

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

RE-ADJOURNED GENERAL BODY MEETING HELD ON 19 FEB 2023 :
MINUTES OF THE PROCEEDINGS

Attendance

1. Re-adjourned General Body Meeting was held on 19 Feb 2023, which was attended by 96 out of 550 eligible members. (17.5 % attendance against required Quorum of 15 %).

Agenda

2. The agenda was as under:-

(a) Budget for FY 2023-24.

(b) Points from management.

(c) Update on ongoing legal cases including consideration of AWHO Letter No. B/03001/55/AWHO/ Sandeep Vihar dated 20 Dec 2022.

(d) Points from members submitted seven days in advance.

Conduct of Proceedings

Society Update

3. Solar Power Project. The Solar Power Project has so far generated more than 2.15 lakh units. This has resulted in a saving of Rs 16.11 lakhs in electricity bills for the society. Consequently, more than half of the investment on the first phase of the project and 40 % of the investment on both the combined phases has been recouped. With a project life of 25 years the project has been a grand success for the society.

4. Increase in Savings During the Current Financial Year. The principal amount of fixed deposits of the society was Rs 2,85,000/- as on 01 Apr 2022. This today stand at Rs 3,30,00,000/-. There has thus been an increase of Rs 45.00 lakhs so far during the current financial year.

5. Update on Third LEC Refund. The deposit of Third LEC has been refunded to 408 eligible members. Only one eligible member remains, who wants his deposit along with interest. The deposits of 65 members who have sold their flats remain with the society till finalization of the demand by HUDA in conformity with the decision of the General Body.

6. Update on Refund of Interest on Third LEC. The GBM of 18 Sep 2022 had approved refund of interest accumulated on the Third LEC to the members whose deposits have been refunded. The interest to be calculated from the first day of the quarter following the deposit to the last day of the quarter preceding the

refund. This would cater for bank and audit charges. The interest in respect of members whose deposits are retained to be merged into the principal amount.

7. The process of calculation could not be commenced earlier due to the preoccupation of the management with the multiple complaints by Col S K Chauhan (Retd) and colleagues before various external authorities. The details have now been provided to the CA and preparatory work has started. Refund will commence after the interest for QE Mar 2023 is credited.

8. TDS will be required to be deducted at the rate of 10% where PAN details are submitted and 20% where not submitted. The process to collect PAN details will be started immediately.

9. The above modalities were approved by the House.

10. Issue of Society Membership Cards. The HRRS Act, 2012 mandates that all members must be issued with a Society Membership Card. These were never issued since 2009. Had they been issued, the type of points which were raised after election in Aug 2020 could have been avoided.

11. The process of issuing Society Membership Cards was commenced some time back. The cards of members who had submitted their details have been received and are under issue.

12. Update on Projects. The following projects approved for the current financial year have been completed: -

- (a) Repair and painting of grills of shafts of all blocks and simultaneous repair of fallen grit wash. (Residual work of last financial year).
- (b) Distemper and painting of interior areas of all blocks.
- (c) Painting of electrical equipment in meter rooms and doors of meter rooms of all blocks
- (d) Repair of flooring of all meter rooms.

Budget 2023-2024

13. The estimated revenue of the society during the forthcoming financial year is as under:-

SOURCE	ESTIMATED INCOME
Society Charges	Rs 1,70,40,000/-
Rental Income	Rs 11,00,000/-
Interest Income	Rs 12,00,000/-
Miscellaneous Income	Rs 6,00,000/-
Total Anticipated Income	Rs 1,99,40,000/-
Less GST on Rental and Misc Income	(-) Rs 3,06,000/-
Gross Income	Rs 1,96,34,000/-

14. The standing expenditures which cannot be reduced are as under:-

ITEM	AMOUNT
AMC Lifts	Rs 12,84,000/-
AMC Electric Supply	Rs 3,60,000/-
AMC CCTV	Rs 1,26,000/-
AMC Gensets	Rs 30,000/-
AMC Boom Barriers	Rs 71,000/-
Sanitation Contract	Rs 16,80,000/-
Water and Plumbing Contract	Rs 3,60,000/-
Total	Rs 39,11,000/-
Plus GST	(+) Rs 3,36,780/-
Gross Total	Rs 42,47,780/-

15. The inescapable routine expenditures are as under:-

ITEM	AMOUNT
Staff Salary	Rs 14,00,000/-
Security Staff	Rs 17,00,000/-
Electricity Bill	Rs 25,00,000/-
Water and Sewerage Bill	Rs 19,00,000/-
Repair and Maintenance	Rs 20,00,000/-
Electrical Spares	Rs 5,00,000/-
Fire Fighting	Rs 1,50,000/-
Lifts	Rs 5,00,000/-
Office Expenses	Rs 3,00,000/-
Miscellaneous Expenditure	Rs 4,00,000/-
Emergency Expenditure	Rs 2,00,000/-
Total	Rs 1,15,50,000/-

16. Thus, total anticipated expenditures work out to Rs 1,57,98,000/-. With a anticipated income of Rs 1,96,34,000/- only Rs 38,36,000/- is left for various improvement projects/further savings.

Proposed Projects for FY 2023-24

17. Based on the availability of funds, the projects shortlisted last year but not undertaken due to paucity of funds were considered. Mr B M Vashishtha (TH/301) opined that the parapets of the roof tops were in bad shape and should be repaired. It was pointed out that the fund situation did not permit across the board work to be taken up this year. However, where extensive damage had taken place, like in Thrifty block, the repair would be undertaken as part of the normal maintenance.

18. The following were unanimously approved for FY 2023-24:-

PROJECT	APPROXIMATE ESTIMATED COST
Repair and painting of boundary walls and grills	Rs 18.50 lakhs
Repair and painting of islands of all blocks.	Rs 2.50 lakhs
Painting of equipment in Sub Stations	Rs 2.50 lakhs
Improvement of getup of Main Gate area	Rs 2.00 lakhs
Augmentation of Savings	Rs 13.36 lakhs
Total	Rs 38.36 lakhs

Points from Management

19. Segregation of Waste Within the Society. MC, Panchkula has intimated that bulk generators of waste like us are required to segregate the waste within the society before depositing in the dumping ground. Non-compliance will lead to fine of Rs 1.00 lakh. OIC sanitation has been requested to ensure compliance. All residents are requested to segregate their house hold waste accordingly.

20. Col Rajeev Singh (Retd), In charge Sanitation stated that it was not possible to carry out this exercise with the existing ten sanitary staff and two more should be hired for this commitment. He was apprised that the sanitation contract specifically places the responsibility for segregation of waste and operation of the compost drums on the contractor. It stipulates that he will have to provide at least ten sanitary workers daily. In case additional staff is required for the effort then it is up to him to manage the same.

Update on Legal Cases

CWP 3226/2018 (Sandeep Vihar vs HUDA) Regarding Third LEC.

21. The writ petition by the society was filed in Feb 2018. It was compiled entirely by Col R S Rathee (Retd), the then President. Lt Col Rohit Mittal (Retd) then General Secretary and Brig D K Mohan (Retd). Thereafter, 171 RTI applications were filed before various authorities (HUDA, DTP Panchkula, Town and Country Planner, Haryana etc.) to obtain additional documentation. These were used to reply to the Rejoinder by HUDA, as well as submit our points before the Three Judges Committee.

22. The judgement on our Writ Petition was given by the High Court on 05 Dec 2019. HUDA Counsel had agreed to recalculation of Third LEC on the basis of Three Judges Committee Report, which had accepted our contentions in near totality. A proper recalculation with retrospective effect would result in a refund instead of demand. The High Court ordered CCF, HUDA to carry out a hearing and implement the judgement within three months.

23. CCF, HUDA gave a decision on only one point and referred the main issue regarding recalculation to Administrator, Panchkula. However, in spite of repeated reminders, no action was taken by Administrator, Panchkula. In Jan 2021 we went

back before the High Court seeking implementation of the order. Various delays took place in the interim period due to court closure on account of Covid and strikes. On 05 Aug 2022, the Court ordered Administrator, Panchkula to implement the order.

24. In spite of this no action was taken by Administrator, Panchkula. We again filed a CM before the High Court for directions for time bound implementation. This was heard on 17 Feb 2023. **The High Court has given HUDA two months' time to implement the order. In case still not implemented, we will have grounds to go for contempt of court.**

NCDRC Case Against AWHO.

25. The Main issue of the case is the handing over of the Project Director's Building to the society. In Jun 2019, AWHO had offered to hand over the building at 50% of book cost – approx. Rs. 40.00 lakhs. The GBM of 30 Jun 2019 had authorised the management to proceed with further negotiations through the following resolution.

"The House authorises the Management to enter into a mutual agreement with AWHO, **which leads to refund of interest on 2nd LEC duly updated till date, the reconciliation of Corpus Fund and payment of any balance with interest updated till date, the refund of TDS deducted on 2nd LEC if refunded by Income Tax Authorities and transfer of the MI Room/AWHO Office Building to the Society with maximum payment of 50% of Book Value.** The House authorises the management to renounce the remaining claims of the Society as a measure of give and take, and, extend the assurance that the issues will not be revived again".

26. Implementation of this Resolution would have resolved all the outstanding issues raised in the case. However, the following members approached the District Registrar for setting aside the proceedings of the GBM on technicalities.

- (a) Col S K Chauhan (Retd)
- (b) Lt Col Kulwant Singh (Retd)
- (c) Rfn S C Pathania (Retd)
- (d) Col Rajeev Singh (Retd)
- (e) Mr Pushpinder Kalia
- (f) Col S C Joshi (Retd)
- (g) H/Lt Rishi Ram (Retd)

27. Before another GBM could be convened, AWHO withdrew the offer. The case is thereafter following the usual trends in courts – date after date. Our Counsel has also contributed to the delays by missing three hearings over the last four years. He did not attend the last hearing on 25 Jan 2023 and was substituted by a proxy Counsel. The next hearing is on 20 May 2023.

28. AWHO has now made another offer for an out of court settlement vide AWHO Letter No. B/03001/55/AWHO/ Sandeep Vihar dated 20 Dec 2022. It claims that the current policy for handing over AWHO assets is to do so at "Market Rates". However, in order to arrive at an out of court settlement, the Board of Governors

has approved transfer at "Circle Rates" as a special case. Even this would work out to around Rs 2.5 crores.

29. The issue was discussed and it was unanimously decided that the offer made by AWHO was unacceptable.

Refund of Interest on 2nd LEC by AWHO.

30. In Oct 2021, AWHO had offered to refund the interest on 2nd LEC to members. Intimation of the same was given to everyone and submission of forms was facilitated by the society. AWHO processed the first set of forms. Thereafter, refunds have been discontinued for unknown reasons. However, these seem to have been resumed over the last one week.

31. This is the same refund which AWHO had offered in May 2016. However, the then General Secretary had prevailed upon the Ad Hoc Committee to ask AWHO to hand over the total amount to the society for use, instead of to the individual members. This was obviously disagreed to by AWHO. Many of us are still waiting for the refund after nearly seven years.

CWP by Mr Pushpinder Kalia and Others.

32. A CWP was filed by Mr Pushpinder Kalia in Sep 2019 seeking refund of contribution to Long Term Development Fund. Subsequently following members tagged onto the case:-

Lt Col Piyush Katal (Retd) (E1/101)
Maj Gen Anil Kumar (Retd) (E3/703)
Miss Rubaina Chauhan (E7/501)
Mrs Seema Malik (E9/502)
Mr Ashok Chadha (D4/202)
Mr Kuldeep Singh (D3/702)
Brig S S Jaswal (Retd) (E6/404)

33. Next hearing is on 24 Feb 2023.

Complaint Regarding Elections of 09 Aug 2020.

34. Consequent to the elections of 09 Aug 2020, a complaint was submitted to the District Registrar, with copy to CM Window by following members:-

Col S K Chauhan (Retd)
Lt Col Kulwant Singh (Retd)
Rfn S C Pathania (Retd)
Col Rajeev Singh (Retd)
Mr Pushpinder Kalia
Col Rajinder Singh (Retd)
Col Vimal Kumar (Retd)
Col V M Sharma (Retd)
Lt Col R G Sharma (Retd)
H/Lt Rishi Ram (Retd)

35. Some of the issues raised were as under:-

- (a) Ballot papers printed on both sides.
- (b) Ballot papers made into bundles of 15 for counting.
- (c) Videography not carried out in the hall.
- (d) Results were not signed on the same day by the Returning Officers.
- (e) Candidature of Brig D K Mohan (Retd) should have been declared void because he is not staying in his own house.
- (f) Minutes of the meetings held by the Returning Officers are not valid because they have not been signed by the participants.

36. The complaint was forwarded by the District Registrar to the State Registrar. After conduct of hearings, it was dismissed by State Registrar. Col S K Chauhan (Retd) filed an Appeal filed with Registrar General of Societies, Haryana against the order of State Registrar. The Registrar General remanded the case back to District Registrar "to determine whether a case was made out".

37. The District Registrar found the case "to be devoid of merit as no case was made out against the Act or Rules" and it was dismissed on 16 Aug 2022. Two years were wasted on the efforts of making point wise replies to all the imaginary issues raised and in attending the hearings.

38. The complainants were accompanied by Counsel in all hearings – one before the State Registrar, two before the Registrar General and three before the final hearing with the District Registrar. The GBM had approved hiring of Counsel by the Society, since the cases were against the society and not individual members of the management. However, we were represented by President and General Secretary to save expenditure, and that, the President and General Secretary were well versed with the case with truthful replies, hence, counsel was not required at all.

39. A separate complaint was filed on CM Window which required another set of hearings for resolution.

Complaint Regarding Balance Sheet of FY 2020-21

40. Consequent to the GBM of 12 Sep 2021 a complaint was submitted to District Registrar with copy to CM Window by following members:-

Col S K Chauhan (Retd)
 Lt Col Kulwant Singh (Retd)
 Rfn S C Pathania (Retd)
 Col Rajeev Singh (Retd)
 Mr Pushpinder Kalia
 Col S C Joshi (Retd)
 Col Rajinder Singh (Retd)
 Lt Col R S Benal (Retd)
 Mr Vinod Kumar

41. The complaint was raised in spite of the issues having been discussed and approved by the GBM. A number of inconclusive hearings were held by the District Registrar. It was finally decided to have an Internal Audit Board to examine the points raised and place the report before the GBM. Col S K Chauhan (Retd) undertook to accept the decision of the GBM and thereafter not raise issues pertaining to FY 2020-21 with any agency government of private.

42. The following recommendations of the Internal Audit Board were approved by the GBM of 27 Mar 2022:-

“Having done the desired audit/checking of the Balance Sheet for the financial year 2020-2021 of the Society with the accounts of the said year with regard to points raised by the complainant Col S K Chauhan, vide his petition dated 27 Sep 2021 submitted to CM Window, Haryana, **it is evident from the proceedings of the subject board that, no substance has been found in any of the issues/allegations raised by the complainant Col S K Chauhan, vide his subject petition dated 27 Sep 2021. The same deserves to be dismissed**”.

Complaint Regarding Balance Sheet 2021-22.

43. Prior to the AGM of 2022, a number of points were raised by the same members on the balance sheet. A suggestion was made by some senior members to resolve the issues prior to the GBM to avoid wastage of everyone's time. A precondition was laid to the meeting that all points would be discussed and then closed. The meeting was held in the presence of Brig K C Sood (Retd), Brig S M S Rathaur (Retd) and Brig Raghuvinder Kapoor (Retd) on the day prior to AGM. All the points were clarified.

44. After the meeting, Col S K Chauhan (Retd) and colleagues went back on their undertaking and insisted that the points be discussed during the AGM on 30 Oct 2022. Accordingly, all points were discussed and the balance sheet was approved by the General Body.

45. However, another complaint was thereafter lodged with the District Registrar with copy to CM Window. Signatories to the complaint were:-

Col S K Chauhan (Retd)
Rfn S C Pathania (Retd)
Col Rajeev Singh (Retd)
Mr Pushpinder Kalia
Col S C Joshi (Retd)
Col Vimal Kumar (Retd)
Lt Col R S Benal (Retd)
Col V M Sharma (Retd)
Mr Vinod Kumar

46. The points in this complaint were the same as last year with figures applied from the current year. Some of them were quoted as under:-

FY 2020 - 2021	FY 2021 - 2022
As per Auditors Report there was under recovery of Society Charges to the extent of Rs 1,41,181/-	As per Auditors Report there was surplus recovery of Rs 1,81,361/-
Expenditure on Boundary Wall of Rs 2,00,000/- the location of which is not known to anyone.	During FY 2020-21 Rs 2,00,000/- were spent on repair of Boundary Wall which was not repaired at all.
Discrepancy of Rs 9,90,000/- in the Long Term Development Fund.	Discrepancy of Rs 9,90,000/- in the Long Term Development Fund.

47. It was pointed out that the point regarding the expenditure of Rs 2,00,000/- on boundary wall had actually been incurred on repair of grit wash, but had been wrongly reflected in the depreciation statement. This had been verified by the Internal Audit Board and the CA. However, the point had been raised once again, in spite of the written commitment made in the agreement to set up the Special Internal Audit Board and the assurance given before the GBM of 30 Oct 2022.

48. Another point raised was regarding the issue of Expenditure over Income, which quoted as under:-

FY 2019-20	Rs. 13,14,690/-
FY 2020-21	Rs. 1,09,719/-
FY 2021-22	Rs. 20,12,257/-
FY 2021-22 (Third LEC)	Rs. 9,69,857/-
TOTAL	Rs. 44,06,524/-

49. It was pointed out that the Deficit Balance is the result of an entry for Depreciation, which is a non cash entry. It results in a Deficit Balance in the Balance Sheet. It is to be noted that this is not a cash deficit. The Deficit Balance allows adjustment of loss against the Income Tax liabilities of the Society. That is the reason we get full TDS Refund every year and do not have to pay any Income Tax. The 'Deficit' is entirely notional and does not indicate any financial loss. Furthermore, expenditure over income is not totalled over the years to arrive at a cumulative figure.

50. The inevitable existence of Expenditure over Income is borne out by the tabulation since the first Balance sheet.

YEAR	DEFICIT BALANCE
2009 - 2010	Rs. 1,30,37,907/-
2010 - 2011	Rs. 1,27,87,159/-
2011 - 2012	Rs. 94,17,619/-

2012 - 2013	Rs. 97,99,829/-
2013 - 2014	Rs. 61,99,785/-
2014 - 2015	Rs. 62,13,520/-
2015 - 2016	Rs. 44,36,247
2016 - 2017	Rs. 12,65,998/-
2017 - 2018	Rs. 13,39,585/-
2018 - 2019	(-)Rs. 97,571/-
2019 - 2020	Rs. 13,14,690/-
2020 - 2021	Rs. 14,24,410/-
2021 - 2022	Rs. 44,06,524/-

51. As a result of the Expenditure over Income we have been consistently getting Income Tax Refund. In FY 2020-21 it was Rs 1,32,950/- and in FY 2021-22 it was Rs 1,51,620/-.

Processing of the Complaint Regarding Balance Sheet 2021-22.

52. A hearing was held by the District Registrar on 22 Dec 2022. The following submissions were made on behalf of the society: -

- (a) The signatories are habitual complainants whose only aim is to detract the management from functioning.
- (b) Through these complaints, miniscule number of members seek to over rule the General Body.
- (c) Misuse is made of the CM's Window to bypass the provisions of the Act/Rules and pressurise the dealing authorities to act against their better judgement.
- (d) The points raised this year are identical in nature to those in the complaint made last year, which were processed by the Office of District Registrar and thereafter examined by a Special Internal Audit Board before being closed by the General Body.
- (e) The Balance Sheet and Audit Report are prepared by the CA, based on records which they enter into their Tally software. The management has no role to play in it.
- (f) The Balance Sheet is not a cash account and any variations in it does not have any direct relation with the cash accounts of the society.
- (g) There are legacy entries being carried forward into the balance sheet, which cannot be identified prior to 2017, because, the basis for the same and the Tally records of the period are not available. However, these do not have any implication whatsoever on the accounts of the society.
- (h) The cash accounts of the society are maintained by the management.

(i) Points of complaint pertain to the documents prepared by CA and not to the cash accounts of the society.

(j) The cash accounts of the society have been thoroughly audited by the CA as well as an Internal Audit Board comprising three very senior and experienced members and found to be absolutely correct. The same have also been approved by the GBM.

(k) The points raised have been discussed and clarified in a direct meeting with the complainant, followed by the GBM. The General Body has passed the accounts.

(l) The complaint does not make allegations of any culpable act of commission by the management.

53. During the hearing, a proposal was made to again convene an Internal Audit Board like last year with three members each. This was not agreed to on behalf of the society in view of last year's experience and back tracking on the commitment made during the mutual discussion of 29 Oct 2022. It was felt that the frivolous and baseless nature of the points raised would be best understood between two CAs. On behalf of the society it was insisted that the prayer of the complainants be complied with:-

“It is requested that the matter be investigated by appropriate authority and suitable legal action taken”.

54. The HRRS Act provides for inquiry by qualified professional to be ordered by District Registrar with the proviso that the cost of the same be deposited by complainants and be used to make payment if the allegations are found to be baseless. In case substance is found in the allegations then payment to be made by the society.

55. On 05 Jan 2023, District Registrar ordered a ‘SPECIAL AUDIT’ to be conducted by a CA nominated by him and payment of Rs 42,480/- to be deposited in the society fund by the complainants within one week. The report to be submitted within 90 days. However, the payment was not deposited in the given time frame by the complainants.

Complaint to CM Window.

56. Thereafter, the CM Window was activated once again by Col S K Chauhan (Retd). A hearing was held on 30 Jan 2023. The CM Window opined “We agree with the conclusion” of the District Registrar.

57. A request by Col S K Chauhan (Retd) to deposit payment through DD with the District Registrar, instead of the Society was agreed to. The following requests were not agreed to:-

- (a) To be present throughout the audit.
- (b) Period for completion to be reduced.
- (c) To be shown the report before finalisation.

Hearings Held by Various Authorities on Complaints by the Same Members.

58. The numerous hearings which have had to be attended by the President and General Secretary to resolve the numerous complaints made by the same few complainants have detracted their efforts from the functioning of the society. All the complaints have been rejected or found baseless, except the last one which too, will reach a similar conclusion. Details of the hearings, thus far, are as under:-

	District Registrar	State Registrar	Registrar General	CM Window	CIC Haryana	Total
Election Complaint	1	2	1	2		6
Complaint to set aside GBM of 02 Feb 2020 on installation of Solar Power Project	1					1
RTI Complaint					2	2
Balance Sheet 2020-21	3			2		5
Balance Sheet 2021-22	1			1**		2
Total						16

** Another Hearing scheduled on 04 May 2023

The following members had approached the District Registrar to set aside the proceedings of the GBM of 02 Feb 2020 wherein the pragmatic decision to establish a Solar Power Project had been taken:-

Col S K Chauhan (Retd)
 Lt Col Kulwant Singh (Retd)
 Rfn S C Pathania (Retd)
 Col Rajeev Singh (Retd)
 Mr Pushpinder Kalia
 Col S C Joshi (Retd)
 H/Lt Rishi Ram (Retd)

59. The General Secretary pointed out that the primary focus of the management during the next two months should be on ensuring correct and timely recalculation of the Third Enhancement by HUDA. This was the most vital issue for the society. Instead, their attention, time and effort would be diverted in attending hearings on the complaint regarding balance sheet 2021-22.

Concluding Remarks by President

60. The complaints against the society which were covered pertained to baseless issues regarding elections and balance sheets. With exception of the last one, which is still under consideration by a financial expert, the remaining have all been

dismissed. The details of the common pool of complainants can be seen at paras 26, 30, 40,45 and 58 above.

61. It is hurtful that innuendos are being spread against a management which has not even charged the society a single paise for the legitimate transportation costs on attending court cases and hearings, including a meeting with the MD, AWHO at Delhi. The tea room and the office runner have been dispensed with being a luxury which the society cannot afford. By contrast those spreading innuendos used to take transportation allowance from the society for visit the bank in Sector 20 and refreshment cost while proceeding out of station.

62. As has been repeatedly pointed out, the balance sheet is not a cash account. It is a statement, or a summarization of the financial health of the society, which is produced by the Chartered Accountant. However, there have been instances of electoral fraud and financial mismanagement of the society in the past, which have been taken cognizance of by the District Registrar and the General Body. Everyone needs to be aware of these.

Electoral and Financial Mismanagement in the Past.

63. Those making allegations against this management forget their own acts of omission and commission. Elections were deliberately conducted by them for a Collegium instead of the General Body. Subsequent elections were not conducted by due date. A very casual approach existed to accounting procedures as is evident from the manner of acquisition of CCTV cameras. Inquiry was conducted on approval of GBM. **This financial mismanagement did not pertain to something abstract like a balance sheet, but pertained to the cash account of the society.** The issue was magnanimously closed to maintain harmony within the society.

Fraudulent elections of 2016.

64. The President and some members elected for the management from 18 May 2014 to 17 May 2017 resigned on 12 May 2016. Our Society had come under General Body System of elections and governance vide an amendment of 18 Sep 2015 to HRRS Act, 2012. The lead complainant Col S K Chauhan (Retd) and his friends got themselves fraudulently elected on 19 Jun 2016 under the Collegium System by cheating and deceiving the society.

Failure to Conduct Elections by Due Date in May 2017.

65. Election for the management having been held on 18 May 2014, fresh elections were supposed to be held by 17 May 2017. The then President of the Society, Col S K Chauhan (Retd) and his friends who had got themselves fraudulently elected in June 2016 failed to conduct the elections by 17 May 2017. The matter was brought to the notice of the District Registrar by some vigilant members of the society. The fraudulently elected management was removed from office unceremoniously by the District Registrar on 15 Jun 2017. An Ad hoc committee was installed to conduct the elections.

EXTRACT OF ORDER OF DISTRICT REGISTRAR

“Last election was held on 18.05.2014. The fresh election as supposed to be over by 17.05.2017. Since the present body has not conducted election till date, as such now present body has no right to do any activity/conducting the election. All the action taken by the present body after due date will be treated as null and void. Accordingly, undersigned constitutes an Ad hoc committee - - - .”

Absolute Financial Mismanagement in 2016 – 2017.

66. The Receipt and Payment account for 2016-2017 shows an advance payment of Rs 5,80,000.00 to a supplier for CCTV cameras. The CA has neither observed nor commented nor asked why and for what reasons the full advance payment was made to the vendor before delivery of any CCTV cameras, accessories or submission of bills.

67. It is very strange and unbelievable that Col S K Chauhan (Retd) the president, Col K N Jetly (Retd) vice president, Rfn S C Pathania (Retd) general secretary and Lt Col Kulwant Singh (Retd) the treasurer connived to concur for this advance payment and all have signed the noting sheets recommending the advance payments.

68. On examination of the file, it emerged that:-

(a) No approval found of the board proceedings for recommendation of vendor for purchase of CCTV cameras and accessories.

(b) Full advance payments were made between 13 Dec 2016 and 12 Feb 2017, without any bills having been submitted by the vendor.

(c) It is again very strange and unbelievable that, all noting sheets have been initiated by Col Vimal Kumar (Retd), the presiding officer of the Board of Officers to approve the vendor for supply of CCTV cameras and accessories even though he was not on the Managing Committee. All the noting sheets have been signed as approved by Col S K Chauhan (Retd) President, Col K N Jetley (Retd) Vice President, Rfn S C Pathania (Retd) General Secretary and Lt Col Kulwant Singh (Retd) Treasurer.

(d) Bills were received as under:-

(i) Bill dt 05/6/17 for Rs 2,32,550/-.

(ii) Bill dt 10/6/17 for Rs 1,23,250/-.

(iii) Bill dt 10/6/17 for Rs 2,24,540/-.

(e) Full advance payment having been made between Dec 2016 and Feb 2017, neither the president nor any other functionary handling financial matters have seen/received these bills as the receipt stamp on the reverse of the bills are not initialed by them. Furthermore, there was no record on the bills or on file of the stores having been checked and correctly received.

(f) More shockingly, the Minute Sheet dated 16 Jun 2017 shows a refund by the vendor of Rs 6,500/- dated 15 Jul 2017!

69. Perusal of the accounts show that the cheque is indeed dated 15 Jul 2017 and this is not a typing error. Obviously the entire exercise is an after thought between the presiding officer, president, vice president, general secretary and the treasurer since the management was removed by the District Registrar on 15 Jun 2017.

70. The president opined that such errors were bound to happen when back dated regularization of issues was done. The sequence of the dates of removal of the management, signing of the final noting sheet and mention of a refund cheque issued one month later made it very obvious as to what had happened.

71. Lt Col Kulwant Singh (Retd) distanced himself from the issue by claiming that he had not signed the minute sheet of 16 Jun 2017. He was apprised that his signature existed on the earlier minute sheets wherein approval was accorded to give the entire payment in advance to the dealer.

72. Col Rajiv Khanna (Retd) enquired whether the bills mentioned a GST or CGST number of the dealer. It was confirmed that no such details existed. He opined that then authenticity of the bills could not be taken for granted.

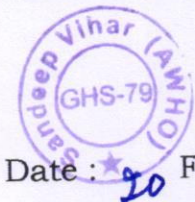
73. Col Rajeev Singh (Retd) enquired as to why an issue which was nearly six years old was being raised at this juncture. The president clarified that he had closed the case during the GBM of 24 Mar 2018, in spite of recommendations to the contrary by the internal inquiry and the sense of the House, in order to maintain an amicable environment within the society. However, he had been constrained to again raise the issues because of the endless, but baseless accusations being made by the same members against the Returning Officers of election 2020 and the balance sheets of 202-21 and 2021-22, knowing fully well that the balance sheet is prepared by the Chartered Accountant.

Points From Members


74. Points in advance were received from only one member and the same were replied to in writing under provision of Para 16 of the Society Bye Laws.

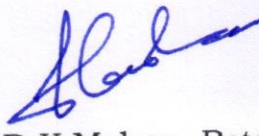
75. Mr B M Vashishtha (TH/301) appreciated the diligent efforts of the management and the high standards achieved by the society.

76. He cautioned that the recent earthquake in Turkiye and Syria should warn us to be prepared for any eventuality since we lie in an earthquake prone zone. The point was appreciated and it was decided to sensitize the residents to action to be taken in such an eventuality.



Date : 20 Feb 2023


(Col R S Rathee, Retd)
President


(Brig D K Mohan, Retd)
Gen Secretary