

Inquiry Report

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Gul Plaza Inferno

Commission of Inquiry

Preface

On 17th January 2026 a fire broke out at Gul Plaza, a landmark shopping centre encompassing over 8,128 square yards in the commercial heart of the Karachi on M A Jinnah Road, around 10pm.

A self-styled representative of the occupants, devoid of any demonstrated sanction and / or authority, telephoned a representative of the electrical utility and had the electricity to the complex shut off, plunging the labyrinth into pitch black darkness while numerous people remained trapped inside; unaware of the catastrophe unfolding.

Most of the exits, and stairways, remained locked shut; the blaze spread like wildfire; viscous black smoke engulfed the confines; the inferno raged for days until it exhausted itself. The postmortem revealed that in addition to the colossal destruction of property and livelihoods, more than seventy-two precious lives were lost because of having remained trapped inside the complex.

“The families and the administration were mere spectators at the carnage; the only difference was that it was our children that were dying in the blaze”, is how the rescue effort was described by an octogenarian mother of a victim. The acclaimed urban planning expert Arif Hasan employed the phrase *“Administrative Anarchy”* to describe the ostensible reason for the administration’s response and rescue services.

The Chief Fire Officer for the metropolis, holding the post on a temporary *“look after”* basis since 05.11.2024, said that no one was in operational command of the rescue operation on the night of the tragedy.

KMC, being the umbrella of the fire department, stated that firefighting and rescue were not their responsibility and that it was Rescue 1122, SERS, that was responsible. Rescue 1122 stated that it was the KMC fire department’s job and that Rescue 1122 merely an actor in a supporting role. Civil Defence pointed fingers at KMC and Rescue 1122 and stated that their own relevant statutory functions were delegated to the district administration, however, even the functions that were retained were inexplicably not performed. The SBCA plainly disavowed any responsibility and submitted that it had neither the sanction nor impetus to ensure building safety and compliance. The District Administration submitted that it could not be conveniently lumbered with the duties of all others. The Electrical Inspector said that it was his department’s duty to conduct electrical inspections, however, the same was suspended two decades ago by the Provincial Government.

In a nutshell, the Commission was informed that irrespective of rights and obligations of parties relevant herein, nobody was responsible. The collective complacent apathy reverberated Mustafa Zaidi's timeless couplet:

میں کس کے ہاتھ پہ اپنا لہو تلاش کروں
تمام شہر نے پہنے ہوئے ہیں دستاں

This Commission was tasked to demystify the causation and contribution of the devastating Gul Plaza inferno within the prescribed tenure of eight weeks and the same has been endeavoured, circumscribed by the terms of reference, vide this report.

02nd April 2026

Karachi.

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Introduction

The Gul Plaza Inferno Commission

This commission of inquiry was constituted by the Government of Sindh to probe the devastating inferno at Gul Plaza, that destroyed the shopping mall in the commercial heart of Karachi and led to the tragic loss of at least 72 lives, under Section 3 of the Sindh Tribunals of Inquiry Ordinance, 1969, by notification bearing serial number SO(Jud-II)HD/01-02/2026 (Gul Plaza) dated February 4, 2026, published in the Provincial Gazette on February 10, 2026.

Terms of Reference (TORs)

The Notification issued by the Government of Sindh specified the following TORs for the consideration of the Commission:

- A.** To examine if the building approvals and lease extensions by Sindh Building Control Authority, its predecessor organizations and KMC were in accordance with applicable laws, rules and regulations;
- B.** To assess if the construction of Gul Plaza was in violation of the approved building plan leading to difficulty in evacuation of people;
- C.** To assess arrangements in place at Gul Plaza building for fire prevention, detection and fire-fighting by building management as required under applicable laws and safety regulations;
- D.** To assess if the building management or any government department/agency had carried out fire safety audits and whether the recommendations were implemented by the building management;
- E.** To ascertain the causes and circumstances leading to the fire incident at Gul Plaza Shopping Center, Karachi;
- F.** To examine and evaluate rescue operations for adequacy and swiftness;
- G.** To fix responsibility for any acts of commission or omission committed prior to and subsequent to the incident;

The Gazette Notification mandated that the Commission complete its inquiry within eight (08) weeks from the date of publication thereof, unless extended by the Government. The inquiry has been duly concluded within the timeframe prescribed.

Proceedings

The Commission commenced its functions by calling for the creation of the secretariat, as envisaged per the Notification. Immediately upon notification thereof, the Commission conducted a physical inspection of Gul Plaza on 14.02.2026, in the presence of the Deputy Commissioner South and his team, SSP City, Chief Fire Officer, and other relevant government representatives. During the inspection, the Commission was briefed on the circumstances of the fire outbreak and the subsequent rescue operations.

It was considered paramount to initiate the inquiry by hearing the legal heirs of the affected deceased; prior to scheduling hearings for other persons affected and / or concerned. Therefore, the Commission convened a meeting on 16.02.2026 at the office of the Deputy Commissioner. The legal heirs of the deceased were invited to share their respective accounts. They testified regarding the loss of their loved ones, inadequacies in rescue operations, and the absence of preventive safety measures.

Upon completion of preliminary groundwork, the Commission commenced day-to-day hearings in its designated courtroom. The courtroom proceedings were commenced with the recording of departmental statements, followed by the provision of questionnaires to which the respective departments were directed to furnish responses to the queries of the Commission. The right of audience was duly extended to Government Departments, first responders, as well as survivors, journalists, and amongst others. The schedule of proceedings and date-wise activity is set forth in the table set forth below:

S No.	Date	Detail of Proceedings
01	16.02.2026	Meeting with legal heirs of the deceased at DC Complex, Karachi South
		Statements recorded before the Commission:
02	18.02.2026	DG, Rescue 1122
03		Chief Fire Officer, Fire Department
04		Representative of Edhi Ambulance
05		Representative of CHIPPA Ambulance
06		Mr. Tanveer Pasta (Gul Plaza Management)
07	19.02.2026	Karachi Water & Sewerage Corporation (KWSC)
08		Senior Director (Land), Karachi Municipal Corporation, KMC
09		Mr. Tanveer Pasta (Gul Plaza Management) (continued)
10		Sindh Building Control Authority (SBCA)
11		Medico Legal Officer, Civil Hospital
12		Pakistan Infrastructure Development Co. Limited
13		Deputy Commissioner, Karachi South
14	21.02.2026	Statement on Oath of Mr. Muhammad Babur
15		Statement on Oath of Mr. Danish Ali
16	23.02.2026	Senior Superintendent of Police, City Karachi
17		Senior Superintendent of Police, Traffic Police
18		Cluster Head & Interim CEO, K-Electric
19		Sui Southern Gas Company Limited
20		Karachi Chamber of Commerce
21		Municipal Commissioner, KMC
22		Director, Civil Defence
23	25.02.2026	Statement on Oath of Mr. Muhammad Junaid (Survivor)
24		
26		Statement on Oath of Mr. Ali Hyder (Survivor)
27	26.02.2026	Statement on Oath of Mr. Mirza Mursaleen Baig, Technical Instructor, Civil Defence
28	03.03.2026	Cross Examination of Mr. Muhammad Babur by Chief Fire Officer
29		Cross Examination of Mr. Danish Ali by DG, Rescue 1122
30		Statement of Electric Inspector, Energy Department
31	05.03.2026	Statement on Oath of Drivers of Edhi & Chippa Ambulance
32	10.03.2026	Expert Opinion of Mr. Arif Hassan, Senior Architect & City Planner

32		Statement of Mr. Muhammad Taufeeq, Station Officer, Fire & Rescue Headquarters, KMC
33	12.03.2026	Cross Examination of Mr. Mirza Mursaleen Baig by Chief Fire Officer
35	16.03.2026	Statement on Oath of Mr. Muhammad Rabi Baber
36	25.03.2026	Hearing of Senior Member, Board of Revenue

Facts

This Part sets out the factual position emerging from the evidentiary material placed before the Commission. For present purposes, the Commission has *inter alia* relied on the Government of Sindh inquiry report¹, the written responses furnished by the Fire Department², Rescue 1122³ and KMC, the transcripts of the Chief Fire Officer, SSP City South⁴ and SSP Traffic, the statements on oath of building occupants and survivors, including Ali Hyder⁵ and Muhammad Junaid⁶, and the statements on oath of volunteer and welfare responders, including Danish Ali⁷, Danyal⁸, Muhammad Ayaz⁹ and the CHIPPA drivers who remained at site through the second and third day.

The building known as Gul Plaza was a commercial shopping mall situated at PR-I, Plot No. 32, M.A. Jinnah Road, Karachi, in the business district of the city. The record before the Commission further shows that the site stood on approximately 8,128 square yards (hereinafter referred to as the “Gul Plaza land” or “Gul Plaza plot” which term may be used interchangeably). It was used as a multi-storey commercial plaza and not as a single-purpose warehouse or utility structure. The Government inquiry report describes it as a mall with wholesale and retail trade in clothing, toys, household goods and related merchandise.

The noted floor-plan of the building included a basement, mezzanine, ground floor and two upper floors, with rooftop parking accessible via a ramp¹⁰. The official inquiry material records thirteen gates on the ground floor and three gates for basement access. The same material shows four internal stairways, three of about four feet width connecting the basement to the upper floors, and a fourth, narrower stair serving the upper levels¹¹. The title and building-plan portion of the Government report further records that the revised plan regularized in 2003 showed 1,102 shops, whereas the existing structure at the time of the incident housed 1,153 shops. By floor, the existing structure was recorded as having 189 shops plus 20 counters in the basement, 372 on the ground floor, 190 on the mezzanine, 201 on the first floor and 181 on the second floor¹².

The record does not yield a reliable single headcount of the precise number of persons inside the building at the moment of outbreak. What does emerge clearly is that Gul Plaza was in active commercial use late into the evening, that a very large number of shops were operating within it, and that the fire broke out while shopkeepers, workers and customers were still present. In that sense, the evidentiary record supports a finding

¹ Government of Sindh, Inquiry Report into the Gul Plaza Fire , Volume 1w, page 16, timeline table

² Response to Inquiry Questionnaire (Fire Department), Q.1–Q.4 Volume 1b Page 2-3,

³ Rescue 1122 Inquiry Questionnaire, “Information & Arrival” Volume 1a Page 10

⁴ SSP City South – Transcription, dated 23.02.2026, Volume 2y, Page 94-96

⁵ Statements on oath of Ali Hyder (25.02.2026), Volume 2a Page 1

⁶ Statements on oath of Muhammad Junaid (25.02.2026), Volume 2c Page 5

⁷ Statements on oath of Danish Ali (21.02.2026), Volume 2d Page 6-7

⁸ Statements on oath of Danyal (05.03.2026), Volume 2g Page 80-81

⁹ Statements on oath of Muhammad Ayaz (05.03.2026) Volume 2f Page 62-63

¹⁰ Response to questionnaire (SBCA) dated 02.03.2026. Volume 1h, Page 2; (read with) regularized approved building plan dated 14.04.2003 Annexure D/4 SBCA documents.

¹¹ As per regularized approved building plan dated 14.04.2003 Annexure D/4 SBCA documents. Volume 1h

¹² Ibid;

of substantial live occupancy, even though it does not support a precise numerical figure of occupants at the relevant time.

As per Mr. Tanveer Pasta (representing himself to be the President of the Management Committee) he came to know of the fire outbreak at 10:10 pm was informed that a fire had broken out in or near Shop No. 193¹³. At the same time, a number of witnesses placed the initial outbreak slightly earlier. The official inquiry report of the office of the Commissioner Karachi Division¹⁴ (“the Commissioner’s Report”) summarizing the statements of Naimatullah (owner of shop 193), his son Huzaifa¹⁵ and Aryan¹⁶ records that Shop 193 was used for the sale of artificial flowers and other decorative items. His son Huzaifa, who was left alone to tend to the shop and friend Aryan were playing with match-sticks in or around the said shop. One of the matches is said to have landed amongst the items stored in shop 193, which immediately caught fire. Which one of the two is directly responsible for the fatal match stick is not yet known. The statement of SSP (South) also notes this as the most plausible narration of events, however subject to investigation and scientific forensic testing¹⁷.

Mr. Tanveer Pasta further stated that by the time he reached shop 193, the fire was rapidly spreading and soon thereafter the roof, AC ducting and electrical wiring caught fire. Thereafter the fire became uncontrollable. During this time, he claims that the fire was sought to be controlled with fire-extinguishers and fire-balls gathered by himself and his team¹⁸.

This deposition is at variance to other accounts such as that of Mr. Syed Hamza¹⁹ as he placed the outbreak in Shop No. 193 at around 10:00 p.m., and Ayaz stated that the CHIPPA Centre was already passing on information about the incident at approximately 10:05 p.m.

Upon perusal of the statements on record, particularly that of Mr. Pasta the fire erupted shortly before 10:10 pm, by which time Mr. Pasta claims to having been informed by one of the shopkeepers of the incident. By the time he and his team appeared on the scene, he notes that the fire had advanced to a stage where it was uncontrollable, having engulfed the entire shop itself as well as surrounding wiring and AC ducts. This suggests that the incident occurred sometime prior to Mr. Pasta’s knowledge of the incident and subsequent response. Therefore, on the aforesaid basis and of the other statements on record, it appears that the fire likely began in the vicinity of 10:00 to 10:05 p.m.

The material available before the Commission also shows that the fire is consistently associated, in the witness record and in the Government inquiry report²⁰, with Shop No. 193, described as an artificial flower shop. The same record contains repeated

¹³ Tanveer Pasta’s Statement; Volume 2p

¹⁴ Government of Sindh, Inquiry Report into the Gul Plaza Fire Dated. 28.01.2026 Volume 1w, Page 13

¹⁵ Statement of Huzaifa (GoS Report Dated. 28.01.2026) Volume 1w, Page 13

¹⁶ Statement of Aryan (GoS Report Dated. 28.01.2026) Volume 1w, Page 13

¹⁷ Response to questionnaire (SSP South) Dated. 27.02.2026, Question no 6 Volume 1n page 1.

¹⁸ Response to the Questionnaire (Mr. Tanveer Pasta) Volume 1e, Page 1, Question No. 03

¹⁹ Statement of Syed Hamza, (GoS Report Dated. 28.01.2026) Volume 1w, Page 12

²⁰ Response to Inquiry Questionnaire (Fire Department), Volume 1b, Page 2, Question No. 01

references to children playing with matchsticks in or near that shop, though the Commission notes that the departmental position of the Fire Department remained that the precise cause was a matter for forensic determination. For purposes of this Part, it is sufficient to record that the outbreak was repeatedly stated, in the evidentiary record, in Shop No. 193 and that the surrounding merchandise was highly combustible.

After the outbreak came to the knowledge of the purported management, Tanveer Pasta²¹ stated that he and others took available extinguishers and tried to control the fire, and that K-Electric was contacted at approximately 10:17 p.m. The Commissioner's Report²² records that the electricity was switched off from the main supply board at about 10:20 p.m., that Tanveer Pasta²³ called K-Electric at 10:23 p.m., and that Abdul Samad called the KMC fire helpline at 10:26 p.m. The Fire Department's own written response²⁴ puts the first call to the KMC Fire Department ("the Fire Department") at 22:26 hours and dispatch of the first tender at 22:27 hours. The Commission therefore records, as fact, that there was an interval between the outbreak, internal attempts at suppression, the call to K-Electric, and the eventual call to the Fire Department, and that the electricity was shut down before the first fire tender reached the site.

By the time the administration began to move, the record shows that smoke and fire had already escalated materially inside the building. Ali Hyder²⁵ stated that at about 10:15 p.m. he saw smoke on the ground floor, then fire on the mezzanine side, and that by the time he returned to his own shop at around 10:30 p.m. thick smoke had filled the floor, within about ten minutes his own shop too was covered by fire. Muhammad Junaid²⁶, who worked on the mezzanine, likewise stated that when he closed shop to leave for the day at about 10:15 p.m. thick smoke had already accumulated in the building.

The evidence regarding the first arrival of the rescue department/first responders is not uniform. The Fire Department states that the first tender reached Gul Plaza at about 10:35 p.m. The Commissioner's report records the first KMC fire tender as reaching the M.A. Jinnah Road side at 10:40 p.m. The Commissioner Report's finding to this extent holds credence as the sequence had been verified through the available CCTV footage. The Commission has also reviewed the said CCTV footage and accordingly the time of arrival of the first fire tender is recorded at 10:40 pm and the second fire-tender at Marston Road at 10:49 p.m. Rescue 1122's was fire tender at 10:53 p.m., the first KWSC water bowser at 11:56 p.m., and subsequent KWSC bowsters from 12:12 a.m. onward, after which the water supply is recorded to have continued uninterrupted²⁷. On an overall assessment, the Commission records that while dispatch was made shortly after 10:26 p.m., the weight of the material supports first effective tender arrival no earlier than about

²¹ Government of Sindh Report Dated. 28.01.2026, items 2–4 of the Timeline, Volume 1w, Page 16

²² Government of Sindh Report Dated. 28.01.2026, Timeline, Volume 1w, Page 16

²³ Government of Sindh Report Dated. 28.01.2026, items 2–4 of the Timeline, Volume 1w, Page 16

²⁴ Response to Inquiry Questionnaire (Fire Department), Volume 1b, Page 2, Question No. 1

²⁵ Statement on oath of Ali Hyder, dated 25.02.2026 Volume 2a, Page 1

²⁶ Statement on oath of Muhammad Junaid, dated 25.02.2026 Volume 2c Page 5

²⁷ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 18, item viii of the Findings

10:40 p.m., with fuller water continuity emerging only after midnight and, in official terms, stabilizing from 12:12 a.m. onward.

During this period, the evidence also shows that exits and openings were mostly blocked or locked. The record is not uniform as to the total number of doors or gates. The Commissioner's Report²⁸ and Tanveer Pasta's²⁹ account point to sixteen gates in all, thirteen on the ground floor and three for basement access. SSP City³⁰ spoke of approximately seventeen doors. As to how many were open at the relevant time, Ali Hyder³¹ stated that save for one or two gates the rest were closed, Ayaz³² stated that he heard only two gates were open, SSP City said only four doors were open, and the CCTV-based portion of the Commissioner's Report³³ records that Gate G-9 was closed at 10:11 p.m. and opened at 10:28 p.m., Gate G-13 remained open until 10:50 p.m. On a weighing of this material, the Commission records as fact that at most between 2 to 4 out of the 16 noted exit-ways were open, with the rest either closed or blocked.

The same conclusion emerges in relation to the windows and other passages. The Fire Department's questionnaire³⁴ records that several exits were blocked, locked or unusable, and that multiple windows and entry points were secured with grills, requiring exterior rescue and cutting where feasible. Rescue 1122³⁵ similarly stated that by the time it reached, all exit points were blocked, all gates were closed, and mezzanine windows were closed with iron bars and plastered with masonry. Danish Ali stated³⁶ that windows were blocked with inventory or completely locked and that he had to break a third-floor window grill with a hammer. Danyal³⁷ stated that he and Danish broke a grill in order to rescue trapped persons. The Commission therefore records that the windows and other passageways to and from the building were blocked / locked with shelves / grills or other methods which presented significant physical barriers to escape and access once the fire and smoke intensified.

The evidence also establishes that by the time the first formal responders were working, crowding and road conditions materially affected movement. The Commissioner's Report records that KMC-Fire Department's response was impeded by traffic, public gathering and parking. KMC's written response³⁸ expressly attributes access difficulty to the ongoing BRT Green Line construction on M.A. Jinnah Road, the crowd and side-street parking. SSP Traffic stated³⁹ that, due to the Green Line works, a 60-foot road had effectively been reduced so that the Gul Plaza side was about 12 feet wide and the other available side about 15 feet, and that this width was not sufficient for

²⁸ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 3

²⁹ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 7-8

³⁰ SSP City South – Transcription, dated 23.02.2026, Volume 2y, Page 94-95

³¹ Statement on Oath of Ali Hyder, dated 25.02.2026 Volume 2a, Page 1

³² Statement of Muhammad Ayaz, dated 05.03.2026, Volume 2f, Page 62 – 63

³³ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 6

³⁴ Response to Inquiry Questionnaire (Fire Department), Volume 1b, Question No. 6-8, Page 3-4

³⁵ Response to Inquiry Questionnaire (Rescue 1122), Volume 1a, Page 10-11

³⁶ Statement of Danish Ali, dated 21.02.2026, Volume 2d, Para 5, Page 6

³⁷ Statement of Danyal, dated 05.03.2026. Volume 2g, page 80-81

³⁸ Response to Questionnaire (KMC), Volume 1m, Page 1-2, Question No. 2,3,8 & 10

³⁹ SSP Traffic – Transcription, dated 23.02.2026, Volume 2z, Page 94-95

a major fire response. Raees⁴⁰, Safdar and other welfare drivers likewise described heavy rush and major access difficulty. The Commission therefore records that the response corridor on M.A. Jinnah Road was materially compromised by the BRT/Green Line works, narrowed carriageway, crowd pressure and traffic interference.

As to the District Administration and police presence, the record shows that the District Administration received information at approximately 10:27 p.m. and placed the Deputy Commissioner at the site at approximately 10:31 p.m.⁴¹. SSP City⁴² stated that he himself received information around 10:30 to 10:32 p.m. and reached at about 10:45 p.m., by which time he saw fire on the M.A. Jinnah Road side, the DC Office side and the central/back side. He also stated that the site was then secured and cordoned. The Commission therefore records that the District Administration and police were on scene during the early response phase, before midnight, and that crowd control and site securing became part of the operational picture by about 10:45 p.m.

The record from the period up to midnight also shows that rescue remained possible from some exterior points, but that witnesses other than the responding agencies repeatedly described equipment and organized rescue as inadequate. Danish Ali⁴³ stated that he reached at about 10:20 to 10:25 p.m., saw people screaming for help on the third floor, obtained ladders, broke a locked grill, and rescued eleven persons in all, including seven from the third floor and four from the rooftop side. He further stated that within five minutes he noticed shortage of water and that the first-arriving fire personnel did not appear to have the proper breathing apparatus and gas masks which, in his experience, should have been with the first response vehicle. Danyal⁴⁴ stated that when he reached at 10:40 p.m. there was no rescue team at the point where he climbed up the side of the building, he and Danish broke the grill of a window, they rescued seven persons through the upper window, and they themselves had no safety equipment. Ayaz stated⁴⁵ that he did not see proper tools or protective gear in the initial stage, that fire brigade staff were in t-shirts without helmets or protective equipment, and that the rescue teams brought equipment only on the second and third day. The Commission records these descriptions as part of the factual state of the early rescue environment.

The same body of evidence shows that some rescue activity was being undertaken from windows, ladders, the ramp and the roof. Raees stated⁴⁶ that he saw rescuers break a window and take one person out through it. Danyal⁴⁷ stated that he later went back barefoot, took the ambulance up the ramp into the building at around 11:15 to 11:30 p.m. after the ramp grill was kicked open, and reached the roof, where bikes and cars were parked and where Rescue 1122 personnel also went up with simple masks. Ayaz likewise

⁴⁰ Statement of Raees Uddin, dated 05.03.2026 Volume 2f Page 74

⁴¹ Response to Inquiry Questionnaire (DC South), Volume 1p, Page 1, Question No. 1

⁴² SSP City South – Transcription, dated 23.02.2026 Volume 2y, Page 91

⁴³ Statement of Danish Ali, dated 21.02.2026, Volume 2d, Page 6-7.

⁴⁴ Statement of Danyal, dated 05.03.2026, Volume 2g, Page 80-81.

⁴⁵ Statement of Muhammad Ayaz, dated 05.03.2026 Volume 2f Page 62-63

⁴⁶ Statement of Raees Uddin, dated 05.03.2026, Volume 2f, Page 74

⁴⁷ Statement of Danyal, dated 05.03.2026, Volume 2g, Page 80-81.

stated⁴⁸ that after returning from Civil Hospital he drove the ambulance via the ramp to the third floor and found two Edhi ambulances already there. Junaid stated⁴⁹ that he and two others remained trapped inside until about 11:30 p.m. and escaped only then through the bathroom-side exit. These facts establish that, during the period before and around midnight, some people still survived inside, exterior and ramp access routes were being used by some rescuers, and rescue activity continued while the fire was still actively spreading.

Turning to water supply, snorkels and the point at which firefighting can be said to have become materially supported, the record again contains both official and non-official strands. The Commissioner's Report⁵⁰ records the first KWSC water bowser at 11:56 p.m. and subsequent bowsers from 12:12 a.m. onward without interruption. The same report records KMC snorkel movement at 10:55 p.m. and 11:40 p.m., and a Pakistan Navy snorkel, fire tender and bowser at 1:30 a.m. Ayaz⁵¹, however, placed the first snorkel between 12:00 midnight and 12:30 a.m. Tahir⁵², who reached at about 11:00 to 11:15 p.m., stated that he had not seen any snorkel at that stage. Danyal stated⁵³ that chemicals or foam were not used until 2 to 2.5 hours after the outbreak and that before that the fire was being fought with water. The Commission records, rested on available information, that while individual vehicles and specialized assets began moving earlier, the combination of continuous external water supply and visibly established heavy equipment presence did not emerge until around midnight and after, broadly corresponding with the 12:00 to 12:30 a.m. window described by first responders and other witnesses.

After that point, the record becomes one of prolonged suppression, collapse and recovery rather than a short-duration fire. The Fire Department records⁵⁴ that firefighter Furqan lost his life at around 6:00 a.m. when a portion of the building collapsed. Dr. Summiya stated⁵⁵ that by 11:10 p.m. Civil Hospital had activated mass-disaster protocols, that injured persons were received between shortly after midnight and 2:43 a.m., and that by 7:00 a.m. on the following morning six complete bodies had been received. She further stated that the first complete bodies indicated suffocation and that, over the days that followed, remains continued to arrive. The Commission records that the fire did not end with the first night, it continued into the next day and was followed by prolonged body-recovery operations.

The Chippa drivers' evidence places the continuation of fire and recovery of the remains of the victims well into the second and third day. Abbas Ahmed stated⁵⁶ that on the second day, around 10:30 to 11:00 a.m., there was still a lot of fire and that firefighters were taking bodies from a broken first-floor window, he added that on the third day he

⁴⁸ Statement of Muhammad Ayaz, dated 05.03.2026, Volume 2f, Page 62-63.

⁴⁹ Statement of Muhammad Junaid, dated 25.02.2026 Volume 2c Page 5

⁵⁰ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 16, timeline entry No. 13-14

⁵¹ Statement of Muhammad Ayaz, dated 05.03.2026 Volume 2f, Page 62-63

⁵² Statement of Tahir, dated 05.03.2026 Volume 2f, Page 72

⁵³ Statement of Danyal, dated 05.03.2026 Volume 2g, Page 80-81

⁵⁴ Response to Inquiry Questionnaire (Fire Department), Volume 1b, Page 5, Question No. 14

⁵⁵ Dr. Summiya (Medico Legal Officer) – Transcription, Volume 2t, Page 71-75.

⁵⁶ Statement of Abbas Ahmed, dated 05.03.2026, Volume 2f, Page 71.

saw a grill cut and a burned body recovered from inside. Tanveer Ahmed likewise stated⁵⁷ that on the second day there was still fire at the site, that many fire brigades and water tankers were present, and that on the third day he saw a grill cut and a burned body retrieved. Azhar stated⁵⁸ that on the third day remains were taken from the second floor and that rescue officials were cutting grills on windows. Safdar⁵⁹, Irfan Ali⁶⁰ and Muhammad Yaseen⁶¹ all described rescue personnel still working on the second day, traffic still jammed, fire still not under control, and remains still being brought from the building. The Commission therefore records that active firefighting and recovery operations continued into the third day, and that's grills and other blockages on windows were still being cut at that stage in order to recover bodies and remains.

Based on the foregoing, the Commission records the following factual sequence. Gul Plaza was a densely occupied commercial mall on Plot No. 32, PR-I, M.A. Jinnah Road, Karachi, containing 1,153 shops in fact as against 1,102 in the regularized plan. The fire broke out shortly before 10:10 p.m., likely in the vicinity of 10:00 to 10:05 p.m., and came to management's (Mr. Pasta and Co's) notice at about 10:10 p.m. Electricity was shut down before the first fire tender reached the site. The first emergency calls went out between approximately 10:22 and 10:26 p.m. The first KMC tender, although dispatched promptly, is best placed by the CCTV-backed official report at about 10:40 p.m., the second tender reached by 10:49 p.m., Rescue 1122 reached by about 10:53 p.m., and the District Administration and police were already active in the early response period, with the Deputy Commissioner on the official record by about 10:31 p.m. and SSP City by about 10:45 p.m. During this first phase, some gates remained open but a substantial number of exits and windows were closed, grilled, blocked or otherwise not usable, the road corridor was materially constrained by the Green Line/BRT works and crowd interference, rescue from windows, ladders and the ramp was attempted by private and welfare responders, and witness accounts repeatedly described limited early equipment and water. In the later phase, continuous water supply and broader equipment presence emerged only after midnight, with official continuity from 12:12 a.m. onward. The fire, collapse and recovery operations then continued through the following day and into the third day, when grill blocked openings were still being cut and remains were still being recovered.

⁵⁷ Statement of Tanveer Ahmed, dated 05.03.2026, Volume 2f, Page 73.

⁵⁸ Statement of Azhar, dated 05.03.2026, Volume 2f, Page 79.

⁵⁹ Statement of Safdar, dated 05.03.2026, Volume 2f, Page 76.

⁶⁰ Statement of Irfan Ali, dated 05.03.2026, Volume 2f, Page 75.

⁶¹ Statement of Muhammad Yaseen, dated 05.03.2026, Volume 2f, Page 78

TOR (A)

“To examine if the building approvals and lease extensions by Sindh Building Control Authority, its predecessor organizations and KMC were in accordance with applicable laws, rules and regulations.”

This part of the report addresses the first Term of Reference, i.e. whether the lease extensions and the associated municipal and building-control requisites concerning Gul Plaza were in accordance with the applicable law, rules and regulations.

The TOR is considered in two parts. The first concerns the grant of lease, the transfer chain, the expiry of the original term, and the legal validity of the 1991 renewal. The second concerns building plan approvals from time to time, revisions and regularization.

A. Lease Grant and Renewal

The lease chain is considered first. The question is whether the municipal provenance of the land, the historic grant to the tramway concern, the later transfer chain, and the eventual 1991 renewal appears to have conformed with the applicable legal framework.

1. Municipal title and origin of the plot

The starting point is the title asserted by KMC over the land on which Gul Plaza stands. KMC states that land in the area of Preedy Quarters stood transferred to the Karachi Municipality pursuant to Bombay Government Resolution No. 6072 of 1873 and that the subject plot formed part of that municipal holding⁶². KMC has therefore proceeded throughout on the footing that KMC, or its predecessor municipal body, was competent to deal with the plot as municipal land with sufficient ownership title to divest such rights in the manner so undertaken.

On a plain reading of Bombay Government Resolution No. 6072 of 1873 (“the Resolution 1873”), however, the purpose of the document appears to relate substantially with a “land-survey” proposed to be undertaken, with the financial incidents attached to the concession being extended in pursuance thereof. The impression apparent is that the entire exercise was predicated towards rationalizing the funding for such survey.

The Resolution records that by another Resolution No. 1480 dated 21 April 1860 Government had made over to the Municipality the proceeds derived from auction or sale of certain leasehold or occupancy rights, while “quit-rents” were collected by Government, and that the amounts so generated were to be kept in a special fund for specified purposes⁶³. The earlier Resolution No. 1480 of 1860 is not available on record, and the full terms of the earlier concession are therefore not before the Commission.

⁶² KMC’s detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 5

⁶³ Board of Revenue’s response to Interrogatory dated. 25.03.2026, Volume 1u, Page 63, Para 4 of Resolution No. 6072 of 1873, dated. 03.11.1873

The operative part of Resolution No. 6072 records certain rights in waste-lands granted as “concessions” on specific conditions⁶⁴. It records:

- that the proceeds of leases granted up to that time were to be credited to Government;
- that the Municipality was to receive the quit-rents of leases granted subsequent to the Resolution;
- that the rules under which wastelands were granted were not to be altered without Government sanction;
- that Government retained the right, upon survey, to set apart further land for State purposes and to repossess land in the possession of the Municipality required for a public purpose on payment of the value of buildings and improvements.

The Resolution does not:

- identify any specific parcel identification of any specific parcel of land that has been transferred;
- define the extent or legal character of the Municipality’s right in any particular plot or parcel of land;
- appear to place KMC in a capacity akin to an owner of the land; and
- on the present terms, expressly confer a general power of possession, disposal, renewal or leasing in the broad sense later asserted by KMC.

If this Resolution is treated as the foundation of the later lease chain, the rights that appear to be granted pursuant thereof are recorded as a “concession” linked to a limited right to collect “quit-rents” on certain lands, whilst proprietary and substantive rights being subject to Government control and Government’s superior right of resumption⁶⁵.

The Karachi Municipality’s statement of information prepared in response to the Commissioner of Sindh’s query of 16 June 1926 is also relied upon by KMC to establish title⁶⁶. However, the same is an excerpt of KMC’s own internal record, which is not sufficient to infer or establish any ownership rights in and of itself. It is at best, a maintained record of certain areas of land understood by KMC to have been transferred under the Resolution. It is also not possible to establish with precision whether the Gul Plaza parcel of land is a part of the area of land recorded in the 1926 statement of information purported to have been granted to and owned by KMC (though it does mention the “Preedy” locality itself). Furthermore, the said document noted certain parcels of land being reserved for government purposes, for amenities such as parks, play grounds, as well as existing roads (amongst others). It cannot be ascertained whether or not the Gul Plaza plot formed part of any specific category of earmarked lands as noted therein.

⁶⁴ Board of Revenue’s response to Interrogatory dated. 25.03.2026, Volume 1u, Page 64, Para 10 of Resolution No. 6072 of 1873, dated. 03.11.1873

⁶⁵ Board of Revenue’s response to Interrogatory dated. 25.03.2026, Volume 1u, Page 64, Para 10 (II), 10 (III) & 10 (VIII) of Resolution No. 6072 of 1873, dated. 03.11.1873

⁶⁶ KMC’s detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 7

What is also unclear is whether this concession was to survive the completion of the proposed survey itself as the 1873 Resolution was principally directed towards raising funds to enable the Municipality to pay for the said exercise. The conditions of the concession as stated in paragraph 10 of the Resolution specifically state as such.

On the anvil of the present record, KMC's title or ownership (as claimed) in the Gul Plaza land is not established beyond the right, if any, to limited revenue claim under the 1873 Resolution to receive "quit-rents". No further primary document conferring a unilateral power to dispose of, lease out or take possession of the subject land is apparent on the record. If taken at face value, the Resolution 6072 of 1873 does not appear to establish KMC's title more than a "concession" allowing a right to receive quit-rents previously granted, but later extended to generate funding for the purposes of undertaking a survey.

2. Board of Revenue Sindh ("BOR") stance as to proprietary interest

The Board of Revenue has stated separately that proprietary right in the land remains with the Province and that the Municipality was only entitled to limited financial and administrative concessions⁶⁷. That stance appears broadly consistent with the language of Resolution No. 6072. In that sense, the present record does appear to support a superior state interest above the limited municipal concession granted under the Resolution 1873 by KMC⁶⁸. What the exact legal consequences thereof would entail is a matter for further detailed consideration. For present purposes, what is material is that KMC's assertion of title amounting to ownership of the Gul Plaza is not established from the record beyond the limited concession already discussed hereinabove.

3. Grant to East India Tramways and the 1936 lease

The KMC record further states that the plot was granted by the Karachi Municipality to East India Tramways, that a sanad was issued in its favor, and that the lease was executed on 24 August 1936 for a period of ninety-nine years commencing with retrospective effect from 9 July 1884.⁶⁹

At the same time, the record does not begin neatly with the 1936 deed. The occupancy certificate dated 20 November 1934, recites that East India Tramway Co. had purchased the right of occupancy for a term of ninety-nine years commencing from 9th July 1884 and, significantly, that the company had erected buildings on the land on the basis of certain arrangements entered into with the Karachi Municipality at the time of purchase of the right of occupancy in 1884. That recital suggests that the 1936 lease was not necessarily the first contractual event, but rather part of a wider pre-existing arrangement between the Municipality and the tramway concern.⁷⁰

⁶⁷ Board of Revenue's response to Interrogatory dated. 25.03.2026, Volume 1u, Page 5, Question No. 5

⁶⁸ Board of Revenue's response to Interrogatory dated. 25.03.2026, Volume 1u, Page 64, Para 10 of Resolution No. 6072 of 1873, dated. 03.11.1873

⁶⁹ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 8 Lease Deed dated 24th August, 1936;

⁷⁰ Ibid;

The Board of Revenue asserted that the land was leased for tramways and related activities. Independently of that assertion, the statutory tramway framework and the later litigation record show that East India Tramway Cos holding was historically linked to the tramway undertaking rather than to an ordinary private commercial plot. The Mayor's minutes of 12.10.1991 also record that a certain Civil Suit no. 645 of 1981 filed by KMC for specific performance and possession relating to the tramway concern as a whole, and the subsequent renewal of the lease in favour of M/s Jenica (Private) Limited ("Jenica") being a part of a negotiated settlement in light of the said proceedings⁷¹. The said minutes also note that tram tracks were allowed to be removed in 1975, that tracks, machinery and trams were thereafter removed, and that the project was later announced as Jenica Centre with bookings for shops and flats being sold⁷². These facts are strong indicators that the land had historically been held in connection with tramway operations in Karachi, presumably in a specific public-utility setting and later came to be dealt with differently as a commercial plaza.

However, we note that no clause has been identified in the 1936 lease, as presently produced, expressly confining the plot to tramway use alone. The Commission therefore does not record a concluded finding that the lease deed itself expressly contains such a use/purpose specifying covenant. The present record instead yields a position of strong indicators pointing toward a specific tramway or public-utility use, without an express covenant in the lease text presently before the Commission.

On that limited footing, the 1936 lease appears to show three material features:

- (i) first, a term of ninety-nine years with a right of renewal;
- (ii) second, a power of assignment or transfer subject to the lease conditions; and
- (iii) third, a municipal right of re-entry if renewal terms were not accepted after expiry.

4. The transfer chain up to Jenica

The subsequent transfer chain is substantially borne out on the record. The KMC record states that, after Partition in 1947, East India Tramways sold the property on 26 September 1950 to M/s Mullah Muhammad Ali S. Ismailji and others through a registered conveyance⁷³; that the later release deed consolidated the rights in favour of Mr. Anwer Ali M. Mohammad Ali; that the then council allowed transfer in his name through Council Resolution No. 2887; and that, on 5 July 1983⁷⁴, Anwer Ali conveyed the property to M/s Jenica Limited⁷⁵.

⁷¹ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65, Para 6, 13 and 14

⁷² Ibid; Para 1-5, 13 and 14

⁷³ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 11 Lease Deed dated 21st September 1950

⁷⁴ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 22, Release Deed in favor of Mr. Anwar Ali dated 7th May, 1976

⁷⁵ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 33, Conveyance Deed dated 5th July 1983, between Mr. Anwer Ali and M/s Jenica Limited

It may be noted that the original term on the 1936 lease was set to expire on 8th July 1983. Prior to the expiry, on 3rd July, 1983, the rights held by Mr. Anwar Ali (with the remaining term of 5 days or less) were transferred to M/s Jenica.

The more difficult questions are whether the land and the tramway concession were mutually exclusive and whether under the existing statutory and contractual framework, they could be severed from one another. The present record suggests that, by the time of the later conveyances, the plot and the concessionary rights were being transferred together, however, treated as distinct legal incidents. Whether that severance was fully permissible depends upon the original contractual framework, the statutory scheme, and the factual state of the tramway undertaking at the relevant time. However, the same is not available before the Commission.

The meeting held with the Mayor of Karachi dated 12.10.1991⁷⁶ (the “Mayor’s 1991 minutes”) minutes are important in this regard. They record that:

- (i) the tram tracks had been allowed to be removed in 1975;
- (ii) that the tracks, machinery and trams were thereafter removed;
- (iii) that KMC had filed suit in 1981, and that during the pendency of that suit Anwer Ali sold Plot No. 32, Sheet No. PR-1, Preedy Quarters to M/s Jenica Limited⁷⁷;
- (iv) which then announced the project as 'Jenica Centre' and proceeded with booking of shops and flats.

These facts indicate that, in practical terms, the plot had by then come to be dealt with outside the framework of an active tramway system and that there was, at least factually, an apparent change in use.

5. Position as of July 1983

Up to 3rd July, 1983, the record appears to show the following:

- First, while KMC’s asserts itself to be the owner of the land, however, its title on the present record is not established beyond the concession traced to the 1873 Resolution.
- Second, the transfer chain up to Jenica is substantially demonstrated.
- Third, by the time of the conveyance to Jenica, the plot appears in practical terms to have been dealt with as a distinct leasehold asset rather than as an inseparable part of a running tramway undertaking.
- Fourth, there are strong indicators of an earlier specific use, but the exact original use of the plot is not expressly provided in the lease text presently on record.

6. Expiry and the 1991 transaction

As noted earlier, after the transfer of lease and the remaining term in favour of M/s Jenica in 1983, the lease was not renewed until 20.11.1991. The delay was attributed to the

⁷⁶ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r,

⁷⁷ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65, Para 7

failure of M/s Jenica in accepting the revised rates upon which the lease was to be renewed⁷⁸.

The 1991 transaction is therefore the central event for present purposes, because it settles the currently operative lease/conveyance deed pursuant in M/s Jenica's favour. The said lease deed dated 20th November, 1991 and renews the lease for ninety-nine years with retrospective effect from 9th July 1983.⁷⁹

The factual background to the 1991 lease renewal is inferred from the Mayor's 1991 minutes. The facts that appear relevant in this context are:

- (i) Legal proceedings between M/s Jenica and presumably KMC pertaining to the tramway operations, and perhaps the land as well (record not available) were sub-judice;
- (ii) the building plan approval of the land was withheld because the lease had expired and had not been renewed;
- (iii) an earlier 1986 mayoral decision allowed for provisional mutation and renewal on payment of premium;
- (iv) Jenica failed to comply with that earlier demand of rent on revised terms on expiration of the 1936 lease's term;
- (v) Jenica later in 1991 offered to pay a certain amount as premium for land in lieu of an amicable settlement of existing legal proceedings; and
- (vi) Eventually the Municipality allowed mutation of the land and renewal of the lease in favour of M/s Jenica on payment of premium, land-rent arrears and mutation fee.⁸⁰

Finally, KMC Land Department's letter dated 3 November 1991 then records that transfer/mutation fee and renewal lease charges were paid, that approval had been accorded by the competent authority, and that the plot measuring 8,128 square yards was transferred, mutated and its lease renewed for a further term of ninety-nine years with retrospective effect from 9th July 1983 in the name of M/s Jenica.⁸¹

On the present record, the leasehold interest appears to have been transferred up to the point of expiry, with Jenica becoming the last recorded lessee before the original term ending on 8th July 1983. Thereafter, for the reasons as recorded in the resolutions of the Mayor of Karachi in 1991 the lease was 8 years after expiry with retrospective effect on 20th November, 1991 for a further 99 years until 8th July, 2082.

7. Applicable legal framework: the 1975 Rules, the Sindh People's Local Government Ordinance 1972 and the 1979 Ordinance,

Now we consider applicable framework which governed the 1991 renewal. It is noted that at the relevant time, the operative statute appears to be the Sindh Local Government

⁷⁸ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 5, Para 9

⁷⁹ KMC's response to Interrogatory, Volume 1r, Page 47, Renewal of Lease Deed 20th November, 1991

⁸⁰ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65,

⁸¹ KMC's response to Interrogatory, Volume 1r, Page 46, KMC Land Department letter No. DL/CLS/PR/91/267 dated 03.11.1991

Ordinance 1979 (“1979 Ordinance”). Section 45 governed contracts by councils, including transfer and lease of immovable property. It is the controlling provision because, by 1991, KMC was acting under the 1979 regime, the municipal land remained council property, and the act being performed was the mutation and renewal of a long municipal lease over valuable urban land.

The relevant parts of section 45 are provided herein below:

“(4) All contracts for transfer by grant, sale, mortgage, lease or otherwise of immovable property or any interest and right thereto or disposal or sale of movable property shall, subject to the rules be entered into after inviting offers in an open auction;

Provided that if the highest bid is not accepted by the council, approval in writing of Government shall be obtained, and Government shall, in its order give reasons for not accepting the highest bid;

Provided further that a council may with the approval of Government enter into a contract without inviting offers in auction.

(5) *“Notwithstanding anything contained in sub-section (4) its council may grant, sell, or lease out land at rates to be fixed in consultation with Government, to—*

(iii) holders of leases for twenty years or more after the expiry of the lease, on the same terms and conditions...

(7) *No contract executed otherwise than in conformity with the provisions of this Ordinance shall be binding on the council.”*

On a plain reading, the section has three important features. First, open auction is the default rule for transfer or lease of municipal immovable property. Second, long-lease holders are given a narrower exception after expiry, but even that exception remains subject to rates fixed in consultation with Government and to renewal only on the same terms and conditions. Third, non-conforming contracts are declared non-binding on the council⁸².

Accordingly, it was put to KMC whether the provisions of section 45 of the 1979 Ordinance were complied with when effecting this renewal⁸³. KMC’s present stance is that the subject matter was governed by the Sind People’s Local Councils (Land) Rules, 1975, (“Land Rules 1975”) that the existing lease continued under those Rules, that the 1991 act was a renewal of an existing municipal lease, effected under special provisions as prescribed in the Land Rules pertaining to leases of 99 years⁸⁴.

It is noted that the Land Rules 1975 existed under the framework of the Sindh People’s Local Government Ordinance 1972 (“the SPLGO 1972”). The same was repealed by the 1979 Ordinance. However, it is noted that by reason of the repeal and savings clause in

⁸² The Sind Local Government Ordinance, 1979, s.45(4) and (5)

⁸³ KMC response dated 25.03.2026 to 2nd Interrogatory, Volume 1r, Page 1

⁸⁴ Ibid;

section 120 of the 1979 Ordinance, the Land Rules 1975 appear to have been saved to the extent not inconsistent with the 1979 Ordinance. On that reading, whilst the Land Rules 1975 may apply, the operating provision shall nonetheless be section 45 of the SLGO 1979.

But this point is rendered moot for our present purposes, as the nomenclature of section 45 of the SLGO 1979 and Section 42 of the Sindh People's Local Government Ordinance 1972 is the same.

Therefore, whether it be section 45 of the SLGO 1979 or section 42 of the Sindh People's Local Government Ordinance 1972 the following conditions must be fulfilled for a lease to be renewed (without open auction) under the relevant law;

- (i) one must be a "holder of a lease" for more than twenty years (section 45(5)(iii) SLGO 1979);
- (ii) the rates/rent must be settled in consultation with the Government (section 45(1) SLGO 1979; and
- (iii) the lease has to be renewed on the same terms and conditions (section 45(5)(iii) SLGO 1979); and.
- (iv) In the case of every other sale, lease or other disposition of property interest in immovable property by the Council, open public auction will be conducted (section 45(4) SLGO 1979).

Three statutory features emerge clearly. First, the exception of renewal without public auction requires it to be undertaken with the holder of the lease. Second, the exception exists for holders of long leases after expiry, but that exception is expressly tied to rates fixed in consultation with Government. Third, the renewal is to be on the same terms and conditions. Further as noted above, the SLGO 1979 itself declares that a non-conforming contract is non-binding on the council.⁸⁵

Now we consider KMC's stance that the transfer was effected under the Land Rules 1975. Whilst KMC has not specified the exact rules under which the lease has purportedly been renewed, Rule 4 appears to coincide with the statement in reply. Rule 4(1) of the Land Rules 1975 provides that existing leases shall continue to on the existing terms and conditions and shall be deemed to be leases granted by the council⁸⁶ and Rule 4(2) stated that such lease may be renewed for a further period of 99 years. On a reading of the rule, it does not appear to provide an exception from any of the operative statutory provisions, nor could it, being subordinate legislation to the parent act itself. Accordingly, the commission proceeds on the basis the renewal of the lease in 1991 is to be tested against the operative provisions of section 45 SLGO 1979.

⁸⁵ The Sind Local Government Ordinance, 1979, s.45(4) and (5)

⁸⁶ Sind People's Local Councils (Land) Rules, 1975, Rule 4(1);

8. Application of section 45 to the 1991 renewal;

The first question is whether Jenica could, in principle, come within the long-lease exception i.e. not requiring a fresh auction. The view on the present record is that it may fairly be treated as the holder of a leasehold interest derived from a lease whose original term exceeded twenty years. The difficulty lies less in Jenica's formal standing as holder and more in whether the statutory conditions for renewal were in fact met.⁸⁷

The first substantial difficulty is consultation with Government. It was specifically put to KMC whether any document exists evidencing consultation with the Provincial Government under section 45(5). KMC's answer is express: no such document exists on record⁸⁸. KMC's legal position is that no such consultation was required because the matter fell wholly within the special Rules. That stance may be arguable, but on the present record the safer reading is that the Rules must yield to the parent Ordinance to the extent of inconsistency. On that reading, consultation on rates was required and does not appear to have been shown.⁸⁹

Secondly, section 45(iii) provides that the renewal must be on the same terms and conditions. The Commission recounts that the endeavor is to not read in any limitation, provision or term save for as provided in the record itself, accordingly, on a strict perusal of the documents and record, for this requirement to be satisfied, the terms and conditions appearing in both the 1936 lease deed and the 1991 renewal deed must be the same.

On perusal, the 1936 lease deed and the 1991 renewal deed appear to be on the same terms and conditions but for one clause in the 1936 lease being Clause VI and its *pari materia* Clause 6 in the 1991 renewal deed. The difference being that the 1936 Clause VI provided that upon expiry, within six months of "the Municipality" giving notice of the terms upon which it is willing to renew the lease, KMC shall be entitled to enter and take possession of the land. Whereas, the 1991 renewal deed provides that the "lessee" i.e. M/s Jenica shall give notice of the terms upon which it is willing to renew, before KMC proceeds to enter upon the land. This solitary difference in terms and conditions emerges. Whilst acknowledging the fact that impact and substance of this difference may be open to interpretation, the fact remains that strictly the terms and conditions were not the same.

Furthermore, if the BOR's assertion is accepted, or if further primary material shows that the original holding was confined to tramway-related or other specific public-utility use, the commercial shopping-plaza renewal in 1991 could not readily be treated as being on the same terms and conditions; it would, on that footing, more readily assume the character of a fresh grant attracting the rule of open auction under section 45(4), rather than a protected renewal under section 45(5). Yet since the produced lease text does not

⁸⁷ KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 8 onwards, 1936 lease materials and subsequent conveyance chain.

⁸⁸ KMC response dated 25.03.2026 to 2nd Interrogatory, Volume 1r, Page 1-2

⁸⁹ KMC response dated 25.03.2026 to 2nd Interrogatory KMC Response to Interrogatory dated 25.03.2026; Sindh Local Government Ordinance, 1979, s.45; s.120 read with the savings clause

in itself expressly state that the permitted purpose for which the land was granted, the Commission does not record a final finding.

A third difficulty lies in the overall character of the 1991 exercise. It occurred years after expiry, it operated retrospectively, and it was negotiated in the setting of pending litigation and redevelopment proposals. Those features do not automatically convert the transaction into a fresh grant. They do, however, make it materially harder to treat the transaction as a simple mechanical renewal under an old lease. If it cannot validly fit within the exception carved out by section 45(5)(iii), it falls back into the default rule of section 45(4), i.e. disposal through open auction unless Government lawfully sanctioned departure therefrom.⁹⁰

Based on the foregoing, the 1991 lease renewal does not appear to be in accordance with section 45 of the SLGO 1979.

9. The title of the shop-owners

When the Commission questioned Mr. Tanveer Pasta, he asserted ownership of two shops within Gul Plaza but failed to produce any title documents substantiating his claim. He merely stated that all the title documents related to the ownership of the Gul Plaza had been provided to the Karachi Chamber of Commerce & Industry (KCCI). Upon direction, the Chamber submitted soft copies of documents in USB form.

Upon examination, however, the Commission observed that no clear title or chain of ownership was established for any constituent of the property. The majority of shopkeepers were found to be operating under tenancy agreements, rather than holding proprietary rights or registered ownership titles. This absence of documentary evidence and lack of a verifiable ownership chain raises serious concerns regarding the legal status of occupancy and the validity of claims of ownership of the shops of Gul Plaza.

10. Consolidated conclusions on the lease-chain:

On the basis of the foregoing discussion, the following conclusions are recorded by the Commission;

- On the present record, it appears that KMC's asserted title to the Gul Plaza land, insofar as it is traced to Bombay Government Resolution No. 6072 of 1873, is not established beyond a limited concessionary right. The Resolution appears principally to address the financial incidents of a proposed survey and, in that context, records that leases granted up to that time were to remain credited to Government, while the Municipality was to receive the quit-rents of leases granted after the Resolution;
- The Board of Revenue's stated position that the proprietary interest in the land remained with Government/Province and that the Municipality was only permitted to a

⁹⁰ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65; KMC Land Department letter dated 03.11.1991, registered renewal lease, November 1991, Volume 1r, Page 46, Sindh Local Government Ordinance, 1979, s.45(4) and (5)

limited financial and administrative concession, appears broadly consistent with the language of Resolution No. 6072 itself. In that sense, the present record does appear to support a superior provincial interest subsisting above the municipal concession claimed by KMC. What the exact legal consequence of that superior interest would be, whether in the nature of proprietary title, reversion, resumption, or otherwise, would remain a matter for judicial determination.⁹¹

- This defect at the threshold has a direct effect upon the later chain. Where the precise underlying right of the asserted lessor is not established, the later title chain flowing from that right is necessarily rendered susceptible. Even so, the later municipal and conveyancing record does appear to show that KMC and its predecessors dealt with the plot as lessor; that the plot was historically linked with the tramway concern; and that the leasehold chain thereafter proceeded through the Muhammad Ali concern, Anwer Ali and finally Jenica in July 1983. The Commission therefore proceeded with the later lease analysis on the footing that KMC acted as the asserted municipal lessor in practice, while expressly recording that its foundational title to the land is not affirmatively established on the present record.⁹²
- The legal framework governing the 1991 exercise remained subject to section 45 of the Sindh Local Government Ordinance, 1979. Even if the Sindh People's Local Councils (Land) Rules, 1975 continued by reason of the savings clause, they could only continue to the extent not inconsistent with the parent Ordinance. On that footing, the post-expiry renewal in favour of Jenica had to satisfy the statutory requirements governing renewal of municipal land, including consultation with Government as to rates and renewal on the same terms and conditions. KMC's own response states that no document evidencing consultation with the Provincial Government exists on record. That omission therefore established on the present record.⁹³
- The requirement that the 1991 renewal be on the same terms and conditions also remains materially open to objection. The significance of the tramway link is that it shows the land historically formed part of a statutory and contractual tramway setting governed by the Karachi Tramways Act, 1883 and the agreement of 21 April 1882, and that the land-right and tramway-related rights were historically interconnected. At the same time, the Commission has not treated that background as importing into the 1936 lease, an express use limitation not presently shown in the lease language itself. The apparent practical movement away from an active tramway setting toward a

⁹² KMC's detailed report dated. 23.02.2026, in Interrogatory Response, Volume 1r, Page 5, Para 1 – 9, along with annexures; registered conveyance dated 26.09.1950; release deed in favour of Anwer Ali; Council Resolution No. 2887 dated 03.06.1979 (Volume 1r, Page 31) registered conveyance dated 05.07.1983 in favour of M/s Jenica Limited (Volume 1r, Page 33 onwards), PLD 1980 Karachi 9.

⁹³ Sindh Local Government Ordinance, 1979, sections 45 and 120; KMC Response to Interrogatory dated 25.03.2026 Volume 1r, Page 1-2

commercial plaza project is therefore noted as part of the factual matrix, while the strict comparison under section 45 remains anchored in the lease terms actually visible in the 1936 instrument and the corresponding terms in the 1991 renewal deed.

- Even on that narrower footing, the terms and conditions do not appear to be the same, with the difference between two clauses being identified above.⁹⁴
- Read cumulatively, the apparent title defect at the foundation of the municipal claim, the lapse between expiry and renewal, the retrospective structure of the 1991 transaction, the litigation-settlement setting in which it was negotiated, the revised premium and rent arrangement, the absence of demonstrated consultation with Government, and the apparent unresolved issue of compliance with the same-terms-and-conditions requirement make it difficult to treat the 1991 act as a straightforward statutory renewal. On the available record, strict compliance with section 45 has not been shown, and the 1991 renewal remains materially open to legal objection.⁹⁵

B. Building approvals, revised sanctions and regularization

The second limb of the First TOR concerns the building-approval record. This limb is best addressed by breaking down the approvals, later objections, revised sanction, and the eventual regularization in the sequence in which they appear on the file.

1. Building plan approval in 1979

The 1979 material presently available reflects the existence of an initial KDA approval dated 20.08.1979, followed by an NOC dated 03.09.1979 for advertisement for sale of flats and shops. The record also contains KDA communication No. AC-BC/1200/78/2855 dated 28.08.1979, which reflects the existence of the sanctioned plan.⁹⁶

The difficulty at this stage is that the original 1979 sanctioned file is stated to be not traceable. Accordingly, the existence of the approval is shown, but the full contents of the original sanction cannot now be stated with confidence from the primary file itself.⁹⁷

2. Lease position and its effect on the building approvals

The building side cannot be viewed wholly apart from the lease side. The Mayor's 1991 minutes recorded that, when revised building approval was being sought, the building

⁹⁴ Occupancy Certificate dated 20.11.1934 Pasted on forming part of Lease Deed 1936, KMC's detailed report dated. 23.02.2026, in Interrogatory Response, lease deed dated 24.08.1936 Volume 1r, Page 8 onward, PLD 1980 Karachi 9; section 3(e) of the City of Karachi Municipal Act, 1933; Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65

⁹⁵ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65, KMC Land Department letter dated 03.11.1991 Volume 1r, Page 4, registered renewal lease in favour of M/s Jenica (Pvt.) Ltd., November 1991; Sindh Local Government Ordinance, 1979, section 45; title material referred to in footnotes 34 and 35 above.

⁹⁶ Response to Inquiry Questionnaire (SBCA) Volume 1h, including the KDA approval dated 20.08.1979 Page 10, NOC dated 03.09.1979 Page 11, revised plan dated 21.09.1998 Page 12, inspection dated 03.12.2002 Page 27, and regularization certificate dated 14.04.2003 Page 18.

⁹⁷ Response to Inquiry Questionnaire (SBCA) Volume 1h, the 1979 original file is recorded as not traceable.

authorities treated the expiry of the lease as an impediment and withheld progress on that basis until renewal was dealt with.⁹⁸

That position is material for two reasons. It shows, first, that the existence of a subsisting lease was regarded as relevant to the building-control side; and second, that the subsequent approvals cannot be read as though the lease issue had no bearing on them at all.

3. Violations noted against the 1979 approved building plan

Two sets of documents appear relevant. The complaint/statement recorded in Civil Suit 1081 of 1992 against the M/s Jenica purporting building violations and the inspection report dated 08.12.1998. These documents show that, before later revision and regularization in 2003, a number of objections or violations in the building structure and its use were present. The following violations were noted in the 1998 inspection by KBCA:⁹⁹

- basement parking was stated to have been converted into shops and godowns;
- shops were being occupied without the necessary completion or occupancy certificates;
- the roof-ramp arrangement was stated to have been altered;
- misuse of basement parking was specifically noted in the 1998 inspection material; and
- further NOCs were required from KESC, KW&SB, SSGCL, Town Planning, Traffic Police, KMC as lessor and Civil Defence.

4. The revised building plan approved in 1998

The revised building plan approved on 21.09.1998 appears to have addressed the violations by permitting, inter alia, the following changes:¹⁰⁰

- shifting car parking from the second floor to the top of the third floor;
- provision of shops on the third floor; and
- a ramp up to the top of the third floor.

The revised approval was not unconditional. The record shows that it remained subject to lessor approval, indemnification in respect of legal consequences, and withdrawal of pending suits or related proceedings. No documents recording the lessor's approval for the sanction of the 1998 building plan were presented before the Commission.

⁹⁸ Minutes of Meeting (Mayor Karachi) Dated. 12.10.1991, Volume 1r, Page 61-65

⁹⁹ Complaint/statement in Civil Suit 1081 of 1992; Volume 1h (Annexure E-2); inspection / objection material dated 14.07.1998 and 20.07.1998. Volume 1h, (Annexure E-1)

¹⁰⁰ Revised building plan bearing serial No. KBCA/KDA/DCB-X/Prop/97-01-98 dated 21.09.1998 and associated conditions on the file. Volume 1h, Page 12-17 & 19.

5. Building inspection dated 08.12.2002 and regularization in 2003

The next material stage is the inspection of 08.12.2002 and the regularization which followed. The record shows that by the time regularization of the building structure was sought to be undertaken in 2002-3:¹⁰¹

- the basement, ground floor and three upper floors were then standing constructed and occupied as a commercial shopping center;
- the then-existing deviations were taken into the regularization process;
- compounding fee was assessed and paid;
- regularization was subject to approval of the lessor¹⁰²; and
- the regularization certificate was issued on 14.02.2003.

The regularization of the Gul Plaza building land was undertaken under the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance 2002. Section 4 of the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance, 2002 provides that no plot may be used for any purpose other than the purpose for which it was granted except with the approval of the authority which granted the plot, on the prescribed conditions and payment of prescribed fees.

Section 5 deals separately with regularization of buildings. It allows a building constructed before the commencement of the Ordinance, in violation of the Sindh Building Control Ordinance, 1979 or the regulations made thereunder, to be regularized by the authority appointed under that Ordinance, subject to prescribed conditions and fees.

However, the proviso to section 5 is important. It states that a building cannot be regularized if it stands on a plot reserved for another purpose until its unauthorized use is first approved under the Ordinance. In effect, section 4 governs change of plot use, while section 5 governs regularization of construction violations, and the latter is expressly made conditional on prior approval of unauthorized use where the plot is being used for a different purpose.

The lessor-approval condition assumes added significance when read with the 2002 regularization law. Under the 2002 Rules, the “competent authority” means the authority which granted the plot; that authority may allow the plot to be used for a purpose other than the purpose for which it was granted; and building regularization is separately undertaken by the authority appointed under the Sindh Building Control Ordinance, 1979.¹⁰³ The statutory scheme therefore separates use-approval from building regularization.

The Commission noted that whilst the regularization process of the building was completed and a regularization certificate was issued on 14.03.2003. the said certificate

¹⁰¹ Inspection material dated 08.12.2002; regularisation proceedings finalized in February 2003; regularisation certificate No. KBCA/DCB-A-Reg/CC/Saddar Town/2003/67/28 dated 14.04.2003. Volume 1h, Page 18

¹⁰² Regularisation certificate No. KBCA/DCB-A-Reg/CC/Saddar Town/2003/67/28 dated 14.04.2003. Volume 1h

¹⁰³ Rule(s) 2,3,4 Sindh Regulation and Control (Use of Plots and Construction of Buildings)

itself records that regularization was subject to the approval of the lessor/CDGK. On the present record, no lessor-side approval for change of use has been produced. The Commission notes that in 2003, the City District Government Karachi would appear to have replaced KMC as the local government body under the Sindh Local Government Ordinance 2001. However, KMC's status was restored through the Sindh Local Government Act 2013 thereby succeeding CDGK.

Accordingly, KMC was requested to clarify whether KMC or any of its predecessor organization had accorded an approval for change of use of the plot. KMC in response to interrogatory informed that no approval for change in the purpose or use of the subject land exists on record and that no such approval had ever been granted by KMC or its predecessor entities¹⁰⁴.

If in fact, no such approval has been granted, the regularization process would not be in accordance with the law and open to question on the basis of section(s) 4 and 5 of the Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance 2002.

6. Consolidated conclusions on the building-approval limb

Based on the foregoing discussion, the following conclusions are recorded by the Commission:

- The record does not permit the Commission to state that the building history was wholly free from defect. The original 1979 file is incomplete, later objections were in fact recorded, revision became necessary at subsequent stages, and the revised 1998 sanction itself remained subject to lessor approval.
- A revised building plan was granted in 1998, and said plan was thereafter carried into the 2002-3 regularization process. The effect is that it accords legal sanction to all prior building approvals and any violation thereof.
- The regularization process itself is open to question. Approval from the lessor was required by KBCA as a condition precedent. The Sindh Regulation and Control (Use of Plots and Construction of Buildings) Ordinance 2002 appears to also state this requirement. KMC has since stated that no approval for change in the purpose or use of the land exists on record and no such lessor side approval is available.
- Even apart from the BOR view, the record shows that the regularization of the Gul Plaza building was subject to lessor approval and no such approval is visible on the file, while KMC has since stated that no approval for change in the purpose or use of the land exists on record.

¹⁰⁴ KMC response to interrogatory dated 31.03.2026; Volume 1r, Page 1A

- On that footing, the regularization granted in 2003 does not appear strictly in accordance with Sindh Regulation and Control (Use of Plots and Construction of Buildings) 2002. That conclusion is presently recorded as an issue of legality on the record. The regularization continues to exist and operate unless and until displaced or declared otherwise by a competent authority.
- Accordingly, for present purposes, the later building-plan position still has to be approached on the basis that the revised 1998 plan as regularized in 2003 remains the operative approved-plan position, but subject to the objections already noted.

Conclusion and Findings

Overall, the First TOR is answered in two parts. On the lease side, KMC's title is not established on the present record beyond the limited right traced to Resolution No. 6072 of 1873, and the 1991 renewal remains materially open to legal objection. On the building-approval side, the approvals culminating in the 1998 revised plan and the 2003 regularization remain part of the operative record, but the legality of that regularization is itself materially open to objection for the reasons stated above, including want of lessor-side approval.

TOR (B)

“To assess if the construction of Gul Plaza was in violation of the approved building plan leading to difficulty in evacuation of people.”

The second TOR has to be answered in terms of whether the construction of Gul Plaza was in violation of the approved building plan, and whether such violation led to difficulty in evacuation.

The inquiry under this TOR therefore requires a distinction between, first, violation of the approved plan in the building-construction sense, and second, operational or safety deficiencies which may have impeded evacuation but do not, by themselves, prove a construction violation against the approved plan.

1. Approved-plan position

On the present record, the building plan approval chain is recorded as an initial approval dated 20.08.1979, an NOC dated 03.09.1979 for advertisement for construction and sale of flats and shops, a revised approval dated 21.09.1998, and thereafter approval or regularization in 2003. The same record also indicates that the original 1979 file is not traceable and that part of the early material survives only in incomplete form.¹⁰⁵

The significance of this sequence includes that the revised 1998 plan was later taken into the 2002-2003 regularization process. Whilst the legality of that regularization itself stands materially open to objection for the reasons already noticed under TOR A, particularly the want of lessor-side approval and the unresolved change-of-use issue. For current practical purposes, however, the regularization continues to operate unless and until displaced by a competent authority. Therefore, the last approved building plan is taken to be the regularized 1998 revised building plan.¹⁰⁶

2. Effect of the 2003 regularization

For present purposes, the result of the 2003 regularization is central. The record shows that the earlier deviations from the revised 1998 plan were taken into the regularization process and were thereafter regularized.

3. Post-regularization record

On the present record, no later building-control audit, site comparison, or other SBCA material has been identified showing fresh violations against the approved or regularized plan after 2003. The material before the Commission shows the approval history up to regularization, but it does not disclose a later comparative exercise demonstrating a fresh

¹⁰⁵ Reply of Questionnaire by SBCA, Volume 1h, including the 1979 approval Volume 1h Page 10, 03.09.1979 NOC Volume 1h Page 11, revised plan dated 21.09.1998 Volume 1h Page 12 onwards, and 2003 regularization material Volume 1h Page 18

¹⁰⁶ Revised plan dated 21.09.1998, and 2003 regularization material; Volume 1h Page 12 onwards

departure from the regularized plan.¹⁰⁷ Accordingly, the record does not presently establish post-regularization construction violations.

4. Conclusion and Findings

The issue of legality of the 2003 regularization stands noted and remains materially open, particularly in light of the absence of lessor-side approval on the present record. But until that question is determined by a competent authority, the Commission proceeds on the basis that the revised 1998 plan regularized in 2003 remains the operative approved plan.

Since that regularization, no later building-control audit, site comparison, or other material has been identified on the present record showing fresh violations against the approved or regularized position. SBCA itself records that the last audit was undertaken on 22.02.2003¹⁰⁸. It is only in that context, the record does not presently establish post-regularization construction violations.

¹⁰⁷ Reply of Questionnaire by SBCA, Volume-I h, Page 3

¹⁰⁸ Ibid;

TOR (C)

“To assess arrangements in place at Gul Plaza building for fire prevention, detection and firefighting by building management as required under applicable laws and safety regulations.”

The present term of reference requires the Commission to assess whether adequate arrangements existed at Gul Plaza for fire prevention, fire detection and firefighting, and whether such arrangements were in conformity with the applicable minimum legal standards. The inquiry under TOR-C is concerned with the pre-incident condition of the building and seeks to determine whether the management has established and maintained a functional fire safety system as required by law.

1. Audit Reports Issued by Civil Defence Department and KMC, Fire Department

The Commission notes that it received audit reports from the Civil Defence department conducted for the year 2024 and 2025¹⁰⁹ and excerpts of the KMC Fire department audit report conducted in the year 2021¹¹⁰ is available on record in relation to fire safety arrangements at Gul Plaza. No other inspection reports, compliance certificates, or verification records from any other entity has been placed on record.

Accordingly, for the purposes of the present TOR, the said audit reports are being relied upon to identify instances of non-compliance and violations under the applicable legal framework as they were specifically undertaken to assess the adequacy of fire-safety arrangements.

2. Legal Framework Governing Fire Safety

The applicable legal framework comprises the Civil Defence Act, 1952, the Civil Defence (Special Powers) Rules, 1951, Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987, the Karachi Building and Town Planning Regulations, 2002 (KBTPR) and the Sindh Local Government Act, 2013.

Under Section 1A of the Civil Defence Act, 1952, “civil defence” includes protective and remedial measures during calamities and disasters in peace time, thereby bringing urban fire incidents within its scope. Section 2 of the Act empowers the Government to make rules for securing such protection, including measures for preventing and dealing with fire.

¹⁰⁹ Reply of Questionnaire by Civil Defence Department Volume 1g, Inspection dated 27.06.2024 Page 27 and 16.07.2025 Page 24; Fire Incident Report / Fact Finding Report dated 21.01.2026 Page 29 – 30

¹¹⁰ Reply to Questionnaire by KMC Fire department Volume 1b Page 18, fire department incident report dated 16.02.2026

Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987

The said Order mandates that every owner or occupier shall:

- provide and maintain fire-fighting apparatus in proper working condition;
- install appropriate fire extinguishers and equipment as prescribed;
- ensure effective arrangements to deal with outbreak of fire.

The schedules to the Order prescribe specific requirements for commercial establishments, including shops, offices and similar premises, thereby making it a directly applicable in the present case.

Pursuant thereto, the Civil Defence Rules, 1951 impose direct and enforceable obligations upon occupiers, requiring them to ensure the existence of a functional, accessible and continuously maintained system for dealing with outbreak of fire. Rule 9 mandates that every occupier shall take necessary measures for controlling, extinguishing and minimizing the spread of fire, thereby imposing a duty to maintain not merely equipment, but an effective and immediate response capability sufficient to prevent escalation of fire.

3. Violations noted in the Audit Reports on record

Civil Defence department audit report

The Civil Defence inspection reports for the years 2024 and 2025 provide a deplorable account of the condition of Gul Plaza prior to the incident.

The reports record the presence of flammable material throughout the premises, absence of control over hazardous storage, and lack of structural safeguards. In relation to detection systems, the fire alarm system was found to be unreliable and not consistently functional in terms of audit report 2024 whereas in terms of audit report 2025, the report said it was available, however in terms of Civil Defence response¹¹¹ by Ms. Fatima Memon and Mr. Mirza Mursaleen Baig to questionnaire issued by the Commission, the Civil Defence department stated that the fire alarm wasn't installed and smoke detectors were "somewhere fixed" which directly contradicts with the audit report-2025 conducted and issued by Mr. Mirza Mursaleen Baig. Critically, the reports record the absence of essential firefighting infrastructure, including hydrants, hose reels and fire pumps.

Further, the reports highlight that no fire drills were conducted, trained personnel were not available, rescue equipment was absent, and emergency exit arrangements were inadequate. Although water storage existed, it was not connected to any functional

¹¹¹ Civil Defence response to questionnaire dated 26.02.2026 Question No. 14, Volume 1g

firefighting system. Both reports conclude that the building “needs improvement,” indicating that the deficiencies were known and remained unrectified¹¹².

KMC Fire Department Audit report

The preliminary fire incident report dated 16.02.2026 prepared by the Fire Department refers to violations noted in an audit conducted in 2021. Whilst the audit report itself is not present before the Commission,¹¹³ the deficiencies identified reveal that fire extinguishers were limited in number and were improperly placed, inaccessible and poorly maintained. Critically, no fire alarm system, sprinkler system or smoke detection system was installed within the building. The absence of a fire hydrant system and internal firefighting arrangements, including hose reels, further indicates lack of structural firefighting infrastructure.

The audit also records that no trained firefighting personnel were available on-site, no fire drills had ever been conducted, and no evacuation plan was implemented or displayed. Exit signage and emergency lighting were either absent or not functional, thereby impairing safe egress in an emergency. Electrical wiring was found to be unsafe and exposed, increasing the risk of ignition. Additionally, essential safety information, including fire brigade contact numbers and evacuation maps, was not displayed within the premises.

Taken cumulatively, these deficiencies demonstrate that the building was operating in complete violation of fundamental fire safety requirements and lacked both preventive and emergency response preparedness as required under the applicable regulatory framework.

4. Karachi Building and Town Planning Regulations, 2002

The Karachi Building and Town Planning Regulations, 2002 prescribe structural and operational safety requirements. Chapter 13 requires that buildings shall be constructed and maintained so as to ensure adequate resistance to fire and prevent its spread. The Commission notes that although the Karachi Building Regulations contain broader provisions in other chapters, no material has been produced on record particularly from SBCA demonstrating compliance, inspection or enforcement under those provisions.

The combined effect of these provisions is that fire safety is a pre-emptive, continuous and enforceable obligation, and responsibility for compliance rests upon the Mr. Tanveer Pasta and occupiers of the premises.

¹¹² Response to the Questionnaire by Civil Defence Department Volume 1g, Audit report 2024 and 2025. Page 22-27

¹¹³ Reply to Questionnaire by KMC Fire department Volume 1b Page 18, fire department incident report dated 16.02.2026

Fire Resistance, Chapter 13 KBTR 2002

Chapter 13 requires buildings to resist and limit the spread of fire. The presence of high combustible load, absence of safeguards, and lack of firefighting systems materially increased the vulnerability of the building to rapid fire spread. The Commission observes that although the inspection reports for the years 2024 and 2025 were issued by the Civil Defence Department under the Civil Defence Act, 1952 and the Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987 and similarly the KMC Fire Department report-2021 under the civil defence function of KMC in terms of section 46 of the Sindh Local Government Act, 2013, the nature of violations recorded therein substantially relates to and falls within the regulatory domain of the Karachi Building and Town Planning Regulations, 2002. The Commission finds evidence of possible violations with reference to the Civil Defence and KMC Fire Audit Report as translating into violations of KBTPR Regulations, 2002 on the part of the de-facto management under 2002 regulations:

“CHAPTER 13 FIRE RESISTANCE AND FIRE PRECAUTIONS

13-1. General

Every building shall comply with the provisions laid down in Chapters 13 in respect of fire resistance and fire precautions, unless noted otherwise.

13-3. Automatic Sprinkler System

13-3.1. Automatic sprinkler system shall be provided the following:

13-3.1.7. All building areas used primarily for storage of goods, and material including areas clearly specified for storage of incombustible materials and goods, which are more than 1000 Sq.ft. (92.93 Sq.m) in areas.

13-6. Installation of Interior Fire Alarm System

13-6.1. Installation of interior fire alarm system shall be installed in the following:

13-6.1.7. All Cinemas, theatres and similar places of public assembly.”

The civil defence audit 2024 records deficiency with the alarm system, whereas the 2025 audit report states that the alarm system and detectors were adequate, which audit was conducted by Mr. Mirza Mursaleen Baig. This, however, is inconsistent with the civil defence department questionnaire response dated 26.02.2026¹¹⁴ signed by Ms. Fatima Memon and Mr. Mirza Mursaleen Baig which states that fire alarm system was not installed and smoke detectors were inadequate. Furthermore, the KMC fire audit report-

¹¹⁴ Civil Defence response to questionnaire dated 26.02.2026 Question No. 14, Volume 1g

2021¹¹⁵ specifically records that there was neither a fire alarm system nor a fire sprinkler system. However, the same would also translate to a violation of Regulation 13.3 and 13.6 of the KBTR 2002.

Fire Resistive Structural Requirements, Chapter 14 KBTR 2002

We would also prefer to specifically deal with certain provisions that require clear access into buildings for the purposes of fire-fighting and rescue apparatus. This is relevant acutely in the present circumstances, as the blocked doors and windows has been an identified issue. The relevant regulation being 14-8 of the Karachi Building and Town Planning Regulations, 2002 mandates that buildings must provide direct external access for firefighting to each storey through unobstructed openings or access panels, of prescribed dimensions and operability, to facilitate emergency response.

“14-8 Direct Access for Ground Floor and Above

14-8.1 Except for storeys below the first storey, direct access for firefighting shall be provided from the outdoors to every storey having its floor level less than 82 ft. (25 m) above ground by at least one unobstructed window or access panel for each 50 ft. (15 m) of wall, in each wall required to face a street.

14-8.2 An opening for access required in above clause shall be not less than 3.6 ft. (1.1 m) high by 2 ft. (0.6 m) wide, with a sill height of not more than 3 ft. (0.9 m) above the inside floor.

14-8.3 Access panels above the first storey shall be readily openable from both inside and outside, or the openings shall be glazed with plain glass.”

The absence of such accessible openings, or the presence of obstructed, sealed, or non-compliant panels, significantly hampers firefighting operations and delays emergency intervention. In this context, the apparent violation of KBTR 2002 materially made rescue and escape increasingly difficult for the victims as well as the rescue personnel.

The Commission observes that any failure to ensure such direct access points, capable of being opened from both inside and outside or fitted with plain glass, constitutes a serious violation of the mandatory safety requirements.

5. Non-Compliance with Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987.

The Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987 requires that fire-fighting apparatus be provided, maintained in working condition, and that effective arrangements exist to deal with outbreak of fire. The Civil Defence inspection reports for

¹¹⁵ Reply to Questionnaire by KMC Fire department Volume 1b Page 18, fire department incident report dated 16.02.2026

2024 and 2025 establish that Gul Plaza lacked essential firefighting systems, including hose reels and fire pumps, and did not maintain operational readiness. The absence of trained personnel, fire drills and functional equipment further demonstrates lack of effective response capability. The Commission therefore finds that the management of Gul Plaza failed to comply with the requirements of the Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987. Furthermore, the Civil Defence questionnaire response dated 26.02.2026¹¹⁶ confirms that no alarm system, smoke detectors or sprinkler system was available at Gul Plaza. There is said to be a supply of fire extinguishers and fireballs on the premises, however, that is the extent of any fire related precaution stated to be undertaken by the said de facto management.

6. Conclusion and Findings

On the basis of the of the discussion above, the Commission records the following findings;

- The Civil Defence inspection reports¹¹⁷ for the years 2024 and 2025, consistently records the absence of essential firefighting systems, including hydrants, hose reels and fire pumps, an unreliable and a non-functional alarm system at least in terms of audit report 2024 and then later confirmed through Civil Defence questionnaire response dated 26.02.2026¹¹⁸. It is pertinent to mention that fire alarm system being adequate in terms of audit report-2025 is inconsistent with Civil Defence questionnaire response dated 26.02.2026 which will be dealt with separately under TOR-D and TOR-G. Both the audit reports mentioned absence of trained personnel, lack of fire drills and non-availability of rescue equipment. The presence of flammable material throughout the premises and absence of structural safeguards further indicate that the building lacked the capacity to resist and contain the spread of fire.
- The absence of effective firefighting systems is a violation of the Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987, which mandates provision and maintenance of fire-fighting apparatus in working condition by the management. The lack of arrangements to control fire at its initial stage constitutes violation of Rule 9 of the Civil Defence Rules, 1951.
- The audit conducted by the KMC Fire Department in 2021¹¹⁹ revealed that the premises lacked fundamental fire safety arrangements. Fire extinguishers were insufficient and poorly maintained; and critical systems such as fire alarms, sprinklers, smoke detectors, hydrants and internal firefighting arrangements were absent. No

¹¹⁶ Civil Defence response to questionnaire dated 26.02.2026 Question No. 14, Volume 1g

¹¹⁷ Response to the Questionnaire by Civil Defence Department Volume 1g, Audit report 2024 and 2025. Page 22-27

¹¹⁸ Civil Defence response to questionnaire dated 26.02.2026 Question No. 14, Volume 1g

¹¹⁹ Reply to Questionnaire by KMC Fire department Volume 1b Page 18, fire department incident report dated 16.02.2026

trained personnel, evacuation plan or fire drills were in place, while emergency lighting and exit signage were deficient. Electrical wiring was found to be unsafe, and essential emergency information was not displayed. These deficiencies collectively demonstrate a serious failure of fire safety compliance.

- The Commission further observes the de-facto management was aware of these deficiencies yet failed to take corrective measures. The failure spans all three essential components of fire safety, namely prevention, detection and firefighting, thereby demonstrating the absence of an integrated fire safety system. In such circumstances, the occurrence of fire cannot be regarded as an unforeseeable event, but rather as a foreseeable consequence of operating the building in a hazardous condition.
- Certain violations of the Civil Defence (Measures for Dealing with Outbreak of Fire) Order and the Civil Defence Rules, 1951 also translate to violations of Chapter 13 of the Karachi Building and Town Planning Regulations, 2002. The Commission particularly noted apparent violation of Regulations 13.3 and 14.8 of the KBTR 2002.
- Accordingly, the Commission finds that the management of Gul Plaza failed to establish and maintain a functional and effective system for dealing with outbreak of fire, failed to ensure proper placement and accessibility of firefighting equipment, failed to maintain alarm or communication mechanisms, and failed to ensure safe evacuation conditions. The building was being operated without the minimum capacity to control or respond to the fire at its initial stage, thereby exposing occupants to foreseeable and avoidable risk.

TOR (D)

“To assess if the building management or any government department/agency had carried out fire safety audits and whether the recommendations were implemented by the building management.”

The assessment under this term of reference is whether fire safety audits were carried out by the building management or by any relevant department or agency, and, if so, whether the resulting recommendations were implemented. In practical terms, this requires the Commission to first examine the audit, inspection and compliance framework that existed prior to 17 January 2026 and to determine whether Gul Plaza was subjected to meaningful preventive scrutiny.

1.Civil Defence and Fire Department Inspections

The Civil Defence audit reports for the years 2024 and 2025, along with the survey conducted by the KMC Fire Department as reflected in the incident report dated 26.02.2026, have already been discussed in detail above (“in TOR-C”). Accordingly the Commission had noted two Civil Defence audits conducted in 2024 and 2025 as well as one stated to have been conducted by the Fire Department in 2021.

These reports consistently identified that the firefighting and rescue arrangements at Gul Plaza were not in conformity with the required safety standards. The deficiencies related to critical systems including detection, suppression, access and evacuation preparedness. Despite these findings, the record does not demonstrate that the recommendations contained in these reports were implemented in letter and spirit.

However, as this specific TOR requires the Commission to consider implementation, it would be necessary to consider the enforcement aspect on the part of the relevant government departments as well. Mirza Mursaleen Baig’s (officer of Civil Defence Department) statement¹²⁰ is particularly important as it demonstrates failure on part of the Civil Defence Department. He stated during his oral statement that challan proceedings, ordinarily available in cases of non-compliance, were not filed before the Special Court before the incident since the courts were not functional. However, even after the court later became functional in July, 2025, no action was taken by the Civil Defence Department to ensure compliance of the objections raised in the audit reports of 2024 and 2025. He also points to staffing limitations within Civil Defence hinders the department from undertaking its responsibilities as enshrined under the law. The Commission has noted a specific inconsistency within the Civil Defence record in relation to the fire alarm system. The audit report for 2024, conducted by Mr. Mirza Mursaleen Baig, records deficiencies in fire alarm system, whereas the subsequent audit report for 2025 indicates adequacy. However, this position is not consistent with the Civil Defence Department’s own later response dated 26.02.2026¹²¹ submitted to the Commission,

¹²⁰ Statement of Mr. Mirza Mursaleen Baig dated 27.02.2026 Volume 2b

¹²¹ Response to the Questionnaire by KMC Fire Department, Volume 1b, audit report- 2021 mentioned in the fire department incident report dated 16.02.2026

wherein it is expressly stated that a fire alarm system was not installed at the premises. This inconsistency, confined to the presence of a fire alarm system, raises concern regarding the accuracy of the 2025 assessment on this specific aspect of compliance.

2. Court mandated building inspections

The Commission further considers it necessary to address separately an order of the High Court of Sindh dated 08.12.2020 in CPD - 01 of 2017¹²² wherein a task-force was constituted comprising, the District Administration under the Chairmanship of Additional Commissioner-I Karachi Division as its Chairman, SBCA, Civil Defence and the KMC Fire Department. That framework contemplated regular meetings, random inspection, coordinated enforcement, review of high-rise and commercial building risk, and implementation of court directions in letter and spirit.

The record also contains a notification dated 20.11.2023¹²³ issued by the Deputy Commissioner South constituting a “District South Technical Committee for Fire Safety Audit” for commercial and other buildings within District South. The said notification was submitted by the Civil Defence department before the Commission. Its composition again brought together the District Administration with Deputy Commissioner being Convenor, SBCA, KMC Fire Brigade, Civil Defence, Rescue 1122 and other relevant agencies. Its written Terms of Reference required safety audit of shopping malls, shopping centers and plazas with particular reference to automatic fire suppression systems, fire-safety mechanisms, fire extinguishers, emergency exits, electrical wiring and conformity with approved standards, and further required examination of building plans and compliance with building-control laws. Gul Plaza plainly fell within the class of building for which this audit architecture was designed. However, no such audit of Gul Plaza appears to have been conducted in pursuance thereof.

3. The Sindh Building Control Authority

It is submitted that SBCA in terms of its own response before the Commission¹²⁴ that the last inspection was carried out on 22.02.2003 the Commission finds it necessary to record its concern regarding the position taken by the Director General, SBCA during his oral statement¹²⁵. When questioned as to why no inspection of Gul Plaza was carried out the response was that, under the SBCA legal framework, inspections are ordinarily not undertaken unless triggered by a formal complaint.

However, the statutory framework, when read as a whole, appears to impose continuing obligations which do not cease upon issuance of an occupancy certificate. Section 7-F, when read in conjunction with chapter 6 appears to impose a responsibility on SBCA to

¹²² High Court order dated 08.12.2020 in CPD-01 of 2017 reported in the Response Submitted by Civil Defence Department Volume 1g, Page 38

¹²³ Notification dated 29.11.2023 issued by Deputy Commissioner constituting Fire Safety Audit Committee 1g and Volume 1x

¹²⁴ Response to the Questionnaire by SBCA Volume 1h

¹²⁵ Oral Statement of DG SBCA recorded before the Commission Volume 2s

ensure compliance at any time when the provisions of the Regulations are being violated. These provisions are not merely enabling in nature but require the Authority to act where a building is in a condition likely to endanger life or property. Furthermore, if the stance of SBCA is accepted, this would raise another very serious question as to whether the no authority altogether is responsible for regulating and ensuring fire-safety in building and high-rise structures in Karachi post one year of completion/occupancy.

The absence of any demonstrated action under Chapter 6 to remove violations, or under Section 7-F to assess and address the unsafe condition of the building, reflects not a lack of legal authority but a failure to exercise jurisdiction vested under the governing law. The failure under TOR-D is therefore not merely one of administrative lapse, but of non-discharge of continuing statutory obligations.

Notwithstanding the above, no audit was otherwise conducted even after a court mandated committee was formed for the same as discussed above.

4. Electric Inspector

In so far as inspections for electrical safety are concerned, the official position is that such audits are to be conducted periodically under Rule 5(1) of the Electricity Rules, 1937 framed under section 37 of the Electricity Act, 1910.

On the record presently available, particularly the statement of the Mr. Parvez Turk, Electric Inspector, NEPRA, no electrical inspection has been conducted based on a purported ban on the same as evidenced by a notification issued by Government of Sindh, Irrigation and Power Department dated 13th August, 2003. Therefore, no approval, inspection certificate or comparable electrical-safety clearance appears to have been obtained and no audit of Gul Plaza had ever been conducted.¹²⁶

5. Unregistered Management of Gul Plaza

The Commission also notes a fundamental irregularity in the legal status of the purported Gul Plaza building management. In terms of section 13-A of the Sindh Building Control Ordinance, 1979, the management committee of a building is required to be constituted and registered under the Societies Act, 1925, thereby providing a recognized legal framework for its functioning, accountability and governance. However, from the oral statement of Mr. Tanveer Pasta¹²⁷, it appears that the management committee of Gul Plaza was not so registered. This raises a material question as to the legal basis upon which such committee purported to function, including the collection of funds and exercise of control over the premises.

At the same time, the Commission cannot overlook the fact that the said management committee has, by its own conduct, acted and held itself out as the de facto governing body of the building. It was this body which assumed control over maintenance, safety

¹²⁶ Oral Submission made by the Electric Inspector before the Commission dated. 03.03.2026

¹²⁷ Transcription of Mr. Tanveer Pasta, Volume 2p, Page 26 - 50

arrangements and decision-making at the premises. In these circumstances, the absence of formal registration does not operate to dilute culpability.

Coming to the question of whether the management conducted any fire-safety audit itself, there does not appear to be anything on the record or as stated to reflect as such. There is noted to be existence of a supply of fire extinguishers and fire-balls¹²⁸ on the premises, however, that is the extent of any fire-related precaution undertaken by the said de-facto management. Rather, the Commission finds that Mr. Pasta, having exercised control and authority in fact, must also bear corresponding liability for the state of the building and the deficiencies identified in this report. It is pertinent to mention that Mr. Pasta along with his response¹²⁹ submitted certificate dated 20.03.2024¹³⁰ issued by the which confirms that the existing fire equipment's were in workable/serviceable condition. It is submitted that this certificate is inconsistent with the findings of the Civil Audit reports 2024 and 2025 which identifies the discrepancies with the fire equipment such as absence of fire hydrant/hose reel points and fire pump house.

6. Conclusion and Findings

The question sought to be determined by the Commission for the purposes of TOR-D is whether the management or government agencies conducted a fire-safety audit of Gul Plaza and whether recommendations issued in pursuance thereof were implemented; the Commissions finds as follows;

- The material demonstrates that the audits or inspections available on the record conducted by Civil Defence in 2024 and 2025 and the Fire Department in 2021. The deficiencies identified therein included absence of hydrant systems, fire pumps, rescue equipment, absence of sprinkler system, fire drills and proper exit management. The said recommendations were not implemented by the management.
- At the same time, the enforcement response of the Civil Defence Department did not follow through to its logical conclusion, as further proceedings were not initiated in a timely manner.
- The record does not demonstrate any further enforcement action on the part of the Fire Department either. However, the fire department has apparently issued certificate¹³¹ dated 20.03.2024 which was submitted along with the response to questionnaire of Mr. Pasta¹³² to Gul Plaza in respect of fire equipment being in order. Such certificate was not denied by the Fire Department at any stage. However, the said certificate merely records that the present fire equipment was "in working/serviceable" condition. This

¹²⁸ Response to the Questionnaire by Civil Defence Department Volume 1g, Audit report 2024 and 2025. Page 22-27

¹²⁹ Response to the Questionnaire by Mr. Tanveer Pasta Volume 1e

¹³⁰ Certificate issued by Station Officer; Central Fire Station dated 20.03.2024 submitted by Mr. Tanveer Pasta as annexure along with his questionnaire Volume 1e, Page 23

¹³¹ *ibid*

¹³² Response to the Questionnaire by Mr. Tanveer Pasta Volume 1e

does not give too much clarity as to what arrangements were in place and what metrics were utilized by the Fire Department to grant this certificate. What is more concerning is the fact that the Fire Department itself attributed the cause of the fire to a complete lack of fire-alarm systems, sprinkler system and other safety measures¹³³. How this certificate was granted in light of these assertions raises serious questions.

- The position advanced by SBCA, that inspections are ordinarily complaint-driven, does not satisfactorily explain the absence of scrutiny of a large-scale commercial structures such as Gul Plaza, particularly where applicable building regulations impose continuing obligations relating to fire safety and compliance in terms of Section 7-F of the Sindh Building Control read with the KBTR 2002. SBCA in its response dated 01.04.2026¹³⁴ whilst acknowledging primary responsibility in so far as enforcement of KBTR 2002 is concerned, but at the same time states that its role is limited until the completion of construction and occupancy. Whilst such piecemeal divestment of authority does not appear to align with the statutory framework itself, accepting SBCA's stance would raise a serious question as to whether anyone is enforcing the fire-safety provisions of the KBTR 2002 who then is responsible regulating structural fire-safety hazards in such commercial buildings.
- The record does not demonstrate that Gul Plaza was ever subjected to any other fire safety audit, whether by the management or any other government agency other than Civil defence and the Fire department, KMC. There are court orders mandating such audits (Constitutional Petition No.01 of 2017)¹³⁵ but no such audit of Gul Plaza has been undertaken as per the record available.

¹³³ Response to the Questionnaire by Fire Department, Volume 1b Page 6, Question No. 19

¹³⁴ SBCA response dated 01.04.2026 to interrogatory Volume 1t

¹³⁵ High Court order dated 08.12.2020 in CPD-01 of 2017 reported in the Response Submitted by Civil Defence Department Volume 1g, Page 38

TOR-E

“To ascertain the causes and circumstances leading to the fire incident at Gul Plaza Shopping Center, Karachi”

The Commission has been required under TOR-E to ascertain the causes and circumstances leading to the fire incident at Gul Plaza Shopping Center, Karachi.

In the Commission’s view, therefore, it is imperative that the most probable immediate ignition event on the material presently available is identified. Second, assess the circumstances existing immediately prior to the incident.

1. Pre-Incident Conditions

The Commission finds that, prior to the incident, Gul Plaza was operating in a state that was materially deficient from a fire safety perspective. The audit reports of the Civil Defence Department and the KMC Fire Department, already discussed under TOR-D, identified multiple deficiencies including the absence of a fire alarm system, lack of internal firefighting arrangements such as hydrants, hose reels and water pumps, inadequate placement and maintenance of fire extinguishers. These deficiencies were formally communicated to the management with directions for rectification, yet no material has been placed on record to demonstrate that they were addressed.

The Commission further notes, from the oral statement of Mr. Tanveer Pasta¹³⁶, that minor fire incidents had occurred in the past within the premises. While such incidents may have been controlled locally, they nevertheless indicate prior exposure to fire risk. In the presence of known deficiencies in safety infrastructure, such prior incidents assume significance as indicators of vulnerability which required heightened vigilance and corrective action.

2. Immediate cause of ignition:

On the question of ignition, the material placed before the Commission indicates a consistent and un rebutted position. The SSP South in terms of his response to the questionnaire dated 27.02.2026¹³⁷ confirmed the cause of fire because of children playing with and igniting matchsticks, this fact has also been confirmed by the Inquiry Report of the Commissioner Karachi dated 28.01.2026¹³⁸. This account has not been contradicted by any party appearing before the Commission. The Commission has examined and cross-examined the relevant witnesses and finds no alternative ignition source suggested on record (with the noted absence of any forensic investigation report) identifying a different cause or narrative.

3. Fire Load and Accelerants

The record of those present at the time of the incident as well as the present fire-fighting officials all attest that the fire spread at an exponential and uncontrollable rate. The Civil

¹³⁶ Transcript of Mr. Tanveer Pasta, Volume 2p Page 26 – 50

¹³⁷ SSP South response to questionnaire of Commission 27.02.2026, Volume 1n, Page 1, Question 6

¹³⁸ Government of Sindh Report Dated. 28.01.2026, Volume 1w, Page 17, Para 10

Defence fact-finding report submitted along with response to questionnaire¹³⁹, duly prepared and signed, along with the statement of Ms. Fatima Memon, identifies the presence of highly combustible materials within the shops, including plastics, rubber, melamine and crockery-related stock. These materials are known to produce intense heat and dense smoke upon ignition, thereby accelerating fire spread and compromising internal conditions within a short span of time.

Furthermore, Mr. Pasta in terms of response to the questionnaire¹⁴⁰ stated the presence of heavy fire load in the form of crockery shops, garments, flowers, children's toys and cosmetics etc. which also lends credence to the fact that fire accelerants were already present at Gul Plaza. Mr. Pasta further stated¹⁴¹ that when he reached the Ground Floor, he witnessed rapid and uncontrollable fire which went through the roof including the AC duct and the electrical wiring which demonstrates that the building due to different combustible materials and open wires was prone to a fire of this magnitude.

A mixed commercial fire load of this type would be especially dangerous in enclosed retail environments. Plastics and rubber products can produce dense and toxic smoke. Perfumes and certain cosmetic products, depending on their composition, can intensify burning or contribute to flame spread. Packaging materials accelerate fire growth and assist transmission from one compartment or unit to another. Decorative or chemically treated floral items may ignite easily and burn rapidly. When coupled with exposed wiring, air-conditioning units packed in a compact densely populated building, with veritable tons of flammable material, the result seems inevitable.

4. Conclusion and Findings

The Commission has not been assisted with a forensic report, hence, is unable to verify the causation suggested in or around Shop No. 193.

The Commission further finds that the nature and extent of fire was materially shaped by the surrounding circumstances in which that ignition occurred, namely a building already operating with serious fire-safety deficiencies and containing a dense mixed commercial fire load of highly combustible material. In these circumstances, the outbreak appears to have escalated rapidly from a localized flame into a large-scale and uncontrollable fire.

Therefore, irrespective of the initial trigger of the fire, it was the interaction of that ignition with a pre-existing hazardous environment that allowed the fire to spread with exceptional speed and intensity.

¹³⁹ Incident report of Civil Defence Department Dated. 21.01.2026, Volume 1g, Page 28

¹⁴⁰ Response to questionnaire, by Mr. Tanveer Pasta, Vol-1e, Page 17, Question 36

¹⁴¹ Response to questionnaire Tanveer Pasta, Volume 1e, Page 2

TOR-F

“To examine and evaluate rescue operations for adequacy and swiftness.”

TOR-F requires the Commission to examine and evaluate rescue operations for adequacy and swiftness. The Commission considers that this TOR necessarily involves two related but distinct questions. The first is, how quickly did the emergency response agencies system receive information, mobilize, arrive and begin meaningful rescue action. Second, once the responders and rescuers were engaged, was the operation materially adequate in the circumstances then prevailing.

1. Fire Department response

The Fire Brigade of the Karachi Metropolitan Corporation, being the primary municipal firefighting authority, bears central responsibility for the suppression and rescue effort at the site. On the material available before the Commission, including departmental records, Civil Defence observations and the statement of Mr. Tanveer Pasta, certain operational concerns arise which are directly relevant to the assessment under TOR-F.

It is has been established that the first fire tender arrived at approximately 10:40 p.m. with the second noted to have arrived by 10:49 pm. Proceeding on the settled ignition time of between 10:00 and 10:05 pm, and the reported call to the Fire Department at 10:26, the fire department had reach the incident approximately 30 minutes after the initial ignition. By that time the fire had already progressed beyond its initial stage.

In so far as the response time of the Fire Department is concerned, the statement of the Chief Fire Officer is to the effect that the prescribed response time is 1 minutes. However, we rely on the statement of Mr. Muhammad Taufeeq Khan, Station Officer, Fire Brigade Headquarters wherein he had stated that the required response time is 6 to 7 minutes.¹⁴² using this as a yard stick, the noted response time of the first fire tender is 15 minutes after the first call. The second fire tender arrived 23 minutes after. If measured against the proposed 6 to 7 minutes, the response of the Fire Department falls considerably short of their own standards.

2. Rescue 1122 – Timing, Role and Operational Dependence

Rescue 1122’s written response and oral testimony materially assist the Commission because they contain both operational detail and institutional self-limitation. The agency states that it received information at 22:36 and reached at 22:53. It also says that by the time of arrival the building was already in a category-III fully developed fire condition, characterized by intense heat, dense smoke and near-zero visibility.

Rescue 1122 also explained that it was not the dominant fire agency in Karachi at the relevant time. It had limited station presence compared with KMC and relied on KMC as the lead firefighting authority on site. It identifies blocked exits, absence of internal

¹⁴² Oral Transcript of Mr, M. Taufeeq dated.12.03.2026, Station Officer, Fire Department Volume 2m, Page 22

hydrants, loss of lighting, traffic obstacles, charitable ambulance congestion and evolving command arrangements as major limitations.

3. Early Electricity Shutdown: Rationale, Error and Consequence:

Mr. Pasta's statement indicates that electricity was disconnected at an early stage, approximately around 10:17 p.m. on Mr. Pasta version which was also confirmed by the officials of K-Electric.

The Fire Department and Rescue 1122 both acknowledge that darkness adversely affected evacuation and rescue. Civil Defence specifically states that the shutdown contributed to panic inside the building. As per the statement of the Chief Fire Officer as well, submitted that if electricity remained available for longer, or had emergency lighting existed, the evacuation environment may have been materially different.¹⁴³

It is also imperative to mention that the one of the first actions of the Commission was to visit the Gul Plaza site which was in destructive state, however, one of the key observations of the visiting members of the Commission was that visibility even during the day time was severely affected and if the incident occurred at night then visibility in the absence of electricity would be as if a person has suddenly been blinded without warning and due to smoke even the phone light/torch would be of no assistance.

The Commission accordingly treats the timing of the shutdown of electricity as a major aggravating factor. On the present record, the pitch darkness materially worsened internal conditions at a critical stage of the incident by impairing visibility, increasing disorientation, and compounding the difficulty of evacuation in an already smoke-filled environment.

It also appears to have adversely affected the ability of the fire and rescue departments to undertake timely and effective operations upon arrival. By the time organized firefighting and rescue efforts commenced, the fire had already progressed into a fully developed stage, and the earlier disconnection of electricity had contributed to the deterioration of the conditions in which those efforts had to be undertaken.

4. Water Availability, Shortage and Operational Adequacy

The question of water availability at the initial stage of the incident also assumes significance in assessing operational adequacy. The Rescue 1122 inquiry report¹⁴⁴ submitted before the Commission indicates that the call was received at 22:36 PM, arrival at site occurred at 22:53 PM, and operations commenced at 22:57 PM, with a request to Karachi Water and Sewerage Board being made at approximately 22:56 PM for tanker support. It is further reflected that the first water tanker reached at around 00:32 AM. In contrast, the response of the KWSC through its questionnaire response¹⁴⁵ suggests that supply was made available earlier, at approximately 23:56 PM, while the Civil Defence department incident report records the presence of first tender carrying water with the fire brigade as early as 22:55 PM whereas two (02) tenders came at 11:15 PM. These varying

¹⁴³ Response to Inquiry Questionnaire (Fire Department), Volume 1b

¹⁴⁴ Response to the Questionnaire by Rescue 1122, Volume 1a

¹⁴⁵ Response to the Questionnaire by KWSC Volume 1f

timelines are not entirely reconcilable and raise uncertainty as to the continuity and adequacy of water supply during the critical initial phase.

However, it becomes evident that sustained and adequate water availability was not effectively ensured at the outset. The earliest account of the first water bowzers to arrive is noted around 40 to 45 minutes after the fire erupted. In a fire of this magnitude, involving dense combustible material, the non-availability of water and lack of consistent supply speaks of basic deficiencies in planning and available resources.

Witness statements attest to the same. Mr. Pasta stated that the fire brigade response was delayed, with the first fire tender arriving around 10:55 p.m., and water supply running out within about 20 minutes¹⁴⁶. He further claims that adequate water supply only became available much later in the night around 3:30 a.m. Mr. Danish Ali and Mr. Ayaz also noted shortage of water during the early stages¹⁴⁷ and the same is noted by Civil Defence as well¹⁴⁸. The Commission therefore concludes that early-stage water support appears to have been under strain and that this materially affected the adequacy of rescue and firefighting operations during the critical early window.

5. Exterior Rescue Opportunities: Ladders, Snorkels and Breach of Grills:

One of the most important operational questions under TOR-F is whether available exterior rescue opportunities were exploited as fully and as early as they should have been. The evidence clearly establishes that at least some victims were alive and visible on upper floors after the fire had already advanced.

It is noted that the rescue in Gul Plaza was complicated by grills, locked windows and limited access. The Commissioner's Report records the first KMC Fire Department snorkel movement at 10:55 p.m. and 11:40 p.m., and a Pakistan Navy snorkel, fire tender and bowser at 1:30 a.m.

Ayaz¹⁴⁹, however, placed the first snorkel between 12:00 midnight and 12:30 a.m. Tahir¹⁵⁰, who reached at about 11:00 to 11:15 p.m., stated that he had not seen any snorkel at that stage. Other witnesses such as Mr. Pasta and families of the deceased stated that first snorkel which reached the site could not function and ultimately failed to provide the benefit it was brought for. These statements, not refuted by the Chief Fire Officer, Mr. Humayun of the Fire Department. This also attests to the fact fire and rescue operations attempted were also not up to the required standard.

Additionally, evidence from Muhammad Ayaz and Muhammad Yaseen (CHHIPA drivers) reflects that while snorkel appliances were eventually deployed, their timely and effective utilization remained limited during the crucial early.¹⁵¹ When these accounts are read together, alongside the broader evidence of persons remaining trapped and visible for a

¹⁴⁶ Response to the Questionnaire, by Mr. Tanveer Pasta's Volume 1e, Page 2, Question 3

¹⁴⁷ Statement of Danish Ali, para. 5, Volume 2d-Page 6; Statement of Muhammad Ayaz, dated 05.03.2026 Volume 2f, Page 62-63

¹⁴⁸ Response to the Questionnaire, Civil Defence Department, Volume 1g, Page 2, Question 28

¹⁴⁹ Statement of Muhammad Ayaz, dated 05.03.2026 Volume 2f, Page 62-63

¹⁵⁰ Statement of Tahir, dated 05.03.2026 Volume 2f, Page 72

¹⁵¹ Statement of Mr. Muhammad Yaseen CHIPA ambulance service driver. Volume 2f, Page 78

considerable period, the record suggests that although firefighting and rescue efforts were undertaken, the response raises serious concerns as to the adequacy, preparedness and effective deployment of critical firefighting resources during the most decisive phase of the incident.

The Commission considers the duration of the live rescue window to be one of the most important operational features of the record. Danish Ali's testimony is significant not merely because he was present, but because it remained materially consistent even after cross-examination before the Commission. He states that he reached the site around 10:20-10:25 p.m., saw people alive and seeking help on the third floor, used ladders provided by fire personnel, broke a grill to gain access, and continued rescue efforts until approximately 11:15-11:20 p.m. It is further observed from the statement and cross-examination of Mr. Danish Ali that he saved seven (07) people from third floor using ladder obtained from the fire and rescue departments and with the help of a CHIPA driver. What is further noteworthy is that he also saved four (04) people on the rooftop which he accessed through Rimpa Plaza. Mr. Danyal¹⁵², as noted earlier, stated that he later went back barefoot, took the ambulance up the ramp into the building at around 11:15 to 11:30 p.m. after the ramp grill was kicked open, and reached the roof. Ayaz likewise stated¹⁵³ that after returning from Civil Hospital he drove the ambulance via the ramp to the third floor and found two Edhi ambulances already there. Mr. Junaid stated¹⁵⁴ that he and two others remained trapped inside until about 11:30 p.m. and escaped only then through the bathroom-side exit.

It is further imperative to mention that Mr. Danish Ali was cross-examined by the Director General, Rescue 1122 but his evidence remained unimpeachable, whereas Mr. Danish Ali was not cross-examined by any other department. The CHIPA ambulance drivers who reached the site at the time of the incident also independently corroborated the facts as narrated above.

We note at this point the statement of Mr. Muhammad Taufeeq Khan, Station Officer, Fire Brigade Headquarters who had stated that the Fire Department had two snorkels available¹⁵⁵. The question remains, despite availability of two snorkels, only one was initially deployed which at the earliest estimate arrived 30 to 40 minutes after the initial report of the fire to the Fire Department. Failure to timely mobilize the snorkels would render this aspect of the rescue effort neither swift, nor effective.

6. Equipment Sufficiency

The adequacy of rescue cannot be judged merely by asking whether departments owned equipment but that the equipment was used. The Fire Department states that its vehicles

¹⁵² Statement of Mr. Danyal, Driver Edhi Ambulance Service. Volume 2g, Page 80-81

¹⁵³ Statement of Muhammad Ayaz, dated 05.03.2026, Volume 2f, Page 62-63.

¹⁵⁴ Statement of Muhammad Junaid, dated 25.02.2026 Volume 2c Page 5

¹⁵⁵ Oral Transcript of Mr. M. Taufeeq dated.12.03.2026, Station Officer, Fire Department Volume 2m, Page 22

were modern and equipped and similarly the Rescue 1122 department says breathing apparatus existed and were used. Yet there is nonetheless evidence to the contrary. Mr. Danish Ali says the first arriving vehicle did not have proper gas masks and breathing apparatus and another startling statement was made by Mr. Ayaz, a CHIPA driver¹⁵⁶ describes personnel initially wearing T-shirts without proper protective gear. The statement of Mr. Mirza Mursaleen Baig refers to shortage or absence of SCABA gear used for breathing, cutters, crowbars, smoke ejectors and foam. Mr. Mirza Mursaleen Baig was cross-examined by the Chief Fire Officer¹⁵⁷ but his statements could not be rebutted. The same was also reiterated in the response of the Civil Defence Department as well.¹⁵⁸

The statement of Muhammad Babur, an investigative journalist, assumes significance in the context of the operational capacity and deployment of the Fire Department. He has pointed to the existence of substantial firefighting resources within the KMC Fire Brigade, including multiple fire stations, high-capacity vehicles, snorkels of varying heights and specialized rescue equipment, as well as a considerable sanctioned strength of personnel. He further states that certain key equipment, including a high-reach snorkel, malfunctioned at the incident site, while other available rescue assets located in close proximity were not deployed¹⁵⁹. His statement also raises concerns regarding the administrative functioning and leadership structure of the Fire Department at the relevant time. Importantly, the witness was subjected to cross-examination by the Chief Fire Officer and his testimony remained materially credible¹⁶⁰.

The statement of Danyal (Edhi worker), which has already been relied upon by the Commission further assumes significance in assessing operational adequacy. Beyond the aspects already noted, his account reflects that rescue personnel present on site were operating with minimal protective capability, possessing only basic masks and lacking specialized equipment necessary for entry into smoke-intensive conditions. He also describes repeated attempts by volunteers and ambulance personnel to access upper levels, including from the rooftop, in circumstances where institutional rescue remained limited¹⁶¹.

The material on record, including statements of ambulance personnel, survivors and other eyewitnesses, raises serious concerns regarding the operational performance of the Fire and Rescue Departments during the critical early stages of the incident. The Fire Department and other relevant government agencies have sought to controvert this finding but have not been able to displace the statements of a single witness or the Civil Defence Department which attest to a distinct lack of equipment, resources and the ability to utilize them on the part of the Fire Department.

¹⁵⁶ Statement of Driver Ayaz CHIPA Ambulance service. Volume 2f, Page 62-63.

¹⁵⁷ Cross examination of Mr. Mirza Mursaleen by Chief Fire Officer, Humayun Khan, Volume 2i, Page 1

¹⁵⁸ Response to the Questionnaire, Civil Defence Department, Volume 1g, Page 2, Question 28

¹⁵⁹ Statement on Oath of Mr. Muhammad Babur; Volume 2e, Page 8-9

¹⁶⁰ Cross examination of Mr. Muhammad Babur by Chief Fire Officer; Volume 2k, Page 7 – 8

¹⁶¹ Statement of Danyal, dated 05.03.2026. Volume 2g, Page 80 - 81

7. Civil Defence department report

The Civil Defence Department's fact-finding report ¹⁶² highlights a combination of operational and situational deficiencies which bear directly upon the adequacy of the response. It records that the fire brigade initially undertook firefighting using plain water despite the presence of a wide range of highly flammable materials across the premises, thereby raising a serious question as to whether the nature of the fire was correctly assessed and whether appropriate suppression techniques, particularly foam, were deployed with the requisite promptness for a fuel-driven fire. The report further notes that the decision of Mr. Pasta to shut down electricity, though ostensibly taken in view of a suspected electrical cause, resulted in complete darkness in the absence of emergency lighting, thereby impairing visibility for both occupants and responders and hindering effective evacuation. Compounding these difficulties, a substantial number of exit pathways were reportedly kept closed at the relevant time, which significantly restricted safe egress and contributed to entrapment within the building.

The Civil Defence record further indicates that firefighting was initially undertaken using plain water despite the presence of combustible material, raising questions as to whether the nature of the fire was correctly assessed at the outset. When considered alongside the broader record, including evidence of limited early-stage equipment sufficiency and constrained operational deployment, these factors indicate that while firefighting efforts were undertaken, the response raises concerns as to both the timeliness and functional adequacy of key firefighting resources during the crucial rescue window that the same were not up to the required standard.

When considered together, these aspects, as reflected in the Civil Defence account itself, indicate that the firefighting effort, though undertaken, was materially constrained by deficiencies in method, visibility and access, thereby affecting the overall effectiveness of the rescue and firefighting operations.

8. The significance of each minute of delay

The significance of any delay in the context of the Gul Plaza Inferno lies in the fact that the people trapped inside Gul Plaza were, first and foremost, exposed to a lethal risk of asphyxiation from smoke inhalation. In that context, both swiftness and adequacy of the rescue effort assumed decisive importance. Swiftness mattered because every minute of delay prolonged the victims' exposure to dense smoke within a progressively deteriorating and increasingly toxic environment. Adequacy mattered because mere arrival at site, without sufficient water continuity, respiratory equipment, rescue tools, snorkel access, coordination and extraction capability, could not meaningfully arrest that exposure. The victims' chances of survival were therefore directly linked not only to how quickly the emergency response was set in motion, but also to whether that response

¹⁶² Reply of Questionnaire by Civil Defence Department, Fact Finding Report dated 21.01.2026, Volume 1g
Page 30

possessed the material capacity to remove them from danger in time. On the record, both elements appear materially deficient.

The consequence is that each lost minute amplified the victims' exposure to lethal smoke. In that sense, the record discloses a direct correlation between the delay and inadequacy of the response and the diminishing survival prospects of those trapped inside.

9. Recovery of Bodies, Remains and the Collapse of Survivability:

The latter stages of the operation, particularly the recovery of bodies and remains over subsequent days, also illuminate the inadequacy of the earlier efforts. The Police Surgeon's oral testimony, response to the questionnaire and evidence presented before the Commission¹⁶³ indicates that six identifiable bodies were received on 18.01.2026, followed by fragmented remains of 15 victims on 19.01.2026, 8 victims on 20.01.2026, 23 victims on 21.01.2026, 22 victims on 22.01.2026 and 2 victims on 23.01.2026. On the above facts. A total of 8 injured survivors were received on 18.01.2026. On this basis, it appears that rescue operations were predominantly after the second day of the fire, where in those circumstances, they were more akin to a recovery exercise. This evidence is grim, but relevant as it shows how quickly the incident moved from rescue to recovery.

The Commission does not rely on this later recovery evidence to criticize responders for failing to save persons under conditions that had already become un-survivable. Rather, it uses this evidence to illuminate the stakes of the earlier rescue phase. Once the building reached the temperatures and smoke conditions described in the record, rescue prospects were drastically reduced. That is why the adequacy of the early rescue window is so central. The later recovery phase underscores, by contrast, the limited time within which live extraction was possible.

10. Role of Police, Traffic Police and District Administration:

The Commission also recognizes the role played by police and district administration in providing security at the gul plaza site, crowd control and perimeter management. SSP City South describes reaching the site around 10:45 p.m., cordoning the area on multiple sides and preventing the public from approaching. SSP Traffic describes heavy constraints on M.A. Jinnah Road due to Green Line works, narrowed carriageways, crowds and abandoned or parked vehicles. These accounts show that law-enforcement and district authorities were not absent from the emergency environment. They were engaged in trying to secure operational space under extremely difficult conditions.

The importance of this role should not be understated. Fire and rescue operations depend on perimeter control, crowd discipline, road clearance and operational corridors for vehicles and bowzers. If those basic conditions are not established, even a technically sound fire response can be crippled. The evidence suggests that police and traffic authorities attempted to create such conditions, including broader traffic management for bowser and emergency movement across the city.

¹⁶³ Response to the Questionnaire by Police Surgeon / Medico Legal, Civil Hospital. Volume 1i

However, the Commission must also note that the need for such intense crowd management itself points to the difficulties responders faced. The site was publicly visible, emotionally charged and physically constrained. Family members and members of the public were present in large numbers. Thus, while police and district administration clearly contributed to rescue support by securing the scene, the very conditions they were trying to control also materially affected the swiftness and adequacy of the rescue effort.

Evidence from KMC¹⁶⁴, Rescue 1122¹⁶⁵ and SSP Traffic¹⁶⁶ all converges on the point that access to the site was materially constrained. Ongoing Green Line works had reduced the usable carriageway including the fact that concrete barriers and excavation limited movement. Public rush and heavy crowding interfered with maneuverability and access to the site which caused problems for both the firefighting and rescue teams. Multiple agencies refer to blocked corridors, bowzers facing delay and emergency vehicles contending with a constricted road environment. These accounts are credible and mutually reinforcing.

10. Conclusion and Findings

At the outset, it must be stated that the evaluation of emergency situations and decisions taken in such circumstances is not to be undertaken with the benefit of hindsight. The conduct of first responders must be assessed against the risks they were required to confront at the relevant time. The Commission therefore confines the following findings to those operational, logistical and administrative aspects of the rescue effort which affected its adequacy and swiftness:

- The record indicates that the initial phase of the incident was marked by a material delay in notifying the Fire Department on the part of the management and proprietors of Gul Plaza. The premature disconnection of electricity further materially impaired visibility and thereby diminished the prospects of effective rescue and evacuation.
- The first effective fire tender is best placed on the present record at approximately 10:40 p.m., with the second at approximately 10:49 p.m. Proceeding on the ignition time of about 10:00 to 10:05 p.m., and the first fire call at about 10:26 p.m., the first firefighting response reached the site roughly 35 to 40 minutes after outbreak and about 14 minutes after the first fire call. Measured against the Fire Department's own stated response benchmark of 6 to 7 minutes, the response appears materially delayed.
- The record reflects discontinuity in water supply, with shortage or exhaustion of water being observed in the initial phase and fuller continuity emerging only later. On the present record, the delay and discontinuity in water supply materially affected both firefighting and rescue during the critical early window.

¹⁶⁴ Response of KMC to the Questionnaires and Interrogatories. Volume 1m & Volume 1r

¹⁶⁵ Response of Rescue 1122 to the Questionnaire Volume 1a

¹⁶⁶ Response of SSP Traffic to the Questionnaire, Volume 1o

- The operational method adopted at has been subject to various objection on the part of the Civil Defence Department, in that firefighting appears initially to have been undertaken with water despite the presence of substantial combustible and mixed commercial fire load, whereas more appropriate suppression such as foam, do not appear to have been deployed with the requisite promptness.
- The Civil Defence report also indicates absence or insufficiency of gas masks, breathing apparatus, SCBA/SCABA gear, cutters, crowbars, smoke ejectors, foam, proper protective clothing and other specialized rescue equipment. On the present record, these deficiencies materially limited the ability of responders to undertake effective interior rescue or sustained smoke-rich firefighting.
- The deployment and utilization of specialized equipment, particularly the snorkel, does not appear to have been timely or fully effective during the critical rescue window. Although snorkel movement is recorded in the official material, field witnesses place effective snorkel presence materially later, and there multiple statements on record claim that the first snorkel deployed did not provide the rescue benefit for which it was required.
- The significance of the delay in snorkel deployment is heightened by the fact that the record shows a meaningful rescue window remained available for a material period, including through ladders, broken grills, rooftop-side access and ramp-side access.
- At the same time, building-level deficiencies, including the absence of internal hydrant systems, lack of emergency lighting, grilled or obstructed openings, and ineffective management of exits, significantly constrained the ability of responding agencies to operate effectively and forced reliance upon external firefighting under already adverse conditions.
- Access constraints outside the building, blocked exits and windows, including narrowed carriageway, congestion, crowd pressure and the prevailing Green Line / BRT works, also materially affected the speed and positioning of emergency vehicles and supporting water supply.
- Accordingly, the Commission finds inadequacy and lack of swiftness in the rescue effort. The same is attributed combination of failures, namely delayed notification by the de facto management; delayed and materially deficient operational response by the Fire Department / KMC Fire Brigade; delayed and inadequate rescue support by Rescue 1122 during the critical window; delayed and insufficient early-stage water continuity involving both the Fire Department and KWSC/KWSB; lack or non-availability of gas masks, breathing apparatus and other specialized rescue tools; impaired visibility following premature disconnection of electricity; and serious building-level deficiencies relating to exits, lighting and firefighting systems. These factors, read cumulatively, materially undermined the adequacy and swiftness of the rescue operation.
- Holistically, the evidence suggests that the prevailing administrative and emergency-response setup did not appear to be adequately trained, coordinated or equipped to

deal with an incident of this magnitude. This is reflected in the delayed and fragmented early response, the absence or non-availability of adequate breathing apparatus, gas masks and other specialized rescue tools at point of use, the ineffective or delayed deployment of snorkels, the discontinuity in early-stage water support, the dependence upon improvised rescue by private and welfare responders, and the lack of a visibly integrated command structure capable of rapidly converting available resources into an effective rescue strategy. On the present record, these factors indicate but a broader institutional shortcoming in preparedness for a large-scale urban commercial fire involving smoke entrapment, upper-floor rescue, constrained access and sustained suppression requirements.

TOR-G

“To fix responsibility for any acts of commission or omission committed prior to and subsequent to the incident.”

This term of reference requires the Commission to fix responsibility for acts of commission and omission committed prior to and after the incident. It extends to determining who was under a duty in law, what that duty required, what was done or omitted in fact. The Commission has therefore considered TOR-G based on the facts found and the conclusions already recorded under TORs A to F.

Responsibility in the present case arises at more than one level. First, there is primary responsibility relating to the condition, use and management of Gul Plaza itself. Secondly, there is institutional responsibility relating to those public authorities whose statutory mandates covered building regulation, audit, enforcement, coordination, firefighting, rescue and administrative support. Thirdly, there is cumulative systemic responsibility, because the material before the Commission reveals not an isolated departmental lapse but a prolonged failure of municipal and provincial structure.

1. Responsibility of the De Facto Management Committee, Owners / Occupants of Gul Plaza

The Commission finds that direct responsibility lies with those who controlled, operated and commercially benefited from Gul Plaza. The findings under TOR-C and TOR-D establish that Gul Plaza was being run in a condition materially deficient from the standpoint of fire prevention, detection and firefighting. The Civil Defence inspection reports of 2024 and 2025 identified the absence of a functioning hydrant or hose-reel system, absence of a fire pump house, absence of rescue equipment, non-conduct of fire drills, continuing presence of combustible material, and deficiencies in exit management. Those deficiencies remained substantially unrectified. The building continued in commercial use despite prior notice of risk and despite the recommendations recorded in the audit process.

The governing legal framework imposed direct obligations upon those in control of the premises. Under section 1A of the Civil Defence Act, 1952 read with section 2 thereof, measures for dealing with fire in peace time fall within the statutory concept of civil defence. The Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987 required the owner or occupier to provide and maintain firefighting apparatus in proper working condition and to ensure effective arrangements to deal with outbreak of fire. Rule 9 of the Civil Defence Rules, 1951 required the occupier to take necessary measures for controlling, extinguishing and minimizing the spread of fire. Chapter 13 of the Karachi Building and Town Planning Regulations, 2002 required continuing compliance with fire resistance, alarm, sprinkler and firefighting measures. The record, as analyzed under TOR-C, shows that those minimum legal requirements were not met.

The legal status of the management body aggravates rather than reduces this responsibility. In terms of section 13-A of the Sindh Building Control Ordinance, 1979, the

management committee of a building is required to be constituted and registered under the Societies Act, 1925. It stands admitted in the oral statement of Mr. Tanveer Pasta that the management committee of Gul Plaza was not so registered. However, the same material demonstrates that Mr. Pasta and others acted as the de facto management of the building, collected maintenance, made operational decisions and represented themselves as the body responsible for the affairs of the premises. Responsibility therefore attaches to actual control and assumption of management functions. It cannot be avoided by relying upon the very absence of lawful structure through which control was exercised.

The owners, shopkeepers and commercial operators also bore responsibility. Gul Plaza contained 1,153 shops in fact, against 1,102 in the regularized plan, and remained in active commercial use into the late evening. It drew workers, customers and visitors in substantial numbers. The evidence under TOR-E establishes mixed combustible stock, including decorative items, plastics, rubber, cosmetics, perfumes, luggage, packaging material and associated retail goods. The continued commercial use of the premises in that condition, for profit and inviting public footfall, imposed a direct duty to maintain minimum safety standards for those entering and working within the building.

The Commission further finds that the management's conduct during the initial phase of the incident materially worsened the situation. The evidentiary record, including the statement of Mr. Tanveer Pasta, the Government inquiry report, the Fire Department response and witness accounts relied upon under TOR-F, establishes that management knowledge of fire existed at around 10:10 p.m., that internal efforts with extinguishers and fire balls were attempted first, that K-Electric was contacted before the Fire Department, and that the first call to the Fire Department was made only around 10:26 p.m. In a building of this character, with dense occupancy and mixed combustible load, that sequence was gravely imprudent. The delay in contacting the Fire Department reduced the available window for professional intervention while the fire was still at a stage where containment and guided evacuation had a realistic prospect of success.

The electricity shutdown without emergency lighting or any prior public warning issued materially worsened the situation for those trapped inside. The Commission has already found under TOR-F that electricity was disconnected at an early stage, before a safe evacuation environment had been secured, in circumstances where the building had no emergency lighting, no effective alarm system and no public announcement to direct people to safety. The statements of Ali Hyder, Muhammad Junaid, Danish Ali, the Fire Department response, Rescue 1122 material and the Civil Defence fact-finding report all point to darkness, smoke, disorientation and panic as major features of the incident environment. In those circumstances, the shutdown of electricity materially impaired visibility and orientation within a smoke-filled structure and directly worsened the prospects of escape and survival on the upper floors.

The failure to use the public announcement system also attracts responsibility. Mr. Tanveer Pasta stated that a public announcement system existed but was not used. The Commission has already observed that no warning or directional guidance was given to occupants notwithstanding the existence of a speaker system within the building. The consequence was that many people inside the premises were left without clear knowledge of the location, scale or direction of the fire and without guidance toward the limited exits that remained available. In a building of this size and internal complexity, that omission materially contributed to confusion, delayed evacuation and avoidable entrapment.

The condition of exits, windows and grills forms another direct basis of responsibility. Under TOR-F, the Commission has already found that a substantial number of gates were closed, blocked, or not effectively usable in the critical early phase, and that windows and external openings were grilled, blocked or otherwise rendered inaccessible. These matters are supported by the statements of Ali Hyder, Muhammad Ayaz, Danish Ali, Danyal, departmental questionnaires and the Commissioner's Report.

The consequence was twofold, internal escape was obstructed, and external rescue was made slower, more hazardous and more dependent on breach efforts. The evidence that Danish Ali had to break a grill to gain access, and that rescue teams cut grills even on later days during recovery operations, demonstrates the material effect of these barriers on survivability.

For all of these reasons, the Commission concludes that material responsibility rests with the people acting as the de facto management of Gul Plaza, together with those owners, occupants and commercial operators who maintained, used and benefited from the premises while it remained in a hazardous and legally non-compliant condition. Their failure consisted not merely of a single omission, but of continuing non-compliance, non-implementation of identified safety measures, delayed emergency escalation, premature electricity shutdown, failure to warn occupants, and failure to maintain accessible escape and rescue routes. Those failures materially contributed both to the outbreak becoming a catastrophe and to the resulting loss of life.

2. Responsibility Arising from TOR-A and TOR-B: Regulatory History, Building Control and Continuing Safety Obligations

The findings under TOR-A and TOR-B also bear directly upon responsibility under the present TOR. Under TOR-A, the Commission has already found that the 1991 lease renewal remains materially open to legal objection, that the building-control history contains documentary gaps, and that the original record is incomplete. The building side of the record shows later objections, revised sanction in 1998 and regularization in 2003, but the Commission did not receive reliable and complete contemporaneous material demonstrating what actual inspection, scrutiny, site-comparison or fire-safety evaluation was undertaken when the structure was revised or regularized.

That deficiency assumes real importance. The record shows that the building was regularized under the 2001-2002 amnesty process and certificate issued in 2003, yet no satisfactory inspection material was produced before the Commission showing how exits, fire arrangements, internal access, firefighting infrastructure or broader public-safety implications were assessed at that stage. The absence of such material does not, by itself, prove a later structural deviation beyond the regularized plan. That is why TOR-B was answered with care. But it does demonstrate a serious gap in regulatory traceability and public-safety scrutiny at a key stage of the building's formal history.

The Commission further finds that regularization could not and did not extinguish continuing fire-safety obligations. The legal regime under the Sindh Building Control Ordinance, 1979, the Karachi Building and Town Planning Regulations, 2002, the Civil Defence Act, 1952 and the Civil Defence fire measures framework imposed continuing obligations concerning safety, resistance to fire, warning, firefighting arrangements and means of egress. Accordingly, even where earlier structural deviations were absorbed into a revised or regularized plan position, responsibility remained in relation to later and continuing non-compliance from the fire-safety perspective.

3. Institutional Responsibility of Karachi Metropolitan Corporation (KMC), including Fire Brigade

The Commission has already found under TOR-F that the response of the KMC Fire Brigade was materially deficient in those operational respects bearing upon adequacy and swiftness. The record indicates that the first effective fire tender is best placed at approximately 10:40 p.m., with the second at about 10:49 p.m. Proceeding on the ignition time of about 10:00 to 10:05 p.m., and the first fire call at about 10:26 p.m., the first firefighting response appears to have reached the site approximately 35 to 40 minutes after outbreak and about 14 minutes after the first fire call. Measured against the Fire Department's own stated response benchmark of 6 to 7 minutes, the response appears materially delayed. By the time the first effective firefighting response reached the site, the fire had already progressed beyond its incipient stage and materially escalated within the building.

The record further indicates that the arrival of firefighting resources did not translate into sustained and effective early-stage suppression. Water continuity was not ensured at the outset. The evidence reflects shortage, exhaustion, refilling delay and fuller continuity emerging only later in the night. In a fire of this magnitude, involving dense commercial occupancy and substantial combustible load, the absence of immediate and sustained water support materially reduced the effectiveness of both suppression and rescue. The fact that Gul Plaza lacked internal hydrants and an internal firefighting system rendered the municipal obligation to secure immediate external suppression support more acute, not less.

The evidence relating to equipment is particularly serious. The Fire Department claimed modern vehicles and equipment. However, the record and statements relied upon under TOR-F indicate absence or insufficiency, at point of use, of gas masks, breathing apparatus, SCBA/SCABA gear, cutters, crowbars, smoke ejectors, foam, proper protective clothing and other specialized rescue equipment. There is also evidence that the first-arriving personnel were not equipped with the level of respiratory protection and operational gear required for smoke-intensive interior rescue. The statement of Mirza Mursaleen Baig, which remained materially unimpeached after cross-examination, referred to shortage or absence of breathing gear, cutters, crowbars, smoke ejectors and foam. The statement of journalist Muhammad Babur, also tested in cross-examination, pointed to substantial municipal resources existing on paper, including snorkels, rescue vehicles and specialized equipment, while raising serious concerns as to their timely deployment and operational readiness at the site.

The Commission has also already concluded that sustained and adequate water availability was not ensured at the outset and that early-stage water support was under strain. In a fire of this magnitude, KMC, as the primary firefighting authority, was under a duty to secure immediate and continuous suppression water either from onboard capacity, reserve deployment, tanker mobilization or coordinated replenishment

The Commission further finds that the deficiencies disclosed in the KMC response were not confined to a single delay or one malfunctioning appliance. Read cumulatively, the evidence suggests that the prevailing administrative and emergency-response setup within the municipal firefighting structure did not appear to be adequately trained, coordinated or equipped to deal with an incident of this magnitude. This is reflected in the delayed and fragmented early response, the absence or non-availability of adequate breathing apparatus, gas masks and other specialized rescue tools at point of use, the ineffective or delayed deployment of snorkels, the discontinuity in early-stage water support, the dependence upon improvised rescue by private and welfare responders, and the absence of a visibly integrated command structure capable of rapidly converting available resources into an effective rescue strategy. On the present record, these factors indicate not merely an isolated lapse in execution, but a broader institutional shortcoming in preparedness for a large-scale urban commercial fire involving smoke entrapment, upper-floor rescue, constrained access and sustained suppression requirements.

Furthermore, the response of Karachi Metropolitan Corporation stating that the civil defence function belongs to the Civil Defence department is not acceptable since section 46 of the Sindh Local Government Act, 2013, the responsibility of civil defence concurrently belongs to KMC under its own laws. This applies to firefighting and rescue operations as well as Karachi Metropolitan stated through its response that the firefighting and rescue obligation have been transferred to Rescue 1122 under section 4(3) of the Sindh Rescue Services, Act, 2023. This fact was also confirmed by the opinion of the

Advocate General, Sindh dated 06.03.2026¹⁶⁷. The Commission observes that the judgment of the Hon'ble Supreme Court of Pakistan in Const. Petition No. 9 of 2010 (orders dated 06.02.2020 and 07.02.2020) is relevant in this regard, wherein Section 74 of the Sindh Local Government Act, 2013, which had enabled the Provincial Government to assume or transfer municipal functions to other authorities, was struck down. The Hon'ble Court held that such transfer of functions could not operate to divest or dilute the statutory responsibilities of local governments, particularly the Karachi Metropolitan Corporation, and that the existence of parallel or overlapping authorities does not absolve municipal bodies of their obligations. This principle applies with equal force to the present case, where the existence of multiple agencies did not relieve KMC, of its duty to ensure that safety deficiencies were addressed prior to the incident and firefighting and rescue efforts were carried out in a manner consistent with the applicable laws. Accordingly, the Commission finds that the failure to implement the audit and inspection mechanisms discussed above cannot be explained by reference to jurisdictional complexity or institutional overlap. Rather, it reflects a breakdown in coordinated enforcement, in which responsibility existed across multiple authorities but was not effectively discharged by any of the Department. There is also a KMC Fire department audit report of the year 2021 which identifies many discrepancies in the building, yet action without any effective conclusion was initiated by the KMC which reveals failure on part of KMC to ensure adequate firefighting, safety and rescue measures.

Accordingly, the Commission concludes that the Karachi Metropolitan Corporation and its Fire Department bear substantial institutional responsibility, both in its operational firefighting capacity through the Fire Brigade and in its broader municipal capacity for civic preparedness and safety. The failures appearing on the record include materially delayed effective response, inadequate early-stage firefighting effectiveness, insufficient water continuity, deficient point-of-use equipment deployment, lack or non-availability of breathing apparatus and other specialized rescue material, ineffective snorkel rescue utilization, failure to convert available rooftop and upper-floor rescue routes into an institutional strategy, and broader shortcomings in training, coordination and preparedness within the municipal emergency-response structure.

4. Institutional Responsibility of Civil Defence Department

The Civil Defence Department bears substantial responsibility under TOR-G because, unlike some other agencies, it did identify the deficiencies that later proved fatal or materially aggravating. Its responsibility therefore arises not from lack of awareness, but from failure to convert knowledge into enforcement. Under sections 1A, 2 and 9 of the Civil Defence Act, 1952, read with the Civil Defence (Special Powers) Rules, 1951 and the Civil Defence (Measures for Dealing with Outbreak of Fire) Order, 1987, Civil Defence possessed statutory relevance in relation to preventive and remedial fire measures, inspection and compliance architecture. The department's own inspections in 2024 and

¹⁶⁷ Legal Opinion of Advocate General Sindh Dated. 05.03.2026, Volume 1z

2025 documented absence of internal hydrants, hose reels and fire pump house, absence of rescue equipment, non-conduct of fire drills, poor exit management and continuing combustible hazard. The management remained non-compliant. That much was known on the department's own record.

The breach lies in enforcement. The statement of Mirza Mursaleen Baig, relied upon under TOR-D, established that challan proceedings were not filed before the Special Court prior to the incident and were not pursued even after the courts became functional in July 2025. The Ex-Director's later assertions that firefighting arrangements existed were contradicted by the department's own audit reports, giving rise to a serious inconsistency within the Civil Defence record itself. The result was that identified deficiencies remained on paper rather than being translated into compelled compliance.

Civil Defence's importance under TOR-G is therefore central but specific. The Commission does not treat it as the primary firefighting authority during the live incident. It does, however, hold that Civil Defence bore a significant preventive and enforcement responsibility which it failed to discharge effectively. The tragedy at Gul Plaza occurred after the department had already identified the very deficiencies that later aggravated escape difficulty, firefighting inadequacy and rescue complexity. That failure of follow-through constitutes substantial institutional responsibility.

5. Institutional Responsibility of District Administration

The responsibility of the District Administration is especially significant because the office of the Deputy Commissioner stood at the center of more than one legal and administrative framework relevant to this case. Under section 18 of the National Disaster Management Act, 2010, the Deputy Commissioner acts as Chairperson of the District Disaster Management Authority at district level. The statutory scheme places on that authority responsibilities of planning, coordination, inter-agency facilitation and emergency governance. The record further shows that, within the Civil Defence structure, the Deputy Commissioner functions as Controller Civil Defence at district level. The Deputy Commissioner therefore occupied a pivotal coordinating and supervisory role both before and during the incident.

This responsibility was reinforced by the High Court-directed three-tier task force framework and by the District South notification dated 20.11.2023 constituting a District South Technical Committee for Fire Safety Audit. That committee included District Administration, SBCA, KMC Fire Brigade, Civil Defence, Rescue 1122 and other relevant actors, and was specifically designed to conduct safety audits of shopping centers, malls and plazas with reference to suppression systems, fire safety mechanisms, exits, electrical wiring and conformity with approved standards. Gul Plaza plainly fell within the class of building intended to be scrutinized through that mechanism.

The record, however, does not demonstrate that this mechanism was meaningfully applied to Gul Plaza. No coordinated audit report under this framework was produced. No effective district-level implementation of the court-backed structure was shown. No

chain of supervisory follow-up by the Deputy Commissioner, either as Chair of the district technical committee or as Controller Civil Defence, was demonstrated in relation to the deficiencies already known on the record. The failure here is therefore not absence of authority, but non-use of available institutional power. The Commission accordingly concludes that the District Administration, through the office of the Deputy Commissioner South, bears significant institutional responsibility for failure to activate, supervise and enforce the coordinated fire-audit and compliance framework within its jurisdiction.

6. Institutional Responsibility of Sindh Building Control Authority (SBCA)

SBCA's responsibility arises from two connected sources: its building-control mandate and its participation in the legal framework discussed above. The Sindh Building Control Ordinance, 1979 and the Karachi Building and Town Planning Regulations, 2002 formed the principal building-control regime applicable to Gul Plaza. The Commission has already recorded under TOR-C that compliance with the Regulations, including fire-safety related provisions, appears to be a continuing obligation and that Chapter 6 of the Regulations envisages proactive enforcement where violations are found. TOR-A and TOR-B further revealed material weaknesses in record integrity, the incompleteness of the original file, prior deviations, and absence of satisfactory inspection material demonstrating how the building's public-safety implications were assessed when revision and regularization occurred.

The position taken by the Sindh Building Control Authority that inspections are ordinarily complaint-driven and that the Responsibility of SBCA under section 7-A of the Sindh Building Control Ordinance, 1979 read with chapter 5 of the Regulations is only until the project is completed subject to issuance of a completion and occupancy certificate. This view of the SBCA does not appear to fully align with the statutory framework governing building regulation and even if accepted, it would mean that there is no effective mechanism for post-occupancy assessment of structural dangers to fire-hazards at the institutional level altogether. At least, none has been identified.

This assertion is difficult to accept even otherwise when one reads section 7-F of the Sindh Building Control Ordinance, 1979, whereby the Authority is empowered to intervene where a building is in a condition likely to endanger occupants or the public. These provisions, when read with Regulation 6-1.1 and 6-1.2 of the Karachi Building and Town Planning Regulations, 2002, indicate that the regulatory function is not confined to reactive enforcement alone, but extends to ensuring ongoing compliance with prescribed safety standards. Furthermore, SBCA itself has admitted that it has the primary responsibility to implement the Regulations in its response to the Commission as such SBCA and the statutory scheme as apparent under the SBCO 1979 appears to confirm the same. In any case, the alternative would mean no government body is enforcing the KBTR 2002 in Karachi, which would be much more concerning a revelation.

Furthermore, SBCA formed part of the High Court-backed and district-constituted multi-agency fire audit architecture. Once that mechanism existed, and once Gul Plaza was

within the category of buildings it was designed to cover, SBCA bore responsibility to participate in and give effect to that framework. The absence of any demonstrated initiative, inspection contribution, or meaningful compliance follow-up in relation to Gul Plaza reflects a failure not merely of passive regulation, but of participation in an active coordinated oversight mechanism. The Commission therefore concludes that SBCA bears institutional responsibility for failure to effectively implement the continuing obligations contained in the Regulations and also failed to participate in the coordinated audit framework and for the broader record, traceability and compliance-assurance deficiencies revealed through the building-control history of Gul Plaza.

7. Institutional Responsibility of Rescue 1122

Rescue 1122 bears institutional responsibility which the Commission does not treat as nominal or merely peripheral. Under section 4 of the Sindh Emergency Rescue Service Act, 2023, the Service was entrusted with emergency preparedness, rapid communication, coordination, preventive inspections of emergency-related safety equipment, and operational response functions. Sections 21 and 22 further contemplated inter-agency aid and operational powers during emergencies. The statutory scheme therefore imposed upon Rescue 1122 not only a duty to appear, but a duty to mobilize, coordinate, facilitate and exploit available rescue opportunities within the scope of its mandate.

The Commission accepts, as already recorded under TOR-F, that Rescue 1122 arrived at a scene already affected by delayed notification, smoke saturation, blocked exits, loss of lighting and an evolving command environment. But those constraints do not exonerate the Service. The record also establishes that a meaningful rescue window remained after its arrival. Danish Ali's evidence, found credible after cross-examination, shows rescue continuing until approximately 11:15-11:20 p.m. Danyal's evidence shows that ramp access remained physically possible even around 11:15-11:30 p.m. Victims were visible, calling for help and, in fact, rescued by private and welfare responders during this period. The question for TOR-G is therefore not whether Rescue 1122 faced difficulty; it plainly did. The question is whether, within that surviving window, it discharged its concurrent statutory role with the urgency, initiative and adequacy required. The Commission finds that it did not.

The failure is evident in at least three respects. First, the available rescue window was not converted into a sufficiently scaled and coordinated institutional rescue strategy. Rooftop and exterior opportunities were not exploited to the degree the record suggests was still possible. Secondly, Rescue 1122 failed to ensure prompt external water coordination. Its own inquiry material shows tanker support being requested from the Karachi Water and Sewerage Board at approximately 22:56 hours, with effective water continuity emerging only much later. In a dense commercial fire with combustible load, such delay directly affected both suppression and rescue capability. Thirdly, the response did not overcome the broader problems of fragmented coordination and limited operational integration during the critical period.

Accordingly, the Commission concludes that Rescue 1122 bears significant institutional responsibility for failing to discharge its concurrent rescue-support and coordination mandate with the degree of urgency and effectiveness that the surviving rescue window still permitted. The Service cannot avoid responsibility by pointing to KMC's primary firefighting role. The statutory scheme made it a concurrent responder, and the facts show that its contribution fell short in matters of rescue exploitation, coordination and timely water facilitation.

8. Responsibility of Police, Traffic Police and Access-Control Environment

Their statutory role of the police under the Police Order, 2002, the Code of Criminal Procedure, 1898 and the Provincial Motor Vehicles Ordinance, 1965 was facilitative, maintaining order, securing the site, controlling traffic and ensuring access corridors. The record shows that the District Administration, SSP City and SSP Traffic did engage in crowd control, corridor management and site security. These efforts are recognized.

At the same time, the Commission has already found that Green Line/BRT works, narrowed carriageway, crowd pressure and vehicle obstruction materially affected movement, positioning, replenishment and deployment of heavier rescue machinery. Those conditions contributed to the operational difficulty.

9. Timing, Water, Equipment and the Lost Rescue Window

Because TOR-G must fix responsibility based on the findings under TOR-F, the Commission considers it necessary to state plainly that time genuinely the essence of in so far as the victims are concerned. The initial delay in contacting emergency services, the early electricity shutdown, the absence of public announcement, the condition of exits and windows, the late or ineffective deployment of key rescue equipment, the discontinuity of water supply, and the incomplete exploitation of rooftop and exterior rescue opportunities all operated within a narrow and rapidly closing rescue window. That window did not remain open indefinitely, but it did remain open long enough to matter.

This is why Danish Ali's evidence assumes exceptional significance in attribution, not merely narration. He demonstrated, through action rather than theory, that rescue remained possible from exterior and rooftop routes during the critical period. Danyal and ambulance personnel further showed that ramp access remained physically possible for a time. The statement of the Station Officer, Fire Department, District South, assumes particular significance in the context of water availability. He stated that approximately 25,000 gallons of water are maintained at fire stations and that it is standard operating procedure to keep such reserves always filled. Considering this position, the record raises a material and unanswered question as to why such available departmental reserves were not effectively utilized, or why there was a delay in ensuring timely water supply at the site during the initial phase of the incident. The Commission has already found that early-stage water continuity was not secured and that this deficiency materially affected suppression and rescue efforts. If adequate reserves existed within the firefighting system itself, the failure lies not in availability but in mobilization and deployment. In these

circumstances, the delay in providing effective water support during the critical early window reflects a lapse in operational execution on the part of the Fire Department, which contributed to the escalation of the fire and the narrowing of viable rescue opportunities.

10. Electric Inspector / Electrical Safety Oversight

In so far as electrical safety is concerned, the record indicates a distinct regulatory lapse. The official position placed before the Commission is that electrical safety inspections are required to be conducted periodically under Rule 5(1) of the Electricity Rules, 1937 framed under section 37 of the Electricity Act, 1910. However, on the present record, and particularly in light of the statement of Mr. Parvez Turk, Electric Inspector, no electrical inspection of Gul Plaza appears ever to have been carried out, based on a purported ban reflected in the notification dated 13th August, 2003 issued by the Government of Sindh, Irrigation and Power Department. The result is that no inspection certificate, approval, or comparable electrical-safety clearance appears to have been obtained in relation to Gul Plaza at any stage. In these circumstances, the Commission finds that the electrical safety oversight mechanism, insofar as it related to periodic inspection and certification of premises such as Gul Plaza, remained wholly inoperative on the present record. This constitutes a material institutional omission.

11. Conclusion and Findings

For the foregoing reasons, the Commission records the following attribution of responsibility:

- Responsibility lies with the persons acting as the de facto Management Committee of Gul Plaza and assuming control over the management and control of the building, together with those owners, occupants and commercial operators who maintained, used and commercially benefited from the premises while it remained in a hazardous and non-compliant condition, and whose decisions during the incident materially worsened the prospects of safe evacuation and survival.
- The medical evidence placed on record further underscores the consequences of the delay. The Police Surgeon in her response filed before the Commission has stated that the bodies recovered were, in most cases, severely burnt and fragmented, with only six bodies received in an identifiable and complete condition. The cause of death in those cases was recorded as inhalation asphyxia, reflecting that death occurred due to suffocation in a lethal fire environment rather than instantaneous burning. This finding is of critical significance as it indicates that for a period of time, the victims remained alive within a progressively deteriorating environment, where timely rescue could have altered the outcome. When viewed against the sequence of events already examined including delayed escalation, late arrival of firefighting units, congestion affecting access especially the BRT Project & crowd control issues, absence of immediate water continuity, and limitations in effective deployment of equipment it becomes evident that each lapse operated cumulatively to prolong the

duration for which occupants remained trapped inside the building. In these circumstances, every minute lost in response, coordination and execution directly diminished the prospect of survival. The tragedy, therefore, is not only one of fire, but of time that was available, but not effectively utilized.

- Significant institutional responsibility lies with the Karachi Metropolitan Corporation, through its Fire Brigade, for deficiencies in operational preparedness, resource deployment and execution of firefighting and rescue functions. The findings under TOR-F establish that the initial response did not translate into effective early-stage suppression, despite the critical nature of the time window. In particular, although the Fire Department stated that substantial water reserves were maintained at its stations as part of standard operating procedure, the record demonstrates that effective water continuity at the site was not secured during the initial phase, thereby materially affecting firefighting and rescue efforts. The position advanced by KMC seeking to attribute responsibility to other agencies cannot be accepted, as the statutory scheme under the Sindh Local Government Act, 2013 and the judgment of the Hon'ble Supreme Court in Const. Petition No. 9 of 2010, makes it clear that the existence of parallel or overlapping authorities does not dilute municipal responsibility. In these circumstances, KMC bears significant institutional responsibility for failure of both preventive oversight and effective operational firefighting and rescue response.
- The Commission further finds that limitations in the deployment and functionality of equipment, including the reported non-operational state of the snorkel, restricted the ability to scale rescue operations at a stage when victims were still visible and accessible. This assumes added significance in light of the credible evidence on record, including the testimony of Danish Ali and driver Ayaz of CHIPA ambulance service, which establishes that a meaningful rescue window persisted and that access to upper levels and the building structure remained possible for a considerable period after the fire had developed. Their statements including the incident report of the Civil Defence department also attest to the fact that there were equipment issues with the fire and rescue departments and even if it is to be believed that they had the necessary equipment, such equipment could not be effectively used to save precious lives.
- The failure to translate available resources into an effective and coordinated firefighting and rescue effort is further reflected in the progression of the incident, where the fire continued to burn for an extended duration, indicating that suppression measures were neither timely nor sufficient to control the spread at an earlier stage. In these circumstances, the Commission finds that the Karachi Metropolitan Corporation, through its Fire Brigade, did not discharge its operational responsibilities with the degree of preparedness, responsiveness and effectiveness required, and

bears institutional responsibility for material shortcomings in firefighting and rescue execution.

- Institutional responsibility lies with the Civil Defence Department for identifying serious fire-safety deficiencies but failing to secure compliance through effective enforcement before disaster occurred. It may be noted that Civil Defence, whilst fully responsible for the lapse and failure to act on their past, were also notably the only government office that or department that conducted an audit or inspection of Gul Plaza in terms of fire-safety appraisal, though failed to ensure that the same was adequately enforced, despite being aware of serious deficiencies and violations. This is in contrast with rest of the departments who, despite the power under the law and audit mechanism created under the High Court orders, failed to discharge their obligations. The record further reveals a specific inconsistency concerning the fire alarm system, where the 2025 audit assessment is not aligned with the Department's own subsequent acknowledgment that no such system was installed. While confined to that aspect, this discrepancy reinforces concern regarding the accuracy of compliance assessment on a critical safety feature. In these circumstances, Civil Defence bears significant institutional responsibility for failure of enforcement and consequent continuation of unsafe conditions at the premises.
- Institutional responsibility lies with the District Administration, through the office of the Deputy Commissioner South, for failure to activate and implement the court-backed and district-level coordinated fire-audit mechanism and for failure to exercise available supervisory control within its jurisdiction.
- Institutional responsibility lies with the Sindh Building Control Authority for failure to effectively participate in the coordinated audit framework and for the broader record, inspection-traceability and compliance-assurance deficiencies revealed through the building-control history of Gul Plaza. The Sindh Building Control Authority cannot avoid responsibility on the grounds that inspections are complaint-driven or that the role of SBCA ends upon issuance of occupancy/completion certificate under section 7-A of the Ordinance read with Chapter 5 of the Regulations. It is observed that under Section 7-F of the Sindh Building Control Ordinance, 1979, where any building is deemed by the Authority to be in a condition dangerous to its occupants or to the public, the Authority is empowered and obligated to require remedial action by notice. The Commission has already found under TOR-D that Gul Plaza remained non-compliant with basic fire safety requirements, including absence of critical safety infrastructure and improper management of exit pathways. These deficiencies, when viewed considering Chapter 13 and Chapter 14 of the 2002 Regulations, ought to have been apparent to the regulatory authority. In particular, the evidence of Mr. Danyal, Edhi driver, that grills had to be forcibly broken to gain access for rescue

demonstrates a clear violation of Regulation 14-8, which requires unobstructed openings and direct access for firefighting. Such obstruction is not a latent or technical irregularity but a visible and life-threatening breach of the regulatory framework. Accordingly, SBCA bears institutional responsibility, for failing to ensure compliance of the Karachi Building and Town Planning Regulations, 2002 in respect of Gul Plaza.

- Institutional responsibility lies with Rescue 1122 for failing to discharge its concurrent rescue-support and coordination mandate with the degree of urgency and effectiveness that the surviving rescue window permitted, including failure to ensure prompt external water coordination and fuller exploitation of available rescue opportunities. The statements of Ayaz driver CHIPA and Danish Ali in respect of rescue efforts and lack of equipment as recorded for the fire department above are similarly applicable upon the rescue department. Additionally, the Rescue department cross-examined Mr. Danish Ali but failed to cast any doubt on the veracity of his statement before the Commission.
- At the highest level, the case represents a systemic failure across successive provincial and local governments, in which legal and administrative mechanisms existed but were not effectively implemented;
- Accordingly, the Commission holds that the Gul Plaza tragedy resulted from a convergence of known and unrectified hazards, inadequate managerial judgment, ineffective enforcement, fragmented institutional coordination, delayed and constrained emergency response, and a system that failed to function as an effective whole. The disaster was not merely the consequence of a fire. It was the consequence of a building left unsafe, warnings left unimplemented, authority left unexercised, and rescue opportunities left insufficiently exploited until irreversible loss followed.

12. Collective Responsibility

The Commission finally turns to systemic responsibility. The material before the Commission demonstrates that what failed here was not only a building and not only one department. The failure was cumulative, layered and institutional. Mechanisms existed in law. Audit powers existed. Building-control powers existed. Municipal firefighting obligations existed. Court-backed and district-level coordination frameworks existed. Emergency response structures existed. Yet the system did not function as a system.

The Commission further observes that these deficiencies are not attributable to a single administration or a single moment alone. The condition of Gul Plaza, the opacity and incompleteness of its building-control history, the absence of reliable inspection material at the stage of amnesty and regularization, the persistence of audit non-compliance, the failure of coordinated enforcement, and the weakness of the emergency-support environment reflect a cumulative failure across successive provincial and local governments. The Commission does not make this observation to diffuse present responsibility. It makes it because the institutional truth of this case demands it. The risk at Gul Plaza accumulated over time because municipal and provincial structures, across successive periods, did not evolve or function in a manner commensurate with the hazards of dense commercial urban development.

This systemic conclusion does not exonerate the institutions presently before the Commission. Nor does it single out the current period alone. It recognizes instead that the tragedy is the human cost of sustained underperformance by public systems meant to protect life. When a large commercial building remains unsafe despite known deficiencies, when audits do not result in compliance, when the building-control record is incomplete, when coordination structures remain on paper, and when rescue is attempted without fully exploiting available opportunities, the eventual loss is not merely accidental. It becomes the foreseeable product of systemic failure.

Therefore, those who perished in Gul Plaza Inferno were lost not only to flame. They were lost to delay, to darkness, to locked exits, to blocked windows, to absent systems, to unimplemented audits, to fragmented authority, and to a civic order that did not protect them in time. The present case is a grave indictment of the failure of municipal and provincial systems, over time, to translate legal duties concerning urban safety into effective protection on the ground.

Agha Faisal, J
Gul Plaza Inferno
Commission of Inquiry

Commission of Inquiry

1. Agha Faisal, J

Secretariat

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