

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

RE-ADJOURNED GENERAL BODY MEETING HELD ON 31 OCT 2021:
MINUTES OF THE PROCEEDINGS

Attendance

1. Re-adjourned General Body Meeting was held on 31 Oct 2021, which was attended by 107 out of 551 eligible members. (19.42 % attendance against required Quorum of 15%).

Agenda

2. The agenda was as under,
- (a) Consider amendments to Society Bye Laws (Special Resolution).
 - (b) Consider Change of Name of Society (Special Resolution).

Discussion

Agenda Point No. 1 - Consider Amendments to Society Bye Laws

3. The General Secretary explained the requirement for the amendment of Bye Laws and the long delay in doing so.

Background to the Issue

4. Original Society Bye Laws were based on the General Body System. After introduction of the HRRS Act, 2012 the Collegium System became applicable to Societies having more than 300 members. Accordingly, the Bye Laws were amended in 2014 converting the Society to Collegium System. In 2015, HRRS Act, 2012 was again amended to apply Collegium System to Societies with more than 1000 members. We, thus, were required to convert to General Body system. This did not happen.

5. In May 2016, nine members of the Managing Committee resigned. Their replacements were elected by the Collegium with Col S K Chauhan as President. The intention of the then managing committee not to amend the Bye Laws to the General Body system is indicated by the following record from the Minutes of GBM of 19 Feb 2017.

“Amendment of Bye Laws. The BOO did not recommend any amendment or change in the existing Bye Laws as the Society is in a nascent stage as yet.”

6. In May 2017, this illegality was observed by the District Registrar and the management was removed with directions to conduct fresh elections under the General Body System.

7. Two attempts were made by the Managing Committee of Col R S Rathee to amend the Bye Laws through GBMs held on 24 Sep 2017 and 13 Mar 2018. However, these were not approved by the District Registrar on various technical grounds.

8. In recent developments, Col Rajeev Singh submitted an RTI application dated 14 Sep 2021 to the District Registrar, seeking a copy of the Bye Laws of the Society. In processing the application, the District Registrar observed the anomaly that while the society had been following the General Body System as required by the HRRS Act, 2012 the Bye Laws still remained based on the Collegium System. Consequently, directions have been issued by Registrar to amend the Bye Laws at the earliest.

9. He further explained that the Special Resolution required approval by 3/5th, i.e., 60 % of the members present and voting.

10. Thereafter, Para Wise Discussion for Approval of Amendments was carried out.

11. Existing Para 2 (vii). "Collegium" means an intermediate body consisting of elected representatives of members of the Society constituted as such, as the number of members exceeds three hundred and shall act as the General Body for all intents and purposes.

Recommended Bye Law - Delete. Renumber subsequent sub paras.

Reasons - Not applicable under HRRS (Amendment) Act, 2015.

Vote - Approved unanimously.

12. Existing By Law. Paras 9, 9 (i), (iii) and (vi), Para 10, Para 11 (i), Para 12 (i) and (ii), Para 14 (i) and (ii), Para 15 (iv), Para 22 (ii), Para 25 (i).

Recommended Bye Law - Delete reference to Collegium or amend aspects linked to Collegium, wherever existing in the bye-laws.

Reasons - Not applicable under revised Act.

Vote - Approved unanimously.

13. Existing Para 6 (vii). An application as per Form X of the Rules shall be submitted for admission as a new member/transferee.

Recommended Bye Law - Every person admitted as a new member will provide details, as per Form placed at Appendix A. The name of the member will be changed in Society records and the person shall be able to exercise all the rights of a member, after confirmation of the same is received from AWHO and a copy of the Registration Deed is submitted to the Society.

Reasons - Emergent requirement due to change in Rules of the Haryana Government.

Vote - Approved unanimously.

14. Existing Para 6 (x). Each apartment owner shall receive a copy of bye-laws (coming in to effect from 06th July 2014) in electronic form for their reference, for which a hard copy may also be supplied on demand at a price of Rs 100/-.

Recommended Bye Law - Each apartment owner shall receive a copy of Bye-laws in electronic form for their reference. A hard copy may also be supplied on demand on payment, if available.

Reasons - Price of hard copy may vary depending on cost of printing from time to time and cannot be stipulated in bye-laws.

Vote - Approved unanimously.

15. Existing Para 7. Where an allotted apartment has been jointly registered, the concerned persons may be jointly entitled to the ownership of the apartment and the membership of the Society in such case may be issued in their joint names. However, the person whose name stands first in the registered conveyance/sale deed shall have all rights of membership together with all relevant obligations, provided that such person, whose name stands first in the registered conveyance/sale deed, may transfer such rights to any one of the other joint owners. All communication will be addressed to the first owner unless he authorises any of the joint owners for this purpose.

Recommended Bye Law - Where an apartment has been allotted/registered in favour of two or more persons jointly, they may be jointly entitled to the ownership of the apartment and the membership of the Society in such case may be issued in their joint names. However, the person whose name stands first in the membership shall have the right to vote. Provided that such person, whose name stands first in the membership, may transfer such right of vote to any one of the other joint owners. All communication will be addressed to the first owner unless the person authorises any one of the joint owners for this purpose.

Reasons - To conform to Model Bye Laws.

Vote - Approved unanimously.

16. Existing Para 8. Members of Managing Committee cannot contest re-election for at least one term after having served in last two consecutive Managing Committees.

Recommended Bye Law - Delete Para.

Discussion. The General Secretary pointed out that Capt G C Bhatt and Hav Ashok Bali who had been members of the previous two managing committees were not eligible to stand for election in 2020. Although not personally affected any longer, they had represented to the District Registrar against this provision on the grounds that it deprived them of their democratic right to stand for elections and furthermore, there was no such restriction on any candidate in public elections or

any such mention in the HRRS Act, 2012 or the Model Bye Laws. Consequently, the District Registrar directed to place the same before the General Body for amendment.

The General Secretary reminded that during the hearing of the petition by Col S K Chauhan against the outcome of elections 2020, the State Registrar had clarified that anything in the Bye Laws which was not contained in the HRRS Act, 2012, HRRS Rules, 2012 or the Model Bye Laws was untenable and liable to be set aside.

Rfn S C Pathania stated that he had been one of those involved in formulating the Bye Laws and this clause had been inserted to afford an opportunity to all members to participate in the democratic process of managing the affairs of the society.

Col Parveen Ahluwalia opined that the election procedure in society flows down from our National Election System. No one is ever debarred from contesting therein, for similar reason/number of times.

Our society though largely composed of service officers, many do not stay here and out of those available the overwhelming majority are unable to devote time to society affairs as they have family commitments to fulfil. Thus, the pool available to offer their services is limited to just 15 to 20 members. This clause thus opens avenues for candidates often rejected in the past, identified as one's lacking vision and of suspect integrity to get elected. It amounts to introducing reserved vacancies for the rejected/incompetent/unworthy.

The General Body of the Society is competent enough to elect members of the Manging Committee on the basis of merit and vision. Debarring worthy candidate is therefore not in the best interests of the society and this clause must be dropped.

Vote - A vote was taken by raising of hands. Only three members were against the proposal to delete this paragraph. Hence, as the amendment was agreed to by 97.39% of members present, the deletion of the said para was approved.

17. Existing Para 9 (vi). Except as otherwise provided, resolutions of the Society shall require approval by a majority of General Body/Collegium members present and voting, casting their votes in the manner provided in clauses 14, 17 and 18 of the Bye-laws.

Recommended Bye Law - Except as otherwise provided, resolutions of the Society shall require approval by a majority of General Body/Collegium ??? members present and voting, casting their votes in the manner provided in clauses 14, 15 and 17 of the Bye-laws.

Reasons - Amended due to removal of voting procedure at Para 18.

18. Existing Para 10. Meetings of the General Body/Collegium shall be held either at the Housing Complex or any suitable place convenient to the owners as may from time to time be designated/decided by the Managing.

Recommended Bye Law - Meetings of the General Body shall be held within the Housing Complex.

Reasons - To prevent misuse of the provision.

Vote - Approved unanimously.

19. Existing Para 14 (i). The quorum for every general meeting, annual or special, shall be 40% of the Members of subject to a minimum of 25 members present and voting.

Recommended Bye Law - The quorum for every general meeting, annual or special, shall be 40% of the Members of the General Body.

Reason - Amended to conform to revised provisions of HRRS Act, 2012.

Vote - Approved unanimously.

20. Existing Para 15 (iii). If no aforesaid quorum is present in the re-convened meeting, a total of 25% of total members subject to a minimum of 16 members present and voting shall constitute the quorum of the re-convened meeting and the matters decided.

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

Reason - To comply with Haryana Govt Notification No. Leg.25/2013 dated 8th October 2013 (Act No. 22 of 2013).

Vote - Approved unanimously.

21. Existing Para 16(i) (f) and 16 (ii) (g). Replies to questions submitted by members at least 7 days before the meeting. All questions to be included.

Recommended Bye Law - Replies to questions submitted by members at least 7 days before the meeting. If required, replies to questions may be disseminated in writing prior to the meeting and taken up for discussion, if still felt necessary.

Reason - To overcome the problem of some members derailing the meeting by giving very large number of points which do not even merit discussion by the General Body and do not leave time for discussion of agenda points.

Vote - Approved unanimously.

22. New Para 16 (iii). In case of any member denying opportunity to other members to speak through lengthy or repetitive discourses, the Chair may deny such member permission to continue.

Reason – Same as for amendment of Para 16 (i) (f) and 16 (ii) (g) above.

Vote - Approved unanimously.

23. Existing Para 17. Any matter required to be resolved through a Special Resolution may be decided at any general meeting, annual or special, which is attended by at least 40% of the total members subject to a minimum of 25 members and the proposal is approved by 3/5th of the members present and voting.

Recommended Bye Law - Any matter required to be resolved through a Special Resolution may be decided at any general meeting, annual or special, which is attended by at least 40% of the total members. The quorum in a re-convened meeting shall be not less than 25 % of the members entitled to vote and present. Further, in case such meeting is adjourned for a second time for want of reduced quorum of 25%, the quorum for such adjourned meeting shall be 15% of members entitled to vote and present. The clause for proposals to be approved by 3/5th of the members present and voting will be equally applicable for all above percentage types of meetings.

Reason – In consonance with revised quorum for meetings issued vide Haryana Govt Notification No. Leg.25/2013 dated 8th October 2013 (Act No. 22 of 2013).

Discussion. Col S K Chauhan opined that the quorum for the Special Resolution can only be 40% of the Strength of the General Body and approved by 3/5th of the members present and voting. The General Secretary replied that, the clause of approval by 3/5 of the members present and voting are logically and equally good to be applied to the provisions of Haryana Govt Notification No. Leg.25/2013 dated 8th October 2013 (Act No. 22 of 2013).

Vote - Approved unanimously.

24. Existing Para 18 (i). Every person who is a bonafide owner of a Dwelling Unit in Sandeep Vihar (AWHO), GHS-79 shall be a member of the General Body of the Society. Since the size of General Body would be of 556 members and is thus far in excess of the stipulated number of 300 members as laid down in Haryana Registration and Regulation of Societies Act 2012 as amended from time to time, the Society will function through a system of Elected Collegium which for all practical purposes and intents would have the power of and would, as such, function as the General Body.

Recommended Bye Law - Every person who is a bonafide owner of a Dwelling Unit in Sandeep Vihar (AWHO), GHS-79 shall be a member of the General Body of the Society.

Reason – Amendment to conform to HRRS (Amendment) Act, 2015.

Vote - Approved unanimously.

25. Existing Para 18 (b). Relating to the composition of electoral colleges under the Collegium System.

Recommended Bye Law – To be deleted.

Reason – Amendment to conform to HRRS (Amendment) Act, 2015.

Vote - Approved unanimously.

26. Existing Para 19 (i). An office-bearer/Managing Committee Member of the Society may, of his own volition, resigns from such position at any time. Provided that the Managing Committee may, if considered unavoidable, require such office-bearer/member to continue to discharge his functions till such time his resignation is finally accepted and substitute duly elected at a general/special meeting of the General Body/Collegium as soon as possible.

Recommended Bye Law – An Office Bearer/Managing Committee Member of the Society may, of his own volition, resign from such position at any time. Provided that the Managing Committee may, if considered unavoidable, require such office bearer/member to continue to discharge his functions till such time his resignation is finally accepted and another member duly elected through fresh elections.

Reason – In view of change over to General Body System, the vacancy will have to be filled up through fresh elections.

Vote - Approved unanimously.

27. Existing Para 19 (ii). In case a majority of 2/3rd members of the Managing Committee express their lack of Confidence in any office bearer/member, for what so ever reason, they shall be competent to suspend such office-bearer/member from office till such time the matter is considered at the general meeting of the Society for his removal and so resolved. Provided that the Managing Committee shall convene a General meeting as soon as possible, but not later than 30 days of such decision, to consider the removal of such office-bearer/member. The successor of any office-bearer/member removed from the office shall be elected at the same general meeting of the Society.

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

Reason - In view of change over to General Body System, the vacancy will have to be filled up through fresh elections.

Vote - Approved unanimously.

28. Existing Para 20 (vii). Shall approve all expenditure vouchers above Rs. 5000/-. Expenditure vouchers up to Rs.5000/- will be put up for his counter signature after approval by General Secretary/Treasurer.

Recommended Bye Law - Shall approve all expenditure vouchers above the monetary limit to be fixed by the General Body from time to time. Expenditure vouchers up to such approved monetary limit will be put up for his counter signature after approval by General Secretary/Treasurer.

Reason - Financial powers cannot be permanently mentioned in the Bye Laws as they have to be revised from time to time due to inflation. Hence the clause is being amended to authorise the General Body to stipulate the financial powers form time to time.

Vote - Approved unanimously.

29. Existing Para 20 (viii). May dispose off such important and urgent matters, which for want of time, cannot be put up to the Managing Committee but such disposal shall have to be got ratified subsequently from the Managing Committee in its following quarterly meeting. He/she may also authorize expenditure up to Rs. 25,000/-per item/work (or more as approved by the majority vote of the Managing Committee and should be got ratified in the next GBM) provided that total sum does not exceed Rs. 50,000/- per quarter.

Recommended Bye Law - May dispose off such important and urgent matters, which for want of time, cannot be put up to the Managing Committee but such disposal shall have to be got ratified subsequently from the Managing Committee in its following quarterly meeting. He/she may also authorize expenditure up to the limit per item/work as approved by the General Body from time to time, as per para 26 (xii).

Reason - Financial powers cannot be permanently mentioned in the Bye Laws as they have to be revised from time to time due to inflation. Hence the clause is being amended to authorise the General Body to stipulate the financial powers form time to time.

Vote - Approved unanimously.

30. Existing Para 22 (vi). General Secretary (vi) Approve budgetary expenditure proposals of up to Rs.5000/-, as per para 26 (xii) and forward them to President for his counter-signatures. Expenditure proposals above Rs. 5000/- will be forwarded by him jointly with the Treasurer to the President for approval.

Recommended Bye Law - Approve budgetary expenditure proposals of up to the limit approved by the General Body (as per para 26 (xii) (c) and forward them to President for his counter-signature. Proposals above this limit will be forwarded by him jointly with the Treasurer to the President for approval.

Reason - Financial powers cannot be permanently mentioned in the Bye Laws as they have to be revised from time to time due to inflation. Hence the clause is being

amended to authorise the General Body to stipulate the financial powers from time to time.

Vote - Approved unanimously.

31. Add New Para 23 (ii) regarding duties of Joint Secretary. Shall perform the duties of Assistant Treasurer.

Reason - To assist in handling the ever increasing work of load of the Treasurer.

Vote - Approved unanimously.

32. Existing Para 26 (ii). Incur all expenditures to fulfil various responsibilities and commitments of Society. These would generally be in accordance with the annual programme and budget approved by the Annual General Meeting. However, in emergent circumstances which affect power/water supply, security, health/hygiene, lifts or are attributable to natural calamities etc., which could not have been anticipated till the last General meeting/AGM and subject to post- facto approval of the next General Body meeting, the authorities mentioned below would have financial powers as stated for each financial year of their tenure:-

- (a) **Managing Committee - Rupees five lakhs only.**
- (b) **President- Rupees twenty five thousand per item/work, up to an overall limit of Rupees one lakh only.**
- (c) **General Secretary- Rupees five thousand per item, up to an overall limit of Rupees twenty thousand only.**
- (d) **Treasurer - Rupees five thousand per item, up to an overall limit of Rupees twenty thousand only.**

Recommended Bye Law - Incur all expenditures to fulfil various responsibilities and commitments of Society. These would generally be in accordance with the annual programme and budget approved by the Annual General Meeting. However, in emergent circumstances which affect power/water supply, security, health/hygiene, lifts or are attributable to natural calamities etc., which could not have been anticipated till the last General meeting/AGM emergency expenditure may be incurred subject and subject to post-facto approval of the next General Body meeting,

(xiii) The General Body will decide the following limits of financial powers, which may be amended from time to time to keep up with inflation.

- (a) Managing Committee - Financial limit per quarter.
- (b) President- Rupees - Per item/work.
- (c) General Secretary- Per item/work.
- (d) Treasurer - Per item/work.

Reason - Financial powers cannot be permanently mentioned in the Bye Laws as they have to be revised from time to time due to inflation. Hence the clause is being amended to authorise the General Body to stipulate the financial powers form time to time.

Vote - Approved unanimously.

33. Add New Para 26 A regarding duties of Joint Secretary. In accordance with the revised provisions of the Act, maintenance charges will be fixed on the basis of the size of the apartment. Accordingly, the following flat wise ratio is adopted for fixation of Maintenance Charges:-

(a)	Economy	-	1
(b)	Deluxe	-	1.19
(c)	Utility	-	0.78
(d)	Thrifty	-	0.595

Charges revised under the above ratio to be rounded off to the next Rs 50/-.

Reason - In consonance with Haryana Govt notification No. 8/1/2018-4IB-II dated 22/06/2018 and decision on fixation of the ratio taken during GBM of 08 Sep 2019.

Discussion - Col S K Chauhan opined that he Haryana Govt Notification also gave another option for fixation of charges where in the cost of utilities like water etc can be common for all flats and the expenses on common areas can be based on the plinth area of flats. The General Secretary observed that such a provision would raise complications in calculations and the present system was time tested after approval by the General Body. Hence there was no point in tinkering with it.

Vote - Approved unanimously.

34. Existing Bye Law Para 28. Any vacancy in the Managing Committee, caused by any reason other than the removal of an office bearer, may be filled-up by the remaining member of the Managing Committee by nomination from the Collegium as an intervening measure, which shall be placed before next general meeting for ratification or election of such office-bearer. General meeting for election of new office bearers will be called as soon as possible but not later than seven days, if the number of vacancies exceeds five.

Recommended Bye Law – Any vacancy in the Managing Committee, caused by any reason other than the removal of an office bearer, may be filled up by the remaining member of the Managing Committee. Elections to fill up vacancies will be held if and when the number of members remaining is six.

Reason - Under General Body System, vacancy will have to be filled up by fresh election.

Discussion - Col S K Chauhan opined those elections must be held even if there was a single vacancy. The General Secretary observed that conducting elections was a very time consuming process which stretched the resources of the society. Even under the Collegium System the mandatory requirement to conduct elections was when the number of vacancies exceeded five. Under the present proposal this figure had been further reduced.

Vote - Approved unanimously.

35. Existing Bye Law Para 33 (iii). The proceedings may be circulated amongst the Managing Committee members by electronic mode and hard copies thereof shall be endorsed to the concerned authorities, as required, and also displayed on Notice Board of the Society.

Recommended Bye Law - The proceedings may be circulated amongst the Members by electronic mode and shall be endorsed to the concerned authorities, in the format required, posted on the society website and also displayed on Notice Board of the Society.

Reason - No hard copies are accepted by the District Registrar. Same have to be uploaded on the website.

Vote - Approved unanimously.

36. Existing Bye Law Para 37 (ii). The General Secretary or the Treasurer may keep an amount, not exceeding Rs Twenty thousand in cash at all times with them or with the Manager in order to defray any or all such petty expenses for which payments may not be feasible through bank instruments.

Recommended Bye Law - The General Secretary/Treasurer may keep with them or the Manager an amount in cash as approved by the General Body from time to time in order to defray any or all such petty expenses for which payments may not be feasible through bank instruments

Reason - Monetary limit required to be revised from time to time to keep pace with inflation.

Vote - Approved unanimously.

37. Existing Bye Law Para 42 (ii). The payment of monthly maintenance charges shall be half yearly which would become due, in advance, on 1st Jan/1st Jul to be paid by 31st of Dec/20th Jul and thereafter a penalty @ 18% per annum (simple interest) of the due amount shall be imposed with effect from the due date viz. 01 Jan/01 Jul as the case may be.

Recommended Bye Law - The payment of monthly maintenance charges shall be half yearly which would become due, in advance, on 1st Apr/1st Oct to be paid by 31st of Mar/ 30th of Sep and thereafter a penalty @ 18% per annum (simple interest)

of the due amount shall be imposed with effect from the due date viz. 01 Apr/01 Oct as the case may be.

Reason - Introduced to coincide with the Financial Year.

Vote - Approved unanimously.

38. Existing Bye Law 46 (ii). Every apartment owner shall promptly undertake the maintenance and repair work in respect of any installation within his own dwelling unit, which if not attended promptly, may have an adverse effect on the dwelling units of other members or the common areas of the housing complex, failing which he will be wholly responsible for the damages and liabilities so caused.

Recommended Bye Law - Every apartment owner shall promptly undertake the maintenance and repair work in respect of any installation within his own dwelling unit, which if not attended promptly, may have an adverse effect on the dwelling units of other members or the common areas of the housing complex, failing which the apartment owner will be wholly responsible for the damages and liabilities so caused. Any damage caused within the apartment owners flat pursuant to such repairs will be repaired under their own arrangements.

Reason - Enabling provision for dispute resolution.

Vote - Approved unanimously.

39. Add New Para 46 C (vii) and (viii).

(vii) No construction related activity, including, but not restricted to carpentry, stone cutting or painting of furniture etc. will be carried out either in the common areas or stilts areas.

(viii) Prior to commencement of any renovation work, the detailed scope of the work will be got approved by the apartment owner from the Managing Committee. The Managing Committee may stop work, including denial of entry to workers, in case of any work being done in contravention to the approval accorded.

Reason - To ensure safety of buildings and prevent collateral damaged during renovation activity.

Vote - Approved unanimously.

40. Existing Bye Law Para 51 (iv). The rear-setback area of the complex may be used as the floating car parking space during the day time only.

Recommended Bye Law - (iv) Under the provision of Para 4 (vi) of these Bye Laws, certain areas of the complex may be designated as parking slots on payment, for which the rates will be approved by the Managing Committee from time to time.

Reason - To sanctify the decision for the General Body

Vote - Approved unanimously.

41. Existing Bye Law Para 55. The Memorandum of Association or the Bye-laws of the Society may be amended through a special resolution passed in a general meeting/collegium of the Society by 3/5th of the members present and voting. Provided that where a member is unable to attend the meeting in person, he may communicate his concurrence or reservation to the amendment to the memorandum or the Bye-laws, as the case may be, by electronic means or letter at least one day prior to the date of the meeting, which shall be read out by the General Secretary in the meeting. A copy of the special resolution shall be submitted to the District Registrar for his approval. If no reply is received from him within sixty days, the resolution shall be deemed to have been approved.

Recommendation – Delete Bye Law.

Reason - Provision of Model Bye Laws declared Null and Void by State Registrar of Societies, Haryana in Appeal No. 785 of 2019.

Discussion – Col S K Chauhan opined that the clause could be amended and incorporated in the Bye Laws. The General Secretary pointed out that the provision would be redundant if it was not acceptable to the Registrar.

Vote - Approved unanimously

42. Add New Para 55. Mode of Conveyance of Communications - Any Notice, Minutes of the Meeting or any other communication from the Society/Managing Committee/Returning Officers posted on the society electronic media as well as on the Notice Board of the Society will be deemed to have been served on all members. Similarly, any individual communication sent through electronic media will be deemed to have been communicated.

Reason - For smoother administrative functioning of the society.

Vote - Approved unanimously.

43. Existing Appendix A. To be replaced by fresh Appendix A which is attached to the proceedings.

Reason - To be revised in view of change to General Body System.

Vote - Approved unanimously.

44. Existing Appendix c Para (ii). List of members of Collegium as per Form XIV of the Rules within 30 days of holding Annual General Meeting.

Recommended Bye Law – To be deleted since Form XIV is not applicable under the General Body System.

Vote - Approved unanimously.

45. Existing Form for Candidates for Election to Managing Committee - New Para 3 added as under.

I further confirm that I have acquainted myself with the provisions of Para 40 of the Haryana Registration and Regulation of Societies Act, 2012, which stipulates the activities which will lead to setting aside of the election of a member. In particular, I confirm that I will not canvass on the grounds of caste, community, sect or religion.

Reason - To include provision of HRRS Act, 2012.

Discussion. Rfn S C Pathania insisted that an amendment must be made to the existing declaration that the candidate is personally residing in Flat No. ___ which stood in his name for membership. The General Secretary reminded him that during the Hearing of the Petition filed by Col S K Chauhan before the State Registrar, the objection had been raised by Rfn S C Pathania that Brig D K Mohan was not personally staying in the flat which was registered in his name, but in the flat registered under his wife's name. The State Registrar had clarified that it was immaterial where a member stayed, so long as membership was clear.

Vote - Approved unanimously.

46. Special Resolution. Hereafter the following Special Resolution was placed before the House.

"The General Body Meeting held on 31 Oct 2021 at 11.30 AM resolves through Special Resolution that the Bye Laws of the Society be amended incorporating the changes approved".

The same was unanimously approved.

47. Agenda Point No. 2. Consider Change of Name of Society from Sandeep Vihar (AWHO) Welfare and Maint Society to Sandeep Vihar (AWHO) Society.

The following Special Resolution was unanimously approved.

"The General Body Meeting held on 31 Oct 2021 at 11.30 AM resolves through Special Resolution that the name of the Society be changed to Sandeep Vihar (AWHO) Society".

48. Encroachment of Common Areas. Col Gyan Veer highlighted that the Common Areas of the society and even the stair cases were being encroached upon by dumping of luggage by members/tenants. Provision must be there to deal with such cases. Col Arun Dhawan suggested that the vacant Common Areas not forming part of circulation areas could be allotted by the Managing Committee on payment as was done for paid parking.

The General Secretary placed on record that encroachment of common areas was not permitted according to the Bye Laws. However the point regarding making available vacant Common Areas on payment could be implemented, for which a decision of the General Body already stood on record.

49. The General Secretary informed members that the Agenda Points for the GBM stood concluded. However, it was necessary to bring to their notice the details of some complaints sent by members to external agencies. It had not earlier been the intention to do so. However, it became necessary after the following email sent by Col S K Chauhan to members on 29 Oct 2021.

“A letter on various financial irregularities/misappropriations/frauds committed by the management has been written to the concerned authorities to take appropriate action. It is presumed that with political/administrative backing the management will wriggle out untainted. However, the members are apprised to know what is going on in the finances of the society”.

Complaints by Members to External Agencies

50. The General Secretary informed members that the Agenda Points for the GBM stood concluded. However, it was necessary to bring to their notice the details of some complaints sent by members to external agencies. It had not earlier been the intention to do so. However, it became necessary after the following email sent by Col S K Chauhan to members on 29 Oct 2021.

“A letter on various financial irregularities/misappropriations/frauds committed by the management has been written to the concerned authorities to take appropriate action. It is presumed that with political/administrative backing the management will wriggle out untainted. However, the members are apprised to know what is going on in the finances of the society”.

51. A vehement objection was raised by Rfn S C Pathania, on the ground that this had not been listed on the agenda. The General Secretary clarified that this item was, in fact, not a part of the agenda and was only for information, members desirous were free to leave. However, the points were raised purely in response to the email sent by Col S K Chauhan to members.

52. The General Secretary stated that starting from the GBM of 30 Jun 2019, a new phenomenon had set in of repeated baseless and unsubstantiated complaints against the management by the same few members. No action of the management was correct according to them. Whether it was to arrive at a mutual settlement with AWHO for the Project Directors Building or to establish a Solar Power Project. In doing so they did not care how the interest of the society were adversely impacted. The successful overturning of the GBM decision to negotiate a mutual settlement with AWHO for the Project Directors Building for only Rs 40 lakhs was a case in point. The case would now be decided by the NCDRC and in case of an unfavourable decision, the market value of over Rs 2.5 crores would be demanded by AWHO.

53. In the past, the decisions of the General Body were sought to be over turned on procedural technicalities through the Registrar. When that did not work, a new attempt has been made to arm twist the Registrar by lodging the complaints in the CM Window, Haryana.

54. They are encouraged by the silence of the members who understand everything but do not want to enter into any controversy.

55. These complainants are the same few members who could run the society from the start. First due to the fact that very few members were residing in the society and later due to the close-knit Collegium System. They had treated it like a personal fiefdom. A member of the Managing Committee resigned to become the official Property Dealer of the Society. When that did not work, he got re-elected by the Collegium as the Treasurer. Another member resigned after he was asked to submit bills for some work done. He too resigned and was then brought back again through the Collegium. Yet another member was forced to resign from the Managing Committee for making false allegations. He too came back a few months later.

56. But of late they have realized that that the General Body System chooses the management on merit, not on rhetoric. So, all out efforts have been made to discourage the incumbent management to continue through a series of vague and baseless complaints to various authorities. The hope is that some technicality may succeed in getting an Ad Hoc management installed. Alternatively, Col R S Rathee, Brig D K Mohan and others may get tired in responding to this barrage of complaints and decide to quit.

57. The General Secretary assured that they would not be cowed down by these vague, baseless and below the belt attacks and would continue to respond to them in every forum. As a matter of fact, these attacks only served to strengthen the resolve to continue to serve.

9. In the latest developments separate complaints have been sent by Col S K Chauhan and a few others, as well as individually by Lt Col G S Jeryal, addressed to CM Window, Haryana and other authorities. Lt Col G S Jeryal has also endorsed a copy to Income Tax Authorities alleging tax evasion by the society. Ironically, he was not present for the AGM which discussed the Balance Sheet 2020-2021 or the previous five GBMs.

58. The Complaint by Col S K Chauhan was a complete misrepresentation of facts and also, some cases of being economical with the truth. The issues raised display a lack of comprehension of basic financial accounting and confuse simple issue like Balance Sheet and Income and Expenditure Statement to arrive at imaginary discrepancies. Incomprehensible calculations are contrived which bear no semblance to the facts.

59. The complaint by Lt Col G S Jeryal includes verbatim all the points in Col Chauhan's complaint and for good measure has added a few more ingenuous one's to attract the attention of the Income Tax Authorities.

Letter by Col S K Chauhan to CM Window Haryana and Other Authorities

60. This complaint is ostensibly to object to various issues connected with the Balance Sheet of the Society for FY 2020-21, which was discussed and approved during the AGM of 12 Sep 2021. However, the actual reason for the objection to the AGM is that another important decision was taken to enhance the Solar Power

Project. This effort is to get the AGM of 12 Sep 2021 set aside in any manner, so that this project is cancelled.

61. Complaints Made by These Signatories Against the Management. Details are tabulated below.

Ser. No.	Name	Present Petition	Petition to Set Aside Elections of Aug 2020	Petition Seeking Cancellation of GBM of 02 Feb 2020	Petition Seeking Cancellation of GBM of 30 Jun 2019	Petition to GOC-in-C, HQ Western Command regarding GBM of 30 Jun 2019
1	Col S K Chauhan	YES	YES	YES	YES	YES
2	Lt Col Kulwant Singh	YES	YES	YES	YES	YES
3	Rfn S C Pathania	YES	YES	YES	YES	YES
4	Col Rajeev Singh	YES	YES	YES	YES	YES
5	Mr. Pushpinder Kalia	YES	YES	YES	YES	—
6	Col S C Joshi	YES	—	YES	YES	—
7	Lt Col G S Jeryal	—	YES	YES	YES	YES
8	Col R S Benal	YES	YES	—	—	—
9	Col Rajinder Singh	YES	YES	—	—	—

62. Since the allegations primarily pertain to the Balance Sheet for FY 2020-21, it is pertinent to place on record that the computerisation of accounts of the Society and the preparation of Balance Sheets is done M/s IJR & Co, Sector-9, Panchkula, Chartered Accountants. The management has no role in the preparation of Balance Sheet. Hence, the response to the points raised regarding the same were referred to them and their reply was recorded against each allegation

63. In an effort to clear the doubts of Col S K Chauhan raised after the AGM of 12 Sep 2021, a meeting was scheduled. However, he declined to attend the same if the President and the General Secretary were present. The Assistant Treasurer resolved all the issues and two telephonic conversations were held with the Chartered Accountants. However, Col S K Chauhan displayed a lack of understanding of the mechanics of the Balance Sheet and a determination to prolong the issue. The manner in which the Chartered Accountant recounted the conversations is as under:-

“He does not understand the basics of financial accounting and does not also want to understand. He only wants to talk, and when he does that, he is rude”!

64. The General Secretary stated that only a few selected gems from both the complaints were adequate to make the dubious nature of the allegations and the intentions of the complainants obvious to the members. He opined that these concocted complaints were intended for the external authorities and were not

intended to be discussed in house. That was the reason for the vehement objections earlier to the current discussion as well as the point by point discussion of Col S K Chauhan's petition to set aside the election which had been discussed during the last GBM. During the last GBM Col S K Chauhan had only one reply to each point, which was "No Comment". He anticipated the same to happen during the subsequent discussion.

65. Thereafter the selected allegations were discussed.

66. Allegation. Sec 38 of HRRS Act, 2012 has been violated because the provision which requires a copy of the balance sheet to be delivered to every member or to be posted on the website had not been complied with.

The General Secretary reiterated that the Balance Sheet, Auditors Report, Internal Audit Report and Annual Report by the President were posted on the Society Website.

67. Allegation. The notice for the AGM was defective because it carried three dates - 5/8/12 Sep.

The General Secretary clarified that it was an established fact that every GBM had to be held as a Readjourned GBM at the third attempt, since adequate number of members were not living with the campus to complete the quorum. This notice, like all previous notices carried the date of GBM as 05 Sep and tentative dates for the Adjourned and Readjourned GBM to serve as an advance intimation to members to keep themselves available accordingly.

68. Allegation. There is a shortfall of Rs 1,41,481/- in the collection of maintenance charges, which the Chartered Accountant has stated could not be traced.

The General Secretary clarified that Society Charges are collected from members through Cheque or Online transactions and no cash collection is done. In addition, other types of revenues are also received like rentals for shops and parking slots, electricity reimbursement, fines and penalties etc. Details of these receipts are uploaded on Tally software for accounting purposes. Payments on account of Society Charges fall under the head of "Money received from members", while all other payments fall under the Head of "Miscellaneous". When so many transactions take place clerical errors of entry under the wrong head of "Miscellaneous", instead of "Money received from members" are inevitable.

69. Record of Society Charges are maintained flat wise and they confirm that there has been no shortfall in collection of society charges. For the period ending 31 Mar 2021, only two flat had outstanding dues, which has been verified by the Internal Audit Board and recorded at Para 3 (a) of the Internal Audit Board proceedings. (Copy attached at Appendix J). As a matter of fact, the Audit Board has commended the exceptional efforts of the management in ensuring such timely payments.

70. The above notwithstanding, the point was forwarded to the Chartered Accountants and their reply is placed below.

“In this regard the following clarification is offered.

- i). 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 'Untraceable' indicates that the same hasn't been traced down in the head "Money received from members" while preparing the Balance Sheet. Such amounts may have been erroneously reflected under the head of "Miscellaneous Income" which forms a part of Indirect Income of the Society.
- ii). No amount has been written off from the balance sheet as perceived by the witnesser.
- iii). 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. The same is verifiable from the flat wise records maintained by the Society.
- iv). It is further clarified that this is an Annual Phenomenon which is evident from the following tabulation of previous financial years.

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/-”

71. The hand-maintained record of collection of Society Charges, reflecting only two outstanding dues, was then displayed by the General Secretary for scrutiny by any member desirous of doing so.

72. Furthermore, this aspect had been specifically highlighted by the Internal Audit Board which verified the collection of society charges for the year and commended the effort of the management in ensuring that that outstanding dues were the minimum ever in the history of the society. Extracts of the audit report as under was shown on slide:-

“The efforts to recover society charges were commendable. As on 31 Mar 2021, there was only one flat pending other than or of Maj Dimple Singla”

The General Secretary then drew attention to the extracts from the Chartered Accountants Report for FY 2015 -2016 dated 21/10/2016, which had been signed by Col S K Chauhan as President, which reads as under: -

“On scrutinising the books of accounts, we noticed that society charges received by the society are not in similarity in each financial year. It may be said that there is less recovery of the charges, than the actual amount due, but no such recoverables are being reflected in the book of accounts of the society”.

73. Allegation. In asset side of Balance Sheet, Interest has been shown as Rs 10,85,681/- while in the Income side of Income and Expenditure Sheet it has been shown as Rs 18,32,514/-. Thus, there is a mismatch of Rs 7,46,383/-. In asset side of Balance Sheet, Interest has been shown as Rs 10,85,681/- while in the Income side of Income and Expenditure Sheet is has been shown as Rs 18,32,514/- . Thus there is a mismatch of Rs 7,46,383/-.

74. The following clarification from the Chartered Accountant, was shown on the slide :-

“As per the accounting principles, both interest earned and interest accrued are shown as interest income, while only Interest accrued for the period is shown in the Asset side of the Balance Sheet. Hence out of total Interest Income of Rs 10,85,861/- for the year, only Rs 7,46,833/- is the interest accrued and hence has been shown in the Asset side of the Balance Sheet. There is no discrepancy in the balance sheet.”

75. Complainant did not understand the basics of financial accounting or were deliberately confusing issues to embarrass the management. It was very clear that a balance sheet reflected the accrued income only while the income and expenditure statement reflected interest credited and accrued.

76. The General Secretary then displayed a slide reflecting the interest details of the balance sheet for financial year 2015-2016 and 2016-2017 which reflected the following details: -

	FY 2015-2016	FY 2016-2016
Interest as per Income and Expenditure Statement	Rs 13,06,586/-	Rs 15,36,574/-
Interest as Per Income Balance Sheet	Rs 6,30, 505/-	Rs 6,68,720/-
Difference	Rs 6,76,081/-	Rs 8,67,854/-

77. He then displayed the signature column of the balance sheet for FY 2015-2016, which bore the signatures of Col S K Chauhan as President and two other complainants – Rfn S C Pathania as General Secretary and Lt Col Kulwant Singh as Treasurer (appended below).

Copy of slide showing signatures.

78. He requested the three complaints to clarify this difference, but there was no response. He thereafter enquired as to how they called this difference in the balance sheet of 2020-21 as a mismatch, but could not offer any explanation for their own period. In fact, there was no mispatch in any of the cases, it was simply the procedure of financial accounting being twisted and used to malign the management with terms like fraud, financial irregularities, misappropriations etc.

79. Allegation. In the Deprecation List, Rs 14,74,656/- has been reflected on extension of building which does not exist.

The General Secretary clarified that the Depreciation List prepared by the Chartered Accountant clubs together multiple items of similar nature under one heading. Thus, all items which extend the life of the buildings have been clubbed under the heading "Building Extension". The reply received from the Chartered Accountant on this point is as under:-

"The heading "Building Extension" in the Deprecation Schedule refers to all works on buildings which qualify as Capital Expenditure and the same have been clubbed together for ease of accounting. Annexure containing details is annexed for your reference."

80. Allegation. The yearly budget has been exceeded by 46.1%.

The General Secretary stated that this was again a misrepresentation of facts. The details of the approved budget for financial year 2020-2021 and the expenditure incurred according to the Income Expenditure Statement are as under:-

(a) Budget FY 2020-2021 – Rs 1,68,73,200/-

(b) Expenditure as per IE Statement – Rs 1,86,46,484/-

81. Allegation. Daily Account Book has been done away with.

Reality. This is an outright lie. The account book was displayed for all to see. Furthermore, it was reminded that Observations on the daily account book were made by Lt Col Kulwant Singh, one of the complainants during the AGM of 12 Sep 2021. Hence ignorance could not be pleaded on those issues.

Complaint by Lt Col G S Jeryal

82. Lt Col G S Jeryal also has a long history of complaints against all managements except when he or those whom he mentored were part of it. Some of the complaints on record are as under: -

- Dec 2011 – Bungling in elections.
- May 2012 – Erratic functioning of management.
- Feb 2013 – Bore Well.
- Mar 2019 – Failure of Managing Committee.
- Apr 2019 – Mis-management of Society Affairs
- May 2019 – Complaint to fire authorities.
- Aug 2019 – Setting aside of GBM of 30 Jun 2019.
- Sep 2019 – Noncompliance with prescribe procedures.
- Feb 2020 – Setting aside of GBM of 02 Feb 2020.
- Aug 2020 – Setting aside of the elections.
- Oct 2021 – Current complaint.

83. The General Secretary observed that the current complaint being a clone of the pervious complaint, left no doubt as to who its author was. He observed that no one had any doubt as to who had drafted this complaint. However, in this complaint some concocted points had been added to give an impression of large

scale tax evasion and a copy of the same had been forwarded to Income Tax Authorities. While the allegations bore no merit, in the event of Income Tax Authorities seeking response, considerable expenditure would be incurred by the Society in the form of payment of fees of the Chartered Accountants.

84. Allegation 1. Income of Rs 13.40 lakhs not been reflected in the Long-Term Development Fund.

Reality. The General Secretary clarified that an income is one on which income Tax is paid and therefore, it can be spent. Long Term Development Fund is not meant to be spent and is thus of Corpus in nature. It adds to the assets of the society and this amount is thus reflected in the Balance Sheet and ot in the Incoem and Expenditure Statement.

85. Allegation 2. Interest income on an yearly average deposit of Rs 1060 lakhs has been reported as Rs 18.33 lakhs. This works out to an interest rate of 1.8 % p.a. By our calculation this is less by Rs 38.91 lakhs

Reality. The General Secretary clarified that Interest income reflected is on the running accounts and fixed deposits of the society amounting to Rs 3.60 crores. The interest on the Third LEC is included in the balance of 3rd LEC saving accounts amounting to Rs 7.05 crores since it is to be returned to members and is not to be utilised by the society. Thus, the interest of Rs 18.33 lakhs on the running account and fixed deposits of the society, which average Rs 3.00 crores during the year is on par with the prevailing interest rates. The terminal balance as on 31 Mar 2021 is at a peak because society charges for the next year would have been deposited in advance.

86. Allegation 3. Charges collected worth Rs 600 lakhs approx. from members were neither paid to HUDA nor returned to members, but deposited in a private Bank – Kotak Mahindra Bank, which is just like “trading in funds/ deliberate confiscation of members money’, with ulterior motives. Such an economic/suspicious dealing needs proper investigation.

Reality. The General Secretary clarified that the decision to collect the Third LEC was taken during the GBM of 12 Nov 2017. Since there appeared to be imminence of a favourable decision in the case against Third LEC lodged by another society, it was decided to pend the deposit with HUDA and also lodge our own case in this regard during the GBM of 31 Dec 2017. Members desirous were always free to withdraw their deposit. As a matter fact more than three fourths of the members eligible to withdraw the deposit had done so. Every decision pertaining to the Third LEC had been approved by the General Body.

He drew attention to the Minutes of the Managing Committee Meeting of 14 Apr 2016, where Lt Col G S Jeryal had proposed the very course of action which he was now complaining about.

“Para 10. Lt Col G S Jeryal lamented that we as management are lacking in our duties in fulfilling the desired obligation towards owners as delayed payment of LEC with 15% interest shall become double in due course. He therefore made two suggestions, viz. firstly to inform owners that

interested owners can deposit the sum in the society office which shall be further deposited in a separate account with the bank. And such DU owners should also undertake not to claim interest from the society if at a later stage a part or total of the sum can be refunded”.

87. Plea. Large scale Draconian Amendments to reasonably workable Society Bye Laws of 2014 which stand duly approved by your august office. The President and GS manipulated the MC elections to grab the coveted posts. They have now tricked the Managing Committee to recommend large scale draconian amendments. Under the garb of amending the Bye Laws compatible with the General Body System, they intend to alter its democratic spirit to perpetuate their own hegemony. You may kindly instruct them to refrain from amending the bye laws till the verdict of the appeal pending before the Registrar General is announced.

The General Secretary opined that this desperate plea reflected the reason for the multiple complaints against the management. The proposed amendment to remove the limit of two terms for standing for election had placed the writing on the wall.

The effort was to launch a two-pronged effort to discourage the management from continuing its present tenure and to prevent amendment of Bye Laws which would enable some of them to stand again.

The President expressed his anguish at the fact that while all members understood the witch hunts which were launched by the same people against the management, one after another, they maintained silence. Consequently the same members whose number could be counted on the fingers could hold the entire General Body to ransom and try to get their decisions reversed by fair means or foul.



[Handwritten signature of Col R S Rathee]

[Handwritten signature of Brig D K Mohan]

Date : 06 Nov 2021 ~~(Col R S Rathee, Retd)~~ (Brig D K Mohan, Retd)
President Gen Secretary