

SANDEEP VIHAR (AWHO) WELFARE AND MAINTENANCE SOCIETY
RE-ADJOURNED GENERAL BODY MEETING HELD ON 08 SEP 2019
MINUTES OF THE PROCEEDINGS

Attendance

1. Re-adjourned Annual General Meeting was held on 08 Sep 2019, which was attended by 94 out of 535 eligible members (17.6% attendance against required Quorum of 15 %).

Agenda

2. (a) Welcome Address by President and Annual Report.
- (b) Consideration and approval of accounts and audit report for the FY 2018-19.
- (c) Passing of Minutes of the AGM held on 30 Jun 2019.
- (d) Discussion of Agenda Points.

Welcome Address and Annual Report by the President

3. The President informed the House that the meeting was being video graphed on the directions of the District Registrar, pursuant to an application by Col S K Chauhan and others.

Fire Fighting System

4. The President explained that the major problems with the System were as under :-

- (a) Pumping Station and stand by Generator Unserviceable.
- (b) Roof Tanks Water Supply System by passed in some Blocks.
- (c) Roof Top Pumps non functional.
- (d) Some Roof top Pumps without protection.
- (e) Motor Starters not working.
- (f) Sirens not working.

5. He explained that, revival of the Fire Fighting System had been a priority for the management and during the last financial year, the Fire Fighting Extinguishers were made serviceable and ground level firefighting system was revived. During the current financial year, the following had been completed:-

- (a) Roof Top Pumps have been repaired.
- (b) Deficient protection covers replaced.
- (c) Starter Systems repaired in all Blocks.
- (d) Siren System repaired in All Blocks on all Landings.
- (e) Deficient Brass Nozzles and Adapters replaced with Steel items.
- (f) Leaking overhead tanks repaired.

6. As a result of these actions, the Fire Fighting system stood fully operationalised and testing of all Blocks had been completed. Two major problems remained - missing/damaged Non-Return Valves (NRVs) and damaged rubber and fabric hose pipes. He informed that the NRVs would be repaired within the existing budgetary

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provisions. The hose pipes would also be replaced on as required basis, for which separate financial approval might be required. A rehearsal of fire drill would be held for residents in the near future.

7. He further informed that the brass fitments were prone to theft. The ones already stolen had been replaced with steel fitments. In order to avoid further loss, it was proposed to dispose of the remaining brass items for best recoverable value and replace them with steel items.

8. He lauded the dedication of Maj H S Luddu in reviving the system single handedly.

Electrical System

9. The President reminded that approval of GBM was accorded on 18 March 2019 to purchase HT 11KV Electrical Panel including VCB, installed at Gate No 3, which had been defunct for many years and the system altered by bye passing the same. This had since been installed. He proposed that possibility of repair of the old system also be explored and if feasible, this should be repaired and kept as reserve for any future contingency. The proposal was approved by the House.

10. The President recalled that prior to delivery of the item, two other VCBs had packed up simultaneously. While normal supply was restored speedily, power supply to eight Blocks remained suspended. The damaged VCBs were repaired on a war footing and power supply restored. One VCB considered beyond repair is currently being revived and will provide backup and help to avoid similar breakdowns in future.

11. He lauded the dedication and professional competence of Capt G C Bhatt, which had helped in maintaining the electrical system.

Water Supply and Sanitation

12. The President reminded that in spite of acute water shortage during Jul and Aug 2019, adequate supply was ensured for residents. Sewerage and Storm Water Drains were cleansed prior to monsoons. As a result, no water logging occurred, except near E-3 Block where the HUDA Storm Water inlet is too small to absorb our outflow at the same speed.

13. He lauded the efforts of Hav Ashok Bali assisted by Rajesh Mullick plumber.

Lifts

14. The President informed that there had been minimal complaints after installation of ARDs. He stated that Controller and Drives of five Lifts had been replaced this year and remaining upgradation would be carried out progressively on as required basis. Flooring of all Lifts had been replaced and painting was in progress.

15. He informed that M/s VE Lifts certified the safety of the Lifts along with the monthly AMC bill.

Beautification of the Campus

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16. The President informed that the following repairs and beautification measures had been completed: -

- (a) Repair and painting of boundary walls.
- (b) Painting of Road side Berms.
- (c) Repainting of Letter Boxes and Electricity Meter Rooms
- (d) Repair and painting of Sports Complex fencing and floor.

Projects in Hand

17. The President informed that repair of the broken cement grills of water pipes shafts and their painting had commenced.

18. Lightning Conductors Earthings. He informed that all 32 underground earthing points had been tested for serviceability but only six had been found to be within acceptable limits, while three were totally dead. One earthing had been dug up in E13 Block and was found to have just a one foot long angle iron connected. He intimated that all the earthings found below the acceptable limits would be dug up and rectified.

Progress on Writ Petition against HUDA

19. The President informed that the Three Judges Committee to define Common Areas had submitted its report to HUDA on 31 March 2019. Extensive material contradicting the HUDA stand was obtained by us thorough 141 RTI applications. The same was placed before Three Judges Committee and formed the basis for much of the Report. The Report defines Common Areas entirely as prayed by us in our court case. However, two crucial disparities remain, which affect Sector 20 – merger of Sector 20 (Part 1) with Sector 20 (Part 2) and 90 % of enhancement of Ashiana land to be shared by us.

20. During the last hearing on 22 Aug 2019, the Three Judges Report has been accepted in our case documents by the Hon'ble High Court in spite of stiff opposition from HUDA. This will require us to argue on fewer issues. Final arguments are slated for 05 Dec 2019.

21. In a simultaneous development, HUDA has accepted the Three Judges Report, and issued fresh policy letter on method of calculating enhancement, leaving the two points mentioned earlier which are crucial to our case.

Security

22. The President informed that over 1000 Boom Barrier tags have been taken by residents. However, some members continue to avoid taking the tags. This undermines the planned security system by causing delays at the gate. They force their way through the security with threats etc. The President proposed that, approval of the House be accorded for every vehicle entering the Society from the Non-Tag Gate to be required to follow verification procedure as laid down for Guests. The proposal was unanimously approved.

All is Well App

23. The President reminded that our Society was the first in the Tricity to adopt the App. Now over 25 Societies were using it and the company has setup a service centre

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here. The App was functioning effectively in Gurjinder Vihar, Greater Noida, which is a Township. He intimated that the App had now introduced more facilities including intimation of vehicle leaving the Society Campus to the owner, as also intercom between all members. Unfortunately, some members had not downloaded the App, thereby preventing optimal effectiveness for the society.

24. He informed that details of in living members who had not downloaded the App, would be disseminated shortly and exhorted all such residents to make use of the App.

Transparency in Functioning

25. The President informed that the Society website "sandeepans.com" was a repository for all information pertaining to the Society. The following information had been posted for permanent reference: -

- (a) Minutes of all Management Meetings and GBMs.
- (b) All Balance Sheets, Income Expenditure Statements, CA Audit Reports and Internal Audit Reports from 2009 to 2019.
- (c) Monthly income expenditure state from Sep 2016 onwards.
- (d) Society Bye Laws, HRRS Act, HRRS Rules, Apartment Act etc.
- (e) Tenders for all high value works in the Society.
- (f) Procedure for Settlement of House Tax along with UID Nos.

26. He clarified that another financial website has been provided to us by Kotak Mahindra Bank - "sandeepans.in". Individual account statements can be checked on this website. Payment of Society Charges can also be made through this Website and will reflect directly in the Flat account. Receipt will be simultaneously generated.

27. Col Sandeep Nautiyal observed that, UID Numbers metal plates of our flats affixed by the Municipal Corporation on our flats entrance, were at variance to the actual numbers. He requested the Management to approach the Municipal Corporation to obtain the correct list, which would help members to obtain the correct plate.

Use of Electronic Media for Dissemination of Infoamtion

28. The President intimated that Para 13 (ii) of Society Bye Laws stipulates:-

"The notice of any meeting displayed on office notice board/ sent by electronic mail to the email ID of the members shall be an accepted mode of service of such notice".

29. He reminded that, apart from the Office Notice Board, Central Notice Board and Blocks Notice Boards, all intimations are posted on the website, Google Groups and WhatsApp Groups. They are also sent by Email to the email address available.

30. He exhorted all members to ensure that their contact details including email were available with the Society Office in order to avoid missing out on important notices. An exercise would shortly be undertaken to verify all email IDs and seek Email IDs of those members in respect of whom it is not available.

Accounts for Financial Year 2018 - 2019

31. The President placed the accounts for FY 2018-19 and the CA and Internal Audit Reports for the same period before the House.

32. The Accounts and Audit Reports were proposed to be passed by Brig Sarjit Singh and seconded by Brig Raghuvender Kapoor. The same was adopted by the House.

33. The President highlighted that improvement in the Corpus Fund, based on the CA Reports. The increase during the period of office of the current management had come about due to improved revenues from setting up stalls and hiring out redundant space. This was primarily due to the efforts of Lt Col Rohit Mittal, General Secretary. This was appreciated by the House.

FINANCIAL YEAR	CORPUS FUND	INCREASE
2008-2009	1,11,20,000	0
2009-2010	1,11,20,000	0
2010-2011	1,11,20,000	0
2011-2012	1,11,20,000	0
2012-2013	1,11,20,000	0
2013-2014	1,11,20,000	0
2014-2015	1,11,20,000	0
2015-2016	1,11,20,000	0
2016-2017	1,12,76,000	1,56,000
2017-2018	1,18,20,000	5,44,000
2018-2019	1,31,42,589	13,22,589

34. He also highlighted the reduction in electricity bills of the Society, in spite of increased rates, due to effective conservation measures: -

YEAR	ELECTRICITY BILL	RATE PER UNIT
2012-13	₹ 30,44,901	₹ 5.88
2013-14	₹ 34,42,978	₹ 5.88
2014-15	₹ 33,61,340	₹ 5.98
2015-16	₹ 36,03,308	₹ 6.75
2016-17	₹ 29,25,276	₹ 6.75
2017-18	₹ 27,48,959	₹ 7.10
2018-19	₹ 26,19,213	₹ 7.10

Passing of Minutes of GBM of 30 June 2019

35. Lt Col Kulwant Singh observed that certain issues discussed on 30 Jun 2019 had been represented to the District Registrar and should therefore not be passed,

36. Brig D K Mohan stated that the Minutes were merely a record of the discussion and thus were not affected in any way by the representation.

37. The Minutes were proposed for passing by Col B S Chowdhary and seconded by Col Rajeev Khanna and were approved by the House.

Agenda Points

38. The President observed with anguish that during the last few weeks there had been several multi-pronged attempts to malign, defame, degrade, detract and derail the management from normal functioning. In doing so, letters had been written to

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various external agencies, which impacted not only the management, but the entire Society. He exhorted members who had attended various meetings of the General Body to recall what was discussed during the meetings and what had been projected in the complaints.

Point No 1 – Letters Written by Lt Col J S Jeryal to Various Authorities

39. The President reminded that house that the issue of letters written by Lt Col J S Jeryal of 14 Mar 2019 to District Registrar, Estate Officer, HUDA, GOC-in-C Western Command and AWHO, 19 Apr 2019 addressed to District Registrar with copy to State Registrar and 19 May 2019 addressed to District and State Fire Authorities had been elaborated upon during the GBM of 30 Jun 2019. However, the points could not be closed because of the absence of Lt Col J S Jeryal at that meeting.

40. He reminded that the issues raised in the first two letters like non functioning of Swimming Pool, Tennis Court and Club etc had been discussed during the GBM of 18 March 2019 and agreed to by the House. The other issues like no transparency in issuance of Tenders was also baseless, since tender notices for all important works were placed on the Notice Board, Society WhatsApp Groups and Society Website. The quotations received and Opening, Negotiation and Acceptance Board Proceedings, as applicable, were placed in individual files. These had been scrutinised and positively commented upon by the Internal Audit Board. No such record was available in office records prior to 13 Aug 2017.

41. As far as complaint to the Fire Authorities was concerned, the non-functional state of the Fire Fighting System since the beginning was known to all members. The present management had promised to rectify the system as part of its campaign promise. The progress in this effort and the deadline to complete the project had been given out in the GBM of 18 March 2019. Yet, the letters to the Fire Authorities stated that "It is brought to your kind notice that the Fire Fighting System of our Society viz. GH 79, Sector 20, Panchkula has not been properly functional for the last two years. In spite of pointing this lapse a number of times to the President, Col R S Rathee in various forums like GBMs/AGMs etc, no adequate action has been taken except placing a few fire extinguishers, here and there in Blocks some of which have gone over dated/not timely filled. This wilful inaction on the part of the President has put the life of all 556 residents' families in our housing complex in danger".

42. Lt Col J S Jeryal replied that he had written the letters to various authorities because of concerns for his own safety and safety of other residents. He stated that he would continue to do so in future as well, because it was his right to do so.

43. Brig D K Mohan observed that it was very unfair to state that the system has not been properly functional during the last two years, when in fact, it has never been functional. He reminded Lt Col J S Jeryal that no action to rectify the system had been taken at any time during the period when he was President or by the many managements thereafter. The present management deserved praise for its efforts, but instead was being blamed for deficiencies of the past.

44. Brig D K Mohan further elaborated that writing to various authorities was infructuous, because most of them did not hold any authority over the Society. In particular, AWHO and HQ Western Command had no connection with the functioning of the Society. The District Registrar's role was very limited and did not cover decision making and functioning of the Society so long as the same were not contrary to the

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HRRS Act and Rules. Thus, all that was achieved by writing to them was giving adverse publicity to Sandeep Vihar.

45. The President thereafter proposed that the issue be closed, which was approved by the House.

46. The President then informed that House that Lt Col J S Jeryal had hired a Flat on the First Floor of E5 Block and had refused to pay the amount of Rs 3,000/- for lift charges on the grounds that he had not used the Lift. This exemption had never been given in the past. He requested the House to decide the course of action.

47. Sh S C Pathania stated that during the period that this had been permitted in the past when he had held the appointment of General Secretary. The President pointed out that previous transactions had been checked but no such reduction had been found and invited Sh S C Pathania to come to the office and show any such dispensation as claimed. Col Rajiv Khanna stated that if a special dispensation was given in the present case, it would form a precedent for the future.

48. Lt Col J S Jeryal expressed his hurt that the issue had been brought before the GBM, to which the President replied that, there was no option before the management since a precedent was being established for the future. Lt Col J S Jeryal observed that some consideration was required to be given to Service Personnel and their children. This proposal was vehemently objected to by many members. A number of members demanded that the amount in question be paid by Lt Col J S Jeryal, which was agreed to by him.

Point No 2 – Legal Notice by Some Members Who Have Repurchased Flats

49. The President informed the house that, a legal Notice had been received from Mr Yash Pal Malik, Advocate on behalf of the following members for return with interest of contribution made by them at the time of repurchase of Flats towards the “Members Additional Corpus – Disaster/Long Term Maintenance Fund”:-

- (a) Col V K Singh (D4/701)
- (b) Maj Gen Anil Kumar (E3/703)
- (c) Brig S S Jaswal (E6/404)
- (d) Shri Pushpinder Kalia (E9/604)
- (e) Shri Sunit Bansal (D5/704)
- (g) Smt Seema Malik (E9/502)
- (h) The name of another member had been added in pen, but he has since conveyed that he is in no way associated with the case.

50. The President explained the background to the issue as follows: -

(a) Shri Sunit Bansal came across a ruling of the Hon’ble Punjab and Haryana High Court of 09.05.2014, which pertained to the case of a Co-operative Group Housing Society charging Rs 1.00 lakh for transfer of membership. Shri Sunit Bansal raised the issue with the Management for inclusion of this point in the GBM of 18 March 2018.

(b) Legal opinion was sought on the issue and it was advised that, the ruling was not applicable to our Society for the following reasons: -

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- (i) There was a difference between Cooperative Societies and Registered Societies, both being under different Acts of Government.
 - (ii) The subject Ruling pertained to Cooperative Societies.
 - (ii) The Subject ruling pertained to a specific case and did not give generalised directions for all.
- (c) This was explained to Shri Sunit Bansal during the GBM of 18 March 2018 and the matter was closed.
- (d) With reference to the Legal Notice, it was clarified that: -
- (i) Contributions were made voluntarily by the concerned members.
 - (ii) No representation was made at the time by any of the members.
 - (iii) No representation was made by any of the petitioners till date of issue of legal notice.

51. The President asked Shri Sunit Bansal whether the discussion with him had been correctly recorded. The same was confirmed by Shri Sunit Bansal. Shri Sunit Bansal thereafter informed that, he had no intention of lodging a case against the Society and that the issue had been misrepresented to him. He stated that he was no longer a party to the case. The House appreciated his supportive spirit.

52. The President explained that the contributions toward the "Members Additional Corpus - Disaster/Long Term Maintenance Fund" had been approved by the GBM of 21 Sep 2014 and therefore, any decision to review it required the approval of the House. He therefore placed the question of whether the amount should be refunded to the litigants before the House for decision.

53. Brig Sarjit Singh expressed his view that the decisions had been taken in the first place because the original members had made a contribution for the future development of the Society at the very beginning and had subsequently paid for additional emergent requirements. If the refund to the few members was accepted, then all similarly placed members would be within their rights to seek recovery.

54. The President then placed the issue before the House for decision. The House unanimously resolved that no refund of any amount be made to the litigants and authorised the management to take any required legal action in response to the legal notice.

Point No.3 - Haryana Gazette Notification dated 22 June 2018

55. The President intimated that Haryana Government through a Gazette Notification had fixed the "Transfer Fee" for sale of apartment at a maximum of Rs 10,000/-.

56. The issue was discussed by the House and the following points emerged: -

- (a) Permission to transfer is given by AWHO and buy the Society. AWHO charges Rs 10,000/- as transfer charges.
- (b) The Society does not take any transfer charges. It accepts contribution towards the "Members Additional Corpus - Disaster/Long Term Maintenance Fund" at the time of joining. These are to offset contributions towards

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development made by original allottees at the outset and the other periodic contributions from time to time.

57. The House unanimously decided that the Society does not charge any transfer fee. Contribution towards "Members Additional Corpus - Disaster/Long Term Maintenance Fund" does not militate against the directions of the Government Notification and should, hence be continued.

Point No. 4 - Letter to Registrar after Door to Door Signature Campaign

58. The President informed the House that a letter had been received from the District Registrar purportedly signed by 20 members which sought setting aside the decision of the GBM of 30 Jun 2018 insofar as the Points No 5 regarding negotiation with AWHO over the issues before the NCDRC and Point No. 6 regarding Change of Name of the Society, on technical grounds. Further the District Registrar had directed the appellants to "approach the society on the date of GBM for redressal of issues" pertaining to the complaint.

59. Status of Signatories. The President stated that of the 20 signatories challenging the proceedings, 10 signatories had not even been present during the particular GBM, including the lead signatories - Col S K Chauhan and Lt Col J S Jeryal. Out of the 10 presents, two were non-members.

60. Background to the Case. The President thereafter explained the background of the case as follows: -

(a) The Resolution regarding mutual settlement of the case with AWHO was a follow up to the decision of GBM of 02 Sep 2018, wherein, it was decided to carry on negotiations with AWHO, without prejudice to the NCDRC case. He reminded that the decision taken on 02 Sep 2018 was that negotiation to continue with AWHO without jeopardy to the future of the case in the event of failure of mutual settlement.

(b) The issue had been brought before the House on 30 Jun 2019 because a better proposal of settlement of 50% of book cost of Office Building had been mooted and it required approval of the House for acceptance.

(c) The proposal had not been approved by AWHO since this had to be done by the Board of Governors.

(d) Thus, there had been nothing wrong with placing the proposal before the House on 30 Jun 2019

61. Discussion. He thereafter requested the members who had written the letter to the Registrar to present their case, in serial order of their signatures. Col S K Chauhan the lead signatory was not present.

(a) Lt Col J S Jeryal. Lt Col J S Jeryal stated that withdrawal of the case was not in the interests of the Society since it stood already admitted on merits.

(b) Col S C Joshi. Lt Col S C Joshi alleged that "people from within the Society who are having vested interest in the NCDRC Case had forced the

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Management to go for out of Court settlement, despite having no written commitments from AWHO". He did not clarify who the people with the vested interests were.

(c) Lt Col Kulwant Singh. Lt Col Kulwant Singh explained in detail the case lodged by the Society before the NCDRC. He further exhorted that the society should neither withdraw the NCDRC Case nor go for Out of Court Settlement as the case stands admitted on merits. He emphasised that there was likelihood of a large pay-out to individual members on the lines of the case of Vikram Vihar, Sector 27, Panchkula

(d) Col H O Khandelwal. In addition to the above, Col H O Khandelwal suggested that "in future, whenever we negotiate with AWHO or pursue the NCDRC Case, members of the team which prepared and filed the case in the NCDRC should be associated with the case".

(e) Col V R Rampal. Col V R Rampal stated that he was not in agreement with the decision of 30 Jun 2019 regarding the NCDRC Case and felt aggrieved that he had not been given an opportunity to speak during that GBM and had thus approached the Registrar for redressal.

(f) Shri S C Pathania. Shri S C Pathania raised the following points: -

- (i) The mandatory quorum of 25% required for a Special GBM was not present on 30 Jun 2019 and hence the same was invalid.
- (ii) The Society should "neither withdraw the NCDRC Case nor go for Out of Court settlement since it stands admitted on merit and an outcome of nearly 20 crores as per our writ petition was involved". He further suggested that some of the members who prepared the case be appointed to deal with the case.

62. Brig D K Mohan then asked the members propagating the continuation of the case, as to how many had actually read the entire case including rebuttals. Only two members answered in the affirmative. He thereafter clarified the various issues as under:-

(a) Admission of a case on merits implies that it has merely been admitted for hearing and decision on the basis of merits of the issues to be presented by both sides. It, in no way indicates that there is some perceived merit in our case. Thus, no extra meaning should be read into the fact that the case has been admitted on merits.

(b) Mutual negotiators are in the form of a Track II process. An in-principle understanding is arrived at which has to be approved by the competent authorities of both sides - the General Body in the case of the Society and the Board of Governors on case of the AWHO. When a mutually acceptable proposal was arrived at the same in the present case., the same had to be placed before the House for approval.

(c) As far as the technicality of Quorum was concerned, it had been clarified during the GBM of 30 Jun 2019 itself that, a Special Resolution was neither required nor being called for. The Special GBM had been so designated to conform to the requirement of due notice.

(c) He recalled that during the earlier days the same members used to assemble in the Club House and take decisions in the better interests of the Society. There were no quotes from various rules and regulations. We had not reached a stage where every action of the House was being questioned on some technicality or the other, which was a bad precedent for the future. He pointed out that there were contradictions within the various rules and Bye Laws, any one of which could be quoted to substantiate a case before external authorities. As an example, he mentioned that the interval for holding a Readjourned Meeting was one hour as per Society Bye Laws, two days as per the HHRS Rules and seven days elsewhere. He beseeched members, especially Shri S C Pathania, not to look for aberrations and contradictions in various rules, so long as the decisions were taken by the House and were in the interests of the Society.

63. Referring to the issue of the NCDRC Case, he complimented Lt Col Kulwant Singh on his exhaustive presentation. However, he pointed out that only our side of the case had been presented. No mention had been made of the replies given by AWHO before the NCDRC. The AWHO had pointed out that no building by the name of MI ROOM Building had been promised or constructed. Only an MI Room had been planned in the Community Centre and the building plans for the same had been marginally varied with the approval of HUDA to straighten out a projection which was coming in the way of the parking in front of the existing Community Centre. They had taken all approvals, and paid for the land and the construction. As a matter of fact, the Conveyance Deed of every member stated that the plot was 113 acres less 445 sq. mtr utilised for the AWHO Office. The concerned members had probably never read this.

64. Our Prayer before the NCDRC was for transfer of the MI Room Building. AWHO has claimed that there is no building constructed as MI Room Building and hence there is nothing to be handed over. On this ground alone our case is likely to be rejected, because the Court decides based on the evidence before it. No question of ethics in decision making are considered. Furthermore, the hope being given of a windfall payment like the few members of Vikram Vihar, is not likely in our case because the parameters are different. Furthermore, that was a one-off case. No one else who has quoted it as an authority, has been given any favourable judgement till date.

65. Reverting to the implications of the decision of 30 Jun 2019 regarding the mutual agreement with AWHO, he stated that, it was like a round having been fired and was irretrievable. The ball lay in the AWHOs court. In case the Board of Governors approved the proposal, it would again be placed before the House for consideration. In case the proposal was not approved, then the NCDRC Case would continue to culmination. Thus, the Resolution of 30 Jun 2019 had no relevance any longer.

66. In order to resolve the representations made by the above members, the President proposed the following for approval of the House: -

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(a) Agenda Points No. 5 pertaining to NCDRC Case and Agenda Point No. 6 pertaining to Change of Name of the Society be set aside.

(b) The members who had initiated the case and felt ownership for it, to the extent of challenging the unanimous decision of the House, take over the case proceedings in the NCDRC with the proviso that, all necessary secretarial and financial assistance would be provided by the Society. He wished to place on record that these members had been responsible for scuttling the attempted mutual settlement with AWHO, therefore they should get the credit for any success in the case and conversely should be held responsible for any losses suffered by the Society and members due to their intransigent beliefs.

67. Brig D K Mohan further stated that, he had been accused directly and through the innuendo mentioned earlier of having a "vested interest in the mutual settlement". He placed on record that, he and his immediate family owned three Flats in the Society and thus, had three times to gain or lose based on the outcome of the case. It was his firm belief based on detailed study of the case that, the outcome would not be a happy one for us.

68. Brig Sarjit Singh and other members observed that, there had not been any fresh inputs in the case between the period that the earlier management had handed over till the next hearing on 22 May 2020. He felt it was an ideal solution that, those who had originated the case should fight it to conclusion and claim the glory or otherwise.

69. The President then placed the proposals before the House for approval. The proposals were approved unanimously. However, the members who had been propagating the continuation of the case before NCDRC demurred from taking responsibility.

70. The President then announced the final approvals as under:-

(a) Agenda Points No 5 and 6 of GBM of 30 Jun 2019 stood set aside as approved by the House.

(b) The proposal for the initiators of the case to continue to look after it in the NCDRC had been inconclusive and the same would be placed on Agenda for the Budget GBM 2020.

Point No 4 – Application of RTI Act to the Society

71. The President informed that Registered Societies had been placed under the provisions of the RTI Act vide Para 83 Of HRRS Act, to the limited extent of providing documents filed by the Society with the District Registrar. The Society was not required to collect or collate information. Information is to be provided in the form it is readily available. The Society was required to fix the authorities and fees for compliance with the Act.

72. The following authorities and fees were unanimously approved by the House: -

(a) Authorities :-

- | | | |
|------|---------------------------|---------------------|
| (i) | Public Information office | - General Secretary |
| (ii) | First Appellate Authority | - President |

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- (iii) Second Appellate Authority - CIC, Haryana
- (b) Charges :-
- (i) Application Fee - Rs 10/-
- (ii) Clerical Charges - Rs 10/- per sheet.

Point No 5 – Revision of Society Charges Based on Size of Flat

73. The President informed that, Haryana Government through Notification dated 22 June 2018 had mandated that, rates of Society Charges will be fixed according to the size of Flats. Accordingly, the revised charges had been worked out taking the current rate for Economy Apartments as the base, and calculating revised charges on the basis of basic Floor Area of the Flat. The calculated amounts have been rounded up to the next multiple of Rs 50. The ratio arrived at, will form a permanent basis for all future revisions. New rates to be introduced from half year Apr 20 – Sep 20, since substantial payment for half year commencing Oct 2019 have already been made.

68. Revised rates as under were approved by the House: -

<u>TYPE OF FLAT</u>	<u>AREA IN SQ FT</u>	<u>PERMANENT RATIO</u>	<u>ACTUAL AMOUNT</u>	<u>ROUND UP</u>
DELUXE	1950	1.19	2380	2400
ECONOMY	1640	1	2000	2000
UTILITY	1280	0.78	1560	1600
THRIFTY	975	0.595	1190	1200

Point No 6 – Impact of GST on our Society

69. The President informed that, while Society Charges were exempt from payment of GST and interest income was taxable, other incomes like rentals, passes, fines and paid parking were liable for GST. Additionally, the Society has to pay GST at 18% for all Services and purchases. As a result, the expenditure increases by 18% while revenue from certain incomes has decreased by 18%. Consequently, there was a requirement to revise the rates for various incomes to include the GST.

70. The following revised rates were approved by the House for various incomes :-

- (a) Rentals - 18% added to existing contract amount.
- (b) Fine for Clamping - Rs 350/-
- (c) Paid Parking - Rs 350/-
- (d) Passes for Contract Labour - Rs 1200/-
- (e) Maid/ Car Cleaners Passes - No change.

Point No 7 – Encroachment of Common Areas

71. The President reminded that, he had carried out a very extensive exercise to photograph the encroachments through dumping of stores, two wheelers and cycles in

Patel

all Blocks. This was disseminated through WhatsApp with a request for removal. However, there had not been any positive action in this direction. These dumps, apart from being an eyesore, also constituted a fire hazard.

72. An earlier exercise to remove the dumps from the Common Areas near the door to the roof had been quite successful since Block ICs had been involved. This highlighted the fact that here Block ICs/residents became proactive, the dumping could be cleaned, as had happened in D3, D5 and E1 Blocks.

73. After discussion by the House, the following procedure to remove/regulate dumping in common areas was approved:-

- (a) Block ICs to assist management in identifying the owners of dumped stores/vehicles.
- (b) Where owners are identified, written notice be given to owners with time limit of 10 days to remove the stores.
- (c) Where owners are not identified, notice to be pasted on the stores/vehicle and Block Notice Board, with warning that it will be removed after 10 days.
- (d) After 10 days, stores/vehicle to be stored centrally by the Society and notice posted to the effect where the stores were removed from.
- (e) After 30 days stores/vehicles to be deemed as abandoned and to be disposed off without any liability towards the Society or Management.
- (f) Unusable Common Areas, utilised with permission of Society to be charged at Rs 100/- per sq mtr per month.

74. As far as storage within own parking areas is concerned, the following measures were approved: -

- (a) Owner/Resident would be responsible for damage which may occur due to falling of the stores.
- (b) Stores to be systematically placed and covered with plastic/canvas sheeting.
- (c) No inflammable stores like Foam, cardboard, Rubber, Polythene, Newspapers etc. to be stored under stilts. Such items may be removed by the Society without warning, being a fire hazard.

Point No 8 – Rain Water Harvesting

70. The President informed that the Management had been seized of the requirement to explore the installation of Rain Water Harvesting in the Society. While it could easily be incorporated in a new complex, carrying out modification in an existing area was a more complex issue.

71. Col H S Ahuja (401/D-1) had volunteered to undertake the study on the subject. He carried out interaction with government agencies and civil experts after which an Action Plan was arrived at. Costing was carried out by contractors.

72. However, due to paucity of time the proposal was being carried forward for discussion doing the next GBM.

Rohit

73. He placed on record the appreciation of the House for the selfless efforts of Col H S Ahuja and exhorted other members to similarly follow suit.

Vote of Thanks

74. In conclusion, Brig Sarjit Singh proposed a vote of thanks which was unanimously approved. He pointed out that no meeting of the Society had ever been conducted for such a long duration, in such a peaceful environment with everyone getting an opportunity to express their views in full. The thoughtful measure of using a Projection System had made the issues easily understandable.

Date : 29 Sep 2019

Rohit Mittal
(Col Rohit Mittal)
General Secretary

COUNTERSIGNED

[Signature]
(Col R S Rathee)
President

