First floor
4.	Public Buildings	Min 2%	Min. 2 %	3% to 5 %	3 % to 10 %	4 % to 10 %	Min 2%	Min 1% of the total floor area
5.	Size of Residential Plot	Max. 10 Marla	Max. 01 Kanal	Max.02 Kanal	Max. 2Kanal.	Max. 4 Kanal.	Min 4 Kanal	Min 2 Kanal (block area)
6.	Internal Roads/streets	Min.30 feet	Min.30 feet	Min.30 feet	as per NRM	as Per NRM	Min.40 feet	Min.30 feet
7.	Site for SolidWaste Management	Min. area 5 Marla	Min. area 10Marla	Min. area 10 Marla	Min. area 01 Kanal for 200 Kanal and 10 Marla for each additional 100 Kanal up to 500 Kanal	Min. area 4 Kanal for 500 Kanal and 02 Kanal for every additional 500 Kanal	Min. area 01 Kanal for 200 Kanal and 10 Marla for each additional 100 Kanal up to 500 Kanal	Min. area 1 Kanal for 50 Kanal floor area and 10 Marla for each 50 Kanal
8.	Grid Station Exclusive of Public Buildings	-	-	As per requirements of concerned Department/ Agency.	As per requirements of concerned Department/ Agency.	As per requirements of concerned Department/ Agency.	As per requirements of concerned Department/ Agency.	As per requirements of concerned Department/ Agency.
9.	Major Roads	Min. 36 feet.	Min. 48 feet.	Min. 60 feet	Min. 60 feet	Min. 100 feet.	Min. 60 feet upto 300 Kanal& min 80 feet above 300 Kanal	Block distance 48 ft.
10.	Service Area/ Scheme Office	-	-	Min. 5 Marla	Min. 10 Marla.	Min. 10 Marla.	Min 10 Marlas	-
11.	Low-Cost Housing (3 Marla)	Min. 10%	Min. 7%	Min. 7%	Min. 5%	Min. 5%	Min. 2%	-
12.	Set Back from Major Road	Min 25 ft	Min 25 ft	Min 25 ft	Min 50 ft	Min 50 ft	Min 25 ft	Min 50 ft

Note row 7: Recycling plant for SWM and waste water treatment plant as per requirement of EPA.

Explanation: The housing scheme shall, if it consists of combination of different types of housing schemes, be planned in independent blocks following the planning standards of each category for calculation purposes and in the plan.

- i. the public building, open spaces/parks and playgrounds shall be located evenly throughout the blocks/phases in a scheme.
- ii. the major roads shall be provided separately for farm housing scheme and the housing scheme.

(2) The developer shall, for the purpose of obtaining planning permission of the competent authority with regard to housing scheme, provide the details of the property as specified in **Form-"B"**.

15. Technical requirements for the layout plan.---(1)The Technical Review Committee, notified for the purpose, shall ensure that a layout plan of a housing scheme is in accordance with the following technical requirements:

- (a) scale of scheme plan 1:1200 to 1:2400;
- (b) scale of location plan 1: 4800;
- (c) size and dimension of each plot;
- (d) chamfering of corner plot by 5x5 feet. up to one Kanal zone and 10x10 feet for above one Kanal zone;
- (e) size and dimension of public buildings and open spaces;
- (f) right of way of road;
- (g) parking area with parking layout;
- (h) dimensions of a housing scheme boundary;
- (i) boundary of a mauza or a revenue estate;
- (j) number and boundary of each khasra in a mauza;
- (k) area statement and percentage of:
 - (i) residential use;
 - (ii) commercial use;

- (iii) open space;
- (iv) road;
- (v) graveyard;
- (vi) public building; and
- (vii) other uses;
- (l) aggregate of various categories of plots with area and size;
- (m) vacant area of existing graveyard, if any, excluding it from area required for a graveyard under these regulations;
- (n) location of pumping station, if any;
- (o) location of overhead tank and tube well if any;
- (p) aggregate of various categories of plots to be mortgaged;
- (q) signatures of a developer and a town planner;
- (r) signature and stamp of the approving authority;
- (s) cardinal sign indicating north;
- (t) name of housing scheme;
- (u) names of the mouzas comprising a housing scheme; and
- (v) marking of land to be acquired by a developer, if any.

(2) The developer shall provide the details of layout plan in the manner as specified in Form-"B1".

16. Processing of an application for Sanction of a housing scheme.—The Unit shall only entertain an application, complete in all respect, and in case of any deficiency, inform a developer within 15 working days of the submission of application, clearly mentioning the nature of deficiencies. Once the Technical Review Committee has granted its clearance, the case shall be submitted along with clearance report to the Chief Planning Control Officer for inviting public objections and suggestions upon the proposed plan.

17. Inviting public objections.—(1) The Chief Planning Control Officer shall through the Directorate of Information, Government of Khyber Pakhtunkhwa, publish, in at least two leading Urdu and one English daily national newspaper, issue a public notice for inviting objections and suggestions, in accordance with Form-"A" attached to these regulations.

(2) Public notice shall be published at the cost of a developers specifying the following:

- (a) location of the housing scheme;
- (b) total area of the housing scheme;
- (c) name and address of the developer;
- (d) name and address of the land owner(s) in case, the developer is not the sole owner;
- (e) list of khasra number along with name of revenue estate or mauza;
- (f) time limit of thirty days from the date of publication for filling of objections; and
- (g) name and address where objections can be filed.

(3) The Unit shall forward the objections, if received, to the developer, within five days after the expiry of the time limit, given in the public notice, for addressing and resubmission of the housing scheme along-with annotated replies to the observations so received and addressed accordingly.

18. Technical scrutiny of layout plan.---(1) After settlement of public objections and in case any of the objection is regarding ownership of a portion of land, included in the proposed housing scheme, and both the developer and petitioner, possess the ownership documents, then the disputed land, to that extent, shall be excluded from the housing scheme.

(2) Once the public objections are settled, Planning Control Officer shall submit a self-contained working paper along with attested copies of the application and its relevant documents, including the clearance report of the Technical Review Committee, etc. to the members of the Scrutiny Committee, well before the date of meeting for their perusal and cross checking. On the day of the meeting, the members of the Scrutiny Committee, shall analyse the application for sanction in accordance with the provisions of the Act and these regulations so as to ensure that all the requirements, standards and necessary procedures have been fulfilled.

19. Scrutiny Committee.---(1)The following Scrutiny Committee shall be constituted by the Authority for purpose, mentioned in regulation 20 of these regulations.

(a)	Deputy Commissioner of the concerned district;	Convener
(b)	Chairman or Mayor of the Concerned Tehsil Council or City Tehsil Council;	Member

(c)	Head of District level offices of the Environmental Protection Agency, Agriculture, Transport, Communication and Works Department, Sports, Culture and Tourism, Archaeology, Irrigation, Public Health and Provincial Housing Authority;	Member
(d)	Head of Urban Area Development Authority, wherever applicable;	Member
(e)	Additional Deputy Commissioner (Finance and Planning) of the concerned district;	Member
(f)	Assistant Commissioner concerned;	Member
(g)	Tehsil Municipal Officer concerned;	Member
(h)	Chief Planning Control Officer concerned	Member/Secretary
(i)	Planning Control Officers concerned	Member

(2) The Convener may co-opt members having relevant experience;

(3) For mega housing scheme, the composition of the Scrutiny Committee shall be as under;

(a)	Director General Land Use & Building Control Authority	Chairman
(b)	Deputy Commissioner of the concerned district;	Member
(c)	Chairman or Mayor of the Concerned Tehsil Council or City Tehsil Council;	Member
(d)	Head of District level offices of the Environmental Protection Agency, Agriculture, Transport, Communication and Works Department, Sports, Culture and Tourism, Archaeology, Irrigation, Public Health and Provincial Housing Authority;	Member
(e)	Head of Urban Area Development Authority, wherever applicable;	Member
(f)	Additional Deputy Commissioner (Finance and Planning) of the concerned district;	Member
(g)	Assistant Commissioner concerned;	Member
(h)	Tehsil Municipal Officer concerned;	Member
(i)	Chief Planning Control Officer concerned	Member/Secretary
(j)	Planning Control Officers concerned	Member

20. Functions and powers of the Scrutiny Committee.—Subject to the provision of regulation 50 of these regulations, the Scrutiny Committee shall exercise and perform the following powers and functions:

- (a) to ensure and verify that
 - i. the ownership of land has been confirmed through due process enunciated in law and these regulations in order to certify that land ownership is not disputed;
 - ii. size of proposed site is in accordance with the categories of housing scheme provided in these regulations;
 - iii. the land has not been earmarked for any other purpose by Government;
 - iv. the land is not prone to flooding or other environmental hazards and the clearance of Environmental Protection Agency for development of a housing society upon the land in question has been obtained;
 - v. the planning standards required under these regulations have been followed and that due clearance from the Technical Review Committee has been obtained;
 - vi. the public objections have duly been solicited and disposed of;
 - vii. the financial viability of the developer has been confirmed and the developer has the required financial worth to carry out the developmental activities within the proposed time schedule;
 - viii. the minimum requirements as enunciated in Form-“A” have been followed;
 - ix. the proposed site is in compliance with approved district land use plan and or master plan, whereas the district land use plan and or master plan are not yet available the proposed site is not agriculture land of Class A & B;
- (b) to scrutinize the proposed developmental works in the housing scheme;
- (c) to determine the reasonability of time schedule of development based upon the quantum of developmental activities as proposed by the developer;
- (d) to discuss and decide any other modality of the housing scheme and or any matter that may be deemed necessary regarding the suitability of the housing scheme on the basis of established law, provisions of these regulations and ground situation; and
- (e) to add any term and condition as the Scrutiny Committee may deem fit for the successful and timely completion of the housing scheme.
- (f) grant approval for (Preliminary Planning Permission / Sanction) to a housing scheme after fulfilment of all the codal formalities.

21. Procedure for grant of Sanction.—(1) After due scrutiny and satisfaction of the Scrutiny Committee with the proposed housing scheme, the approval may be granted, subject to fulfilment of the terms and conditions or pre-requisites as provided under these regulations. In case of any observations, the same shall be recorded with logical reason and rationale for conveying the same to the developer with the instructions to attend to the said observations and resubmit the case or application for scrutiny of the Scrutiny Committee.

(2) Once the Scrutiny Committee decides for grant of sanction, the same shall be recorded in the form of minutes of the meeting, duly signed and stamped by the Convener and all members of the Scrutiny Committee and circulated to all concerned parties and offices. The Unit shall inform the developer of the decision of the Scrutiny Committee with the instructions to fulfil any terms and conditions or pre-requisites prior to issuance of formal sanction of the housing scheme.

(3) The Unit shall ensure that formal sanction is granted only after all the pre-requisites are completed by the developer.

22. Pre-requisites for issuance of sanction of a housing scheme.---The Unit shall, prior to issuance of Sanction for a housing scheme by the competent authority, require a developer to-

- (a) submit a drawing of approved layout plan, indicating the plots, proposed to be mortgaged;
- (b) submit a soft copy (dwg. or shape file extension) of approved layout plan geo-referenced with the Coordinate System of Survey of Pakistan;
- (c) deposit housing scheme approval fee at the rate as notified by the Authority in the designated account of the Authority;
- (d) submit a transfer deed in accordance with **Form-"B2"** for transfer of the following areas in the name of the Unit, at the cost of the developer:
 - (i) area reserved for roads, open spaces, park and graveyard, solid waste management; and
 - (ii) public buildings as per regulation 14 of these regulations;
- (e) submit, in the name of the Unit;
 - (i) a mortgage deed, in accordance with **Form-"C"**, ten percent (10%) saleable area of housing scheme to the Unit as security for completion of development works; and
 - (ii) a performance bond, in accordance with **Form- "D"** and **Form- "D-1"**, consisting of a performance agreement and a bank guarantee respectively. Amount of bank guarantee shall be equivalent to 20% of the total cost of the development works;
- (f) furnish a surety bond to the Unit for complying with the development standards, marketing or sale requirements and terms for disposal or sale or purchase of plots within the housing scheme; and

- (g) furnish a surety bond to the effect that the developer shall abide by the schedule of works, as issued to him at the time of sanction, and that failing to meet the timelines, shall make the promoter or developer liable to penal consequences as enunciated in these regulations.

23. Approval of housing scheme.---(1) After fulfilment of the above requirements and approval or sanction granted by the competent authority, the Chief Planning Control Officer shall issue a formal letter of sanction in accordance with **Form-"E"**, along with a schedule of works. Copies of the sanction and schedule shall also be forwarded for information and necessary action to the Deputy Commissioner concerned and all related Government agencies, responsible for provision of utilities and the local police station.

(2) This letter shall be a formal permission for initiating developmental works as well as marketing and sale of the plots in a sanctioned housing scheme in addition to compliance with marketing requirements under any other law for the time being in force.

24. Public notice.---The Unit shall, at the cost of a developer, through Directorate of Information (in two daily national newspapers) publish a public notice in accordance with **Form-"F"**, giving details of mortgaged plots and salient features of the sanctioned housing scheme as well as the schedule of development and place the same on the website of the Authority as well.

Chapter-IV **Marketing and Sale Requirements**

25. Content of an advertisement.---A developer shall include the following publicity material in an advertisement for the sanctioned housing scheme:

- (a) total area along with location plan;
- (b) no fee shall be charged from the prospective buyers except publication charges of the sale/registration forms which should not exceeds Rupees one thousand;
- (c) aggregate of residential and commercial plots;
- (d) detail of plots mortgaged with the Unit;
- (e) period for completion of development works or schedule of development issued to the developer by the Authority;
- (f) name of sanctioning authority and sanction number; and
- (g) procedure of allotment through balloting or otherwise.

26. Terms and conditions.---In addition to any other terms and conditions, a developer shall include the following in application form for allotment of a property:

- (a) allotted property number shall not be changed without the consent of an allottee;
- (b) a developer shall ensure that an allottee becomes member of a resident association and is bound to pay management and maintenance charges on regular basis;
- (c) allotment of a property shall not be cancelled without reason and intimation to an allottee through registered post;
- (d) date of handing-over possession of the property shall be indicated;
- (e) notwithstanding anything in the contract, in case of delayed handing over of possession of the plot or property beyond the stipulated date, the private promoter, developer, builder or sponsor shall be liable to pay an amount equivalent to two percent (2%) per month of the amount paid by the allottee in addition to giving possession of the plot;
- (f) in case the cancellation of property is due to the non-payment of instalment of price of property, one opportunity for making required payment shall be given to an allottee;
- (g) in case of non-payment of development charges, two opportunities, for making required payment, shall be given to an allottee;
- (h) in case of cancellation due to default of the purchaser, ten percent price of a property shall be deducted and balance amount to be refunded within six months; and
- (i) development charges per plot shall be clearly defined in the terms and conditions and shall not be increased without written permission of the Unit.

Chapter-V **Design and Specifications**

27. Submission of detailed design and specifications.---The developer shall, within six (06) months of the issuance of sanction for planning, submit the detailed design and specifications to the Unit, which shall process the same to the concerned competent authority for their scrutiny and approval.

28. Water supply, sewerage and drainage.---(1) A developer shall-

- (a) engage services of a qualified public health and structural engineers, who shall be member of the Pakistan Engineering Council for preparation of detailed design and specifications of water supply, sewerage and drainage systems;

- (b) ensure that design and specifications are in accordance with law, rules, master plan and guidelines of the Authority responsible for approval of the same;
- (c) ensure that water supply, sewerage and drainage lines are provided on both sides of a road. If provided only along one side of a road then, underground connections for properties on the other side of road shall be provided before road pavement; and
- (d) submit detailed design and specifications for water supply, sewerage and drainage, within six months from sanction of a housing scheme, to the Unit.

(2) A developer shall, in areas where public trunk sewer does not exist, abide by the requirements of an Agency, maintaining a sewerage system and shall ensure disposal of sewage to the satisfaction of Agency.

(3) A developer, at his cost, shall connect sewerage and drainage system of the housing scheme to a public trunk sewer, wherever available subject to approval of an Agency, maintaining a sewerage system.

(4) After connecting the system to a public trunk sewer, the same may be taken over by an Agency for operation, maintenance and billing.

29. **Submission of documents.**---A developer shall submit to the Unit four (04) sets of the following technical documents of the sanctioned housing scheme:

	Technical Documents Required	Applicable
1	key plan of housing scheme;	All categories
2	master plan of the housing scheme designed and authorised by a registered town planner or firm of Pakistan Council of Architects and Town Planner;	All categories
3	sanctioned layout plan;	All categories
4	infrastructure plan;	All categories
5	location plan; topographic survey plan	All categories
6	soil test report from the approved laboratory;	All categories
7	geometric design of road network and junction	Mega, A & B
8	pavement design	All categories
9	road drainage design	All categories
10	landscape design for a road network	Mega, A & B
11	design of street furniture and fixtures	Mega, A & B
12	detail of traffic control devices	Mega, A & B

30. Road network.---A developer shall-

- (a) engage services of a qualified civil/structural engineer, who shall be member of the Pakistan Engineering Council for preparation of detailed design and specifications of road network and bridges;
- (b) submit, within six months of sanction of a housing scheme, detailed design and specifications of a road network, bridge and foot path;
- (c) ensure that design and specifications are in accordance with law, rules, master plan and guidelines of Authority responsible for approval of the same;
- (d) ensure that foot path is provided on both sides of a major road; and
- (e) ensure that service road is provided on both sides of a road with more than 80 ft. right of way.

31. Water, sanitation and sewerages.---The developer shall submit-

- (a) detailed designs and specifications of water supply, sewerage and drainage system;
- (b) number of tube wells (solarized), their capacity, chamber design, bore hole detail and connection detail with water supply system, including tube well logs (strata chart), details of tube well machinery and installation detail;
- (c) number of overhead tanks, capacity, design, structure design and design calculation detail along with structural stability and design for ultimate disposal of the sewage; and
- (d) location of septic or soakage well, where disposal is not available.
- (e) design and specification of filtration plant with a capacity of 8 litres per capita per day

32. Processing of documents.---(1)The Unit shall forward, within ten (10) days, the documents specified above, regarding detailed design and specifications to the respective office of water and sanitation i.e. Tehsil Municipal Administration or Water and Sanitation Services Company, as the case may be, for its scrutiny and approval.

(2) The concerned offices shall, within twenty (20) days, convey objections, if any, to the developer.

(3) The developer shall resubmit the documents after removing the objections to the respective Planning Control Officer, which raised the objections.

(4) If satisfied, the concerned officer shall, within fifteen days of resubmission, convey the approval of the documents.

(5) A developer shall submit a soft editable format of approved documents to the Authority.

(6) Soft editable format of the approved layout plan of infrastructure services of the housing scheme shall be provided separately.

33. Landscape plan.---A developer shall after sanction of a housing scheme, submit to the Unit a landscape plan for parks and open spaces in master plan layout, for its scrutiny in accordance with these regulations and approval if found correct. The required scrutiny shall be carried out by the Unit, within fourteen (14) days and convey its approval or observations, if any, to the developer.

34. Solid waste management plan.---A developer shall, after sanction of a housing scheme, submit to the Planning Control Officer, a solid waste management plan. It shall include a plan showing location of proposed dust bins, storage places and collection and disposal of solid waste system. The said plan shall be forwarded to Tehsil Municipal Administration/WSSCs for scrutiny and approval or observation, if any, that shall be conveyed back to the developer within fourteen (14) days for redressal.

35. Electricity and street light plan.---(1) A developer shall-

- (a) prepare design and specifications of electricity and street light (solarized) in accordance with law, rules, master plan and guidelines of Agency responsible for provision of electricity;
- (b) submit, within one year of the sanction of the housing scheme, these design and specifications to the Unit which shall forward it to Electrical Engineering Wing of any Agency for cause of scrutiny and technical views; and
- (c) ensure that designs are prepared by an Electrical Engineer, registered with the Pakistan Engineering Council, and approved by Agency responsible for provision of electricity.

(2) The Planning Control Officer, with the consultation of Electrical Engineer, shall, within one (01) month, convey objections, if any, to a developer under intimation to the Chief Planning Control Officer concerned.

(3) A developer shall resubmit the documents after removing the objections to the Planning Control Officer for onward submission to the Electrical Engineer for verification.

(4) If satisfied, the Electrical Engineer shall within fifteen (15) days after resubmission, convey approval of the documents to the Planning Control Officer. However, prior to communicating the approval to the developer, the case shall be routed to the Chief

Planning Control Officer for certifying the pace of work as given in the schedule of development by the developer not exceeding five years from the grant of sanction.

(5) Once certified by the concerned sections that the pace of work is in accordance with the schedule of work then the Planning Control Officer, shall formally communicate the approval of detailed design and specification, in respect of electrical work, to the developer under intimation to the Agency, responsible for provision of electricity connections as well as the concerned Chief Planning Control Officer.

(6) A developer shall also submit a soft copy of approved documents to the Agency notified by the Government for provision of electricity.

(7) No connections shall be given to any housing scheme prior to fulfilment of the criteria laid down in these regulations.

36. Gas supply charges.---(1) A developer shall, after sanction of a housing scheme, deposit charges and costs for the provision of gas, if available in the vicinity, in accordance with the requirements of Sui Northern Gas Company Limited under intimation to the Unit.

(2) Prior to issuance of No Objection Certificate regarding the gas connections, the case shall be routed through the Planning Control Officer for certifying the pace of work as given in the schedule of development by the developer.

(3) Copy of the No Objection Certificate shall be conveyed to the Agency, providing gas connections, subject to the certification of pace of work, in accordance with the schedule so furnished by the developer.

37. Supply of telephone or internet facilities.---A developer may, within three years of the development of a housing scheme, ensure availability of telephone and internet facilities under intimation to the concerned Unit.

38. Underground services.---(1) A developer shall ensure that utility services, such as water supply, electricity (Category: Mega& A), sewerage, Sui gas and cable lines are laid underground as per standard procedure.

(2) In area, where topography does not permit laying of underground services, exemption may be granted by a plan approving Agency under intimation to the Unit.

Chapter-VI **Schedule of Development**

39. Schedule of development and responsibility of developer .--- (1)The developer shall be bound to meet the timelines, as enunciated in the schedule of development not exceeding five years issued by the concerned Unit at the time of sanction by the competent authority.

- (2) The said schedule shall be regularly monitored by the Unit by engaging the services of relevant professionals.
- (3) If, in any case, the timelines are not being met, the developer shall be put on notice for the lapse.
- (4) If the developer fails to complete the work on expiry of the schedule, the sanction, issued to the developer, shall be withdrawn under intimation to concerned Government Agencies, responsible for provision of utilities, and the local police station as well.
- (5) The withdrawal of sanction, under sub- regulation (4), shall be advertised in two leading Urdu and one leading English daily, as well as, on the website of the Authority for public information.
- (6) The developer shall not be allowed to carry out developmental work or sale or purchase of plots, within the housing scheme, and the same shall be taken over by the Unit forthwith.
- (7) In this case, a formal request shall be forwarded to the office of the Deputy Commissioner concerned for immediately ceasing transfer of titles within the housing scheme area.
- (8) The land of the housing scheme shall be taken over by Government which shall be retrieved as arrears of land by the Deputy Commissioner concerned.
- (9) In case the developer furnishes an application for extension of time to the concerned Unit, prior to expiry of the original time schedule of development, mentioning therein, the reasons for delay along with documentary proof.
- (10) The Planning Control Officer shall forward the reasons to the concerned Chief Planning Control Officer with verification and report.
- (11) The said report shall be furnished back to the Planning Control Officer within fourteen (14) days along with decision.
- (12) If the concerned Planning Control Office certifies the genuineness of the reasons for delay then the case shall be furnished to the competent authority concerned for grant of extension in the time of completion of works, subject to the condition that the said extension shall not exceed two years in total.
- (13) Extension shall be granted only if eighty per cent (80%) developmental work is carried out.
- (14) In case the developer fails to complete the developmental works, within the extended time, then the sanction, issued to the developer, shall be withdrawn and the bank guarantee en-cash shall be forfeited in favour of the Authority.

(15) The developer shall not be allowed to carry out developmental work or sale and purchase of plots within the housing scheme and the same shall be taken over by the Unit.

(16) Restoration of the withdrawn sanction shall be permitted after submission of new application by the developer with surety bonds to the effect along with payment of a fee as notified by the Unit from time to time and subject to the approval of competent authority concerned who shall reserve the right to accept or reject the application with cogent reason(s).

(17) For the purpose, application shall be submitted to the Planning Control Officer who shall, process the application after scrutinizing the surety so furnished by the developer in respect of abiding the schedule of development.

(18) In such case, a new schedule of maximum two (02) years shall be permissible if approved by the competent authority concerned and subject to depositing the required restoration of sanction fee as well as surety bonds.

(19) The restoration of sanction shall be granted only one time and in case of re-cancellation of the sanction, no further restoration shall be permissible.

(20) In case of failure to complete construction within the stipulated time after restoration, the housing scheme shall be taken over by the Unit and the land under the housing scheme shall be forfeited in the name of the Government which shall be retrieved as arrears of land by the competent authority concerned.

(21) In such an event the Unit shall continue to develop the housing scheme in accordance with the sanctioned plan.

(22) The sale of plots in the housing scheme shall be undertaken by the Unit through conducting open public auctions.

(23) The revenue, so generated, shall be receivable to the Unit for using the same to develop the housing scheme and to provide services to the residents of the area.

Chapter-VII **Development and Monitoring**

40. Development of a sanctioned housing scheme.---A developer shall ensure to-

- (a) develop a housing scheme, within the time period specified in the schedule of works, in conformity with these regulations;
- (b) undertake development works, after issuance of approval of design and specifications by the Unit; and

- (c) intimate name and address of pipe manufacturing factory, in case of water supply, sewerage and drainage works, to the Authority or Agency which approved the design and specification of water supply, sewerage and drainage.

41. Monitoring, supervision and regulatory control of the housing scheme.---(1) The Unit shall ensure that there is no deviation from the implementation plan, sanctioned for the housing scheme by the competent authority. For this purpose, the developer shall submit a physical progress report on quarterly basis to the District Land Use & Management Committee, indicating the ground position and conformity with the approved plan, as well as, the pace of work in conformity with the schedule of development.

(2) The Unit, which approves the design, and specifications shall-

- (a) conduct, without prior notice, regular site visits to ensure that development works are in conformity with approved design and specifications as well as the pace in light of the schedule;
- (b) carry out hydraulic tests for sewer and water supply lines;
- (c) determine testing laboratory, types and number of tests to be performed;
- (d) complete testing and inspection prior to back filling of trenches and paving road surface;
- (e) intimate the developer to rectify any deviations from approved design and specifications; and
- (f) report any deviation, violation or lapse to the concerned Deputy Commissioner for necessary action as per law and rules.

(3) A developer shall-

- (a) inform, in writing, prior to commencement of development works, the Planning Control Officer of the concerned Unit, who shall, in turn, inform the concerned Technical Review Committee, which approved design and specifications;
- (b) engage services of public health, structural and electrical engineers, who are members of the Pakistan Engineering Council, to ensure quality control and execution of works in accordance with an approved design and specifications; and
- (c) rectify any deviations from approved design and specifications as prescribed in clause (e) of sub-regulation (2) of this regulation.

(4) Testing and inspections, carried out by the Unit, shall be at the cost of a developer.

(5) If a developer fails to develop a housing scheme, within the stipulated period, or development works are not in conformity with the approved design and specifications, then the Unit may-

- (a) take over the development works of the housing scheme;
- (b) execute the development works from the sale proceed of mortgaged plots or encashment of bank guarantee;
- (c) recover the shortfall from a developer as arrears of land revenue, in case of differential in cost of development works;
- (d) take action against the deviations or violations as per law; and
- (e) extend the development period only in cases where about eighty per cent (80%) development works are completed as per criteria mentioned in these regulations.

42. Supervision and Control.---(1) The Authority may call for and examine the records of any proceedings for the purpose of satisfying itself to the correctness, legality or propriety of sanction of the housing scheme, recommendations, observations, penalty or order recorded or passed as to the regularity of any proceedings.

(2) On examining the record, the Authority may pass such orders, as it deems fit, but before cancelling or recalling sanction of the housing scheme, an opportunity shall be given to the developer to be heard.

43. Release of mortgaged plots.---The Unit may release mortgaged plots, in proportion to development works, on obtaining field report from Technical Review Committee, which approved design and specifications about the satisfactory completion of work as follows:

- (a) twenty-five percent of mortgaged plots on hundred percent completion of water supply, sewerage and drainage works;
- (b) twenty-five percent of mortgaged plots on hundred percent completion of road, bridge and footpath works;
- (c) twenty-five percent of mortgaged plots on hundred percent completion of electricity (or on full payment of charges to the concerned Agency) and streetlight network;
- (d) fifteen percent of mortgaged plots on hundred percent payment of gas charges; and
- (e) ten percent of mortgaged plots on hundred percent completion of horticulture and solid waste management works.

44. **Release of bank guarantee.**---The Unit may allow a developer to reduce bank guarantee, in proportion to development works, on obtaining field report from the concerned Technical Review Committee or such other Agency which approved design and specifications about the satisfactory completion of work as follows:

- (a) twenty-five percent of bank guarantee on hundred percent completion of water supply, sewerage and drainage works;
- (b) twenty-five percent of bank guarantee on hundred percent completion of road, bridge and footpath works;
- (c) twenty-five percent of bank guarantee on hundred percent completion of electricity and streetlight network;
- (d) fifteen percent of bank guarantee on hundred percent payment of gas charges; and
- (e) ten percent of bank guarantee on hundred percent completion of horticulture and solid waste management works.

Chapter-VIII **Fee Structure**

45. **Fee for scheme approval.**---(1) A developer shall deposit a housing scheme approval fee (non-refundable) along with application at the following rates:

S. No.	Category of Housing Scheme.	Fee for Scheme Approval.
1.	Category- D (10 to 50 Kanal).	Rs. 10,000 per Marla
2.	Category- C (51-100 Kanal).	Rs. 8,000 per Marla
3.	Category-B (101-200 Kanal).	Rs. 6,000 per Marla
4.	Category-A (201-500 Kanal).	Rs. 5,000 per Marla
5.	Mega Housing Scheme (Above 500 Kanal).	Rs. 4,000 per Marla
6.	Farm housing scheme (not less than 100 Kanal)	Rs. 10,000 per Marla
7.	Apartment housing scheme (not less than 25 Kanal)	Rs. 10,000 per Marla of the total floor area

(2) The fee, so specified under sub- regulation (1), shall be equally applicable to all developers, including Defence Housing Authorities.

(3) A developer shall deposit a fee for the following at a rate as notified by the Authority from time to time:

- (a) sanction of a housing scheme;

- (b) approval of design and specifications for water supply, sewerage and drainage;
- (c) approval of design and specifications for road, bridge and footpath of a housing scheme; and
- (d) approval of design and specifications for electricity and street light.

Chapter-IX **Penalty Procedure against Illegal Housing Schemes**

46. Penalties and procedure.—(1) In case where a developer initiates developmental activities, within a housing scheme area, or engages in sale or purchase of land, within the housing scheme area, without permission of the competent authority, for the first time, he shall be liable to punishment provided in Schedule First of the Act at the following rates;

S. No.	Category of Housing Scheme.	Penalty
1.	Category- D (10 to 50 Kanal).	Rs. 1 million
2.	Category- C (51-100 Kanal).	Rs. 3 million
3.	Category-B (101-200 Kanal).	Rs. 5 million
4.	Category-A (201-500 Kanal).	Rs. 8 million
5.	Mega Housing Scheme (Above 500 Kanal).	Rs. 10 million
6.	Farm housing scheme (not less than 100 Kanal)	Rs. 10 million
7.	Apartment housing scheme (not less than 25 Kanal)	Rs. 10 million

(2) Upon repeated violation, the Unit shall intimate the same to the Deputy Commissioner concerned with the request to initiate a criminal case against the violator and freeze transfer of titles, within the housing scheme area. The housing scheme area shall be taken over by the Unit and the land shall be forfeited in favour of Government, which shall be notified in the leading dailies for information of general public.

(3) Further development of the housing scheme area shall be undertaken by the Unit through generation of revenue from the estate of the housing scheme.

(4) The same shall be carried out through auction of plots both commercial and residential and the revenue, so generated, shall be utilized for the development of the housing scheme and provision of services within the housing scheme area.

(5) For the purpose of sub- regulation (4), a designated commercial bank account shall be opened in the name of the Unit for receipts and expenditures related to the housing scheme.

(6) The Unit may, however, for the purpose of operations, grant loan to the housing scheme from its own resources which may be recouped from the same after receipt of revenue.

(7) For the purpose of forceful takeover, the housing scheme shall be carried out with the help of Police and district administration to be overseen directly by the concerned Deputy Commissioner and the Chief Planning Control Officer, the forceful vacation of the developer shall be undertaken under the Khyber Pakhtunkhwa Removal of Encroachment from Public Property Act, 1977 (Khyber Pakhtunkhwa Act No. V of 1977).

Chapter-X **Regularization of Irregular Housing Schemes.**

47. Review by Scrutiny Committee.---The Scrutiny Committee shall examine the matters pertaining to housing schemes, which are being developed or have been developed in an irregular manner, without the approval of the competent authority, for the purposes of their regularization to alleviate the grievances of the affectee of such schemes.

48. Jurisdiction of the Scrutiny Committee.--- (1) The powers of the Scrutiny Committee shall extend to the whole of the revenue district concerned in the Province, except the areas notified as cantonments under the Cantonment Act, 1924 (II of 1924), or the Cantonments Ordinance, 2002 (CXXXVII of 2002), and such other areas under possession and direct control of the Armed Forces of Pakistan notified by the Government of Pakistan.

(2) The Department may, by notification, exempt any area from any or all of these regulations.

49. Additional members of the Scrutiny Committee – (1) In case where the Scrutiny Committee is required to consider a case or application under the provision of regularization of irregular housing scheme, the following additional member may be associated for carrying out the purposes of these regulations:

- (a) a town planner, having at least twenty years' experience and accreditation from national or international professional bodies;
- (b) a civil engineer, having at least twenty years' experience and accreditation from national or international professional bodies;
- (c) an environmental expert having at least twenty years' experience in the relevant field;
- (d) a legal expert, having at least twenty years' experience, in the applicable laws; and
- (e) any other expert of the relevant profession from public or private sector.

(2) Subject to sub-regulation (1), the Convener of the Scrutiny Committee shall notify such members or co-opted members of the Scrutiny Committee for the respective districts.

(3) The Unit at the District Headquarter shall provide secretarial and logistic support to the Scrutiny Committee.

(4) The committee may requisition the services of any professional or expert on such fee as the Scrutiny Committee may determine for carrying out any of its functions under these regulations.

(5) The co-opted members of the Scrutiny Committee may receive such honorarium as may be determined by the Department.

50. Functions and powers of the Scrutiny Committee.—(1) In addition to the powers conferred under regulation 20 of these regulations, the Scrutiny Committee shall have the following functions and powers:

- (a) to regularize any non-conforming land use on which irregular housing schemes exists on such terms and conditions as the Scrutiny Committee may deem appropriate;
- (b) to decide all such cases which do not fall under the applicable laws and regulations on the subject;
- (c) to determine fine and penalty upon the sponsors, developers or resident society, found guilty of violation under these regulations;
- (d) to recommend disciplinary action against the officers and officials of the concerned departments and organizations responsible for the establishment of irregular housing schemes;
- (e) to decide on waiver of any required No Objection Certificate or condition on case-to-case basis; and
- (f) to perform any other function to be assigned by the government.

(2) In exercise of its functions, the Scrutiny Committee may-

- (a) call for record of any land from the relevant Government agency;
- (b) summon any officer of the relevant Government agency to produce requisite record, information and provide assistance; and
- (c) summon the owners or developers or representatives of the residents of irregular housing schemes, or the persons having interest therein, or any other persons required for the purpose of disposal of the matter under consideration.

(3) In the discharge of its functions under this chapter, the Scrutiny Committee shall have the powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908).

(4) All proceedings of the Scrutiny Committee, under this chapter, shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) The Scrutiny Committee shall decide each application preferably not later than ninety days from the date of initiation of the proceedings.

51. Responsibility of Local Planning and Enforcement Unit.—The Unit, shall be responsible to-

- (a) provide secretarial support to the Scrutiny Committee;
- (b) prepare and submit data of irregular housing schemes falling within its territorial jurisdiction to the committee;
- (c) provide record of irregular housing schemes, including all documents and layout plans, approved or unapproved, either under process or not in process with the concerned Unit, and in case record of an irregular housing scheme is not available with a Unit it shall obtain the record from the developers of such scheme for onward submission to the Scrutiny Committee; and
- (d) provide any other information required by the Scrutiny Committee.

52. Data bank of irregular housing schemes.—A Unit shall maintain a data bank containing the following information:

- (a) name of the irregular housing scheme;
- (b) name and Computerized National Identity Card number of the developer, sponsor or office bearers of the resident society or whatever name it calls;
- (c) complete description of the irregular housing scheme comprising area, layout and ownership of land parcel on which the irregular housing scheme has been developed or a part of which has been developed or is being developed by moving an application for preliminary planning permission or sanction of the housing scheme;
- (d) date of commencement of physical development of the irregular housing scheme;
- (e) complete details of violations committed during development of the irregular housing scheme including violation of layout plan, if approved by a local government or a development or any other authority concerned;
- (f) categorization of irregular housing schemes according to nature of violations; and
- (g) any other ancillary information regarding irregular housing scheme.

53. Submission of applications.—(1) A private promoter, developer, builder, sponsor or a residents welfare association, where the sponsor has absconded or has failed to take remedial action under these regulations or a person having ownership or interest in the irregular housing scheme, shall be eligible to submit an application to the Scrutiny Committee, within

one year extendible for another six months of the notification of these regulations, seeking regularization of an irregular housing scheme existing on ground, prior to the date of the commencement of these regulations,

Provided that upon receipt of such application, the same shall be uploaded on the website/portal of the Authority.

(2) Notwithstanding the provisions of sub-regulation (1), the following persons may also submit an application before the Scrutiny Committee for regularization of an irregular housing scheme existing on ground, prior to the date of the commencement of these regulations:

- (a) who has submitted an application to any authority for preliminary planning permission for a land owned or purchased; or
- (b) who has submitted an application for approval of a housing scheme before the competent authority; or
- (c) against whom any action has been taken by the any authority;
- (d) to whom a notice has been served in respect of any violation under any of the applicable laws; or
- (e) who is running irregular housing scheme or a built-up area.

54. Schedule of fee for regularization.—(1) The Scrutiny Committee may, after affording opportunity of being heard to the applicant and the Unit, and after being satisfied, regularize an irregular housing scheme, subject to payment of Schedule of fee for regularization under these regulations.

(2) The Scrutiny Committee, while exercising its powers, may be guided by the following table Schedule of fee for regularization for different type of violations as under:

S.No.	Type of Violation.	Schedule of fee for regularization
1.	Non-conforming land use.	Two percent of the residential value as per applicable valuation table.
2.	Missing parks or open spaces.	Equal to the value of the deficient land as per residential value in applicable valuation table.
3.	Missing graveyard.	Equal to the value of deficient land as per residential value in applicable valuation table or provide alternate land within a radius up to 5 kilometers from location of such irregular housing scheme.
4.	Missing public buildings.	Equal to the value of deficient land as per applicable residential valuation table.
5.	Access road width is less than the required planning standard.	Access road abutting the irregular housing scheme shall be widened as per the required planning standards. In case of non-availability of land, as determined by the Commission, three times of the value of deficient land as per applicable residential valuation table.

6.	Internal road width is less than the prescribed standards.	Equal to the value of deficient land as per applicable residential valuation table.
7.	Missing civic facilities such as water supply, sanitation, drainage and sewerage line etc.	Equal to the engineering cost estimates for provision of such services, subject to the condition that such cost shall be borne by the residents' society on cost sharing basis proportionately in case the developer or investor is not traceable.
8.	Missing any NOC's required for grant of permission.	One time waiver with fine as may be determined by the committee on case-to-case basis.

(3) In case of non-payment of regularization fee, within stipulated time, the order of regularization shall cease to have its effect on the expiry of such time.

(4) The amount of approval or regularization fee, collected under this chapter, shall be deposited into the account of concerned Unit proper acknowledgment receipt.

55. Manner of decisions of the Scrutiny Committee.---The Scrutiny Committee, while exercising its powers and functions, shall notify all the decisions, approval or disapproval, regarding regularization of irregular housing schemes or otherwise, in writing, duly numbered, dated, stamped and signed by its Convener and duly authenticated for all official intent and purposes.

Chapter-XI **Appeals**

56. Appeals procedure.---(1) An aggrieved person may, within thirty (30) days of cause of action, arising under these regulations, file an appeal before the Director General of the Authority or to the Secretary for mega housing schemes as the case may be.

(2) The appellate authority shall, within thirty (30) days from the date of filing of the appeal, decide such appeal, subject to hearing of the parties, through a written order, which shall be final.

(3) An appeal, under these regulations, shall include-

- (a) an application signed by the appellant;
- (b) a copy of the National Identity Card of the appellant; and
- (c) any other document relevant to the appeal.

(4) The appellate authority may pass an interim order during the pendency of an appeal.

Chapter-XII
Miscellaneous

57. **Transfer of housing scheme in revenue record.**---(1) The Unit shall, at the time of sanction of the housing scheme, get the housing scheme land transferred in the revenue record as per transfer deed.
58. **Extension of the housing scheme.**---In case of extension (Area/time duration) in the housing scheme, a developer may submit application (after completion of 80% physical work) to be processed and scrutinized in the manner provided in these regulations for fresh application, furthermore, the planning standards mentioned in regulation 14 will be applicable on total area (new + old).
59. **Management and maintenance of scheme.**---(1) The concerned developer shall be responsible for the operation, maintenance and repairs of the housing schemes for a period of three years on his own cost after completion of the scheme in all respects,. After three years and clearance of all liabilities is the housing scheme shall will be handed over to either plots owners' or their association or a Government agency with clear and well-defined role and responsibilities.
60. **Modification of housing scheme.**---No modification in a sanctioned housing scheme or change of name shall be made without observing the procedure prescribed for the grant of original sanction.
61. **Plot numbering.**---A developer shall fix plot numbers in the housing scheme as per Form-"G".
62. **Check list for sanction of a housing scheme.**--- The Technical Review Committee and the Scrutiny Committee shall respectively ensure that the application and attached annexures are assessed on the basis of check list as specified in Form-"H".
63. **Guide map.**---A developer shall display a guide map at the main entrance and other prominent locations in a housing scheme and install the signboards at the corner of the road indicating plot numbers and name of roads.
64. **Publication of approved housing schemes by Local Planning and Enforcement Unit.**---Every Unit shall publish annually a list of approved housing scheme situated in its jurisdiction for information of general public. No advertisement or signboard of unapproved or irregular housing schemes shall be allowed in print, social and electronic media till obtaining written NOC/Permission from the competent authority. If any advertisement is made on print, social and electronic media about unapproved/illegal housing schemes, the advertising agency and the developer shall be liable for punishment under the Act.
65. **All housing schemes to be rating areas.**---All housing schemes or societies, approved under these regulations, shall be rating areas under section 44 of the Khyber Pakhtunkhwa Local Government Act 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) for the purpose of imposition, charging and collection of urban immoveable property tax under the law.

66. **Compliance to the timelines by Local Planning and Enforcement Unit staff.**--- In line with the provisions of these regulations, all staff of a Unit shall be duly bound to process the application for grant of sanction or other approval submitted by the developer or investor within the notified timelines, failing which disciplinary action shall be taken against the officer or official at fault. In case of any deficiency or shortcoming, in the documentations, the applicant shall be informed by the Unit in writing within reasonable time.
67. **Fire hydrant.**---A developer shall provide fire hydrant on main water lines in open space, commercial centre and at regular interval along a road.
68. **Tree plantation**---A developer shall plant trees on both sides of a road and in open spaces.
69. **Action against illegal housing schemes.**--- The Unit with assistance of the District Administration shall initiate action against illegal housing schemes being launched in its jurisdiction without prior sanction. In case of an approved housing scheme, any deviation from approved master plan, layout plan or specification shall render the same scheme illegal and liable to penal action under the Act. The respective Unit may approach the Peshawar Electric Supply Company or Sui Northern Gas Pipelines Limited or other service providers for banning the extension of their services to such scheme till proper approval is granted as required under these regulations.
70. **Audit of existing housing schemes.**---The Unit on its own or through information from any other authority or aggrieved person, may carry out audit including forensic audit through such agency or organization as it deems appropriate and in such eventuality all the cost thereof shall be borne by the owner or developer of the scheme.
71. **Cooperative society.**---the residents of a housing scheme shall meet periodically and pass resolutions for better management, operation and maintenance of the scheme.
72. **SRO 706 (1) / 2003.**---For district Abbottabad, Nowshera, Kohat and Peshawar the provisions of SRO 706 (1) / 2003 dated 8th July 2003 of the Defence Division, Ministry of Defence, shall be complied before the grant of sanction under these regulations.
73. **Repeal and savings.**---(1) The Khyber Pakhtunkhwa Local Government (Private Housing Schemes Management and Regulation) Rules, 2021 are hereby repealed.
- (2) Notwithstanding with the repeal of the aforesaid rules, all orders made, acts done, notifications issued and actions taken shall, if not inconsistent with the provisions of these regulations, be deemed to have been made, done, issued and taken under these regulations.

FORM-"A"

[see regulations 17(1) and 20 a(VIII)]

PUBLIC NOTICE

(Name, location and address of scheme)

The public is hereby informed that M/s

(Name of developer)

(Address of developer)

Has applied for sanction of a scheme located in mauza

Tehsil /district _____

Having at total area of Kanal Marla square feet.

Detail list of khasra numbers along with mauzas:

Any person having objection against sanction of the scheme or title of land may, within thirty days after publication of this notice, submit the same in writing to undersigned. Any objection filed after due date shall not be entertained. This notice shall not be taken a commitment of for sanction of the scheme.

Name of the officer _____

Designation _____

Address _____

Phone _____

FORM-"B"

[see regulation 14(2)]

SCHEDULE OF PROPERTY

Schedule of the property

1. Park and open spaces

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq. ft.
Total Area					

2. Public building plots

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq. ft.
Total Area					

3.Graveyard

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
Total Area					

4. Other plots

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
Total Area					

5. Total area under roads

Kanal	Marla	Sq.ft.

FORM-"B1"
[see regulation 15(2)]

LAYOUT PLAN OF HOUSING SCHEME

(Approved Layout Plan of the Housing Scheme showing land transferred through the Transfer Deed.)

FORM-"B2"
[see regulations 22(d)]

TRANSFER DEED

The Transfer deed made at _____ on the day of _____ in year _____ by Developer _____ ID Card No. _____ of the scheme located at Mouza hereinafter called the Transfer;

IN FAVOUR OF

Local Planning and Enforcement Unit hereinafter called the "Transferee"

WHEREAS the Transfer is absolute owner with possession of land measuring _____ Kanal bearing khasra Nos. _____ Marla _____ square feet. _____ in Mouza _____ Tehsil _____ District

AND WHEREAS _____ has approved layout plan of scheme on land of the Transferor, including the area under revenue paths and water courses measuring a total of _____ Kanal _____ Marla _____ square feet. A total area of _____ Kanal _____ Marla _____ square feet. (shown in the plan at annex-I) is reserved for public use as detailed below and thereinafter called the property:

sr.#	Public land use	Kanal	Marla	Sq.Ft
1.	Road			
2.	Park			
3.	Graveyard			
4.	Public building			
5.	Disposal station and pumping station			
Total:				

Schedule of area under the property is at annex II.

NOW THEREFORE, this deed witnesses as follows:

1. That the transfer or hereby warrants that the/she is the absolute owner of the property and no person whatsoever has any charge, encumbrance, lie nor mortgage over the property and same is free there from.

2. That in consideration of public welfare the transfer or hereby transfers to the Transferee free of charge all his/her rights, interests, easements, appurtenant here to in the property and to hold the same to the transferee as absolute and lawful owner.
3. That the Transferor further agrees that all times hereinafter, upon request and at expense of the Transferee, to execute or cause to be executed lawful deed and act whatever for better and more perfectly conveying and assuring the property for the Transferee, its heirs, executors, administrators, assignees as shall be reasonably required by the Transferee and placing it in its possession or same according to true interests and meaning of this Deed.
4. That even after execution of this transfer deed the transferor will be responsible for maintenance of area transferred till such time that the same is taken over by an agency responsible for maintenance.
5. That the transferor shall abide by conditions imposed in the Mortgage Deed.

IN WITNESS WHEREOF the Transferor has as here into set his hand on the day and the year first above written.

THE TRANSFEROR

Signed _____
Name _____
I.D card No _____
Address _____

WITNESS1

Signed _____
Name _____
ID card No. _____
Address. _____

WITNESS2

Signed _____
Name _____
ID card No. _____
Address. _____

FORM-"C"
[see regulations 22(e)(i)]

MORTGAGE DEED

THIS MORTGAGE DEED is made at _____ on the _____ day of the month of _____
M/S _____ Residing at _____ in between _____ year _____ NIC _____

(hereinafter referred to as the mortgagor which expression, where the context so admits, shall include heirs, executors, administrators, legal representatives, assigns and successors) of the first part AND the Local Planning and Enforcement Unit, Authority of the second part.

WHEREASE the mortgagor applied for sanction of _____ scheme for an area of _____ Kanals _____ Marla's
_____ sqft bearing khasra Nos. _____

In mouzas, _____

Tehsil _____ District _____

The scheme is approved and the mortgagor has agreed to mortgagor ten percent with Local Planning and Enforcement Unit.

NOW this deed witnesses as follows:

- 1) As a security for provision of development works in the scheme, the mortgagor hereby grants, assures, demises and mortgages to Local Planning and Enforcement Unit following plots

Plot Number	Block	Dimension	Area		
			Kanal	Marla	Sq.ft.
Total Area					

The mortgaged plots are also shown in red color on the scheme plan at Form-"C1".

- 2) The mortgagor shall pay stamp duties, registration charges and other incidental expenses for and in connection with this or any other document to be required in respect of redemption of this mortgage deed.
- 3) The mortgagor shall submit and get approved designs of services from the concerned design approving agencies and completes development work within a period of five years after sanction of the scheme.
- 4) The mortgagor shall provide paved roads, structure plan roads, sewerage system, drainage system, water supply system, electrification and street lights, horticulture works, solid waste management system, gas etc. within the scheme area.

- 5) The mortgagor or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.
- 6) The Local Planning and Enforcement Unit shall release mortgaged plots, in proportion to development works, on obtaining field report from an agency, which approved design and specifications about the satisfactory completion of work as follows:
 - a. Twenty five percent of mortgaged plots on one hundred percent completion of water supply, sewerage and drainage works;
 - b. Twenty five percent of mortgaged plots on one hundred percent completion of road, bridge and footpath works;
 - c. Twenty five percent of mortgaged plots on one hundred percent completion of electricity and streetlight net work;
 - d. Fifteen percent of mortgaged plots on one hundred percent payment of gas charges; and
 - e. Ten percent of mortgaged plots on one hundred percent completion of horticulture and solid waste management works.
- 7) On completion of development works, the operation and maintenance of the infrastructure, public and utility services in the scheme shall be the responsibility of the residents and or the plot owners till such time that the same are taken over by the concerned agencies.
- 8) The Local Planning and Enforcement Unit shall not be responsible for undertaking development works in the scheme. If the mortgagor fails to do so and the Local Planning and Enforcement Unit, decides to undertake development works, the mortgagor will provide additional funds, if so required, for the development works over and above the amount received from the sale of the mortgaged plots.
- 9) If at any stage, the land under the scheme or any part thereof is required by the Local Planning and Enforcement Unit or the Government for any public purpose, the mortgagor or his successor in interest or any other person claiming any right or interest in the said land shall have no objection to its acquisition.
- 10) The plots mortgaged to the Local Planning and Enforcement Unit shall be open to inspection at any time by any officer deputed for the purpose.
- 11) The mortgagor and or all plot owners of the scheme shall pay to Local Planning and Enforcement Unit the Betterment Fee as and when levied.
- 12) The mortgagor hereby covenants with the Local Planning and Enforcement Unit and guarantees that he/she:
 - (a) shall from time to time and all times hereafter comply with all regulations, regulations and bye laws framed by the Authority under the respective laws.
 - (b) has exclusive and absolute ownership of the mortgaged property in which no one else has any claim, concern, right or interest of whatsoever nature.
 - (c) has a legal right, full power, absolute authority to mortgage such property by way of such mortgage deed.

- (d) has not, prior to the date of these presents, done, made, committed, caused or knowingly done any act under a deed or matter whereby the right to so mortgage has been or may be impaired.
 - (e) hereby declares that the property offered as security for provision of development works is free from all sorts of encumbrances and charges and undertakes that the said property shall not be sold or charged without the prior approval in writing of the Local Planning and Enforcement Unit.
 - (f) Shall not put the property in any other charge or otherwise transfer the same or any part thereof in any way and would keep and hold the Local Planning and Enforcement Unit secured harmless and indemnified against all losses and damages caused to be suffered or sustained by the Local Planning and Enforcement Unit as a result of any defect in title or any claim or demand preferred by anyone with respect to the property or any part thereof.
 - (g) shall keep the property mortgaged with the Local Planning and Enforcement Unit as security for the provision of development works to the satisfaction of the Local Planning and Enforcement Unit.
- 13) In case the mortgagor fails to provide the development works as required by the Local Planning and Enforcement Unit under the preceding clauses, the Local Planning and Enforcement Unit without any further notice to or concurrence on the part of the mortgagor shall be entitled to:
- (a) take possession of the mortgaged property.
 - (b) sell or dispose of the said property or any part thereof together or in parcel on the account and at the risk of mortgagor either privately or by public auction or by private contract on such terms and conditions as the Local Planning and Enforcement Unit shall think fit and proper, without the bid and intervention of a court of law and without prejudice to the Local Planning and Enforcement Unit rights to execute the necessary sale deed, present it for registration and get the same registered and have the necessary mutation of names entered in the Government, revenue records, and on such transfer the property shall vest in the transferee, all rights in or to the property transferred, as if the property had been sold to the transferee by the owner and for the purpose aforesaid or any of them to make agreements, execute assurance and give effectual receipt for discharges for the purchase money and do all other acts and things for completing the sale, which the person or persons exercising powers of sale shall think proper of the aforesaid power shall be deemed to be a power to sell of concur in selling without the intervention of the court under the transfer of property Act-1882.
- 14) The mortgagor shall abide by the conditions imposed in the letter of sanction of the scheme.

IN WITNESS WHEREOF the mortgagor as here into sets his hand on the day and the year first above written.

Mortgagor

Signed _____

Name _____

ID card No. _____

Address _____

WITNESS1

WITNESS2

Signed _____

Signed _____

Name _____

Name _____

ID card No. _____

ID card No. _____

Address. _____

Address. _____

855A 1820T

FORM-"D"
[see regulations 22 (e)(ii)]

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT is made at _____ on the _____ day of the month of _____ in the year _____

Between M/S _____ ID card _____ residing at: _____

hereinafter referred to as the developer which expression, where the context so admits, shall include heirs, executors, administrators, legal representatives, assigns and successors of the first part AND the Local Planning and Enforcement Unit of the second part whereas the developer applied for sanction of _____ scheme for an area of _____ Kanals

Marlas _____ sqft _____ bearing khasra Nos. _____

_____ in mouzas _____

Tehsil _____ District _____ and the scheme is approved. The developer has agreed to submit a bank guarantee equal to the 20% cost of the provision of development works of the said scheme to Local Planning and Enforcement Unit

NOW this Agreement witnesses as follows:

1. That as a security for provision of development works of the scheme, the developer hereby submits to Local Planning and Enforcement Unit equal to total cost of provision of development works of the scheme.
2. The developer shall pay all charges for stamp duties, registration charges and other incidental expenses for and in connection with the Performance Agreement and the Bank Guarantee.
3. That the Developer shall get approved designs of services from concerned design approving agencies and will complete development works within a period of five years after sanction of the scheme.
4. The developer shall provide paved roads, structure plan roads, sewerage, drainage system, water supply system, electrification and street lights, horticulture works, solid waste management system, gas, etc. within the said scheme area.
5. The developer or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.
6. The developer or the plot owners shall pay the proportionate cost of construction of trunk sewers, sewerage disposal station on proportionate served area basis as and when demanded by the concerned design approving agency.

(a) twenty five percent of bank guarantee on one hundred percent completion of water supply, sewerage and drainage work;

(b) twenty five percent of bank guarantee on one hundred percent completion of road, bridge and footpath work;

- (c) twenty five percent of bank guarantee on one hundred percent completion of electricity and streetlight network;
 - (d) fifteen percent of bank guarantee on one hundred percent payment of gas charges; and
 - (e) ten percent of bank guarantee on one hundred percent completion of horticulture and solid waste management works.
7. On completion of development works in the scheme, the operation and maintenance of the infrastructure, public and utility services in the scheme shall be the responsibility of the residents and or the plot owners till such time that the same are taken over by the concerned agencies.
 8. The Local Planning and Enforcement Unit shall not be responsible for undertaking development works in the scheme if the developer fails to do so and the Local Planning and Enforcement Unit decides to undertake development works the developer shall provide additional funds, if required so, for the development works over and above the amount received from the encashment of the Bank Guarantee, due to increase in cost of the development works.
 9. If at any stage, the land under the scheme or any part thereof is required by the Local Planning and Enforcement Unit or Government for any public purpose, the developer or his successor in interest or any other person claiming any right or interest in the said land shall have no objection to its acquisition.
 10. The developer and or plot owners shall pay to the Local Planning and Enforcement Unit the Betterment Fee as and when levied.
 11. The developer hereby covenants with the Local Planning and Enforcement Unit and guarantees to comply with all rules, regulations and byelaws framed by the Local Planning and Enforcement Unit under the respective laws.
 12. That the developer shall abide by the conditions imposed in the Letter of sanction of the scheme.
 13. The Local Planning and Enforcement Unit may extend the completion date by mutual agreement keeping in view unforeseen circumstances and the Performance Agreement shall be amended accordingly. The validity of the Bank Guarantee shall also be extended and total amount shall be enhanced if cost of development works is expected to increase due to extension in completion date.
 14. If the Local Planning and Enforcement Unit feels that the development works are expected not to be completed in the remaining time period, it may ask the developer, fifteen days before its expiry, to immediately extend the Bank Guarantee. If the developer does not extend the same, a week prior to its expiry, then the Local Planning and Enforcement shall encash it before expiry.
 15. In case the developer fails to provide the approved development works as required under the preceding clauses, the Local Planning and Enforcement Unit without any further notice to or concurrence on the part of the developer shall be entitled to;
 - a. encash the Bank Guarantee;
 - b. spends the amount encashed on the provision of development works in the scheme through contracts and on such terms and conditions as the Local Planning and Enforcement Unit thinks fit and proper, without the bid and intervention of a court of law and without

prejudice to the Local Planning and Enforcement Unit rights to do all other acts and things for completing the development works.

16. Upon written confirmation by all concerned agencies of the satisfactory completion of all the works as per Performance Agreement, the Bank Guarantee shall be released immediately.

IN WITNESS WHEREOF the developer as here into sets his hand on the day and the year first above written.

Developer

Signed _____

Name _____

ID card No. _____

Address _____

WITNESS1

Signed _____

Name _____

IDcardNo. _____

Address _____

WITNESS2

Signed _____

Name _____

ID card No. _____

Address _____

FORM "D-1"
[see regulations 22 (e)(ii)]

BANK GUARANTEE

INSTRUCTIONS FOR SUBMISSION OF BANK GUARANTEE

1. Bank Guarantee is to be executed on Rs, 1000, non-judicial stamp papers.
2. Bank Guarantee must accompany a covering letter from the issuing bank.
3. Two additional copies of the Bank Guarantee shall be submitted and each page of the bank guarantee shall be stamped and signed.
4. The Bank Guarantee shall be as per given specimen.

(SPECIMEN)

BANK GUARANTEE

BANKS GUARANTEE NO. _____
DATED _____
AMOUNT _____
EXPIRY DATE _____

Whereas a Performance Agreement dated _____ has been executed between (Name of the Local Planning and Enforcement Unit) and M/s (Name of the Developer of the Scheme) for the development of the (Name of the Scheme) Scheme as per terms and conditions contained in the said performance Agreement.

AND WHEREAS you have required the Developer to furnish, a Bank Guarantee equivalent to the amount Rs. (in figures) Rupees (in words).

1. NOW THEREFORE in consideration of the aforesaid we (Name of the Bank) do hereby bind ourselves, unconditionally and irrevocably, and guarantee to pay you the said amount without objection or reservation or any reference to the Developer, within three days of the receipt of the written demand notice, before the expiry of this Bank Guarantee.
2. This Guarantee shall continue to be in full force and operative and binding on us, until all the requirements of the Performance Agreement have been complied with.
3. Any such demand made by you on default by the Developer, shall deemed to be conclusive by the mere fact of placing a demand. We shall be bound to encash this Bank Guarantee on demand.
4. Our obligation under this Guarantee shall not be discharged or affected by:
 - a. Any time or any indulgence given by you to the Developer in respect of any obligation of the Developer under the Performance Agreement.
 - b. Any variation of any provision of the Performance Agreement.
 - c. Any dissolution, winding up or corporate reorganization of the Developer.
 - d. Any transfer or extinguishing of any of the liability of the Developer by any law, regulation, decree, judgment order or similar instrument.
5. Our liability under the Bank Guarantee shall, in any case, not exceed the sum of Rs. (in figures) Rupees (in words).
6. We will be released and discharged of our liability, if no claim is lodged with us on or before (Expiry date of the Bank Guarantee).
7. This Bank Guarantee shall constitute an irrevocable arrangement binding on us and our successor in interest, and shall inure to the benefit of your successor in-interest, assigns under Agreement.

For and on behalf of the
bank:

Seal and signatures of the authorized
person

Designation

Name of the bank

WITNESS1

WITNESS2

Signed _____

Signed _____

Name _____

Name _____

ID card No. _____

ID card No. _____

Address. _____

Address. _____

COVERING
LETTER

BANK GUARANTEE NO _____

DATED _____

AMOUNT _____

EXPIRY DATE _____

To,

Dear
Sir,

As per request of M/s (name of the Developer) we hereby enclose Bank Guarantee No _____ dated _____ in your favour, the sum of Rs. (in figures) and (in words) on account of M/s (name of the Developer)

We, hereby undertake to make an unconditional payment of Rs. (in figures) and (in words) to you on your first written demand and without recourse to the Developer as per the provisions of Bank Guarantee,

This Bank Guarantee shall remain valid and in full force till the expiry date, after which no claim will be entertained.

Any claim arising to this Guarantee must be lodged in writing within the validity period of Bank Guarantee, certifying that the Developer has failed to meet the requirements under Performance Agreement.

For and on behalf of the bank:
Seal and signatures of the authorized person
Designation

FORM-"E"

[see Regulations 23 (i)]

Sanction of Scheme

From:

To:

Subject: SANCTION OF SCHEME (name and location of scheme)

The Scheme plan submitted by you for an area measuring _____ Kanals
 Marlas _____ Sq.ft. in Mouza _____ has been sanctioned by (Name of Tehsil
 _____ and District _____ Local Planning and Enforcement Unit

This sanction of the scheme is subject to the following conditions:

1. No change in land use of plots will be allowed at later stage in violation of any prevailing Laws for the time being enforce
2. The approval of designs of services such as water supply, sewerage and drainage systems and of roads shall be obtained from the agencies responsible for its approval
3. The approval of design of electrification and street lights shall be obtained from WAPDA or other agency designated for it.
4. The development works in the scheme shall be completed in accordance with the approved designs and specifications.
5. All development works shall be completed within a period of five years from the date of issue of this letter.
6. Construction of buildings shall be undertaken after approval of building plans in accordance with prevailing Building and Zoning Regulations/Bye-Laws.
7. Proportionate cost for the provision of trunk services on proportionate area basis shall be paid by the plot owners as and when demanded by the concerned agency.
8. Provision of horticulture and landscaping of the scheme area will be done as per approved Plans.
9. The operation and maintenance of the schemes after completion of development works shall be responsibility of the plot owners association.
10. In case of any litigation or objection regarding the land ownership, you will be responsible for the same and (Name of Local Planning and Enforcement Unit) shall not be a party in this issue. You will be responsible to settle any dispute about ownership of land if arises at any stage.
11. The plot owners shall pay any betterment charges as and when levied by the concerned agency.

12. In case of any complaint from the plot owners you or plot owners association shall be responsible to settle the issue.
13. You will display a copy of approved scheme plan, a copy of sanction letter and a list of mortgaged plots in your office.
14. You will abide by the terms and conditions of the Transfer Deed and Mortgage Deed/Performance Agreement and Bank Guarantee.
15. No revision in layout plan and design specification etc. to be done without the approval of concerned agency.
16. You will make arrangements to hand over the possession of the areas to (Name of Local Planning and Enforcement Unit) as per Transfer Deed.
17. You shall get the approved scheme transferred in revenue record within six months after the sanction of the scheme
18. The advertisement and publicity material shall include:
 - i. Total area and location;
 - ii. Total number of residential and commercial plots of various sizes;
 - iii. detail of mortgaged plots.
 - iv. Period for completion of development works.
 - v. Method of allocation of plot numbers.
21. Sale or commitment of plots over and above the total number of plots provided in the approved scheme is not allowed.
22. Sale or commitment of mortgaged plots is not allowed before their redemption.
23. Full contents of this letter shall be given in the publicity brochure prepared for the sale of plots.
24. You will take up the case regarding the proposed acquisition of land if any with the concerned authority; The Plan approving authority has nothing to do with it.
25. You shall include all the general terms and conditions under these Regulations in your application forms.

Name of the Officer _____

Designation _____

Address _____

FORM-"F"

[see Regulations 24]

**PUBLIC
NOTICE**

(Name and location of the scheme)

The public is hereby informed through this notice that M/s (Name and Address of the developer) has applied to (Name of Local Planning and Enforcement Unit) for sanction of the scheme named (Name of scheme) located in Mauzas (name of mauzas) in Tehsil (Name of Tehsil) in district (name of district), having a total area of _____ Kanals _____ Marlas _____ sqft.

(Name of approving agency) has sanctioned this scheme.

Detail of various categories of plots provided in the scheme is as follows:

Detail of various categories of plots provided in the scheme		
Residential	Size of Plots	No. of Plots
Commercial		
Others		

The public is hereby informed through this notice that the following plots in the scheme have been mortgaged with the (name of approving agency) as security towards provision of development works (provision of roads, water supply sewerage and drainage system, street light and electricity network, gas facilities and horticulture works). It is the responsibility of the developer of the scheme to provide and complete the development work. The developer cannot sell or transfer these plots until these are redeemed after due completion of the development works. List of mortgaged is as follows;

Plot Number	Block	Dimension	Area			Use
			Kanal	Marla	Sq.ft.	
Total Area						

Public is informed through this notice not to enter into any transaction, sale or purchase of the mortgaged plots till they are redeemed.

Name of the Officer_____

Designation _____

Address _____

FORM-"G"
[see regulation 61]

NUMBERING OF PLOTS AND ROADS

1. NAMING THE BLOCKS

- i. The scheme may be divided into Blocks keeping in view its area.
- ii. Efforts shall be made to ensure that each Block is bounded in such away that total numbers of plots in the Block do not exceed 500 or so.
- iii. Boundaries of each Block shall be well defined with a road or prominent physical feature
- iv. These Blocks shall be named or given alphabetical numbers.

2. NAMING THE ROADS

Each road shall be given a name, numerical or alphabetical number for identification

3. NUMBERING OF PLOTS

A particular plot in a street shall be given a unique/specific number. The intention is to make it easier to locate it. There are different systems being followed for numbering of plots, same are summarized below

Option1

Odd numbers on the left side, as viewed from the datum point at the start of the road, and even numbers on the right side. Along long roads numbers will typically ascend until the road crosses a junction or reaches the boundary of the next Block.

Option2

To proceed sequentially along one side of the road and then back down the other, it is a combination of clockwise and anti-clockwise system, depending on the layout plan.

Option3

First roads are numbered. Then plots are numbered along both sides of the road sequentially or on odd/even system basis. In this case the road numbers vary but the plot numbers in each road start from one.

Option4

Plots which surround a square are usually numbered consecutively clockwise.

FORM-"H" CHECK LIST FOR SANCTION OF A SCHEME

A-Documents required for Preliminary Planning Permission with the application from developer side		STATUS	
1. Certified copy of national identity card of developer(s);	Yes		No
2. Complete mailing address of the developer with latest paid utility bills (electricity or Sui gas bills)			
3. Certified title documents including a registry, intiqal, fard, or any other document; thereby certifying the ownership of the land proposed for development duly verified by concerned Tehsildar			
4. Registered agreement between the developer and the land owner in case of the land is not owned by the developer himself			
5. Khasra plan or Aks-e-shajra certified by a tehsildar revenue;	Yes		No
6. A non-encumbrance certificate issued by the office of Sub-registrar of concerned tehsil			
7. Topographic survey plan extended up to a length of one thousand feet around the scheme area;	Yes		No
8. Location plan signed by a town planner;	Yes		No
9. Layout plan signed by a town planner and developer;	Yes		No
10. Requirements under (c), (d), (e), and (f) above are submitted in triplicate;	Yes		No
11. Details of Development works along with time schedule;	Yes		No
12. Details of land proposed to be purchased/acquired, if any, the land proposed to be acquired does not exceed twenty percent of the total area owned by the developer in the scheme; and	Yes		No
13. Scrutiny fee paid	Yes		No
B-PRELIMINARY CHECKING	STATUS		
1. Application is complete			
2. Planning permission was issued to the developer;			
3. Is the scheme submitted within the validity period of the Preliminary Planning Permission;			
C-SCRUTINY OF OWNERSHIP	STATUS		
1. Ownership documents cleared by the revenue office	Yes		No
2. Public notice given for inviting objections	Yes		No
3. Objections received, if any, settled by the developer	Yes		No
D-SCRUTINY OF SCHEME PLAN	STATUS		
1. Scale of scheme plan is correct	Yes		No
2. Scale of location plan is correct	Yes		No
3. Size and dimensions of each plot is given	Yes		No
4. Chamfering of corner plot by 5X5 feet upto one Kanal and 10X10 feet for two Kanal and above is done	Yes		No
5. Size and dimension of public building and open space is given;	Yes		No
6. Right of way of road is written;	Yes		No
7. Parking area with parking pattern is indicated;	Yes		No
8. Dimensions of boundary of scheme is written	Yes		No

9. Boundary of a mouza or a revenue estate and khasras is superimposed on the layout plan	Yes		No	
10. Number and boundary of each khasra in a mouza is given;	Yes		No	
11. Area and land use percentage of following is given; (vii) Residential Use (ix) Commercial Use (x) Open Space; (xi) Road; (xii) graveyard; (xiii) public building; (xiv) other uses;				
1. Aggregate of various categories of plots with area and, size is given;	Yes		No	
2. Area of existing graveyard, if any, excluding it from area required for a graveyard is given separately	Yes		No	
3. Location of pumping station, if any; is shown	Yes		No	
4. Location of overhead tank and tube well is shown;	Yes		No	
5. List of various categories of plots to be mortgaged is given and hatched;	Yes		No	
6. Signatures of the developer and a town planner	Yes		No	
7. Seal of the approving authority is given	Yes		No	
8. Cardinal sign indicating north is shown	Yes		No	
9. Name of scheme if any is given;	Yes		No	
10. Names of the mouzas comprising a scheme are given; and	Yes		No	
E-PLANNING STANDARDS COMPLIED WITH (HOUSING SCHEME)		STATUS		
1. Open space or park not less than (%) percent as in Section 14	Yes		No	
2. Commercial area is (%) percent as in Section 14	Yes		No	
3. Graveyard not less than (%) percent as in Section 14	Yes		No	
4. Public Buildings from (%) percent as in Section 14	Yes		No	
5. Area of residential plot not more than one thousand square yard;	Yes		No	
6. Internal roads not less than required as in Section 14	Yes		No	
7. Roads proposed in per-urban structure plan and master plan are accommodated;	Yes		No	
II. A (Nos) Marla plot for storage of solid waste provided as in Section 14	Yes		No	
F-PLANNING STANDARDS COMPLIED WITH (FARM HOUSING SCHEME)		Yes	No	
1. Open space or park not less than (%) percent as in Section 14	Yes		No	
2. Commercial area is (%) percent as in Section 14	Yes		No	
3. Graveyard not less than (%) percent as in Section 14	Yes		No	
4. Public Buildings from (%) percent as in Section 14	Yes		No	
5. Area of residential plot not more than one thousand square yard;	Yes		No	
6. Internal roads not less twenty feet right of way;	Yes		No	
7. Roads proposed in per-urban structure plan and master plan are accommodated;	Yes		No	
H. A (Nos) Marla plot for storage of solid waste provided as in Section 14	Yes		No	
G-PRE- REQUESTS FOR ISSUANCE OF SANCTION OF SCHEME				
1. Approved by the competent authority	Yes		No	
2. Submitted a transparency of approved layout plan.	Yes		No	

3. Submitted a soft copy of approved layout plan:	Yes	No	
4. Deposited scheme approval fee:	Yes	No	
5. Deposited the land use conversion fee, if applicable:	Yes	No	
6. Submitted the Transfer Deed	Yes	No	
7. Submitted the Mortgage Deed and Performance Agreement with a Bank Guarantee	Yes	No	
8. Submitted a No Objection Certificate from the Environmental Protection Department	Yes	No	
9. Issue letter of sanction in accordance with form E Issue public notice as per regulation 19 in accordance with form F	Yes	No	
II-FOLLOW UP ACTIONS		STATUS	
1. Advertisements are as per regulation 24	Yes	No	
2. Terms and conditions as per regulation 22 included in the allotment letter	Yes	No	
3. Designs for Water Supply & Sewerage System submitted	Yes	No	
4. Designs for Water Supply & Sewerage System approved	Yes	No	
5. Designs for Road network submitted	Yes	No	
6. Designs for Road network approved	Yes	No	
7. Landscape Design submitted	Yes	No	
8. Solid Waste Management plan submitted	Yes	No	
9. Designs for electricity & street light submitted	Yes	No	
10. Designs for electricity & street light approved	Yes	No	
11. Gas Supply charges submitted to the concerned Department	Yes	No	
12. The Authority has transferred the Transfer Deed in the revenue record	Yes	No	
13. The Authority has transferred the Transfer Deed in the revenue record	Yes	No	
14. Scheme is being developed as per sanctioned layout plan if not action is being taken as per law	Yes	No	
15. Infrastructure and utility services are being laid as per approved designs and specifications if not, action is being taken as per law	Yes	No	
16. Twenty five percent of mortgaged plots on hundred percent completion of water supply sewerage and drainage works	Yes	No	
17. Twenty five percent of mortgaged plots on hundred percent completion of road, bridge and footpath works:	Yes	No	
18. Twenty five percent of mortgaged plots on hundred percent completion of electricity and streetlight network	Yes	No	
19. Fifteen percent of mortgaged plots on hundred percent payment of gas charges: and	Yes	No	
20. Ten percent of mortgaged plots on hundred percent completion of horticulture and solid waste management works	Yes	No	
21. Developer has installed guide Maps in the scheme	Yes	No	
22. Welfare Society for Management & Maintenance of the Scheme is functioning	Yes	No	

Secretary
To Government of the Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department.

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