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Welfare & Maint Society  
GHS 79, Sect 20, Panchkula

28 Aug 2017

AWHO Cell,  
HQ Western Command

PAYMENT OF 3<sup>RD</sup> ENHANCED COMPENSTION FOR LAND AT SECTOR 20, PANCHKULA

1. HUDA had raised a demand of Rs 6,83,83,120/-on account of 3<sup>rd</sup> Land Enhancement for Sandeep Vihar vide letter No Z0004/E0012/UE020/DELET/0000000093 dated 14/01/2016 (copy att at Appx A) addressed to MD, AWHO. It was stipulated that the amount be paid within 30 days, failing which interest at 15% per annum would be levied till the date of payment.
2. The Society unofficially learnt from HUDA staff about the demand and requested AWHO, vide letter dated 22 Jan 2016 (copy att at Appx B), to clear the payment by the due date and recover the amount from allottees, as had been done in the case of earlier land enhancements.
3. The request was reiterated vide letter No 1005/GHS 79/ELS/2015-16 dated 3 Feb 2016 (copy att at Appx C), wherein AWHO was again requested to make the payment on schedule. It was pointed out that the Society was not in apposition to do so for the following reasons:-
  - (a) Only about 150 residents reside in the complex.
  - (b) Addresses of remaining officers are not known to the Society.
  - (c) Society cannot take a bank loan, since the Title of the land rests with AWHO.
  - (d) HUDA deals with AWHO as the owner and not with RWA.
4. AWHO, vide letter No B/03003/59/AWHO (PKL-20) dated 10 Feb 2016 (copy att at Appx D), expressed inability to make the payment on the grounds that all members had not paid back the dues on account of second land enhancement and also due to insufficiency of funds with AWHO to do the needful.
5. During the period, numerous telephonic requests were also made to concerned officers at HQ AWHO to have the payment made by due date, in order to avoid addition of interest. However, the payment was not made by AWHO.
6. AWHO was again requested, vide letter No 1004/RWA/ghs-79 dated 15 Feb 2016 (copy att at Appx E), to make the payment by arranging a bank loan, as had been done earlier and in case this was not possible, then to transfer the Title of the Land to the Society to enable it do the needful.

7. In response, AWHO forwarded a list giving breakdown of dues from each owner vide letter No B/03015/7/Misc/F&A/AWHO dated 10 March 2016 (copy att at Appx F). There has been no further response since then.
8. It is to be noted that due to inaction on the part of AWHO, the amount due to be paid to HUDA, now stands at Rs 8,29,14,533, after application of interest at 15% pa. It is increasing at the rate of Rs1,02,57,468 annually or Rs 8,54,789 monthly.
9. It is once again reiterated that timely clearance of the dues to HUDA are the responsibility of AWHO for the following reasons:-
- (a) AWHO is the Title holder of the land.
  - (b) HUDA deals directly with AWHO and not with our Society, because we are only an RWA. All its correspondence is addressed to AWHO and AWHO remains the owner in their records.
  - (c) AWHO has allotted the Flats to all the owners and is entitled to revoke the allotment for noncompliance with its orders .
  - (d) AWHO has taken a commitment from all owners, at the time of allotment, making them liable to pay future enhancements. (Para 68 of Master Brochure, copy att at Appx G)
  - (e) All financial dealings in respect of the Flats are between the AWHO and owners. Only AWHO has records of the proportionate liability of each allottee
  - (f) AWHO controls the sale /resale of Flats and thus has complete control over allottees. (Para 80 and 84 of Master Brochure , copy att at Appx G).
  - (g) Dealing with collections of money in Crores of Rupees is beyond the charter of duties of the Welfare Maintenance Society, as specified in the AWHO Master Brochure (para 77 of Master Brochure, copy att at Appx G)
  - (h) AWHO has taken necessary action on the previous two Land Enhancements. The first, prior to the handing over and the second after the handing over. Sample copy of the letters issued for Second Land Enhancement is attached at Appx H
  - (j) AWHO can take a bank loan to clear the dues and recover the same from the allottees.
  - (k) In case some owners have not paid the previous land enhancement, then legal action to cancel their allotment should be initiated. This should not be used as an excuse to relieve itself of its responsibility and cause continuing financial loss to the allottees who have made previous payments on time.
10. The reasons why the Society cannot undertake this mammoth exercise are as under :-
- (a) The Society cannot take a bank loan in absence of Title of the Land.

(b) The Society has no records of the current address of 400 plus members staying outside the Society.

(c) The Society does not have the details of financial liability of each individual.

(d) Furthermore, the Welfare and Maintenance Society does not have the wherewithal and capabilities to handle such large financial collections, being a body of volunteer veterans.

(e) HUDA does not accept part payment from some owners. It requires complete payment, which the Society is incapable of making

11. In view of the above, intervention of HQ Western Command are requested for their good offices in resolving the imbroglio at the earliest, please.

(R S Rathee)  
Colonel  
President

Encls:- Appces A to H

Copy to:-

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