



The Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE MONDAY MAY 17, 2021

PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

May 17, 2021

No.PAP/Legis-2(96)/2021/2529. The Lahore Central Business District Development Authority Bill 2021, having been passed by the Provincial Assembly of the Punjab on May 04, 2021, and assented to by the Governor of the Punjab on May 11, 2021, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE LAHORE CENTRAL BUSINESS DISTRICT DEVELOPMENT AUTHORITY ACT 2021

ACT VI OF 2021

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated May 17, 2021.]

An
Act

to establish Lahore Central Business District Development Authority.

It is necessary to make provisions for establishment of Lahore Central Business District Development Authority for development, promotion and regulation of the state-of-the-art vertical construction in the area both for residential and commercial purposes while maintaining highest environmental standards, quality of life and modern facilities so as to develop a healthy and prosperous business community in the Area.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Lahore Central Business District Development Authority Act 2021.

(2) It extends to Walton Airport Area Lahore including its surrounding areas and such other areas as the Government may determine by notification in the official Gazette.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) "Agency" means an Agency established by the Authority to perform one or more of its functions under this Act;

(b) "Area" means the area as notified under section 3 of this Act;

(c) "Authority" means Lahore Central Business District Development Authority constituted under section 4 of this Act;

(d) "Board" means the Board of the Authority established under section 5 of this Act;

(e) "CEO" means Chief Executive Officer of the Authority appointed under section 10 of this Act;

- (f) "Chairman" means the Chairman of the Board;
- (g) "Collector" means Land Acquisition Collector under the Land Acquisition Act, 1894 (I of 1894);
- (h) "compensation" means the compensation given under this Act;
- (i) "concession" means the grant by the Authority of any of its rights, privileges or functions to a person in consideration of the investment made or arranged by such person at the instance of the Authority on any development project;
- (j) "conversion" means any change in use of land or property from the one originally provided in an approved scheme or the Master Plan;
- (k) "Director General" means the principal executive of an Agency;
- (l) "District Collector" means Collector of the District under the Punjab Land Revenue Act, 1967 (XVII of 1967);
- (m) "fee" means an amount levied by the Authority on the land, area, scheme or property on account of any privilege, benefit, services, transfer of rights and interests, issuance of a license or permission or any cost and includes charges for provision of water supply, construction, maintenance and network of roads, drainage, sewerage and other services;
- (n) "finance" shall have the same meanings as assigned thereto in the Financial Institution (Recovery of Finances) Ordinance 2001;
- (o) "financial institutions" shall have the same meanings as assigned thereto in the Financial (Recovery of Finances) Ordinance 2001;
- (p) "Fund" means the Lahore Central Business District Development Authority Fund created under this Act;
- (q) "Government" means Government of the Punjab;
- (r) "Government agency" includes—
- (i) a Department, Bureau, section, commission, board, office, or unit of the Government;
 - (ii) a local government; and
 - (iii) a developmental or any other public authority, company or corporation owned or controlled by the Government or a local government;
- (s) "housing scheme" means a scheme which provides for multi-story residential sites, houses or apartments including ancillary land in the Area such as:
- (i) high rise building and other facilities for health, education, commercial, recreation, sports, culture, transportation, communication and shopping;
 - (ii) environmental improvement; and
 - (iii) utility services such as water supply, drainage, sewerage, sanitation, electricity, fuel and other related services;
- (t) "joint venture" means entering into an agreement as partner;
- (u) "land" includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;
- (v) "local government" means a local government as defined in the Punjab Local Government Act, 2019 (XIII of 2019);
- (w) "Master Plan" means the independent master plan of the Area notified and prepared in the traditional method for presenting a set of land usage, allocation and control measures in the form of a map or in 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 includes a structure plan, an outline development plan, a spatial plan, peri-urban structure plan;
- (x) "member" means a member of the Board;
- (y) "person" includes an individual, company, firm, institution, Government agency, co-operative society or association of individuals whether incorporated or not;

- (z) "person interested" includes a person claiming an interest in the compensation to be made on account of the acquisition of land under the Act;
- (aa) "prescribed" means prescribed by the rules or the regulations made or framed under this Act;
- (bb) "regulations" means the regulations framed under this Act;
- (cc) "rules" means the rules made under this Act;
- (dd) "Schedule" means the schedule appended to this Act;
- (ee) "scheme" means a project approved for urban development, redevelopment or renewal and includes larger area plan, areas specified and notified for specific use, traffic control plans, classification and reclassification plans, housing scheme or zoning scheme in the Area; or infrastructure and services including transportation systems and road networks, healthcare facilities, recreational facilities, parks and theme parks, educational facilities, cultural facilities, communication and civic facilities, water supply and drainage systems, sewerage and sanitation, energy generation, procurement, transmissions and distribution systems including for electric powers, through any energy source, and gas (LNG, LPG, etc) or industrial estates and all systems and facilities or works ancillary thereto, planned, made, undertaken and or supervised and or approved by the Authority under this Act;
- (ff) "service area" means an area to be notified as such by the Authority and in which an Agency provides services;
- (gg) "sponsor" means the sponsor or developer of a commercial or housing scheme and, in case of any liability or offence includes the chief executive, director or any other individual in charge of the scheme on behalf of sponsor entity; and
- (hh) "toll" means a charge levied and collected for the use of a road, bridge, flyover, underpass or similar other facility.

3. Area of the Authority.— As soon as after promulgation of the Lahore Central Business District Development Authority Ordinance 2021 (IV of 2021), the Government shall by notification in the official Gazette, specify Walton Airport Area Lahore including its surrounding areas and such other areas as the Government may determine.

4. Establishment of the Authority.— (1) As soon as, after promulgation of the Lahore Central Business District Development Authority Ordinance 2021 (IV of 2021), the Government shall, by notification in the official Gazette, establish an Authority to be called as the Lahore Central Business District Development Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, with perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, carry on development in the Area, and may, by the said name, sue and be sued.

(3) The Government shall review the performance of the Authority and may, from time to time, give general policy directions to implement such directions.

5. Establishment of the Board.— (1) There shall be a Board of the Authority consisting of the following members:

- (a) Chairman;
- (b) four ex-officio members not below the rank of Secretaries to the Government, to be nominated by the Government;
- (c) five non-official members to be nominated by the Government for a term of three years, and in case of casual vacancy, a member, other than the Chairman, in like manner be nominated by the Government for the remaining unexpired term of the outgoing member;
- (d) two technical experts or professionals, to be appointed by the Government in such manner, on such criteria and on such terms and conditions as may be prescribed;
- (e) any other member as may be coopted by the Board; and

(f) the CEO.

(2) The Board shall exercise all powers, perform all functions and do all acts which may be exercised, performed or done by the Authority.

(3) No act or proceeding of the Board shall be invalid merely by reason of any vacancy in, or defect in the constitution of the Board.

6. Disqualifications of members.— (1) No person shall be, or shall continue to be a member who:

- (a) is or, at any time, has been convicted of an offence involving moral turpitude; or
- (b) is or, at any time, has been adjudicated insolvent; or
- (c) is found to be a lunatic or of unsound mind; or
- (d) is a minor; or
- (e) has a financial interest in any scheme or a conflicting interest, directly or indirectly, between his interests as a member and his private interests, and has failed to disclose such interest in writing to the Authority.

(2) A member, other than an ex-officio member, may resign from his office at any time under his hand addressed to the Government and such resignation shall be effective from the date of acceptance by the Government.

(3) The Government may remove the Chairman or a member, other than an ex-officio member, subject to notice and opportunity of hearing, during the term of office if such member is:

- (a) disqualified to be a member; or
- (b) absent from three consecutive meetings of the Board without prior permission of the Chairman; or
- (c) found guilty of misconduct.

7. Powers and Functions of the Authority.— (1) The Authority, may in the Area:

- (a) initiate and maintain a continuous process of master planning, urban planning, spatial planning;
- (b) update and amend the Master Plan and take all steps and measures necessary for the implementation and enforcement of the Master Plan;
- (c) prepare and periodically revise land use and building regulations to implement the Master Plan;
- (d) plan, amend or change the land use as it deems necessary;
- (e) outsource one or more of its functions for smooth functioning and implementation of Master Plan, building control and infrastructure development;
- (f) plan, promote, organize and implement programmes for vertical construction, high rise buildings, development, operations, repairs, rehabilitation, security and maintenance of all infrastructure;
- (g) develop, operate, maintain and manage water supply, sewerage, drainage, wastewater treatment, improvement of groundwater level and fix any tariff as it may deem necessary and enter into any agreement with any other agency for such purposes;
- (h) prepare, plan, design and implement comprehensive transportation plan;
- (i) plan, design and implement traffic engineering and traffic management programs;
- (j) prepare, plan and implement solid waste management plan;
- (k) maintain green areas and aquaculture;
- (l) prepare asset management schemes regarding the properties;
- (m) prepare, implement and enforce schemes for environmental improvements, housing, urban renewal including slum improvement and redevelopment, health and educational facilities and preservation of objects or places of historical, archaeological, scientific, cultural and recreational importance;
- (n) prepare annual development programmes and ensure compliance of such programmes;

- (o) prepare the annual budget of the Authority;
- (p) take any steps or adopt any measures for the face lifting, beautification, greenery and horticulture;
- (q) acquire, dispose of property both movable and immovable or any interest in the property;
- (r) sell, lease, exchange or otherwise dispose of or grant license or concessions in respect of any property vested in it;
- (s) raise funds through borrowing, investments, leasing of assets or any other means with the approval of the Government;
- (t) enter into and perform such contracts with local and international organizations including but not limited to joint venture agreements, as may be necessary for carrying out the purposes of the Act;
- (u) award contracts for projects or schemes to be undertaken through public financing or through public private partnership;
- (v) enter into partnership with national and international development agencies, organizations or companies or through joint ventures;
- (w) undertake any works and incur any expenditure within service area;
- (x) procure machinery, instruments or any other material;
- (y) levy, collect or cause to be collected tolls on the use of the roads, bridges, flyovers, underpasses, any infrastructure or such other facilities and grant concession in respect thereof;
- (z) establish different directorates, sectors and wings, and delegate such powers to the directorates, sectors and wings as are necessary for the efficient and effective performance of its functions under the Act;
- (aa) disseminate and create awareness about the Authority;
- (bb) collaborate with the Government, the local government or any other public or private sector agency for improvement of services and environment;
- (cc) organize road shows or seminars to attract national and international investors, consultants and contractors for infrastructure, road development works and master planning;
- (dd) ensure enforcement of this Act in collaboration with the Government and the local governments;
- (ee) seek advice and assistance for the preparation of any scheme, or for the execution of any scheme from the Government or any person or agency;
- (ff) support training and workshops of its human resource at local and international level for capacity building; and
- (gg) perform such other functions as the Government may assign to the Authority to achieve the objectives of this Act.

(2) The Authority shall have all the powers of a local government as defined in Punjab Local Government Act 2019 (XIII of 2019), and the municipal authority independently for the purpose of carrying out any function under this Act in the Area.

8. Meetings.— (1) The Board shall meet at such place and at such time and shall observe such procedure with regard to transaction of business at its meetings as may be prescribed by the regulation, and until so prescribed, as may be determined by the Chairman.

(2) The meetings of the Board shall be presided over by the Chairman.

(3) In the absence of the Chairman, any member nominated by the Chairman may preside over the meetings.

(4) Two third of the total number of members, including the Chairman or his nominee present in person or through video conference or tele-conference shall constitute the quorum for the meeting of the Board.

(5) Subject to the quorum, the decisions of the Board shall be taken by majority of the members present and voting and in the event of equality of votes the Chairman or his nominee shall have casting vote:

provided that a coopted member shall not have any right to vote:

(6) The Board shall meet at least once in every calendar quarter and a meeting of the Board shall be held on such date and at such time and place as the Chairman may determine.

(7) The Chairman shall appoint Secretary of the Board on such terms and conditions as may be prescribed, and he shall perform such functions as the Chairman may direct.

(8) The Secretary of the Board shall maintain or cause to be maintained the record of each meeting of the Board including the minutes of the meetings in such manner as may be prescribed.

(9) The Chairman may co-opt any person other than a member, to attend a meeting of the Board for the purpose of advising or assisting the Board on any agenda item taken up for consideration at such meeting.

9. Chairman of the Board.— The Chairman of the Board shall be appointed by the Government on such terms and conditions as may be determined by the Government.

10. Chief Executive Officer.— (1) The Government shall appoint the CEO to serve as a member of the Board, who shall, subject to the provisions of this Act, be responsible for the management, administration and operations of the Authority.

(2) The CEO shall be a person of sound integrity and competence with at least 15 years of relevant experience.

(3) The CEO shall be answerable to the Board for all administrative, financial and technical matters of the Authority.

(4) The CEO shall be appointed for a term of three years on such salary, terms and conditions of service as the Government may determine.

(5) Notwithstanding anything contained in this Act, the CEO may, at any time before the expiry of his term and upon three months' notice, resign his office, or upon similar notice, be removed by the Government.

11. Delegation.— (1) The Board may delegate its powers under this Act subject to such conditions as it may deem fit.

(2) The Board may establish, by special order, one or more Agencies, as may be prescribed.

(3) The Director Generals of Agencies shall:

(a) be appointed by the CEO in consultation with the Chairman on such terms and conditions as may be determined by the CEO;

(b) hold office for a period of three years and shall be responsible for its administration and having such powers as may be prescribed; and

(c) remain in office for three months expiry of his term under clause (b) or until a successor in that office is appointed, whichever is earlier.

(4) Nothing in this section shall preclude the CEO from extending the term of office of the Director General of an Agency for such period as he may determine.

(5) Notwithstanding anything contained in this Act, the Director General of an Agency may, at any time before the expiry of his term and upon three months' notice, resign this office or, upon similar notice, be removed by the Government without assigning any reason.

12. Appointment of officers and employees.— The Authority may appoint such officers, advisors, experts, consultants and employees, as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

13. Termination from service.— Notwithstanding anything contained in the terms and conditions of service, the Authority may, at any time, remove any employee from service of the Authority or an Agency after giving him one month notice and affording him an opportunity of being heard.

14. Liability for loss.— Any person employed by or serving under the Authority or an Agency or an agency acting on behalf of the Authority or an agency or acting under a contract with the Authority or an agency which is responsible for the loss, waste, misappropriation or misapplication of any money or property belonging to the Authority

or an Agency, which is a direct consequence of his negligence or misconduct in the discharge of his duties, shall be liable to pay the loss suffered by the Authority or Agency as may be determined by the Authority after giving such person a reasonable opportunity of being heard.

15. Committees.— The Board may constitute such number of financial, technical and advisory committees or other Committees as it may deem necessary for carrying out the purposes of this Act, and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Board.

16. Preparation of schemes.— (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act, the Authority shall, in such form and in such manner as may be prescribed, prepare schemes for the Area or any part thereof.

(2) All schemes prepared shall be submitted to the Board for its approval and after approval of every scheme, the Authority shall execute it in such manner as may be prescribed.

(3) The Authority shall publish the sanctioning of any scheme in the official Gazette and shall forthwith proceed to execute the scheme.

(4) The publication of a sanction under sub-section (2), shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(5) A person, local government, or Government agency shall not prepare a planning or development scheme within the Area except with the concurrence of the Authority.

17. Establishment of housing schemes, projects etc.— (1) The Authority may prepare, establish and develop housing and any other schemes, buildings, infrastructure, services, commercial, semi-commercial projects or sites in the Area and for the purpose it may enter into an agreement including Joint Venture Agreement with any person.

(2) A scheme under subsection (1) shall be approved in the manner prescribed for the preparation of a scheme under this Act.

18. Land use.— (1) The Authority may, at any time, modify a scheme prepared under this Act by way of change of land use through classification, reclassification, settlements or resettlements or redevelopment in the Area in such manner as may be prescribed by the regulations.

(2) The Authority shall, in such manner as may be prescribed by the regulation, exercise land use control and perform multi-storied commercial and housing functions.

(3) In case any person contravenes any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to five hundred thousand rupees or with both.

19. Control of Master Plan.— (1) The Authority may make, maintain, amend, manage, enforce and keep in its custody the Master Plan.

(2) The Authority shall, in the prescribed manner, exercise land use control and perform housing functions in the Area without having any interference from any other authority or local government or Government Agency.

(3) Notwithstanding anything contained in any other law, a person shall be bound to adhere to the Master Plan, rules and regulations for land use control and housing functions as given under subsections (1) and (2).

(4) If any person contravenes any of the provisions of this section, the Authority may direct that till the time the contravention continues—

- (a) transfer of any immovable property of such person shall be prohibited;
- (b) the District Collector shall impose a ban on the issuance of *Fard Malkiat*, registration of any document or attestation of mutation in favour of the said person; and
- (c) a local government, an Agency or a Government agency shall stop or discontinue the provision of municipal services to such person.

(5) Notwithstanding, anything contained in any other law for the time being in force, the Master Plan shall be considered as an independent Master Plan and shall have no nexus whatsoever with the integrated master plans of any other Authority, agency or local government.

20. Power to give directions.— (1) The Authority may require a Government agency, within whose jurisdiction any particular locality or aspect of development covered by a scheme lies—

- (a) to execute a scheme in consultation with the Authority;
- (b) to take over and maintain any of the works and services in that area;
- (c) to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided; and
- (d) to enforce regulations on behalf of the Authority.

(2) The expenditure incurred on the execution of any scheme or on the taking over or maintenance of any work, or the enforcement of regulation, under this section, shall be borne as may be agreed to between the Authority and the Government agency and in the event of any disagreement, as may be determined by the Government.

21. Power to execute schemes.— (1) Where the Authority is satisfied that any direction given by it under section 20 with regard to any scheme, has not been carried out by the Government agency, the Authority may, itself, undertake any work for the execution of that scheme and the cost thereof shall be borne as may be agreed between the Authority and the Government agency, and, in the event of disagreement, as may be determined by the CEO.

(2) Where any work is undertaken by the Authority under subsection (1), it shall be deemed to have, for the purposes of execution of such work, all the powers which may be exercised under any law for the time being in force, by the Government agency concerned.

22. Directions by the Government.— The Authority shall, in discharging its functions under this Act, be guided by such directions as the Government may give to it from time to time.

23. Transfer of functions.— Where the Authority ceases to perform a function and another Government agency or organization assumes that function, the Government by notification in the official Gazette may direct:

- (a) that the employees of the Authority connected with that function shall become servants of the Government agency or organization on such terms and conditions as the Government agency or organization may determine, subject to the condition that such terms and conditions are not less favorable than those admissible to such employees as employees of the Authority; and
- (b) that such part of the Fund of the Authority as the Government may determine, shall stand transferred to such Government agency or organization.

24. Controlled area.— (1) The Authority may, by notification in the official Gazette, declare any locality within the Area to be a controlled area for purposes of this Act and may issue in respect of such controlled area such directions as it considers fit and appropriate and do all such things as may be necessary for the prevention of haphazard growth, encroachments and unauthorized constructions in such area.

(2) The Authority may, by notification in the official Gazette, notify any controlled area to be no longer such area.

(3) The Authority may, by notification in the official Gazette, entrust any of its functions in any locality within the Area, to any duly appointed agent or any Government agency.

(4) For purposes of subsection (3), the Authority may enter into an agreement with a person or any entity on such terms and conditions as may be mutually agreed including joint venture agreement, in such manner as may be prescribed.

25. Powers to remove sources of pollution.— (1) The Authority shall have powers to take steps for improvement of the environment of the Area, and to check, replace, eliminate, remove, demolish, conserve, resettle or relocate the sources of environmental pollution such as milch cattle, horses or other animals, tongas, vehicular exhaust, industrial waste, solid waste, congestion, blight and slums and other such pollutants.

(2) The person affected by any action of the Authority under subsection (1) shall be paid such compensation as may be determined under this Act.

26. Beautification and horticulture.— (1) The Authority shall also undertake beautification including but not limited to greenery, tree plantation, horticulture services, green belts, parks of the area or part thereof, in any manner as it deems fit.

(2) Notwithstanding anything contained in the Parks and Horticulture Authority Act 2012 (XLVII of 2012) or rules made thereunder, this Act shall govern the matters of any undertaking, work or scheme relating to the beautification or horticulture in the Area.

27. Borrowing money.— (1) The Authority shall be deemed to be a 'Local Authority' for the purpose of borrowing money and any scheme or project prepared or undertaken by the Authority shall be deemed to be "work" as defined in section 2 of the Local Authorities Loans Ordinance, 1914 (IX of 1914).

(2) The Authority may, in consultation with its financial advisors, borrow money from the financial institutions or raise funds or finances by issuing bonds or debentures for carrying out the purposes of this Act, at such rate of interest as may be approved by the Authority.

(3) The Authority shall have powers to arrange foreign direct investments on any of its schemes, projects or undertakings.

28. Power to levy betterment fee.— Where, as a consequence of any scheme having been executed by the Authority, the value of any property in that locality, in the opinion of the Authority, has increased or is likely to be increased, the Authority may levy fee upon the owner of the property or any person having an interest therein such betterment fee in respect of the increase in value of the property resulting from the execution of the scheme as may be assessed by the Authority in such manner as may be prescribed by the regulations.

29. Assessment of betterment fee.— (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment fee, the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property, or any person having an interest therein that the Authority proposes to assess the amount of the betterment fee in respect of the property.

(2) The betterment fee under subsection (1) shall be assessed and be payable, in such manner as may be prescribed.

30. Liability to acquisition.— (1) Notwithstanding anything contained in the Land Acquisition Act, 1894 (I of 1894), or in any other law for the time being in force, any land within the Area shall be liable to acquisition at any time in accordance with the provisions of this Act.

(2) The Authority may acquire or purchase in a transparent manner any immovable property or land for any public purpose including development of housing, commercial purposes or any other scheme, urban renewal, redevelopment, environmental improvement or removal of source of pollution or traffic congestion.

31. Acquisition of land.— (1) The Authority may acquire an immovable property under the provisions of the Land Acquisition Act, 1894 (I of 1894), and such acquisition shall be deemed to be for the public purpose as specified in the Land Acquisition Act, 1894 (I of 1894).

(2) The Authority may acquire or purchase in a transparent manner any immovable property or land for any public purpose.

32. Compensation.— (1) The Authority shall determine the mode of compensation in the form of cash, bonds, debentures, annuities, adjustments, alternate land, developed sites or in a combination of such forms:

provided that if the compensation of the acquired immovable property is in the form of developed sites then the Authority shall not award such compensation unless the immovable property is transferred or mutated in the name of the Authority.

(2) Where the Authority determines any mode of compensation other than cash, the person interested shall have the option to receive compensation either in cash or in that mode or in both such forms as determined by the Authority.

(3) Where the compensation is to be paid in cash, it shall be determined by the Collector.

(4) If any person has, by mistake, fraud or misrepresentation, received any compensation or any excess compensation, which was not payable to him, the CEO, or Collector or any other person authorized in his behalf, shall call upon such person to refund such amount and in case of default the Authority may recover it as arrears of land revenue.

(5) The Authority shall not provide alternate land or developed site in any scheme except the scheme for which the property was acquired.

(6) Where provision of alternate land or developed site is part of a scheme but for any reasons, such land or developed site cannot be provided, the Authority shall pay compensation in cash at such rate as may be prescribed by the regulation.

(7) If the Authority, after due diligence, satisfies any claim of compensation, the Authority shall not entertain any subsequent claim in respect of the property and the person who is subsequently declared as person interested shall recover the compensation from the person who earlier received compensation for the said property.

33. Purchase, lease or exchange of property.— The Authority may, by negotiations, in prescribed manner, purchase, lease or exchange any land or building or any other property by entering into any agreement with the owner of the property or a person competent to sell, lease out or exchange such property or enter into joint venture for the development of any site, project, building and scheme.

34. Joint Ventures and outsourcing.— (1) For the purpose of joint venture agreements, the Authority may enter into any joint venture agreement as a partner, with any the Government agency or organization, person, company, agency, authority or organization national or international to manage, sale, develop, maintain, build and transfer any land, plot, estate or property vested in the Authority.

(2) The Joint Venture Agreements under subsection (1) may be executed by the CEO.

(3) Notwithstanding anything contained in Punjab Public Private Partnership Act 2019 (XXX of 2019), any rules and regulations made thereunder, the Authority may by the regulation, prescribe methods and procedures for undertaking public private partnerships under this Act and such prescribed methods shall exclusively govern public private partnerships by the Authority.

(4) Notwithstanding anything contained in the Punjab Procurement Regulatory Authority Act, 2009 (VIII of 2009), any rules and regulations made thereunder, the Authority may, by the regulation, prescribe methods and procedures for undertaking public procurements under this Act and such prescribed methods shall exclusively govern procurements by the Authority.

35. Fund.— (1) There shall be created a fund to be known as the Lahore Central Business District Development Authority Fund which shall vest in the Authority and shall be utilized by the Authority in connection with its functions under this Act including the payment of salaries, pensions and other remunerations to the members, officers, servants, experts and consultants of the Authority.

(2) The Fund shall consist of:

(a) grants and loans made by the Government.

- (b) all moneys received from Federal Government or the Government in a form of loans or any inter-national agency by way of grants, donations loans, advances or revenues from joint venture, outsourcing agreements or otherwise;
- (c) all fees, rates and charges received by the Authority under this Act;
- (d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
- (e) proceeds from the self-financing schemes of urban development and environmental sanitation; and
- (f) all other sums receivable by the Authority.

(3) The sums under subsection (2) in respect of services related to water supply, sewerage and drainage shall be credited separately to the head 'water supply and sanitation' and all other sums to the head "Lahore Central Business District Development"; and the sums credited to the head 'water supply and sanitation' shall be exclusively utilized for the purposes of water supply, sewerage and drainage.

(4) In case of deficit revenue of the Authority, the Government may provide loans, repayable in a prescribed manner, from its own revenues or from any other source, such sum as may be necessary for the efficient performance of the functions of the Authority under this Act.

(5) The Authority may keep in current account of any scheduled bank or banks such sum as may be prescribed by the regulation and any amount in excess of the said amount may be invested in investments schemes of nation or international institutions or may also be invested into Government securities, Government sponsored saving schemes or in such manner as may be determined by the Authority.

36. Rates and fees.— (1) The Authority may raise adequate funds to meet the cost of planning, expansion, execution, development, redevelopment, maintenance, zoning, classification, reclassification, augmentation, supervision, regulation and conversion of any property or any present and future scheme or any part of the scheme, by imposing rates, fees, surcharge, other charges and fines in the prescribed manner within the Area.

(2) The Authority may, in the prescribed manner, impose fee on change of land use owing to classification and reclassification.

(3) The rates, fees and other charges for water supply, sewerage and drainage schemes shall be such as to provide sufficient revenues:

- (a) to cover the operating expenses including taxes, if any, and interest to provide adequate maintenance and depreciation;
- (b) to meet repayments on long term indebtedness to the extent that such repayments exceed the provision of depreciation; and
- (c) to finance the normal year to year extension of any of such schemes and to provide a reasonable portion of the cost of future major expansion of such schemes.

37. Fees on tube-wells.— (1) The Authority shall have the exclusive right to use ground water resources within the Area.

(2) No person shall install a tube-well in the Area without the permission of the Authority.

(3) The Authority may, in the prescribed manner, levy rate on any person who has installed or intends to install tube-well within the Area.

(4) Any person violating the provisions of subsection (2) shall be liable to punishment under this Act along with closure or sealing of the tube-well by the Authority.

38. Recovery of dues.— Any sum due to the Authority from, or any sum wrongly paid by the Authority to, any person under this Act, shall be recoverable as arrears of land revenue.

39. Conversion of property to a different use.— If a person converts a property to a different use or purpose than the one provided under a scheme, Master Plan or classification map without the previous approval in writing of the Authority, he shall be liable to punishment of fine which may extend to ten thousand rupees per day from the

date of its conversion till the default continues or with imprisonment for a term which may extend to one year or with both.

40. Ejection of unauthorized occupants.— (1) Subject to an opportunity of hearing, the CEO or any person authorized by the CEO may summarily eject any person in unauthorized occupation of any land or property vested in the Authority and may for such ejection use such force as may be necessary.

(2) Subject to an opportunity of hearing, the CEO or any person authorized by him may, on his own motion or on the application of the owner, summarily eject any person in unauthorized occupation of any land or plot in a housing scheme developed and controlled by the Authority and may, for such ejection, use such force as may be necessary.

(3) Nothing contained in subsections (1) and (2) shall prohibit the CEO or any person authorized by him to proceed against such person on commission of an offence as provided in this Act.

41. Removal of buildings.— (1) If any building, structure, work or land is erected, constructed or used in contravention of the provisions of this Act or of any rule, regulation or order made thereunder, the CEO or any person authorized by him or the Authority in this behalf, may, by an order in writing, require the owner, occupier, user or person in control of such building, structure, work or land to remove, demolish or alter the building, structure or work or to use it in such manner so as to bring such erection, construction or use in accordance with the provisions of this Act.

(2) If an order under subsection (1) in respect of any building, structure, work or land is not complied with within such time as may be specified therein, the CEO or any person authorized by him, may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building, structure or work, or stop the use of the land by sealing the premises or land and, in so doing, may use such force as may be necessary and may also recover the cost therefor, from the person responsible for the erection, construction or use of the building, structure, work or land in contravention of the provisions as aforesaid.

42. Accounts.— The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

43. Budget.— The CEO shall prepare, in such manner and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and each of its Agencies and shall submit the same to the Board for approval.

44. Audit.— The accounts of the Authority shall be maintained and audited in such manner as may be prescribed.

45. Annual report.— (1) The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date, as may be prescribed.

(2) The Government shall lay the annual report of the Authority in the Provincial Assembly of the Punjab.

46. Members, officers and employees to be public servants.— The members, CEO, officers, servants, experts and consultants of the Authority or the Director General shall, when acting or purporting to act under this Act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

47. Immunity.— No suit, prosecution or any other legal proceedings shall lie against the Authority, CEO, any member, officer, servant, expert or consultant of the Authority or the Director General, in respect of anything done or intended to be done in good faith under this Act.

48. Jurisdiction of courts barred.— Save as otherwise provided by this Act, no court or authority shall have jurisdiction to question the legality of anything done or any action taken under this Act, by or at the instance of the Authority.

49. Overriding effect.— In the event of any conflict or inconsistency between the provisions of this Act and the provisions of any other law, the provisions of this Act shall prevail to the extent of such inconsistency or conflict.

50. Amendment of Schedule.— The Government may, by notification in the official Gazette, amend the Schedule.

51. Removal of difficulties.— If any difficulty arises in giving effect to any provision of this Act, the Government, at any time, may make such orders or give such directions as are necessary to remove such difficulty.

52. Power to make rules.— The Government may by notification in the official Gazette, make rules for carrying out the purpose of this Act.

53. Power to frame regulations.— Subject to the provisions of this Act, the Board may make regulations as may be necessary, to carry out the purposes of this Act.

54. Municipal and local government functions.— (1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification in the official Gazette, specify that the Authority may exercise and perform such powers and functions for the Area as municipal administration or local government may exercise and perform in relation to municipal function under the law for time being in force.

(2) Notwithstanding anything contained in the Punjab Local Government Act, 2019 (XIII of 2019), any rules and regulations made thereunder or any other law for time being in force, the Authority may by regulations, prescribe methods and procedures for undertaking municipal and local government functions under this Act, and such regulations shall exclusively govern the local government function by the Authority.

55. Penalty.— (1) If a person contravenes any provision of this Act, or any rules or regulations made under this Act, he shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two hundred thousand rupees or with both.

(2) The Magistrate competent to try an offence under subsection (1) may try the offence in a summary manner in accordance with the provisions of sections 260 to 265 of the Code of Criminal Procedure, 1898 (V of 1898).

56. Offences and cognizance.— (1) If a person commits an offence specified in:

(a) Part-A of the Schedule, such person shall be liable to imprisonment for a term which may extend to seven years or fine which may extend to seven hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to fifty thousand rupees for every day for the period the accused has persisted in the offence from the date of its commission; and

(b) Part-B of the Schedule, he shall be liable to imprisonment for a term which may extend to three years or fine which may extend to five hundred thousand rupees or with both and where an accused was directed by the Authority for immediate discontinuance of the offence, the Court may impose a further fine which may extend to ten thousand rupees per day for the period the offence continues.

(2) An offence punishable under subsection (1) shall be cognizable on a complaint in writing of an officer authorized by the Authority.

57. Repeal.— The Lahore Central Business District Development Authority Ordinance 2021 (IV of 2021) is hereby repealed.

SCHEDULE
(See section 56)

Part- A

1. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or sewer, public water course or public land vested in, managed, or controlled by Authority or an Agency of the Authority in such manner as causes or is likely to cause danger to persons passing by or living or working in neighborhood, or risk or injury to property or causing harm to the environment.
2. Failure of commercial concern and occupier of a property to provide adequate and safe disposal of affluent or prevention of their mixing up with the water supply or sewerage system.

Part-B

1. Willfully obstructing any officer or servant of Authority or any person authorized to exercise power conferred under this Act.
2. Failure to deliver back possession of property to the Authority on expiration and cancellation of lease or allotment or exemption of plot.
3. Doing an act without approval or permission when the doing of such act requires an approval or permission under any of the provisions of this Act, the rules or regulations.
4. Violation of the Master Plan, building plan or sanctioned site or development scheme as determined by the Authority or any officer authorized on its behalf.
5. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the rules or bylaws for using such space for any purpose which is not approved.
6. Changing or converting into any other use any portion of a commercial or residential building or area specified or earmarked for public parking or amenities.
7. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by the Authority or an Agency.
8. Establishing temporary shops or running any restaurant or vending stalls for eatables, wooden *Khokas* or any sort of commercial activity on any road, street, footpath, public place, over a drain, or any other property vesting in the Authority.
9. Obstructing or tampering with any road, street, drain or sewer pipe or pavement or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system or laying out a drain or altering any drain in a street or road.
10. Connecting any house drain with a drain in a public street without approval of the Authority.
11. Drawing off, diverting or taking any water except with the permission required under this Act, rules or regulations.
12. Willfully causing damage, or allowing damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converting it to his own or any other person's use.
13. Refusal or willfully neglecting to provide any officer or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry in relation to any water works.
14. Failure or neglect of the sponsor to abide by or fulfill the commitment made to a person regarding allotment of a plot, housing unit or price of the same in any scheme.

Muhammad Khan Bhatti
Secretary