

HC orders finalisation of Banani's Sheraton Hotel building share distribution

After this court order, there remains no barrier to conducting Sheraton's operation

Staff Correspondent

The High Court has ordered the Dhaka North City Corporation (DNCC) and Borak Real Estate Ltd to decisively settle the stake both parties have on the multi-storied building of five-star hotel Sheraton – located on Banani's 33 Kamal Ataturk Avenue – within a month.

A landmark in the city's Banani area, Sheraton was jointly developed by the then Dhaka City Corporation and Borak, and the land is owned by the DNCC. According to the deal, the DNCC owns 40 per cent of the 15th to 28th floor of Sheraton building, while Borak owns 60 per cent.

After ordering the settlement of the Sheraton stake at a hearing on Tuesday, the High Court bench of justices Md Nazrul Islam Talukder and Khizir Hayat asked the parties to submit a compliance report. It then fixed October 9 for the next hearing.

It should be noted, that in the 18th and 19th board meeting of DNCC, presided over by the then mayor, it was decided through negotiation between both parties that the city corporation's stake in the Sheraton was raised from 30 per cent to 40 per cent.

The DNCC, through two letters in March and August this year, had informed the matter to local government secretary.

Senior lawyer Barrister ABM Altaf Hossain represented Borak Real Estate in the court, accompanied by lawyers Md Abu Taleb and Sheikh Mosfeq Kabir. Meanwhile, lawyer Imtiaz Moinul Islam Neelim and Imam Hasan represented DNCC and RAJUK respectively. Deputy Attorney General Saifuddin Khaled represented the state.

During Tuesday's hearing, DNCC lawyer Neelim said, "We have informed the Local Government Division on matters of Sheraton construction and stake distribution of the Sheraton building.

"The city corporation does not have more



than 22 per cent share on any building constructed on their land. Only Borak provided a 30 per cent stake on the lower floors of the building. From the 15th to the 28th floor, we received a 40

per cent stake according to the deal."

"When taking into account the ownership of 25 per cent common area, the city corporation

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- *HC orders settlement of stake within 30 days*
- *Sheraton built as per law, DNCC benefitted*
- *Borak offered the highest share to DNCC*
- *DNCC owns around 55% to 65% of Sheraton*

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owns an average of 55 per cent to 65 per cent of the building and shops. We are satisfied with this agreement," he added.

Borak Real Estate's lawyer ABM Altaf Hossain said, "The matter has reached a settlement, and the city corporation will get their proper stake. This order will settle a matter that has remained pending since 2015."

During the hearing, the court told the DNCC lawyer that Borak is ready to hand over the Sheraton stake, so the city corporation should finalise a settlement and inform the court accordingly.

Later, DNCC lawyer Neelim told reporters that now the DNCC will go ahead with the due process, and both parties will sign a settlement to take possession of their respective stakes within 30 days.

Echoing the same, Borak's lawyer Barrister ABM Altaf Hossain said, "The city corporation will submit an agreement in this regard within a month. We will then be able to settle claims on the Sheraton building decisively.

"A draft agreement has been submitted to the court, and it has directed us to finalise and implement this."

Hossain continued, "We have told the court that there has been no violation of the rules here. The construction of this building was completed with all necessary approvals. The city corporation has benefited from the venture.

"There are authorised officers appointed by the government in the city corporation for this purpose. They approved the construction of the Sheraton building in accordance with relevant rules and procedures."

On October 20 last year, the court had ordered the DNCC to submit the draft agreement and construction approval for the distribution of stakes on the 15th to 28th floors of this multi-storied building.

On June 12 this year, the High Court ordered Borak Real Estate and DNCC to reach a consensus to settle DNCC's due stake in the building within two months according to the building construction contract, conventional law and equity.

Following the directive, the DNCC and Borak Real Estate presented their agreement and stake distribution report to the court on Tuesday.

Despite readily available facts, national daily the Prothom Alo recently published a news article on Sheraton earlier this year, presenting ill-motivated, confusing, incomplete, and untrue information to tarnish Borak's image.

Then Borak Real Estate served a legal notice to Prothom Alo Editor and Publisher Motiur Rahman, and its correspondent Mohammed Mostafa over the defamatory report.

The notice demanded removal of news regarding Sheraton from Prothom Alo's online and social media without delay, payment of Tk 500 crore as compensation for the loss of reputation of the clients Borak Real Estate and Mohd. Noor Ali.

On June 26, a complaint was filed against them with the Press Council as well. The Press Council took cognisance of the complaint and asked the defendants to show cause by September 11.

Meanwhile, lawyer Syed Sayedul Haque Sumon filed a writ in the High Court on the baseless report published in Prothom Alo.

The project is jointly owned by Borak Real Estate and Dhaka North City Corporation. The share distribution process of the 15th to 28th floors of Sheraton has already been approved by the two parties in a DNCC board meeting with the mayor in chair.

The DNCC's shares in the project have increased from 30 per cent to 40 per cent. No parties have ever raised any question regarding the allotment of

shares up to the 14th floor of Sheraton.

It should be noted that the Bangladesh University of Engineering and Technology (BUET) vetted the structural design of a 30-storey building, which was then approved by city corporation authorised officer (chief engineer) as per regulations.

After a proper vetting and approval process carried out by BUET and the city corporation respectively, Borak Real Estate secured clearance for construction of 30 storeys from the Dhaka Metropolitan Police (DMP), Fire Service and Civil Defence, TITAS, Department of Environment, DESCO, and Dhaka WASA in 2007.

Borak Real Estate then built the 28-storey Sheraton on 60 katha land owned by the DNCC. Later, in 2022, the establishment's as-built and structural design was vetted yet again, and handed over to the DNCC.

In 2011, the then CEO of DNCC sent a letter to the Local Government secretary stating that the construction of 30 floors – an increase from 15 – has been approved by the then mayor Annisul Huq.

Annisul took the initiative to resolve any outstanding issues between the two parties through discussion and informed Borak Real Estate in writing on May 31, 2015.

Govt to provide

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2019 when the kitchen staple was sold for Tk 300 per kg.

Alongside strict market monitoring, the Ministry of Commerce has taken the initiative to increase imports through TCB and the private sector.

Meanwhile, the Ministry of Agriculture is working actively to increase the production of early varieties of onions.

Consumers expect that the prices will remain under control if domestic summer onion production is increased.