

SANDEEP VIHAR (AWHO) WELFARE & MAINT SOCIETY, GHS 79, SEC 20, PANCHKULA
SPECIAL GENERAL MEETING HELD ON 24 SEP 2017

MINUTES OF THE PROCEEDINGS

Agenda

1. To consider and approve the proposed amendments to the Bye Laws of the Society.

Quorum

2. Under the provisions of Para 29 (3) of The Haryana Registration and Regulation of Societies Act, 2012, the required Quorum for the meeting was 40% of total members, i.e. 222 of 555 members. Under provisions of Para 55 of Annexure 5 to Haryana Registration and Regulation of Societies Rules, 2012 and Para 55 of the Society Bye Laws, members unable to attend the meeting personally are entitled to send their concurrence or reservation through electronic, means or letter. Accordingly, intimation was sent by Email, Speed Post and by Hand Delivery to the members, at the addresses available with the Society.

3. The final response was as under:-

(a)	Physically Present	49	
(b)	Letter	57	(All concurred)
(c)	Email	152	(All concurred)
	Total	258	

4. With total participation of 258 members (47 %), the Quorum was achieved.

Welcome Address

5. Col R S Rathee the President, welcomed all members who had made the effort to attend personally, as well as the members, who being unable to attend had forwarded their views by Letter and Email.

6. He highlighted the fact that the amendment to Bye Laws had been necessitated by the amendment to the HRRA, 2012, which had changed the requirement for our Society from Collegium System to General Body System. This amendment should, in fact, have been done in 2015, when the amendment was issued.

7. The proposed amendments had been compiled by a Board of Officers comprising as under:-

- (a) Brig Sarjit Singh
- (b) Col J S Jereyal
- (c) Brig D K Mohan, SM
- (d) Col H O Khandelwal
- (e) Mr S C Pathania - did not join deliberations.

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8. These proposals were disseminated to all members by Speed Post, Email and Hand Delivery, as per records held in the office. The responses which were received were analysed by the Board of Officers and the original proposals were amended, where merited. Thereafter the same were approved and disseminated through the same means. The final amended proposals were placed before the House for discussion.

Deliberations

9. **Quorum.** Mr Subhash Pathania opined that the Quorum must be complete before the meeting can resume. The President explained that the Quorum had already been completed due to the combined total of the Emails, Letter replies and members present. Details of the same were read out.

10. **Para 6 (ix) of Bye Laws.**

Existing By Law

Each member shall have right to vote, to be cast in person. No proxy is allowed

Proposal

Each member shall have right to vote, to be cast in person. No proxy is allowed. However, in case of Joint Registrants, the Second Registrant may be permitted to vote under provisions of Para 7

Discussion

Mr Subhash Pathania objected to the addition of the words "However, in case of Joint Registrants, the second registrant may be permitted to vote under provisions of Para 7 of the Bye Laws". The President explained that this provision which already existed in para 7 had been added here to avoid confusion in future. After discussion, it was decided to reject the proposed change.

11. **Para 8 (x).**

Existing By Law

Members of Managing Committee cannot contest re-election for at least one term after having served in last two consecutive Managing Committees.

Proposal

Delete Para.

Discussion

Mr Subhash Pathania opined that the existing provision not be deleted. The President explained that this clause was not in conformity with the HRR Act or HRR Rules. Further, it was not upheld by the Registrar when some members had raised the issue with him during the last elections. Col PJA Atwal observed that the provision must be retained in the overall

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interests of the Society. This opinion being confirmed by the house, it was decided to reject the proposal and retain the existing provision.

12. **Para 14 (iii).**

Existing By Law

Every vote, be it exercised by the member or by the duly authorized joint member, shall be cast in person. Proxy voting is not permitted

Proposal

Every vote, be it exercised by the member or by the duly authorized joint member, shall be cast in person. Proxy voting is not permitted. Provided that the member may communicate such authority in favour of the joint member through electronic mail with a copy thereof duly endorsed to the Secretary of the Association.

Discussion

Mr Subhash Pathania observed that the reference to "Secretary" should be amended to "General Secretary". This was agreed to

13. **Para 39 (vi).**

Existing By Law

Concurrent/Internal audit shall be under taken by members nominated for the same by the Managing Committee.

Proposal

New Para. Biannual Audit Board of Accounts will be conducted in January and June under orders of the Managing Committee and placed before the subsequent General Body Meeting.

Discussion

Col S K Chauhan suggested that the proposed Audit Boards should be held quarterly, instead of biannually as proposed. The President explained that the new provision had been added to ensure financial accountability, because earlier, it was not mandatory to hold Audit Boards. However, with the limited number of transactions and few volunteers to undertake such tasks in the Society, the purpose would be served by Biannual Audit Boards. The proposal was approved without change.

Lt Col Kulwant Singh proposed that a new provision be inserted requiring audit of central services like electricity and water. The President clarified that these were a part of normal management functions. This was accepted by the House.

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14. **New Para 40 A (b).**Proposal

Annual Stock Taking Board of Property will be done in the first week of June by a Board of Officers to be detailed by the Management and unserviceable items will be written off. The details of the same will be placed before the AGM

Discussion

Col S K Chauhan suggested that the existing para be elaborated upon to include the provision of a Conditioning Board to classify property as serviceable, repairable or unserviceable. This was agreed to.

15. **Para 42 (iii).**Proposal

The payment of monthly maintenance charges shall be half yearly which would become due, in advance, on 1st Apr/1st Oct to be paid by 31st Mar/ 30th Sep and thereafter a penalty @ 18% per annum (simple interest) of the due amount shall be imposed with effect from the due date viz, 01 Apr /01 Oct as the case may be.

Discussion

Many members felt that while the dates for payment should be changed to Apr and Oct to conform to the financial year, the 20 day grace period, i.e. 20 Apr and 20 Oct should be retained since many members are posted in far flung areas. Col P J S Atwal opined that the penal interest for delayed payments should be applicable for the period of delay only. Both amendments were accepted by the House.

16. Remaining proposed amendments, as under mentioned, were approved without any changes.

17. **Para 2 (vii)**Existing Bye Law

"Collegium" means an intermediate body consisting of elected representatives of members of the Society constituted as such, as the number of members exceeds three hundred and shall act as the General Body for all intents and purposes;

Proposal

Delete

Discussion

The amendment was accepted by the House.

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18. References to Collegium

Existing Bye Law

Paragraphs 2 (vii), (ix) and (xiv), 8 (viii) and (xi), 9 , 9 (i), (iii) and (vi), 10, 12 (i) and (ii), 14 (i) and (ii), 15 (iv), Chapter III, 18, 18 (i), (i) (a), (b), (b) (aa), (bb), (cc) and (dd), (ii) (a) and (b), 22 (ii), 25 (i), 28 and Appendix-A. The word 'Collegium' and all aspects referred or linked to 'Collegium' be deleted where ever existing and the word 'Collegium' be replaced by 'General Body' where ever necessary.

Proposal

Delete reference to Collegium or amend aspects linked to Collegium, wherever existing.

Discussion

The amendment was accepted by the House.

19. Para 6 (vii)

Existing Bye Law

An application as per Form X of the Rules shall be submitted for admission as a new

Proposal

Every person admitted as a member will provide his details, as are required to be filed with the District Registrar and will be responsible to ensure that these are updated whenever there is a change.

Discussion

The amendment was accepted by the House.

20. Para 10

Existing Bye Law

Meetings of the General Body/Collegium shall be held either at the Housing Complex or any suitable place convenient to the owners as may from time to time be designated/decided by the Managing Committee.

Proposal

Meetings of the General Body/Collegium shall be held at the Housing Complex.

Discussion

The amendment was accepted by the House.



21. Para 14 (i).

Existing Bye Law

The quorum for every general meeting, annual or special, shall be 40% of the Members of subject to a minimum of 25 members present and voting.

Proposal

The quorum for every general meeting, annual or special, shall be 40% of the Members.

Discussion

The amendment was accepted by the House.

22. Para 15 (iii).

Existing Bye Law

If no aforesaid quorum is present in the re-convened meeting, a total of 25% of total members subject to a minimum of 16 members present and voting shall constitute the quorum of the re-convened meeting and the matters decided

Proposal

The quorum in a re-convened meeting shall be not less than 25 % of the members entitled to vote and present. Further, in case such meeting is adjourned for a second time for want of reduced quorum of 25%, the quorum for such adjourned meeting shall be 15% of members entitled to vote and present.

Discussion

The amendment was accepted by the House.

23. Para 17

Existing Bye Law

Any matter required to be resolved through a Special Resolution may be decided at any general meeting, annual or special, which is attended by at least 40% of the total members subject to a minimum of 25 members and the proposal is approved by 3/5th of the members present and voting.

Proposal

Any matter required to be resolved through a Special Resolution may be decided at any general meeting, annual or special, which is attended by at least 40% of the total members or an adjourned meeting which is attended by at least 25 % of total members and the proposal is approved by 3/5th of the members present and voting.

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Discussion

The amendment was accepted by the House.

24. Para 19 (ii)Existing Bye Law

In case a majority of 2/3rd members of the Managing Committee express their lack of confidence in any office-bearer/member, for whatsoever reason, they shall be competent to suspend such office-bearer/member from office till such time the matter is considered at the general meeting of the Society for his removal and so resolved. Provided that the Managing Committee shall convene a General meeting as soon as possible, but not later than 30 days of such decision, to consider the removal of such office-bearer/member. The successor of any office-bearer/member removed from the office shall be elected at the same general meeting of the Society.

Proposal

In case a majority of 2/3rd members of the Managing Committee express their lack of confidence in any office-bearer/member, for whatsoever reason, they shall be competent to suspend such office-bearer/member from office till such time the matter is considered at the general meeting of the Society for his removal and so resolved. Provided that the Managing Committee shall convene a General meeting as soon as possible, but not later than 30 days of such decision, to consider the removal of such office-bearer/member.

Discussion

The amendment was accepted by the House.

25. New Para 26 (ii)Proposal

Present a budget during the General Body Meeting in February for approval of expenditure during the subsequent year, ensuring that any Projects planned are accompanied by Project Reports and firm estimates for approval.

Discussion

The amendment was accepted by the House.

26. New Para 26 (xiv)Proposal

Approve new tenants in the Society in accordance with rules framed by the Management.

Discussion

The amendment was accepted by the House.

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27. Para 39 (vi)Existing Bye Law

Concurrent/Internal audit shall be undertaken by members nominated for the same by the Managing Committee.

Proposal

Biannual Audit Board of accounts will be conducted in June and January under orders of the Managing Committee and placed before the subsequent General Body Meeting.

Discussion

The amendment was accepted by the House.

Special Resolution

28. The President placed the Special Resolution before the house.

“The Special General Meeting held on 24 Sep 2017 at 10 AM resolves that the Bye Laws of the Society be amended as per the changes approved.”

29. The proposal was unanimously approved by the House.

Closing Points.

30. The President confirmed that with the approval of amendment to Bye Laws, the GBM would be convened shortly. Other points from members would be discussed at that stage. He however requested that points for discussion be sent at least one week in advance in order to enable detailed examination, unlike in the present instance, where these had been given up to 48 hours in advance.

31. The meeting closed at 1200 hours after smooth, free and frank discussion.



Lt Col Rohit Mittal (Retd)
General Secretary



Col R S Rathee (Retd)
President