

SANDEEP VIHAR (AWHO) SOCIETY, GHS-79, SECTOR-20, PANCHKULA

MINUTES OF THE MANAGEMENT COMMITTEE MEETING :
31 AUG 2022

1. A meeting of the Management Committee was held on 09 Jun 2022. Seven members were present.

Agenda

2. Agenda points are as under:-

- (a) Action to be taken on LFSS Scheme offered by HSVP regarding Land Enhancement.
- (b) Status of Third LEC deposits.
- (c) Internal Audit Boards.
- (d) Amendment of contradictory provisions of Society Bye Laws.
- (e) Update on legal cases.
- (f) Unauthorised fitting of shades on parking spaces
- (g) Unauthorised modifications to external facade of blocks.
- (h) Points from members.

Proceedings

Update by Col H S Ahuja, OiC Electricity

3. Solar Power Project. The electricity produced so far has got us a rebate of Rs 13.47 lakhs in electricity bills by UHBVN. Thus, 43% of the initial investment and 31% of the investment including the phase II has been recouped.

4. Installation of Covers on Openings on Light Poles. The light poles had a design flaw in that covers of existing boxes in the cemented base had been damaged, thus wires were protruding out. This constituted a danger. These have all been covered by a specially designed plate which keeps the void closed, but can be removed, when required for repairs.

5. Purchase of New Motor for Water Pumping. A new motor has been purchased and installed for pumping of water, since the old one was prone to very frequent breakdowns and consequential disruption in water supply. The old motor will remain as a reserve for this vital function.

6. Damage to Underground Cable of D4 Block. Power supply to D4 block had been disrupted due to damage to the underground cabling. Due to the manner in which the existing cable has been embedded, it is not feasible to



dig up the entire stretch to locate the fault. It was tested by using Megger Meter and confirmed that there is fault/breakage in the underground cable. It had been assessed so far that a fresh cable would have to be laid from the transformer in Sub Station No. 2 and embedded along the perimeter wall to avoid extensive damage to roads. This may require purchase of 200 meters of four core 300 mm cable and subsequent burying it underground. The estimated cost of the cable was approximately Rs 3.00 Lakhs with additional cost of burying the cable. It was unanimously agreed that the repair could not be delayed and emergency expenditure to be incurred was approved.

7. The General Secretary opined that the electricity and plumbing in the society was beginning to show signs of aging. While regular maintenance had reduced occurrence of problems in sub stations, the frequency of damage to lightning arrestors and GO Switches had increased. Recently, leakages had occurred in underground water piping in E10, D3 and D4 blocks.

Action to be taken on LFSS Scheme offered by HSVP regarding Land Enhancement

8. HSVP has announced another Scheme for settlement of Enhancement dues by "defaulters", which will terminate on 30 Sep 2022. The provisions of the scheme are essentially the same as the "Full and Final Scheme" offered between 03 Mar 2021 and 01 Jul 2021, which was rejected by the General Body during GBM held on 04 Apr 2021.

9. It was unanimously decided that the scheme was required to be placed before the General Body for taking a decision on the course of action to be adopted with regard to the scheme.

Status of Third LEC deposits.

10. It was informed that the principal amount of Third LEC deposit had been returned to all eligible applicants, except for one, who was out of the country. The deposits of 62 erstwhile members who had sold their flats continued to perform remain in deposit till the demand was finally resolved with HSVP.

11. The modalities for calculation and refund of the interest component to the eligible members was required to be approved by the General Body.

Internal Audit Board.

12. The Internal Audit Board of the accounts of the society and the Third LEC had been carried out by a Board comprising Brig K C Sood (E11/102), Col Surinder Singh (D3/403) and Col R C Jaswal (E7/102).

13. The report of the Board was discussed and it was decided to place it before the next GBM for approval.

Amendment of Contradictory Provisions of Society Bye Laws



14. The General Secretary informed that during the last hearing of the complaint by Col S K Chauhan regarding the elections of Aug 2022, a contradiction in the provisions of the Society Bye Laws had emerged with regard to the eligibility to vote by members who had not paid their dues on time. Para 8 (i) of the Bye Laws mandated that any member who was in arrears of society dues for a period in excess of 60 days on the first day of the month of the election would be ineligible to vote. This had been the procedure followed in the past. However, now an objection had been raised that Para 43 (d) laid down that membership of a member who was in default of payments for a period of 90 days might be suspended. While the same could be restored after payment, voting rights would remain suspended till the end of the ensuing year.

15. Lt Col Kulwant Singh pointed out that yet another contradiction existed in Para 44 (b) which mentioned that a member not in default of payment of dues for more than a period of 60 days on the day the elections are announced would be entitled to vote.

16. It was unanimously decided to place these contradictory provisions before the next GBM for removal of anomalies through a Special Resolution.

Update on Legal Cases.

CWP by Sandeep Vihar against HSVP Regarding Enhancement

17. The General Secretary informed that since HSVP (erstwhile HUDA) had not implemented the judgment of the High Court for recalculation of enhancement based on Instruction No. 63 a CM was filed seeking directions for implementation.

18. The same came up for Hearing on 05 Aug 2022 and Administrator HSVP, Panchkula has been directed to address all the points raised by us in our submission. Further progress is awaited. In case timely action does not take place, then we will file a contempt petition against HSVP.

NCDRC Case Against AWHO

19. Lt Col Kulwant Singh, member of the sub committee monitoring the NCDRC Case informed that the last hearing was not held since our Counsel was unable to attend.

20. The General Secretary enquired whether we had submitted fresh final arguments, since the one's submitted some years back were very flimsy. Additional points for inclusion had been given in writing when the case was handed over to the subcommittee. The Supreme Court judgment in the case of the Unitech Twin Towers mentioned one of the reasons for demolition as the fact that the present owners of the project had not been consulted. In fact in our case also the Project Directors Building had been constructed without approval of members.

21. He also pointed out that the case of Vikram Vihar before the NCDRC, which had identical points to our case, except for the issue of Project Directors



Building had been dismissed. AWHO would definitely quote this as a precedent in the Final Arguments.

CWP Lodged by Mr Pushpinder Kalia vs Sandeep Vihar Regarding Refund of Contribution to Long Term Development Fund.

22. In addition to the original petition the following identical additional Writs had been added to the same: -

(a) CWP by Brig S S Jaswal.

(b) CWP by Lt Col Piyush Katal, Maj Gen Anil Kumar, Miss Rubaina Chauhan, Mrs Seema Malik, Mr Ashok Kumar Chadha and Dr Kuldeep Singh.

23. Approval fo the General Body was required to defend these new cases.

24. It was decided to place the same before the forthcoming GBM.

Petition by Col S K Chauhan and 16 Others for Setting Aside of Elections

25. The General Secretary reminded that the original petition of 10 Aug 2020 was dismissed by the State Registrar of Societies. Col S K Chauhan thereafter appealed against the decision of the Registrar General of Societies. The case was heard and thereafter it was reverted to the District Registrar to determine whether ingredients of the HRRS Act, 2012 had been made out and then decide whether a Reference was warranted.

26. The Hearing by District Registrar was held on 22 Jul 2022 during which Col S K Chauhan submitted fresh points, two years after the elections. The next Hearing was held on 12 Aug 2022 in which the replies on behalf of the Society were submitted.

27. Outcome of the Hearing is awaited.

Unauthorised Fitting of Awnings Outside Stilt Parking Spaces

28. Over the course of the last few months three members had fitted awnings outside their stilt parking spaces. Two members had removed them on being requested by the management. However, one member has refused to remove the same despite repeated requests by the management to the effect that these were fitted on common areas and also set a precedent for others.

29. It was unanimously decided to place the issue before the General Body to decide the course of action.



Unauthorised Modifications to External Facade of Blocks, Barricading in the Open Space and Fitting of Higher Capacity Lights.

30. Some blocks had commenced renovation of the ground floor areas through mutual contribution. These were restricted to the areas inside the block and the replacement LED lighting of similar wattage as the existing lighting.

31. However, E-10 Block had installed lights of considerably higher wattage in the existing points, as well as installed additional points. This was contrary to the long-standing policy for equitable lighting in all blocks. Furthermore, metal pipes/metal wire barriers had been constructed in the open space between the adjacent blocks in D-5 and E-10. The OiC Project was requested to reduce the wattage for lighting to the original state as well as to remove the barriers created. However, the same had not been thus far complied with.

32. It was unanimously decided to place the issue before the General Body to decide the course of action.

Persistent Blocking of Entry Passage to Block with Stores and Car Parking

33. A member has blocked the clearly defined entry passage in D4 Block by placing an almirah and two motor cycles. Furthermore, two cars are being parked adjacent to each other thus completely blocking residents walking path. In spite of notices commencing in Aug 2021 and Aug 2022, the obstruction has continued.

34. Lt Col Kulwant Singh suggested that if the obstructions were not removed, then the entire management along with block members should meet the concerned member and request him to honour the bye laws of the society. If non compliance continued then the issue to be placed before GBM

35. The proposal was unanimously approved.

Points from Members

36. Col Rajeev Singh observed that some lights along the boundary wall behind D4 and D5 blocks were non-functional. Col H S Ahuja, OiC electricity observed that not all the poles were kept functional to conserve electricity. However, the state would be reviewed by him and any shortcoming would be rectified.

37. Col Rajeev Singh further observed that although the boundary lights in the stretch behind E12 to E15 blocks were functional, the illumination was obstructed due to branches and creepers which had climbed high. Lt Col Arvind Bali, OiC, Lawns and Gardens assured that these would be appropriately trimmed.



Date: 02 Sep 2022

(Col R S Rathee, Retd)
President

(Brig D K Mohan, Retd)
Gen Secretary