

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

MINUTES OF THE MANAGEMENT COMMITTEE MEETING :

06 JUN 2023

1. A meeting of the Management Committee was held on 06 Jun 2023. Six members were present.
2. Record of discussion is enumerated below.

Refund of Interest on Third LEC Deposit

3. In accordance with decision of GBM of 19 Feb 2023 to refund the accumulated interest on the Third LEC Deposit to eligible members, the CA had calculated the individual interest accumulated and rendered his report. The following had been advised in the report:-

(a) TDS to be deducted and deposited to government. Details of the deposit to be processed for credit into Form 26 AS of the member.

(b) The interest on account of Third LEC (OLD), collected prior to Nov 2017, which had been deposited in the society fund, to be transferred to the Third LEC account prior to disbursement.

(c) The process be preferably completed by 30 Jun 2023.

4. The report was unanimously approved and it was decided to commence the refunds immediately.

5. On the issue of action to be taken regarding the deposit of members who had sold their flats, the decision of the General Body was recalled, wherein it had been decided that the deposits and interest must be retained till such time as either the courts negated the demand by HUDA, or the demand was modified / cancelled pursuant to recalculation as directed by court orders. It was noted that so long as the demand by HUDA remained, the demanded amount would keep increasing due to application of interest. Therefore, the interest accrued to members who had made a deposit on sale of the flat must be merged with the principal amount.

Follow Up on the Writ Petition Against HUDA Regarding Third LEC

6. It was recalled that the High Court, on 05 Dec 2019, had issued the following Order on the Writ Petition of the Society challenging the Third LEC demand by HUDA:-

“Learned counsel for the respondents submits that the claim of the petitioner, as made out in the petition, can be considered in view of the amended policy dated 22.08.2019 and calculation as well can be made in view of the provisions of aforesaid policy....

Accordingly, the present petition is disposed of with a direction to respondent Number 3 to consider the claim of the petitioner as mentioned above in view of the latest policy framed by the respondents by giving an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order”.

7. However, in spite of a subsequent order of High Court for implementation, no action was taken by HUDA on its own commitment before the court. We finally had to resort to a contempt petition. On 19 May 2023, the High Court directed Administrator, Panchkula, HUDA to either file a compliance report by 30 May 2023, or be personally present in court.

8. Forced by this strong order, HUDA filed a compliance report along with a Speaking Order. While disposing of the case, the High Court permitted us to appeal in case not satisfied with the Speaking Order.

9. The compliance report by Administrator, Panchkula, HUDA is a total farce. The original order had directed that we be given a hearing and all the points raised by us be considered. In actual fact hearing was no given, in spite of written requests and only one point – recalculation of Third LEC was done.

10. The recalculation is an example of HUDA’s perfidy. Instead of doing the recalculation on the basis of the letter of 22.08.2019, (the favourable Three Judges Report), the calculation has been done on the Last and Final Settlement Scheme (LFSS Scheme) which was a voluntary scheme from 2020 to 2022 and which we had rejected.

11. The Speaking Order makes an absolutely false statement to the effect that the “LFSS Scheme under policy of 22.08.2019 has been closed with effect from 30.1.2022 and could not be made applicable again. Hence benefit under 22.08.2019 could not be given to the allottee”. The fact is that the letter of 22.08.2019 and the LFSS Scheme were two different policies. Our recalculation was committed to be done under the letter of 22.08.2019. Hence any other calculation done after deliberately delaying the process by over three years, is circumventing the Court Order.

12. In view of the total noncompliance with the original court order and the nonsensical Speaking Order, it was unanimously decided to exercise the option offered by the High Court for appealing against the perfidious actions by HUDA. The following resolution was unanimously adopted: -

“It is resolved that The High Court be approached once again challenging the noncompliance by HUDA with the stipulated conditions of the Court Order of 05 Dec 2019 and seeking resolution of all issues raised by us in the original compliant, as well as a recalculation based on the policy of 22.08.2019. Col R S

Ratee, (Retd), President, Sandeep Vihar was authorised to engage counsel and sign all documents pertaining to the said petition and to attend court hearings on behalf of the society”.

Updates

13. The progress of the ongoing Fire Fighting Audit of the society was reviewed:-

(a) Actions Completed:-

(i) All sirens on each floor of all blocks repaired and MCBs fitted to prevent damage.

(ii) All Starter Boxes of pump motors serviced and made operational.

(iii) All pump motors on rooftop serviced and painted. Two motors required rewinding.

(b) Approval was accorded for the following pending works: -

(I) Repairing and painting of roof top firefighting pipes and ring line boxes.

(ii) Cleaning and servicing of Hydrant valves on all floors and ring line boxes including replacement of washers and nuts / bolts.


(iii) Repair and servicing of underground NRVs including fitting of an NRV which had been left unconnected at the time of construction.


(iv) Hose pipes stacking plates inside the windows on each floor.

14. It was also decided to undertake the check / servicing of all lighting conductors and cleaning of the society water tank.



Date: 07 Jun 2023


 (Col R S Rathee, Retd)
 President


 (Brig D K Mohan, Retd)
 General Secretary