

SANDEEP VIHAR WELFARE & MAINTENANCE SOCIETY, GHS-79,
SECTOR-20, PANCHKULA

RE-ADJOURNED GENERAL BODY MEETING HELD ON 12 SEP 2021 :
MINUTES OF THE PROCEEDINGS

Attendance

1. Re-adjourned Annual General Body Meeting was held on 12 Sep 2021, which was attended by 115 out of 551 eligible members. (20.6% attendance against required Quorum of 15%).

Agenda

2. The agenda was as under,

- (a) Welcome address and Presentation of Annual Report.
- (b) Passing of Minutes of Last Meeting.
- (c) Consideration and approval of annual audit report.
- (d) Points from Management.
- (e) Replies to questions submitted by members at least seven days in advance.

WELCOME ADDRESS

3. The President welcomed all members and thanked them for arriving on time in large numbers, as a result of which the meeting could start on time.

ANNUAL REPORT

4. The President reminded that the Management 2020 - 2023 had completed one year in office. He had been President for the past four years but would not dwell upon the major achievements of the first tenure which changed the shape of the society, like opening of the second entrance at gate No 1, the installation of boom barriers with RFID tags for smooth entrance of residents, solar energy system, open air gym and the handling of the first covid wave. This was possible because the management was a homogenous team.

5. The second tenure has been with a split management. Ironically two members who have been elected were working tirelessly to get their own election set aside, along with that of the rest of the management.

6. These internal contradictions notwithstanding, the past year had continued the trend of development set in the first tenure.

7. There have been projects big and small for all to see. Time would not be wasted on individually going over them.

8. He touched upon the major challenge for us - collectively and individually - Covid.

(a) The fight against the first wave last year was supported by cooperation from all residents. However, after the first wave, a sense of complacency had set in. Once inoculations started, the society organised a camp for testing as well as for inoculation within the society.

(b) The second wave was very brutal. There was an acute shortage of ventilator beds and oxygen cylinders for home use. Some residents left us. However, it also brought forth the best of the spirit by some good samaritans.

(c) Special mention must be made of a few who rose to the occasion. Col Sandeep Nautiyal (Retd) provided home cooked food to covid affected flats and delivered these personally. This was done not for days, but for weeks. It was a common sight to see him walking in the blazing sun with packages in hand. But his sterling and unsung contribution was in networking on social media and using personal contacts to arrange for ventilator beds in hospitals and oxygen for home use. He was on call whether it was day or night. He had no hesitation to drive covid positive cases to the hospital. Some amongst us have family members who have survived covid because of his efforts in arranging facilities.

(d) The second samaritan was Hav Ashok Bali (Retd). He was there to take on the complete responsibility where someone left for his heavenly abode. He arranged the hearse, tied up arrangements at the funeral ground, located the material for rituals since all shops were closed and was there to give a kandha when even family members or friends were not present.

(e) Mention must also be made of Col V K Popli (Retd) and Col Uma Trikha (Retd) who were available for consultations at all hours of day and night and did not hesitate to pay home visits.

(f) Another member who was always at the service of the society, not only during the covid period, but year round, is Capt G C Bhatt (Retd). He is there to offer expert advice and even to supervise the repairs whenever there is a breakdown in the electricity systems, no matter what the time of day or night.

(g) All of them were given a round of applause by the members.

9. He continued that to state that the second covid wave had abated but was not over. The forthcoming festive season was bound to see a revival. We must all take precautions to prevent any cases. Apart from social distancing norms, everyone who is eligible must complete his doses of vaccination and also ensure that their staff are also vaccinated.

10. As far as the utilities of the society were concerned, he summarised by saying that electricity supply had remained uninterrupted, water has never been short, even during peak summers and the lifts were functioning as smoothly as possible given their vintage. Essential supplies and sanitation services were maintained without interruption during the lockdown periods.
11. All the fire extinguishers have been recharged.
12. Before starting the discussion of the agenda I would like to point out some major vexing problems which are facing us.
13. He there after touched upon the vexing problem facing the Society – of our expensive infrastructure – the sub stations, generators and lifts now being 15 years old. There was a considerable amount of wear and tear due to age. They have also been damaged by the practice followed in the early days of resorting to repairs by local mechanics using local spares and non-compliance with the specified maintenance schedules of the equipment.
14. Consequently, the last 18 months had seen major breakdowns in the electrical system and very recently in the generators.
15. He informed that the management does not believe in wasting money. Everyone was aware of the economy measures which had been effected, particularly in reduction of staff. However, where our lifelines were concerned there would be no shortcuts. We had entered into AMCs, as far as possible with the OEMs for both these facilities. As a result, down time was minimal. The equipment is periodically serviced according to the manuals. As a matter of fact, we have created a reserve of one VCB and one ACB. All the transformers have been serviced.
16. Recently, one of the generators had been overhauled due to major internal damage. It was now rejuvenated. Simultaneously the alternator of the other generator also became defective. This too had been repaired.
17. As far as lifts were concerned there was a perennial problem of the vintage buttons getting stuck and the doors getting jammed due to rusted springs. The buttons have been repaired where required and the door springs have been replaced across the board.
18. There were many more projects which required attention. These had to be neglected due to the effort spent on the numerous cases against the society by Col S K Chauhan (Retd) and others, in various fora outside the society. The contradictions within the management, which had been mentioned earlier, had also hampered decision making and smooth functioning.
19. An incidental fallout of these cases was that the District Registrar was sitting on our Annual Returns for the years 2017-2018 and 2018-2019. He refused to approve these, as well as the results of the elections held last year.
20. Approval of the Annual Return has special significance because the new owners cannot be added on the Registrars records till that happens.

21. Finally, we took the bull by the horns. A barrage of RTI applications was launched. Complaints were addressed to all concerned. And finally, the Haryana Right to Services Act was invoked. When this did not elicit any action by the Registrar, a First Appeal was made to the State Registrar.

22. That worked wonders. The Registrar was removed. The very next day both the pending Annual Returns were passed. Within the next few days, our Annual Return for 2019-2020 was also approved, followed by approval of the Election Results of 09 Aug 2020.

23. He placed on record that this has been the single-handed effort of Brig D K Mohan (Retd). Apart from compiling the material and painstakingly uploading the same onto a very user-unfriendly platform, he took on the Registrar by using every Act available.

24. He then handed over to Brig D K Mohan (Retd), General Secretary, to cover the Agenda

DISCUSSION ON AGENDA POINTS

25. Referring to the agenda, the General Secretary pointed out that nearly 30 questions had been submitted by just four members – none of which had any suggestions for improvement of the society and were aimed at only fault finding. It seemed like an attempt to derail the AGM. Ironically 12 points had been raised by members of the Managing Committee who should have resolved these in the Management Committee Meeting. As a matter of fact, some of the points had already been discussed in the Managing Committee Meeting and recorded in the Minutes and yet had been raised in the GBM. To that extent the derailment of the attempted GBM had worked because many important housekeeping points had to be shelved for lack of time.

PASSING OF MINUTES OF THE GBM OF LAST GBM

26. The General Secretary asked members to propose and second the Minute of the last GBM.

27. Col S K Chauhan (Retd) raised an objection that the House must revise the Resolutions by the last GBM which had been passed unanimously regarding the fair conduct of the elections and the excellent work done by the Returning Officers.

28. He was reminded that these Resolutions had been passed during an earlier GBM of 21 Feb 2021 and approval was being sought of the Minutes of the GBM of 04 Apr 2021.

29. The Minutes we passed on proposal by Lt Col Surinder Singh (Retd) and seconding by Lt Col Rohit Mittal (Retd).

CONSIDERATION AND APPROVAL OF THE ANNUAL AUDIT REPORT

Annual Audit Report

30. The General Secretary informed that the Auditors Report had been posted on the Notice Board and Web Site. It was also contained in the handout given.

31. He highlighted following points:-

(a) The Balance Sheet had been simplified to make it easily understandable.

(b) The balance of the Corpus Fund is the same as last year. However, the expenditure of Rs 30.00 lakhs on Solar Power Project, which was approved by the GBM of 02 Feb 2020 had not been reduced from the Corpus Fund. Thus, in effect there has been an increase of Rs 30.00 lakhs in the Corpus Fund.

(c) The cash balances, that is FDs and bank balances have increased by Rs 10.94 lakhs over the last year.

32. The following comparative statement of changes in Corpus Fund was shown on the slide.

FINANCIAL YEAR	BALANCE	YEAR
2009-2010 TO 2015-2016	Rs 1,11,20,000/-	NIL
2016-2017	Rs 1,12,76,000/-	Rs 1,56,000/-
2017-2018	Rs 1,18,20,000/-	Rs 5,44,000/-
2018-2019	Rs 1,25,70,000/-	Rs 7,50,000/-
2019-2020	Rs 1,31,99,518/-	Rs 6,29,518/-
2020-2021	Rs 1,31,99,518/-	NIL ***
*** Amount of Rs 30 Lakhs sanctioned for expenditure from Corpus Fund for Solar Power Project not reduced.		

33. He pointed out the implication of introduction of GST on the society finances. GST was payable on all purchases, services and income. This had not been there earlier Details of GST paid during the FY 2020-2021 are shown are as under:-

GST of Purchases and Services	Rs 13,47,770/-
GST on Income	Rs 2,90,000/-
Total GST Liability	Rs 16,38,100/-

34. He also pointed out the adverse impact of inflation. Diesel which had cost Rs 70/- per ltr during the budget AGM was now costing nearly Rs 100/- per ltr. Consequently, the cost of running the generators was now as high as Rs 4,500/- per hour. He opined that an increase in Society Charge was inevitable, sooner, rather than later. Our Society Charges were the lowest and even small societies had Society Charges of Rs 2,600/- per month.

35. UHBVN had been particularly unkind during the height of summers and particularly the last few weeks where load shedding for the entire day had become the norm. However, unlike in the past, when the generator was shut

down during long periods of load shedding, this management would not let any break happen in the electricity supply purely to economise.

Observations by Chartered Accountant

36. Point No. 1 - The Society Does Not Maintain a Fixed Asset Register.

Discussion

37. The General Secretary displayed an observation made by the then CA in 2016 which had an identically worded observation. The problem stemmed from the fact that the initial valuation of assets had not been given by AWHO and this resulted in not being able to make a Fixed Asset Register according to their requirement.

Action

38. He informed that Col H S Ahuja (Retd), Joint Secretary had offered to take on the responsibility to find out a via media to the issue, after interacting with the Chartered Accountant and thereafter preparing the Fixed Asset Register to suit the audit requirement.

39. Point No. 2 - Amount of Rs 3,56,722/- Reflected as Recoverable From AWHO.

Discussion

40. The General Secretary pointed out this this amount too has been reflected as recoverable from AWHO since 2014. It was the residual amount left, out of the claims made by us regarding the initial corpus fund and society maintenance charges collected by AWHO, after adjusting the amount already given to the society. However, it was a part of the ongoing NCDRC case and hence the continuation of the amount on the books had been observed by the Chattered Accountants. It was recommended to write this amount off from the books since it now formed part of the NCDRC case. As and when any amount was recovered from them, the same would get credited into the society funds.

Action

41. Writing off of the amount from the Society accounts was approved.

Internal Audit Report

42. The General Secretary thanked Col Gyan Veer (Retd), Col Uma Trikha (Retd) and Lt Col Narinder Singh (Retd) for the excellent effort made in carrying out the Internal Audit of the Society. He complimented them on the constructive suggestions and proceeded to discuss the same.

43. **Point No. 1 - Maintenance of Accounts.** Accounts of the Society are maintained on the computer and the printed sheets are pasted onto the

ledger. All entries must be initialled after pasting on the ledger. (Point also received from Lt Col Kulwant Singh (Retd).

Action

44. Noted for compliance.

45. **Point No. 2 - Delay in payment of Rental by Shops.** Some of the shops delay payment of rentals. They should be charged late fee in the same fashion as for flat owners.

Action

46. Will be implemented from Oct 2021.

47. **Point No. 3 - Persistent Delays in Payment of Rental by Beauty Parlour.** The Beauty Parlour delays payment of rentals, often for many months at a time. In case this practice persists, then possibility of not renewing the contract must be explored.

Action.

48. (a) Interest as above will be levied on the delayed payment.

(b) Final warning will be given for timely payment in future

(c) In case of recurrence, termination notice will be given.

49. **Point No. 4 - Cash Management.** It is observed that there is no limit on the amount of cash which can be carried by the messenger to the bank. In order to avoid any loss, it is recommended that a limit of Rs 50,000/- at a time be fixed.

Action

50. Noted for compliance.

51. **Point No. 5 - Reduction of Cash Transactions.** In order to reduce cash transactions, provision of Swipe Machine should be explored.

52. The General Secretary informed that this possibility had been explored in the past, but could not materialise due to bank charges on all transactions for the user and society.

53. He informed that a proposal had now been received from ICICI bank for provision of Eazypay Gateway and Swipe machine with Nil charges for transaction using Credit and Debit cards. The proposal would be examined by a Board of Officers to be detailed.

54. The same was approved by the House.

55. **Point No. 6 - Revision of Monetary Limits.** Monetary limits in the Bye Laws Require Revision. The monetary limits specified in the Bye Laws require revision due to inflation. Similarly, the maximum limit for holding cash in the society of Rs 20,000/- as per Bye Laws needs to be revised. In any case financial limits should not be stipulated in the Bye Laws because they cannot be frequently revised. The Bye Laws should be suitably amended to authorise the General Boy to fix these limits.

Action

56. The point will be included in the forthcoming revision of Society Bye Laws.

57. **Point No. 7 - Appointment of Assistant Treasurer.** The appointment of an Assistant Treasurer under provisions of Para 18 of the Society Bye Laws may be considered to reduce the work load of the General Secretary

Action

58. The General Secretary informed that the Joint Secretary had been appointed as Assistant Treasurer.

Agenda Points Related to Accounts

Lt Col Kulwant Singh (Retd) (Member of Managing Committee)

59. **Point No. 1. Balance Sheet on Societies Ledger does not show 3rd LEC collection refunds.**

60. The General Secretary informed that collection of Third LEC had commenced in 2016 when the demand was first raised by HUDA. Initially, it was collected from all owners on sale of house. This amount was deposited in the running Society Account. No separate head was created. This resulted in the problem that the interest on the Third LEC Deposits was merged with the remaining deposits of the Society. He reminded that at that point of time Lt Col Kulwant Singh (Retd), the originator of the point had been the Treasurer.

61. In 2017 when the bulk collection of Third LEC was done, the deposits were placed in separate accounts to ensure that they remained distinct from the running accounts.

62. A subsequent exercise done by Maj H S Luddu (Retd), the Treasurer had identified these amounts and separate track was being kept of these.

63. The General Secretary went on to illustrate the accounting procedure for the Third LEC Deposits made from 2017.

(a) Initially they had been accounted for in a Ledger maintained by then Treasurer Capt G C Bhatt (Retd), which was displayed.

(b) Thereafter they had been computerized and every transaction, flat wise showing receipt, refunds and balance was maintained. This was projected on the screen.

64. Furthermore, the CA's Report, referring to Third LEC specifically mentions at para 4 (d) that "All these saving account are not being used for any other society purpose".

65. **Point No. 2. FDs Shown pertain to Society charges only.**

66. The General Secretary informed that this was not being followed for the following:-

(a) The deposits are not in FDs but in SB accounts.

(b) Had it been in FDs, TDS would have been deducted and it would have become income of the society and chargeable to Income Tax at higher rate of 30%.

(c) Premature encashment would have been required in case it was decided to deposit the amount with HUDA or to refund it.

(d) Amount has been placed in SBs with interest rates which have been running nearly at par with the FDs for the last few years.

67. **Point No. 3. Account was not closed on 13 Aug 2020 on formation of new management.**

68. On enquiring as to why this was necessary, Lt Col Kulwant Singh (Retd) replied that it gave a clear idea of the assets and liabilities taken over by a management and handed over to the next one.

69. The General Secretary opined that the same was not necessary because:-

(a) This requirement was nowhere mentioned in the Bye laws.

(b) Managements might change but accounts keep running.

(c) Only once was closure done at handing over - Jun 2017 when Col S K Chauhan's (Retd) management had handed over to Ad Hoc Committee.

(d) This time was not really a change in management. The President, who is the CEO remained the same.

70. **Point No. 4. To cater for Depreciated Value of Common Assets, maintenance charges increased in Feb 2017 were accounted for separately. This increase was withdrawn/reintroduced without Agenda and approval of AGM.**

71. The General Secretary informed that the amount had been approved for withdrawal during the GBM of 12 Nov 2017. It was subsequently merged it the Society Fund in the Balance Sheet for 2019 -2020. The same was recorded in the Auditors Report for the FY 2019 -20, which had been approved by the AGM of 21 Feb 2021.

72. **Point No 5. No action taken on CA's report for the period Jan 2009 to Mar 2017**

73. The General Secretary informed as under:-

(a) The period could be divided into two part – FY 2016 -2017 and prior to 2016.

(b) As far as the Audit Report for 2016-17 was concerned, it has been approved by the AGM on 12 Nov 2017.

(c) As far as the report pertaining to FY 2015-2016 was concerned, it pertained to the period when Col S K Chauhan (Retd) was President and Lt Col Kulwant Singh (Retd) was the Treasurer.

(d) These had been listed for discussion and approval in the Minutes of AGM 2016 held on 23 Oct 2016. The point was point therefore closed.

(e) The point was resurrected again from time to time although it had been closed by the General Body as mentioned above.

(f) It was proposed that the House resolve to close the issue permanently. The same was overwhelmingly approved by raising of hands.

74. **Point No. 6. Depreciation schedule 2020-2021.**

(a) Office equipment for Rs 1,52,536/- purchased but Rs 1,06,595/- only shown in expenditure.

(b) Plant & Machinery for Rs 5555024/- purchased. Details not shown.

(c) Building shown twice : One shows depreciation 10% and the other 5%.

75. The General Secretary explained that the question had arisen because in the draft Deprecation Schedule discussed by the management an attempt had been made to simplify the document by clubbing various heads. The Depreciation Schedule had now been enlarged to the full form and hence the queries were automatically cleared.

76. Lt Col Kulwant Singh (Retd) acknowledged the same.

Points from Col Rajeev Singh (Retd) (Member of Managing Committee)

77. Point No. 1. Quarterly internal audit by the board of officers not being held/never discussed in the management.

78. The General Secretary informed that Quarterly Audit Board had never been done. Internal Annual Audit Board had been done since FY 2014-2015. Lt Col Kulwant Singh (Retd) insisted that Quarterly Audit boards had been done in the past. The General Secretary informed that no such record was maintained in the files and the same could be verified by Lt Col Kulwant Singh (Retd) by perusing the files.

79. Point No. 2. Yearly report of the account was not discussed in the management whereas audit by the CA has been done before and the observation given were never discussed in the management committee.

80. The General Secretary reminded that the draft audit report and the observations of CA had been discussed during the Management Committee Meeting of 14 Aug 2021 and recorded in the Minutes. He displayed the same on the screen.

Emergent Points From Col S K Chauhan (Retd).

81. Col S K Chauhan (Retd) raised fresh points on the Balance Sheet. He was reminded that the Balance Sheet was produced by the CA. The Balance Sheet and Audit Report had been disseminated well in advance. Any observations on the same should have been intimated in advance so that the clarification could be obtained from the CA prior to the GBM. However, he insisted on raising the following queries

Query 1

82. The heading on Third LEC on the Liabilities side shows an amount of Rs 7,18,35,473/- while on the Asset side it shows the Third LEC head as Rs 7,05,63,433/-. There is thus a difference of Rs 12,72,040/- between the Assets and Liabilities.

Clarification

83. The entries on the Liabilities side include the deposit of Third LEC made into the Society Account prior to the collection exercise of 2017. Entries on the Assets side pertain only to the amount collected after 2017 and placed in specifically opened accounts.

Query 2

84. An amount of Rs 28,65,539/- had been reflected in the Balance Sheet of last year, but is not found reflected in the balance sheet of the current year.

Clarification

85. The multiple entries in the balance sheets of earlier years have been merged into one entry in the current years balance sheet. The amount has been subsumed into the total Liabilities reflected as Rs 7,18,35,473/-. This

was mentioned at para 10 of Auditors Report. Complete breakdown of the Liabilities of Third LEC amounting to Rs 7,18,35,743/- are appended at Annexure III to the Report.

Query 3

86. The Audit Report has made a remark that there is a shortfall in collection of Society Charges of Rs 1,41,481/-. The exact difference is not traceable as per management.

Reply

87. The observation will be forwarded to the Chartered Accountant for clarification. This was done immediately following the AGM. Reply received from Chartered Accountant is reproduced below:-

Reply from Chartered Accountant

"As per the query about the following observation at Para 6 of the Reporting Points:-

" There is a shortfall of 1,41,481 (1,36,32,000 - 1,34,90,519) in the Society's collection from Members which are pending from Debtors during the year, The exact difference is not traceable."

In this regard the following clarification is offered."

Clarification

88. The difference of Rs 1,41,481/- can essentially be divided into two parts. One part comprises the pending charges for the current year due from flats which had not paid their society charges till 31 March 2021 along with interest. The remaining amount may have been reflected under different heads like "Miscellaneous" and is therefore classified as untraceable. (The word 'Un-Traceable' indicates that the same hasn't been traced down in the head Money received from members, rather such amount forms a part of Miscellaneous Income which forms a part of Indirect Income of the Society) Minor differences are inevitable when summarization of such large accounts is carried out. This does not in any way imply that there has been any shortfall in collection of Society Charges".

89. It is further clarified that this is an Annual Phenomenon which is evident from the following tabulation.

FY 2017-2018 -	Shortfall Rs 1,71,381/-
FY 2018-2019 -	Shortfall Rs 4,93,711/-
FY 2019-2020 -	Excess Rs 2,49,205/-
FY 2020-2021 -	Shortfall Rs 1,41,481/-

Further let us know in case any further clarification is needed."

90. They have offered to visit the society office in case any more clarifications are required.

91. The accounts were thereafter proposed to be passed by Col Gyan Veer (Retd) and seconded by Lt Col Ajay Vashisht (Retd).

Ex Post Facto Sanction Approval of Emergency Expenditures

92. Ex post fact sanction of the following emergency expenditures which had to be incurred on electric system and lifts was sought:-

SERIAL	EXPENDED FOR WORK	AMOUNT PAID
1	Procurement of LT ACB for Sub Stn No 1 & 2	Rs 1,81,528
2	Purchase of items for HT Panel Sub Stn No 1 to 3	Rs 1,19,216
3	HT VCB Trolley for Sub Stn No 2	Rs 2,92,787
4	Repair/rewinding of HT 11 KV/440 Volts Transformer 1000 KVA	Rs 3,96,024
5	Replacement of full loop spring for lifts door	Rs 2,89,647
7	Repair of Gen Set No 1	Rs 1,31,739
8	Repair of Gen Set No 2	Rs 1,35,338
9	Repair of Gen sets No 1 & 2	Rs 2,40,702

93. The same was approved.

Proposal for Expansion of Solar Power project

94. The General Secretary informed that the Solar Power Project setup last year of 70 KW capacity at a cost of Rs 30 lakhs had been very successful. It had already saved the society Rs 8,20,587/- (Rs 6.75 lakhs through direct credit from UHBVN for electricity produced and Rs 1.46 lakhs through income tax liability reduced through depreciation).

95. In view of this success, it was proposed to expand the project by 30 KW using the open space over and around the water tank and the Sub Stn No. 3. M/s Hartek Solar had quoted a rate of Rs 12.60 lakhs for the project at the same rate as the earlier project. Once approved, a Board of Officer would be detailed to carry out negotiate with the firm and to execute the project.

96. Col S K Chauhan opined that the vendor must carry out proper analysis of the direction of the solar panels to ensure best results.

97. The proposal was unanimously approved.

Repair of Damaged roads.

98. The General Secretary informed that Capt A S Negi, an expert civil engineer had been requested to plan the repair of the damaged roads. He had produced a Project Report for the same estimating a cost of Rs 2.50 lakhs. He had agreed to oversee the execution of the project.

99. Capt A S Negi's contribution was appreciated and the proposed expenditure as approved.

Resignations from the Managing Committee.

100. It was informed that the following members of the Managing Committee had resigned due to personal reasons: -

- | | | |
|-----|------------------------|--------------------|
| (a) | Col N D Mehta | - Vice President |
| (b) | Col Sudershan Bhardwaj | - Executive Member |
| (c) | Col K N Jetly | - Executive Member |

Misuse of Backup Generator Facility

101. The General Secretary informed that the backup generator is meant to provide limited single phase electric supply to the flats for normal use. It is not meant to provide supply for running of heavy devices like Washing Machines, Air Conditioners, Ovens and Geysers. To ensure that over drawal of electricity does not take place a 10 amp MCB was fitted in all flats.

102. A recent survey of the MCBs was carried out across the Society last week. 74 instances of MCBs ranging from 16 amps to 25 amps and even a MCB of 63 amp were found.

103. This implies that these flats were running heavy electrical devices like Washing Machines, Air Conditioners, Ovens and Geysers while the rest of us were sweating it out. Furthermore, the additional load resulted in heavier fuel expenditure and might have even resulted in over load and damage to the generators.

104. The initial proposal was to impose a fine on all such defaulters. However, most of them pleaded ignorance and informed that either these were fitted when they repurchased the flats or were fitted without knowing the restriction.

105. It is now proposed to give an opportunity to all such affected flats to replace any over rated MCB with 10 Amp MCBs by 25 Sep 2021.

106. He recommended that anyone not complying, or any future cases to be levied a fine of Rs 2,000/- for misusing the society facility on each occurrence.

107. The House approved the proposal with the proviso that the fine for any future defaulters must be Rs 5,000/-

Regulation of Property Dealers.

108. Haryana has an Act to protect the interests of those who use the services of property dealers to rent or buy/sell property. It is known as The Haryana Regulation of Property Dealers and Consultants Act, 2008.

109. The Act requires all those in the property dealing business to get themselves registered under the Act. Indulging in property dealing without such registration, if reported will lead to a fine of Rs 50,000/-. Of late, some of the property dealers functioning in the society have started acting against the interests of the society and the residents. Some specific examples are as under:-

(a) Misrepresenting the size of the flats and the facilities available in the society to service officers who come from other stations without seeking the campus. For example, they find that the promised library is the few books kept in the Stationery Shop.

(b) A bigger issue arises when they do not inform the correct size of the attached parking space and give an assurance that paid parking will be available, well knowing the rules of the society.

(c) Cases have occurred of non-refund of advance after the deal for rental was cancelled.

(d) The act stipulates that in case of sale a commission of half percent and on rental a commission of one month rent will be payable by both parties. This is often flouted, especially in case of resale.

(e) In one case a new tenant arrived in the society before the old one had vacated.

110. It is proposed that in the interest of the users of the services of property dealer, we permit only dealers registered under the Act to carry out activities in the society

111. Furthermore, we draw up a list of such dealers who are aware of the rules of the society. In case of noncompliance the names of such dealers will be removed from the panel.

112. Dealers not on the list will not be permitted to enter the society to solicit business.

Online Delivery on a Regular basis

113. The General Secretary reiterated that online delivery on a one time basis is regulated through MyGate App. The resident gives approval for entry for the single visit.

114. Small vendors making regular delivery are required to get passes made. Major vendors like the vegetable shop and those providing premium milk delivery have different rates.

115. Of late some vendors have taken huge online advances from residents especially for provision of milk and then refuse to get the passes made. This leads to harassment for both the user residents, the security staff and the management. The vendor is sure that the pressure from the residents who have deposited the payment will force the management to relent. That will not happen.

116. He advised all residents not to place any long term home delivery orders till such time as they are sure that the vendor has authorisation to enter the society on a regular basis.

Legal Issues

Legal Notice on Paid Parking

117. The General Secretary informed that the Society had received a legal notice from a tenant for denial of paid parking. The following decision of the MCM of 11 Oct 2020 as ratified by the GBM of 02 Feb 2021 was displayed on a slide and discussed: -

“Hereafter paid parking to be allotted only to members”.

118. This policy was adopted because paid parkings are limited and many owners are now moving into the society. To overcome the problem, members who had more than one paid parking earlier had been asked to surrender the second parking, which had been done.

119. New tenants moving into the society are being asked to certify that they will park their vehicle in their allotted space and will not apply for paid parking.

120. The legal notice also wrongly alleges that there is discrimination between defence personnel and civilians in this regard.

121. After discussion, the following Resolution was unanimously adopted: -

(a) Policy making on internal issues of the society is entirely within the purview of the General Body.

(b) The policy regarding non allocation of Paid Parkings to tenants which has been approved by the General Body is perfectly in order.

(c) There is absolutely no distinction drawn between defence personnel and civilian tenants in this regard.

(d) The President is authorised to reply to the Legal Notice and any follow up action accordingly, if required by engaging Legal Counsel.

Update on Breakthrough in Land Enhancement Case

122. The General Secretary reminded that pursuant to our efforts, two crucial orders had been issued by HUDA as under: -

- (a) Common Areas had been defined as submitted by us.
- (b) The illegal provision to merge Sector 20 Part 1 and Part 2 for purposes of enhancement had been cancelled.

123. However, the recalculation promised before the High Court had still not been implemented and the Society had again gone before the High Court seeking enforcement.

124. Pending the same, a series of RTI applications was again submitted to HUDA through which HUDA's own calculations have been obtained. These indicated a massive reduction in enhancement liability, as per HUDA's own calculations

125. The first calculation was forwarded by HUDA for audit to the empaneled auditor (Tandon & Associates) in Jun 2021, prior to the decision to separate Sector 20 Part 1 and Part 2. The audit approved calculation showed the enhancement liability of Sector 20 (both parts) as Rs 38.71 per sq mtr.

126. After the decision to demerge Sector 20 Part 1 and Part 2, a fresh calculation was sent to the CA for audit. This worked out the enhancement of Sector 20 (Part 1) to 195.01 per sq mtr. The increase in enhancement, in spite of demerger of the two sectors was the result of a sleight of hand.

127. Till the calculation of Third Land Enhancement, A credit of Rs 5.00 lakhs per acre was given as land cost and another Rs 9.51 lakhs was given as interest on this. Therefore, land cost was reduced by Rs 16.75 lakhs per acre. However, in this calculation only Rs 1.00 lakh has been shown as land cost. Therefore, not only has the land cost increased by Rs 15.75 lakhs per acre, but interest on this has been added at 15% per annum for 30 years.

128. Moreover, according to HUDA's own calculations, there is supposed to be no interest levied on the period between issue of Court Award and the issue of demand notice. However, HUDA has applied interest for these protracted periods.

129. Furthermore, it has "less conveyed an amount of Rs 47.56 in earlier calculations. According to its own policy, it is not supposed to charge interest more than the principal amount on the less conveyed. However, it has applied interest of Rs 214.02 per sq mtr.

130. All these will be challenged with HUDA. However, it is now clear that even by HUDA's own calculations the **Third Enhancement demand has reduced exponentially as tabulated below.**

ORIGINAL DEMAND OF ENHANCEMENT AND CURRENT OUTSTANDING DUES		
DEMAND	RATE PER SQ MTR	TOTAL DEMAND
THIRD LEC DEMAND	RS 1,315.06	Rs 6,83,83,120/-
FOURTH LEC DEMAND	Rs 1,903.26	Rs 9,89,69,520/-
OUTSTANDING AS ON DATE WITH INTEREST	Rs 2,541/- (by calculation)	Rs 13,21,24,309/-

131. The bottom line is that by HUDAs own admission, the maximum liability for third enhancement today comes down to Rs 195.01 per sq. mtr.

HUDA's FINAL CALCULATIONS			
DONE BY	DATE	RATE PER SQ MTR	TOTAL DEMAND
TANDON ASSOCIATES	22 JUL 2020	RS 38.71	Rs 20,12,920/-
HUDA	11 JUN 2021	RS 195.01	RS 1,01,405/-

131A. The manner in which HUDA was looting us by merging Sector 20 Part 1 and Sector 20 Part 2 has been revealed through its own calculations, after its divided recalculation of enhancement for the two sectors.

SECTOR	ENHANCEMENT PER SQ MTR
PART 1	Rs 195.01
PART 2	Rs 4,228.05

132. Once this is contested and even one of the contentions is accepted, the entire demand will be negated and we shall have no liability left.

133. The General Secretary informed that although this aspect was very vital for the Society, further action on it would be possible only after the hearing before Registrar General of Societies, Haryana of the appeal by Col S K Chauhan regarding rejection of his petition to set aside the elections. The same is scheduled to be held on 28 Sep 2021.

NCDRC CASE

Brief Background

134. For information of new members, the General Secretary gave out the brief background to the case.

135. The Case was initiated by the Society against AWHO before NCDRC in Jun 2015.

(a) The major two major issues were the refund of Rs 77.00 lakhs of interest on the earlier refund by HUDA and handing over of the Project Directors Office Building referred in our case as MI Room Building.

(b) In Apr 2016, AWHO offered to refund Rs 77.00 lakhs being pending interest on refunded 2nd LEC directly to owners.

(c) They requested that all owners be informed to provide bank details to enable refund. However, this was not done.

(d) Instead, AWHO was informed by the Ad Hoc Managing Committee that the entire amount should be given to the Society.

(e) This was not legally acceptable to AWHO and they withdrew the offer. It will now come to us, if and when there is a favourable decision in the ongoing case.

(f) An offer from AWHO for out of court settlement of the case was discussed during AGM of 28 Sep 2018.

(g) During the GBM the management gave its considered view that there very many weaknesses in our case and hence the offer should be accepted. This view was also concurred by our Counsel.

(h) Col S K Chauhan (Retd), Lt Col Kulwant Singh (Retd), Rfn S C Pathania (Retd) and some others were very vehement that the case would be won on merits and mutual settlement should not be entered into.

(i) The GBM adopted a Resolution during the GBM of 19 Jun 2019 authorising the management to accept the AWHO proposal and to try to further negotiate better conditions.

(j) However, the proceedings of the GBM were got set aside by some members through the District Registrar. Subsequently AWHO withdrew the offer.

(k) During GBM of 02 Feb 2020, a point was raised by Col G S Jeryal (Retd) and Rfn S C Pathania (Retd) that "main functionaries from the previous management" must be associated with the case. At that time only the Final Hearing remained.

(l) On recommendation of the Managing Committee, the GBM approved handing over of management of the case to a Sub Committee presided by Col S K Chauhan (Retd) with Lt Col Kulwant Singh (Retd) and Rfn S C Pathania (Retd) as members.

(m) The management still maintain that not accepting the AWHO offer is going to prove very disadvantageous for us in the long run. We are going to lose the office building.

(n) The blame for that shall lie with those who scuttled the earlier negotiations.

Current Status

136. (a) Final Hearing was held on 17 Jun 2021.

(b) Prior to the Hearing Col S K Chauhan (Retd) was requested to record the proceedings for information of management and members.

(c) The following judgement was posted a couple of days later:-

“Counsel (for AWHO) states that they would get in touch with the complainants and try for a settlement of the case.”

(d) No feedback was given to the Managing Committee.

(e) Lt Col Kulwant Singh (Retd) (Management Committee Member) was requested to clarify during MCM of 14 Aug 2021 as to why the AWHO offer to negotiate had been accepted after having scuttled the same through the District Registrar in 2019. No clarification was given.

Points from Col Parveen Ahluwalia on the case.

137. (a) Were the proceedings of the Hearing recorded as requested by the management in writing?

(b) Which members of the Sub Committee & AWHO were present during the Final Hearing needs to be ascertained through the video recording of the proceedings?

(c) What was the rationale based on which the AWHO offer to negotiate was accepted, after having negated the earlier offer through setting aside of the GBM Resolution?

(d) Has there any offer been made by AWHO so far - even after two months?

(e) What will be the impact on the society, if no offer is made at all?

Discussion

138. (a) Col S K Chauhan (Retd) stated that the hearings had not been recorded on orders of the Court.

(b) He further stated the AWHO offer to accept negotiations had been accepted to try to give a chance for out of court settlement and if it did not work, a decision would follow in the final hearing scheduled on 10 Oct 2021. He confirmed that so far no offer had been made by AWHO.

(c) On the query from Col Parveen Ahluwalia (Retd), as to why the AWHO offer had been accepted now, after having scuttled the decision of the GBM to accept the settlement offer in Jun 2019, Rfn S C Pathania (Retd) replied that it was done because that offer had not been in writing. The General Secretary opined that this was a lame excuse. The offer then made was a win win situation for both sides and no mutual negotiants ? are put in writing, while a legal case is ongoing, till a reasonable understanding has been achieved.

139. The General Secretary placed on record that we would regret not having accepted the mutual settlement offer and could end up losing the individual amounts due for refund as well as the Project Directors Office Building.

140. Col S K Chauhan closed the issue with the remark that one of the parties always loses a case and if that happened in our case, then so be it.

Petition by Col S K Chauhan (Retd) and Others vs Sandeep Vihar through President and General Secretary seeking the setting aside of the elections of Aug 2020.

Point from Col Parveen Ahluwalia (Retd)

141. "Happenings of past few months in the Society have left me a little perplexed! A society that is visibly in good health and thriving - endorsed by many outliving owners who have visited the Society lately! Yet, there is a segment of Society that is hell bent on disrupting its smooth functioning and putting all kinds of impediments in the way of the management - aimed at havens only knows what???"

142. To the extent they are ready to back stab own officers, wash the dirty linen in public & in front of all & sundry (civilian officials), who evidently draw a sadistic pleasure in seeing the Army Officers fight mean and making a public spectacle. Filing court cases, police complaints, RTIs, complaints to Registrar of Societies have become common place. And for what - only thing one concludes is to satisfy over inflated egos! In the end it is we who are becoming a laughing stock everywhere?

143. I also find that the decisions of the most august body of the Society Management i.e. the General Body (GBM) are being subverted and side lined by a few by resorting to complaints/court cases etc! Observations are raised and points forwarded for discussion in the GBM, but the persons raising the issues chose to be absent from the meeting on lamest of pretexts, leading to one sided discussions. And then the decision arrived at are toyed with on the pretext that the originators of the point were absent from the subject meeting! Such chicanery cannot be permitted to continue endlessly and perpetrators of disruption need to be tamed. If required, Society Rules need to be modified,

so that such irresponsible behavior is checked. If required identification & black listing of perpetual offenders be done for the Society.

144. Reference the Notice for AGM to be held on 05 Sep 2021 and subsequent days; I submit the following points for inclusion in the agenda for the meeting:-

145. The petitions therefore need to be once again examined para wise by the General Body, which is the final authority of the society. In the interests of natural justice, Col S K Chauhan (Retd) and all the petitioners as well as the Returning Officers must be given an opportunity to explain their view point to the General Body, which could not be done last time. Col S K Chauhan (Retd) must clarify as to what outcome he seeks from these cases

Discussion

146. An objection was raised by Rfn S C Pathania (Retd) at the very outset, to the effect that the case was sub judice and hence should not be discussed. The General Secretary clarified that sub judice implied a case before a judicial authority and not before an administrative authority. Furthermore, the society, i.e. the General Body were the Respondents and hence they needed to clarity about the issues

Point No. 1

147. Col S K Chauhan (Retd) in a letter to the Brig Parvinder Singh, (Retd) , with the subject as "Identification of Means of Bogus Voting During Managing Committee Elections" has alleged that "there is a doubt of foul play behind your back.....There appears to be a doubt of clean exchange of bundles during counting process or there may be casting of more than one ballot by some members".

148. Col S K Chauhan, (Retd) is requested to clarify the following points:

- (a) Who all were present in the voting hall during voting and counting?
- (b) What according to him was the modus operandi for clean exchange of ballot bundles?
- (c) What were the bundles allegedly exchanged with?
- (d) How could more than one ballot have been cast?
- (e) Who does he hold responsible for the alleged acts ?

149. The General Secretary informed that the election team comprising six members – Brig Parvinder Singh (Retd), Col Surjeet Singh (Retd), Col Sandeep Nautiyal (Retd), Brig V S Nijhawan (Retd), Sub Karan Singh (Retd) and Mr Kuldeep Singh were the only people present in the hall during voting. Col S K Chauhan (Retd), Late Maj S C Sharma (Retd) and Brig D K Mohan (Retd) were called in during the counting.

150. When asked to elaborate on the modus operandi of the exchange of ballot bundles/casting of more than one vote, as envisioned by him, he replied "No Comments".

151. Col Sandeep Nautiyal (Retd), who had been a Returning Officer pointed out that the letter cast accusations personally against him and the other Returning Officers and demanded that Col S K Chauhan (Retd) must clarify as to who was responsible for the alleged exchange of bundles/casting of more than one ballot, and how these acts had allegedly been executed. Col S K Chauhan (Retd) reply was "No Comment"

Point No.2

152. "The subsequent petition which was submitted by Col S K Chauhan (Retd) and 16 other signatories to the District Registrar has vague allegations on the basis of which elections to the managing committee are sought to be set aside. The petition has specifically mentioned something about exchange of forged ballots during the counting. It has not been specified as to which or all of the Returning Officers were responsible for this exchange of bundles. Furthermore, clarity on the various other vague allegations needs also to be brought in.

153. The point was listed for discussion during the AGM of 21 Feb 2021, but no clarity could be obtained because Col S K Chauhan (Retd) and all other signatories deliberately absented themselves to avoid being censored and reprimanded by the members.

154. The petitions therefore need to be once again examined para wise by the General Body, which is the final authority of the society. In the interests of natural justice, Col S K Chauhan (Retd) and all the petitioners as well as the Returning Officers must be given an opportunity to explain their view point to the General Body, which could not be done last time. Col S K Chauhan (Retd) must clarify as to what outcome he seeks from these cases.

155. The point raised in the petition were thereafter discussed one by one.

Issue 1

156. **The Previous Management Flouted the established code of conduct after Announcement of Elections and made following expenditures: -**

- | | | | |
|-----|----------------------------|---|------------------------|
| (a) | Solar Power Project | - | Rs 30.00 lakhs. |
| (b) | Outdoor Gym | - | Rs 1.50 lakhs. |
| (c) | MyGate App | - | Rs 2.00 lakhs. |

157. The General Secretary informed that the Solar Power Project had been sanctioned during the GBM of 21 Feb 2021. As far as the MyGate App was concerned, not a single rupee had been spent on it. The Outdoor Gym was a minor project being enjoyed by the community. He further elaborated that

there was no mention of Model Code of Conduct in the Society Bye Laws, nor had it ever been talked about before. Also, work in the society could not come to a halt for three months after announcement of elections.

158. Col S K Chauhan (Retd) did not agree with the above.

Issue 2

159. Returning Officers and Independent Member were appointed without consulting contestants of other groups or parties.

Discussion

160. RO's and Independent Member were detailed by the then Management as per the provisions of the Society Bye Laws which read as under: -

"Two months before the election, the Managing Committee shall appoint Returning officers ensuring that the Returning officers are not candidates for the election".

161. No CCTV Camera was installed at the entry/exit point of polling booth to oversee/record entry of voters or any other person.

Discussion.

162. A photo was displayed from the camera covering the entrance to the Community Centre which was so sited, from before, and capable of recording all activity in front of the Community Centre.

Issue 4

163. No CCTV Camera was installed inside the Polling Booth despite having been advised by directions of District Registrar through letter of 06 Sep 2020.

Discussion

164. (a) CCTV Cameras are NEVER installed inside Polling Booths in any election, because they invade the privacy of the voter. If these had been installed, they would have been challenged as an invasion of privacy.

(b) This requirement was never raised during the Coordinating Conference of 02 Aug 2020, where the point of installation of protective screens around the voter tables, construction of ramp for wheel chairs and provision of tea arrangements were put forward.

(c) The letter issued by the District Registrar pertained to video graphing of a specific GBM to be held and does not mention installation of CCTV Cameras during voting.

Issue 5

165. **Ballot Papers were printed on both sides, hence there was no scope for secrecy, even if folded many number of times.**

Comments

166. (a) This is done during every election held in the Society. This is done to economise on paper, as well as to make counting easier.

(b) The proposed ballot papers were discussed during the Coordinating Conference on 02 Aug 2020 and a sample copy of the finally amended ballot paper was given to the candidates on 07 Aug 2020. They were printed on both sides. However, no observation was made to the Returning Officers.

(c) A ballot paper was displayed on screen from the elections of 2017 which was printed on both sides.

(d) Col S K Chauhan (Retd) had no comments to offer.

Issue 6

167. **The ballots were arranged in bundles of 15 rather than 50 in the past. Was this done to facilitate exchange of forged ballots during counting?**

Discussion

168. On a query as to how this impacted the elections, Col S K Chauhan (Retd) had no comments to offer.

Issue 7

169. **Elections have not been conducted in fair and transparent manner as per the procedure followed earlier (Minutes of Meeting of ROs/Committee dated 15 May 2014) and SOP laid down in Haryana Co-op Societies Rules.**

Discussion

170. (a) The Minutes quoted pertain to the Coordinating Conference held by ROs prior to elections in May 2014 and pertain to election under the Collegium system. These have been dug out from some unnamed members personal archives, because no such record is either available in society files or been quoted in three subsequent elections after 2014.

(b) This society is registered and functions under the HRRS Act, 2012 not the Cooperative Societies Act

171. Col S K Chauhan replied that the Society had been registered under the Cooperative Societies Act prior to 2012. It was pointed out that the current Act is the one under which the society functions.

Issue 8

172. It was observed by some voters that the ballot paper given to them was without any identification mark or signature of Returning Officer.

Discussion

173. All ballot papers, used and unused were rechecked by Col S C Joshi (Retd) on 11 Aug 2020 in the presence of Col K N Jetly (Retd) and it was confirmed that all were correctly stamped and authenticated.

Issue 9

174. Brig D K Mohan (Retd) was seen entering the polling station from the Exit Gate with a black hand bag (probably containing some material like ballot papers etc.)

Discussion

175. (a) Brig D K Mohan (Retd) remarked that this was libellous remark casting aspersion on his personal integrity.

(b) He then asked the audience whether anyone present had seen him entering the Voting Hall, which was replied in the negative.

Issue 10

176. One candidate from each of the three groups was allowed to oversee the counting process and made to sit 15 ft away at a lower height of two feet from where the counting took place with tables having drawers.

Discussion

177. The General Secretary explained the layout during counting, which had been conducted in the hall and asked process how this impacted the counting process and what was implied by the reference to the tables having drawers. There were no comments from Col S K Chauhan (Retd).

Issue 11

178. Account of Ballot papers viz counted as valid, rejected as invalid, unused ballot papers, was not shown to the representatives of candidates.

Discussion

179. (a) The Report of the Returning Officers on conduct of elections recorded that details of the ballot papers were given out while announcing the results. Copy of the same was displayed on the slide.

(b) Furthermore, on request by Col S C Joshi (Retd) all the ballot papers, viz used and unused were checked and found accounted for. No ballot paper was rejected as invalid.

180. On a request for further clarifications Col S K Chauhan (Retd) remarked that he would give his replies before a court and if necessary would take the case on to the High Court and if required to the Supreme Court.

Hearing of the Petition Before the State Registrar of Societies, Haryana

181. The General Secretary thereafter gave out a brief summary of the proceedings before the State Registrar on the above Petition which was held on 09 Mar 2021.

Points Raised by Counsel for Col S K Chauhan (Retd)

182. **List of Members Entitled to Vote Not Published On The Day Elections Were Announced.** It was clarified that list of members had been posted on the same day on which elections were announced. All members were entitled to vote, hence no mention had to be made of that fact. The list of members who were disqualified from voting for not having paid their society charges for more than 60 days on the first day of the month of the election was published on 02 Aug 20210.

183. **CCTV Camera Not Installed Inside Voting Booth.** Same reply as mentioned in earlier paras.

184. **Entry of Agents Not Permitted into the Voting Hall.** It was explained that being at the height of Covid pandemic no one except election team had been permitted inside the hall. However, an Independent Member had been detailed to monitor on behalf of all candidates. This had been explained during the coordinating Conference held by ROs on 02 Aug 2020 and not been objected to by anyone. It was also told that, elections were held for independent appointments. Hence, who and where were the agents and the necessity?

185. **Col S K Chauhan (Retd) Was Not Permitted to Be Present During Counting.** Col S K Chauhan (Retd) admitted that he had been present for the counting but repeated that he had been made to sit at a distance of 15 feet from the counting tables (along with the other representatives of candidates). He was told that no candidate had any representative as there was no need and hence his statement was incorrect.

186. **Election Results and Details of Ballot Papers were Not Announced on the Same Day.** Copy of the Record of Voting by Returning Officer was produced, which recorded that the results including votes polled were announced in the hall immediately after conclusion of counting.

Point raised by Rfn S C Pathania (Retd)

187. **Brig D K Mohan (Retd) Gave False Information in His Application for Nomination and his elections should be cancelled.** The specific point was that while he had given the address of one of his properties in U2 Block as the membership address, he was actually staying in another flat which was in his wife's name.

188. Brig D K Mohan (Retd) replied that he was not prepared to leave his wife's flat just for elections. The State Registrar opined that physical place of residence had no impact on any electoral proceedings.

Point raised on behalf of Society

189. The following points were submitted by President/General Secretary on behalf of the Society:-

(a) The results showed one group with six elected and the other with five. How were the elections unfair?

(b) The District Registrar had not processed the Petition as per the HRRS Act.

Judgement

190. The Petition was dismissed on this ground by the Haryana State Registrar of Societies.

191. The dismissal has been appealed against before the Registrar General of Societies, Haryana by Col S K Chauhan (Retd).

Points From Members

Points from Col S K Chauhan,(Retd)

Point No.1

192. **Videography/CCTV footage. It is requested that CCTV footage arrangement be made for all the GBM Meetings in the Society.**

Col S K Chauhan (Retd) was informed that video recording of proceedings cost Rs 5,000/- and was never viewed again. Furthermore, there was no mandatory requirement as per the Bye Laws or the instructions for District Register. Also, the General Body opined that there is no need for CCTV camera recordings.

Point No. 2

193. **House Transfer Money. Please clarify your stand on Registrar Cooperative Societies order dt 9/5/2008 and Govt of Haryana**

Department of Industries and Commerce Notification Dt 22 Jun 2018 regarding House transfer money not to be charged more than ten thousand by any Society. Please clarify what all actions are completed on the notification.

Discussion

194. It was pointed out that the society did not charge any transfer money. This was charged by AWHO. The society accepted contribution towards Long Term Development Fund.

195. Furthermore, the position of the society to contest the case by Mr. Pushpinder Kalia was recorded in the GBM OF 08 Sep 2019 and GBM of 02 Feb 2020.

Point No. 3

196. **Wastage of Funds. You have wasted a lot of funds on the following projects. The offenders must repay the Society and apologize:**

(a) Installation of the outdoor gym by creating and removing four types of foundations

Discussion. Col S K Chauhan (Retd) opined that the facility of outdoor gym was a waste of money since only one percent of the residents used the facility. Furthermore, the installation process had been modified a couple of times. The General Secretary stated that the Out Door Gym was a facility used by young and old and it was a matter of personal opinion that it was wasteful expenditure.

(b) By digging pits behind E 9-11 to find out Fire Fighting connection where as connection not existing was written and handed over to Maj Luddu, copy of BOO.

Discussion. The General Secretary informed that the digging had to be done because the underground pipelines at that particular point had been left unconnected by AWHO.

(c) Replacing the working mounting of GO switch.

Discussion. This was a safety device and it was changed after recommendation of Capt G C Bhatt (Retd), a member electrical engineer. It was a presumption that it was a "working mounting".

(d) First time changing the basketball damaged board, whereas repairing the new broken board the second time.

Discussion. It was clarified that on the first occasion the basketball boards were beyond repair and hence replaced. On the second occasion the board was repairable and hence not replaced.

176. The General Secretary thereafter advised that the term "wastage" was a matter of individual perception. As an example he projected Minutes of the Management Committee Meeting of 19 Jun 2016 when Col S K Chauhan (Retd) was the President.

177. During this MCM, the members had insisted that the Automatic Rescue Devices in lifts had been dispensed with and should be made operational. Col S K Chauhan (Retd) insisted that frequent purchase of batteries involved too much expenditure and therefore, the generators which started in 20-30 seconds with automatic startup facility were adequate.

178. The General Secretary pointed out that things did not always work ideally. Sometimes substantial delays took place due to various reasons, Consequently, the doors of lifts were broken open to take out trapped passengers. The decision was penny wise and pound foolish

179. This decision which was deemed a wastage by Col S K Chauhan (Retd), was deemed a necessity when Col R S Rathee (Retd) became President in 2017. ARDs were installed on first priority. Incidents of passengers getting trapped during load shedding ended. Furthermore, there has been no recurring cost till date to replace the batteries.

180. A second example was from the AGM of 23 Oct 2016 where an amount of Rs 26.00 lakhs was sanctioned for CCTV Cameras. While this was deemed a necessity by Col S K Chauhan (Retd), it was deemed a wastage by others. Fortunately, the project was terminated midway.

181. The General Secretary pointed out that every management endeavored to do its best for the society and took decisions which it felt were essential for improvement. Terms like wastage, apologize and repay did not behove a gentleman. Col S K Chauhan (Retd) responded that it was his style and he would carry on in the same fashion.

Point No. 4

182 Appeal to District Registrar Regarding Solar Panel. Please produce the copy of the appeal written by a selected group of people to DR as stated in para 10 of MCM points dt 14 Aug 2021.

Discussion.

183. The appeal pertained to setting aside of the proceedings of the GBM of 02 Feb 2020 during which the proposal to setup the Solar Power Project was taken. A copy of the letter was flashed on the slide and it showed the letter to have been signed by Col S K Chauhan and seven other members.

Point No. 5

184. Please provide details of owners who have not made payment to tiling work in U-1, U-2 and TH.

Discussion

184A. The General Secretary pointed out that this was block effort and thus was not a point for the GBM. However, since it had been raised, he requested Capt G C Bhatt, (Retd), who was the project in charge, to give a response. Capt G C Bhatt,(Retd) replied as under:-

(a) The block effort was motivated by Brig D K Mohan (Retd) who owns two flats in U2 Block.

(b) By the time the work was completed, there was shortfall of Rs 30,000/-. This was paid by Brig D K Mohan (Retd) from his pocket. Subsequently, a member contributed the required Rs 3,000/-. At the end, the shortfall of Rs 27,000/- has been borne by Brig D K Mohan (Retd).

(c) On a request to name those who all had not paid the contribution, he declined to embarrass anyone, because it had been a voluntary effort.

Point No. 6

185. Please provide details of owners who have not made payment to Lifting of U/G Electric Cables in TH.

Discussion

186. The General Secretary expressed his surprise at the raising of this point because the project had been conceived, executed and monitored by Col S K Chauhan (Retd). Furthermore, the collection of funds was done outside the society accounts. It was the only such instance in the history of the society.

187. The General Body had ordered an enquiry into the execution of the project which was presided over by Col Hardeep Sharma (Retd) . He requested Col S K Chauhan (Retd), Rfn S C Pathania (Retd) and others involved in the project to produce the accounts. However, these were not produced. Therefore, the society has no records of payments towards this project.

As far as THT Block is concerned, it is understood that the lifting of underground cable has not been done in that block.

188. The General Body was magnanimous enough to close the case during the GBM of 24 Mar 2019. One would have thought that he would like it to remain so.

Point No. 7

189. Please provide details of owners who have not made payment of 2nd LEC as yet.

Discussion

190. 2nd LEC was collected by AWHO. Details may be obtained from them.

Point No. 8

191. Where has the Gas Trolley disappeared the gas contractor still breaking the road?

Discussion

192. (a) The trolleys have not disappeared. They are used for carriage of stores by Malis.

(b) The reason for discontinuation is noncooperation by the gas delivery persons. When strictness was imposed, they stopped making deliveries. Desperate residents running out of gas requested us to stop enforcement.

(c) In accordance with the orders of the Gas companies, the cylinders are to be carried and not rolled. As residents, please haul up any delivery man who is rolling the cylinders on the ground.

Point No. 9

193. Who should make payment for breaking Man Hole Covers by improperly opening Them during last check-up?

Discussion

(a) It was brought out that instead of praising the timely action to clean the drains before the monsoons and removing huge amount of muck, the concern about a broken drain cover was misplaced.

(b) The project was executed under the watchful eye of Hav Ashok Bali and if there was any collateral damage, it was unavoidable.

Point No.10

194. RTI Documents. Please hand over all the RTI documents during the GBM.

195. The General Secretary gave out the background and status of an application for information under the RTI Act.

(a) On 18 Aug 2020, Col S K Chauhan (Retd) submitted a letter under the RTI Act, seeking following information:-

(i) Photocopy of list of voters carrying signatures.

(ii) CCTV Camera footage of Cameras at Gate No1, Gate No 2, Community Hall and E13 Block from 7.30 AM to 2.30 PM on 09 Aug 2020.

- (iii) Inspection of polled ballot papers in full public view.
- (b) The footage of the CCTV cameras at that time lasted for only five days before being over written.
- (c) The provision of the HRRS Act in this regard was examined and it limited the liability of the Society under RTI Act to all documents filed by a Society with the District Registrar, with a further proviso that documents can be demanded through the District Registrar which fall under his jurisdiction.
- (d) It is to be noted that the Act specifies the functionaries who are individually responsible for the implementation of the Act and the penalties for non compliance. The General Body has approved General Secretary as SPIO and President as FAA.
- (e) The application was examined and was rejected by SPIO on the grounds that the information asked for did not constitute a "Record" under the terms of the RTI act. Further that, it did not fall under the purview of the HRRS Act, 2012.
- (f) In a subsequent appeal, the FAA upheld the decision of the SPIO.
- (g) Col S K Chauhan (Retd) there after appealed to the SIC, Haryana. SIC, Haryana delivered judgement on 30 Jul 2021.
- (h) The judgement clarified that:-
 - (i) Society is not a public authority under the RTI Act.
 - (ii) District Registrar may call for records pertaining to internal functioning of the society. This is of course limited to those aspects which come under his office for monitoring.
- (i) Consequent to the judgement of SIC, District Registrar forwarded the judgment to the SPIO and FAA.
- (j) District Registrar was informed of the following factual position-
 - (i) Video recording does not constitute a record as far as a society is concerned.
 - (ii) The video recordings had lapsed prior to submission of RTI application.
 - (iii) Public inspections of documents are not covered under the RTI Act.
 - (iv) The list of voters and the ballot papers are sealed by the Returning officers on directions of District Registrar after a request by Col S K Chauhan (Retd).

(v) They cannot be unsealed till the hearing of the election petition, since they have been sealed on orders of the Registrar. Any such action will lead to accusations of tampering.

Point No.11

196. Your response on Peepal trees and Dog menace, (Second Point Common from Col S C Joshi (Retd))

Discussion

197. Peepal trees do emerge at regular intervals. However, simultaneously with the repair of water shafts, all Peepal trees have been removed.

Dog Menace

198. The General Secretary gave out the various actions taken for removal of the two stray dogs.

(a) Col R S Rathee (Retd), President, visited the Municipal Corporation on 27 May 2021 and recorded the request in the Dog Squad Register.

(b) Since no action was taken, the request was again recorded on 10 June 2021.

(c) Man Friday of the Society, Hav Ashok Bali "persuaded" the dog squad van. They came but refused to enter the society.

(d) Col R S Rathee (Retd), President, and Brig D K Mohan (Retd), General Secretary met the Mayor to apprise him of the problem. He assured us that the need full will be done. But that did not happen.

(e) A reminder was sent to the Mayor on 09 Aug 2021. Action is still awaited

(f) The General Secretary continued that there were animal lovers who were feeding the stray dogs and encouraging them to remain in the society.

(g) Forceful measures could not be akin in view of the Animal Protection Act and the presence of members in the society only looking for issues to cause problems for the President and General Secretary.

(h) The case of AWHO, Secunderabad where the well intentioned President was facing police cases for using force to remove stray dogs was flashed on the slide.

Point from Col Parveen Ahluwalia

Point No. 1

199. It has been observed that important decisions approved by the General Body have been attempted to be set aside or have even been set aside, due to representation by a miniscule number of members. A perusal of the Minutes of Managing Committee Meeting of 14 Aug 2021 appears to indicate that there is substantial commonality in the complainants.

200. These petitions make a mockery of the decisions of the General Body. The details of members who have repeatedly represented against the decisions of the society and the General Body may please be identified & disseminated.

Discussion

The following slide was displayed on the screen.

Ser. No.	Name	Present Petition to Set Aside Elections	Petition Seeking Cancellation of GBM of 02 Feb 2020	Petition Seeking Cancellation of GBM of 18 Jul 2019
1	Col S K Chauhan	YES	YES	YES
2	Lt Col Kulwant Singh	YES	YES	YES
3	Rfn S C Pathania	YES	YES	YES
4	Col Rajeev Singh	YES	YES	YES
5	Lt Col G S Jeryal	YES	YES	YES
7	Mr Pushpinder Kalia	YES	YES	YES
8	Brig (Mrs) Rajinder Grover	YES	NO	YES
9	Hon Lt Rishi Ram	YES	YES	YES
10	Col S C Joshi	NO	YES	YES

Point No. 2

199. There is a requirement to examine certain provisions of the Society Bye Laws:

(a) **Restriction on standing for re-election after two tenures.** This provision is not in the interests of the society because it prevents capable and willing people to continue to contribute to the society. A lack of will on behalf of new members willing to come forward for elections has been felt – may be because they have taken up alternate employment/have old family members to take care of/have health issues etc. Thus, this cooling ban will result in only unfit candidates who have already been rejected by the members on two or more occasions, being available to fill the vacancies? A specific example is of Capt G C Bhatt (Retd) and Hav Ashok Bali (Retd). Both have proven potential which is not being harnessed. Hence, this clause must be reconsidered and deleted.

(b) **Restriction on candidature of members who resigns.** The elections are conducted with considerable effort. It has been observed that some

candidates resign thereby impeding the functioning of the management. It is recommended that a provision be introduced that a member of the management who resigns cannot be a candidate for the next election.

Discussion

200. The General Secretary intimated that an amendment to Bye Laws to bring them in conformity with the revised provisions of the HRRS Act, 2012 was over due. The same would be undertaken in the very near future and these points would be included.

Points from Col S C Joshi (Retd)

201. Operation of Society Accounts. May kindly the reasons be explained as to why the name of the Vice President was not included in the letter sent to the bank for operation of Society accounts at the time of forming of New Management?

Discussion

202. (a) The provisions of the Society Bye Laws stipulate that the President, General Secretary and Treasurer will jointly operate the accounts of the society.

(b) Furthermore, no Vice President has been a signatory in the past, including when Col S C Joshi (Retd) himself was the Vice President.

Point No. 2

203. Removal of Fancy Lights from Society Park No 2. All Fancy lights along with one Pillar with fancy light installed in Park No 2 were removed by the management few months time ago. May we know as to when they are going to be put back?

Discussion

204. Capt G C Bhatt (Retd) clarified that the fancy lights in the park had got damaged and similar replacements were not available. They were also placed well inside the park and thus reduced usable play area. They were accordingly removed quite some time back. Three LED tower lights have been installed which provide adequate lighting.

Point No. 3

204. Opening of Gate No 3. Gate No 3 was closed due to the Corona epidemic. May we know as to when this gate is going to be re-opened? More so, has the society saved some money by reducing the guardds from Gate No 3?

Discussion

205. (a) The corona epidemic is not yet over. The third wave is imminent. There is no immediate proposal to open the gate.

(b) As far as the reduction of guards is concerned, we had a supervisor and 10 guards prior to covid. This was reduced to one supervisor and 8 guards which is the present strength. Hence, considerable money has been saved.

Points from Col Rajeev Singh (Retd)

205. At the time of forming new management committee allocation of duties to newly elected members not being discussed in the management meeting.

(a) Drawing an analogy from the army service doesn't a CO decide appointments of the officers based on the capabilities and aptitude of his officers? Similarly, the President allocates responsibilities amongst members.

(b) This is exactly what the Bye Laws say.

Para 18 states "Responsibilities to six members, which may include Assistant Treasurer, will be given by the President elect."

Point No. 2

206. Construction of fence wall outside the security boundary of society, quotations have been of society, quotations have been asked for in month of June, and board of officers were detailed in month of July after pointing out in management committee.

Discussion

207. The General Secretary recalled that this was an emergency requirement to prevent ongoing encroachment outside the wall towards Sector-21 by the chicken and fish vendors across the road.

208. The following sequence of action was shown on the slides.

(a) Quotations were called for on 14 June 2021

(b) A BOO to open the quotations was also issued on the same day.

(c) The last date for submission of quotations was 20 Jun 2021, 12 PM.

(d) In view of the urgency, the BOO assembled on the same day and finalised the proceedings.

(e) The work order was issued on 22 Jun 2021.

Point No. 3

209. President of the society responsible for civil work also is also giving approval for the work at his discretion, whereas work is to be approved by management committee.

Discussion

210. The President is responsible for timely repairs of all emergent issues. He has to coordinate civil works across all departments like plumbing, lifts, security lawns and gardens. That is why the civil works portfolio is traditionally held by him.

Point No. 4

210 . What is the laydown procedure for sending stores outside the gate.

Discussion

210. Gate pass is issued by the Society Office.

Emergent Point From members

211. Rfn S C Pathania (Retd) desired to know whether the amended Bye Laws of the society were applicable or the old Bye Laws remained applicable.

212. He was apprised that the amended Bye Laws had not been approved by the State Registrar on Technical Grounds and hence the existing Bye Laws printed in book form remained applicable.

213. Lt Col Kulwant Singh (Retd) informed that he had perused the record of attendance at Management Meetings and observed that Maj H S Luddu (Retd) had missed three consecutive meetings. He should be disqualified under the Bye Laws.

214. Lt Col Kulwant Singh (Retd) was informed that Para 19 (iii) stipulated the following "A member of the Managing Committee shall cease to be a member if he/she remains absent, **without valid reasons** during three consecutive meetings of the committee". He had missed three meetings of 04 Jan 2021, 04 Feb 2021 and 08 Mar 2021 while proceeding out of station for essential commitments. He had placed on record the reasons for his departure which was approved by the President.

Maligning of the President and General Secretary

215. Before concluding, the General Secretary placed on record a personal point from the President and the General Secretary.

216. He reminded that there was a group of people in the society who were spreading personal allegations against both of them. We all remember from our army days that this was termed as Langar Gup. The mischievous spreaders of these rumours can only be designated as Langar Commanders. We all know who they are. They will sidle up to you during a walk and tell you

“Kya aap Ne Suna Hai”. Or a proxy will be used. Or messages will be posted on supposedly private WhatsApp groups. In a small society like ours, everything comes back to us.

217. Some of the gems which have been spread are:-

- (a) Our foreign trips are being subsidized by the society.
- (b) The deposits of the Third LEC are being misused.
- (c) The decisions of the Registrar and speedy action by him on various issues is the result of offering of some gratification by us.
- (d) Money of the society is being wasted.

218. He stated that normally we do not respond to these statements whether verbal or through electronic media. We all know that none of these are true. But as Goebbels, Hitler's propaganda minister said: -

“If you repeat a lie often enough, it becomes the truth”

219. Therefore, the facts must be placed on record, even if it sounds like we are blowing our own trumpet.

220. We don't take from the society. We give to the society. We give it in terms of hours spent in office resolving daily problems. We spend more hours at home preparing RTIs for reinforcing our cases against HUDA and calculating every version of enhancement demands. We also spend time in preparing responses to the cases against the society by various members. We spend time in attending attend hearings before Registrars, Information Commissioner, The High Court and in HUDA.

221. In doing so: -

- (a) All typing work is done by ourselves.
- (b) No lawyers are hired on behalf of the society except the High Court Case. Where required legally qualified friends are called in for help.
- (c) We travel for all the hearings, liaison with govt offices, purchases, and even the trip to Delhi for discussion with MD, AWHO at our own expense. Not one paise has been claimed by us for transport. This is unlike the past.
- (d) All purchases which can fit into the vehicle are carried in our cars. For example, the packages from Ram Dairy for Independence Day were collected in private vehicles. The water you are drinking today has been purchased from the wholesaler and brought in private vehicles. Lt Col Arvind Bali carries the Lawn Mower to Industrial Area for repairs in his own car. Col H S Ahuja does all market surveys for electrical equipment and purchases in his own car. This is again unlike the past

where allowance was claimed to visit the CA and even to visit the Bank, (Slide of vouchers displayed on screen).

(e) Apart from what Capt G C Bhatt (Retd) has told you about his subsidizing of tiling work of U1 and U2 blocks, Brig D K Mohan (Retd) has donated two laptops and a printer to the office.

222. Yes. We do go on an annual foreign trip with course mates and friends and have been doing so for years. We go at our own expense. On the last trip, apart from us, there were five members from the society.

223. Please remember all that I have said, the next time a Langar Commander wants to take a dig at our financial probity.

Misuse of Third LEC

224. As far as the issue of Third LEC is concerned, I have already covered it in detail. I cannot comprehend what is being conveyed. The funds are all in the bank.

225. The accounts are audited every year by the CA. The Auditors Report clearly states at Para 4(d) that the "Third LEC Funds are not being used for any other purpose".

226. No misuse is remotely possible.

Offering of Gratification to Registrar

227. The most humorous one is that we have expedited the Registrar through gratification. This is the same Register who has twice set aside the amendments to Bye Laws, the Minutes of GBM which approved the out of court settlement with AWHO and who sat on our Annual Returns for three years.

228. We refuse to offer any gratification to anyone, whether officially or privately.

229. We used the powers given to citizens by the government to force the Registrar to act. When things did not move in spite of repeated written requests and meetings, we started a barrage of RTIs in the first week of July 2021. These intensified on a daily basis in the second half of August 2021. The RTIs were purely to send the message that harassment could be also be a two-way street. Simultaneously, we used the Right to Service Act.

230. When the first application was not acted upon within the prescribed period, a First Appeal was filed. That worked wonders and all our pending issues were resolved. I am sure that we will have no problems in future.

Wastage of Society Funds

231. The last point about money of the society being wasted is truly hilarious coming from those who got an amount of Rs 26.00 lakhs sanctioned for installation of CCTV Cameras during the GBM of 23 Oct 2016.

232. Like Col R S Rathee (Retd) said earlier, we don't believe in penny pinching at the cost of discomfort to residents or at the cost of the longevity of our expensive equipment. But we are very careful when it comes to spending.

233. Proper market surveys are done, and, where more economical, purchases are made online. I will give you an example of the speed breakers currently under installation. The vendor who had installed the ones Gate No 1 quoted a rate of Rs 2,700/- per meter including installation. The lowest rate quoted was for Rs 1,300/- per metre. We explored other options and found that the same item was available on Amazon at Rs 780/- per meter. These have since been obtained and are being installed under our own arrangements.

234. Our request to you is that if anyone approaches you with Lunger Gup or Rumour Mongering, please ask them whether they have the moral courage to seek clarification from us. Also, do come into the office and clarify from us directly.

Stymying the Functioning of GBM By Giving Numerous Baseless Points and Lengthy Discourses

235. The current AGM was an example of how submission of numerous irrelevant questions, (some previously answered and some by Members of the Managing Committee) was limiting time for discussion of really important issues. Furthermore, some members delayed the proceedings by giving lengthy discourses. The following points were decided: -


- (a) Number of points from individual members to be limited.
- (b) Vague points, without mentioning any authority not to be taken up for discussion.
- (c) Point already discussed previously and recorded, not to be reopened.
- (d) Points by members of the Managing Committee to be resolved within their own meetings and to be brought before GBM only in case of differences.
- (d) In case of large number of points, Managing Committee to give written replies in advance, as done in Parliament.
- (e) Points from members to be taken up at the end of the agenda.
- (f) Members indulging in length discourses to delay the proceedings to be requested to adhere to the norms.


Conclusion

236. The President thanked the member for displaying patience and forbearance during a meeting made unduly lengthy.

237. The meeting thereafter broke off for Lunch.

Date : 13 Sep 2021


(Col R S Rathee, Retd)
President


(Brig D K Mohan, Retd)
General Secretary

