

SANDEEP VIHAR (AWHO) SOCIETY, GHS-79, SECTOR-20, PANCHKULA
RE-ADJOURNED ANNUAL GENERAL BODY MEETING HELD
ON 09 February 2025
MINUTES OF THE PROCEEDINGS

Attendance

1. Re-adjourned Annual General Body Meeting was held on 09 February 2025, 98 members attended.

Agenda

2. The agenda was as under:

- (a) Passing of the minutes of GBM dated 27 October 2024.
- (b) Adoption of Accounts for 2023-24.
- (c) Discussion on Punjab and Haryana High Court Orders on Writ Petition No 26720-2019 and Others.
- (d) Works carried out in 2024-25.
- (e) Proposed budget for 2025-26.
- (f) Update on legal cases.
- (g) Amendment to Bye Laws.
- (h) Penalty Clause for Violations.
- (i) Points from Management.
- (j) Points from Members.

3. President welcomed all members present and thanked them for making it convenient to attend the GBM.

Obituary

4. Homage was paid to Late Mrs. Shila Bhardwaj, Co-Owner of E6/401, whom we lost on 06 Feb 24, and one-minute silence was observed.

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Passing of Minutes of GBM held on 27 October 2024

5. House was requested that minutes of previous GBM held on 27 Oct 24 be passed. Same was proposed by Col R S Rathee (E13/402) and seconded by Brig S N Setia(D2/501).

Adoption of Accounts for 2023-24

6. The House was apprised that some members had observed that adoption of the accounts during the previous GBM had not been recorded in the Minutes of the Meeting. Brig Sarjit Singh (E3/203) proposed that the adoption be now recorded and it was seconded by Lt Col Ranjit Singh (E10/604). Same was approved unanimously.

Discussion on Punjab and Haryana High Court Orders

7. General.

(a) Writ Petition No 26720-2019 was filed by Shri Pushpinder Kalia (E9/604) and others, challenging the charging of Transfer Fee on sale of Flats by Society.

(b) Writ Petitions Nos 9111-2022, 12083-2022 were clubbed with WP No. 26720-2018.

(c) The Petitioners challenged the Society Decision taken in GBM on 08 Sep 2019.

(d) Decision/Order issued by The High Court on 08 November 2024. Certified copy of the order has been circulated to members.

8. Key Points of the Order.

(a) Fixation of Transfer Fee beyond Rs 10,000.00 after Haryana Government issued a Notification on 22 June 2018 amending "Haryana Registration and Regulation of Societies (Amendment) Rules, 2018, is illegal (after Issue of the Notification).

(b) Amount thus collected by Society after the date of Notification (22 June 2018) is unlawful and is liable to be returned.

(c) Amount so charged in excess of Rs 10,000.00 shall be returned to the petitioners with an interest of 6% per annum from the date of collection.

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9. Implications of The Order.

(a) No refund for payments made before 22 June 2018.

(b) Payments made in the period between 22 June 2018 and 01 April 2021. (47 members)

(i) Refund full amount with 6% interest.

(ii) Fresh Transfer fee of Rs 10,000.00 plus GST to be deposited/paid.

(iii) TDS (10%) to be charged on Interest (above Rs 5000/- only).

(c) Payments made after 01 April 2021. (53 members)

(i) Rs 10,000.00 be retained as Transfer Fee.

(ii) Balance amount to be refunded with 6% interest.

(iii) GST to be borne by the Society.

(iv) TDS (10%) to be charged on Interest (above Rs 5000/- only).

10. Implementation of the Order: -

(a) We have only ONE PETITIONER who comes within the purview of this order. The amount (Less 10,000.00 +GST) has already been refunded.

(b) The refund is NOT APPLICABLE to petitioners who have purchased the flats before 22 June 2018.

(c) It is proposed to refund the Transfer Fee charged in excess of Rs 10,000.00 from Members who have purchased the Flats after 22 June 2018 when "Haryana Registration and Regulation of Societies (Amendment) Rules, 2018, came into force.

10A. The proposal was unanimously approved.

Progress of Works Carried out in 2024-25

11. Fire Protection/ Fighting.

Ans.

- (a) 82 Hose Reels Replaced.
- (b) Installation of Fire Alarm System, Smoke Detectors and Hooters in all 23 Blocks
- (c) Refilling of Fire Extinguishers.
- (d) Repairs of FF Eqpt.

12. Electrical.

- (a) Installation of 11 KVA Panel (VCB) at Sub Station 1.
- (b) Purchase of new Starter Motor for Borewell. Old motor repaired and kept as reserve.
- (c) Painting of Electricity Poles.
- (d) Repair of UG HT cable between Sub Stations 2 and 3.
- (e) Repair of UG HT Cable between U1 and U2 blocks.
- (f) Change of MCCB in Feeder Pillars of 2 Blocks. (E5 and E14).
- (g) Dehydration of Transformer Oil.
- (h) Repair of Lightening Conductors.
- (i) Fixing Hooter for water supply in Block No 9.
- (j) Painting of both Generators.

13. Civil Works.

- (a) Fixing of Grills in Club Building.
- (b) Repair of Staff Toilets (Except Block No 11).
- (c) Improvement in Community Hall Kitchen.
- (d) Paver Tiling of Gate No 2 Area.
- (e) Repair/ Painting of Pathway along Boundary Wall.
- (f) Periodic Painting of Community Hall.
- (g) Procurement of 50 PVC Chairs.

Ans.

- (h) Fixing of PVC Screen along Boundary wall (Opposite E 11 Block, Community Hall and Shopping Complex).
- (i) Extensive repair of Grit Wash.
- (j) Repair of water pipeline-Blocks E3/E4/E8/E14/U2.
- (k) Sign posting of Block Nos along Roads.
- (l) Construction of ramp for Differently Abled persons in the Office and U1 Block.

14. Lifts.

- (a) Restoration of First Floor Operation of 4 Lifts.
- (b) Repairs of one ARD in E14 Block and now balance ARDs to be fitted are 5.
- (c) Fixing of additional lights in Lift Cabins.

15. Sanitation. Installation of Poop Bins for Pets.

16. Multi-Purpose Hall. This Hall will be available for private functions to members on payment of nominal charges.

Changeover from My Gate App to ANACITY App

17. (a) We noticed three Incorrect Entries in Payments in September 2024. These could only be corrected after repeated requests and Conference Calls with their Software Vendor.
- (b) We requested My Gate officials to make necessary changes in their Software so that payments were related to the Flat / Owner name. Despite repeated requests, My Gate did not respond and continued with their software.
- (c) Normally payment to My Gate was made by our Bank under CSR in Dec/Jan, however they started demanding the payment in Aug 2024.
- (d) We tried to resolve the issues with My Gate Representative and their management, but there was no response from them.
- (e) They blocked our access to Dashboard in Oct 24 and Society was subjected to unnecessary harassment.
- (f) We therefore looked around for a new Vendor and found ANACITY who are providing such services to many Societies.

18. ANACITY.

- (a) Anacity, is using improved Technology.

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(b) Anacity, have accommodated our format requirement. Anacity is providing the service at same rate as My Gate and this rate will continue for next 3 years.

(c) Most Residents are on board in ANACITY. If anyone is left out, kindly make a request in the App for approval.

Board of Members (BOM) on Electricity Supply in the Society

19. A BOM was ordered in May 2024 to assess the condition of our Electrical Assets and future requirement for next 10-15 Years.

20. Composition:

Presiding Member - Brig Jeetendra Ohri

Members - Lt Col Rajesh Kumar

Hony Capt GC Bhatt

21. The BOM have submitted their report and recommendations and we have already taken action on following recommendations.

(a) Silica Gel in Transformers be replaced periodically.

(b) Transformer Oil to be tested and dehydrated.

(c) Continuity of Lightening Conductors be checked.

(d) Cost evaluation of LED Lights.

(e) Painting of DG Sets.

(f) Replacement of gravel surface around Transformers.

Swimming Pool

22. Our Swimming Pool has been in a state of disuse for past 9 Years. Many members have suggested that the swimming pool should be activated. Activation will include repairs of the pool, repair of filtration system, repairs of ladies changing room, staffing, water management, regular maintenance and access control. Monthly expenditure for swimming pool operation will be approx. Rs 1.00 lakh per month with rider that contract should be for 5 yrs and outsiders be also permitted. Closure of the swimming pool will cost approx. 5 Lakhs for filling up and development of the area. Filling up of the swimming pool requires approx. 2.5 Lakh ltrs of water. We require 3 employees for maintenance and operation of the Pool. Likely cost of repairs will be more than 7.5 Lakhs. Besides, there is NO PRIVACY of the Swimming Pool Area with many buildings having come up along the boundary wall in Peer Muchhalla overlooking the Pool.

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23. A healthy discussion took place wherein Brig Sarjit Singh said that this decision to close has already been taken previously and we should implement it. Col R S Rathee also supported the proposal to close cifting shortage of water in summer months where water level goes down and thus, we cannot use limited water supplied by MC Panchkula for filling the pool. Cmde Sanjay Nagar (D3/704) proposed that we should reconsider decision since it adds to the value of Society. On this Col R S Rathee commented that he may like to go through the previous recordings of discussion & decision on this issue. Col S Bhardwaj (E10/601) gave an idea that if we can use swimming pool for Rain Water Harvesting (RWH). He was informed that a detailed study was carried out in 2020 on the subject, where in experts from Irrigation Deptt were involved and it was found that since our layout has not catered for it during initial construction, hence it is not possible to incorporate the same now.

24. Concurrence of the house was asked to close the swimming pool by raising the hands. Majority of Members present raised hands to close the swimming pool.

Proposed Budget for 2025-26

25. (a) Financial Status as on 31 January 2025 .

		<u>Amount (Rs)</u>
(i) FDs as on 31 March 2024	-	3,56,00,000.00
(ii) FDs as on 31 January 2025	-	3,92,00,000.00
(iii) Cash in Bank as on 31 January 2025	-	28,21,090.00

(iv) Increase in FDs during 2024-25 is Rs 36.00 Lakhs.

(b) LEC Account as on 31 January 2025 is Rs 2,43,30,429.00.

26. Major Expenditure AMCs.

		<u>Amount (Rs)</u>
(a) Lifts	-	15,15,000
(b) Electrical	-	4,68,400
(c) CCTV	-	1,64,000
(d) Gen sets	-	35,400
(e) Sanitation	-	25,48,800
(f) Boom Barrier	-	84,000
(g) Water/Plumbing/Sewage	-	4,10,000
	<u>Total</u>	52,25,600
		Say 52.5 Lakhs

27. Routine Expenditure.

		<u>Amount (Rs)</u>
(a) Staff Salary	-	15,50,000
(b) Security Staff Salary	-	16,50,000

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(c) Common Area Electricity bill	-	24,00,000
(d) Water and Sewage Bill	-	4,50,000
(e) Repairs –Civil Works	-	31,00,000
(f) Repairs- Electrical	-	20,50,000
(g) GST on Revenue	-	6,81,000
(h) Office and Misc Expenditure	-	6,00,000
<u>Total</u>	-	1,24,81,000
		Say (Rs. 1.25 Cr)

28. Estimated Income 2025-26.

		<u>Amount (Rs)</u>
(a) Society Charges	-	2,04,14,400
(b) Interest on FDRs	-	22,00,000
(c) Rent and Other Income	-	19,00,000
<u>Total</u>		2,45,14,400

29. Funds Available for 2025-26 Amount (Rs)

		<u>Amount (Rs)</u>
(a) Likely Expenditure Standing (AMC)	-	52,50,000
(b) Routine	-	1,25,00,000
(c) Total	-	1,77,50,000
(d) Funds Available for Development/ Savings	-	67,64,400
		Say (68.00 Lakh)

30. Proposed Works For 2025-26

	<u>Work</u>	<u>Likely Cost (Rs)</u>
(a)	Upgradation of five Lifts incl change of ARDs	11.5 lakhs
(b)	Erection of 4 ft High Fencing along Boundary Wall (Opposite Block Nos D1 to E2 and Gate No 2 to 3)	8-10 Lakhs
(c)	Introduction of Solar High Mast and Street Lights	4.0 Lakhs
(d)	Improvement of Park -	5.0 Lakhs
(e)	Improvement of Fencing towards Peer Muchhalla.	2.0 Lakhs
(f)	Replacement of fencing around Office and Restaurant Area.	2.0 Lakhs
(g)	Filling up of swimming Pool and Development of the Area.	5-8 Lakhs
	<u>Total</u>	- say 42 lakhs

Solar Power Project.

31. Details of Power Generated.

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	<u>Year/Period</u>	<u>Units</u>	<u>Value in Rs</u>
(a)	Sep to Dec 2020	26,970	
(b)	Jan to Dec 2021	85,990	
(c)	Jan to Dec 2022	1,07,470	
(d)	Jan to Dec 2023	1,08,800	
(e)	Jan to Dec 2024	1,10,020	
(f)	Jan 2025	7,070	
(g)	<u>Total</u>	4,46,320	31,68,872
	Subsidy given by UHBVN		88,100
	<u>Total Saving</u>		<u>32,56,972</u>

32. We had made an Investment of Rs 42. 50 Lakhs in this Project. 76.63% of the Cost of Project has already been recovered.

Update on Legal Cases

33. 3rd LEC CASE.

(a) On 06 Jun 24, High Court ordered HSVP to issue fresh speaking order within 8 weeks.

(b) We had a hearing with Previous Administrator on 26 June 24 and second hearing with new Administrator on 11 Sep 24.

(c) A meeting was also held for the calculations with staff on 24 Jul 24. HSVP is delaying the hearing and despite requests, have yet not given a date for hearing.

(d) The House unanimously resolved as under: -

(i) Hon'ble Punjab and Haryana High Court judgement of 06.05.2024 in CWP 9997-2024 had directed Administrator, HSVP, Panchkula to decide the representation dated 30.11.2020, within eight weeks of date of judgement.

(ii) In spite of repeated reminders having been issued to Administrator, HSVP, Panchkula, the orders have not been issued till date.

(iii) The General Body, hereby unanimously resolves those proceedings for contempt of court be initiated against HSVP by the society.

(iv) Under the provisions of the Bye Laws of the Society, the General Body authorises, Brig Parvinder Singh, President of the Society, to sign all documents required to be submitted towards this end.

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34. NCDRC CASE

(a) Hearing scheduled for 13 Jun 23 was postponed to 09 Aug 23. Additional Documents have been submitted.

(b) Final Arguments were scheduled for 19 Dec 23, 23 Feb 24 & 18 Nov 24. Now scheduled for 17 Feb 25.

(c) All documents sought by the Team Assigned for this case have been provided.

35. Cases with Registrar/Registrar General (RG).

(a) These relate to allegations made by Col SK Chauhan and others on conduct of Society Elections held in Aug 2023 and Audit Report of CA for various years. These Cases were disposed off by District Registrar and State Registrar of Societies.

(b) Cases have now been filed with Registrar General in Jun 2024 against the Orders of District/State Registrar. Hearing is scheduled for 11 Feb 2025.

(c) A fresh appeal has also been filed by Lt Col Kulwant Singh with District Registrar against present Management with allegations related to Society Accounts Audit.

36. Legal Fee Etc.

	<u>Case Period</u>	<u>Amount (Rs)</u>
(a)	<u>NCDRC</u>	
	Fee paid from 2015 till now	2,01,000
	Travel stay etc.	38,076
	<u>Total</u>	<u>2,39,076</u>
(b)	<u>3rd LEC and WP 26720-2019</u>	
	April 2023	55,000
		55,000
		27,500
	July 2023	1,00,000
	<u>Total</u>	<u>2,47,500</u>

Points from Management

37. Enforcement of Obligations

(a) "Rule of Law demands and dictates that the people follow the Law. The Constitution, whether of the State or of a Society registered under the Societies Act, is paramount. As people are to follow the Law in a State, so the members of a Society are duty-bound to follow the Constitution of the Society. After all, the Constitution is the

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soul of the Society. The Society, therefore, cannot function in contravention of its Constitution.

(b) In view of the above, there is a requirement to add the provisions of penalties in the Bye Laws. The new para 46 of the Bye Laws will read as under: -

"46. **Enforcement of Obligations.** In case any member is in arrears of payment of his obligation for a period of three months or more, the Managing Committee shall be competent to take all measures for the recovery of such arrears of the monthly maintenance charges, monthly utility bills (electricity and related charges), fines (if any) and other user charges, including coercive measures by taking recourse to disconnection of electricity and water supply to the apartment, blocking its sewage outflow, and denial of access to the common facilities including lifts and lifting of garbage etc. besides lodging a report with the police / filing legal suit for recovery of the dues along with penal charges if any as mentioned in para 43 (c) (d) & (e) above. Other penalties for breach of Bye Law shall be as under: -

	<u>Breach</u>	<u>Proposed Penalty</u>
(a)	Illegal Occupation of Common Areas.	- Five months Society Maintenance Charges
(b)	Storage of Baggage in parking Space.	- Three months Society Maintenance Charges
(c)	Defacement of walls and Lifts.	- Rs. 1000.00 and cost of Repainting.
(d)	Placing of Flower Pots on Balcony Walls without Grills	- Rs. 1000.00
(e)	Unauthorised Parking of Car	- Rs 500.00
(f)	Spitting of Gutka etc.	- Rs 1000.00
(g)	Non Registration of Pets with Municipal Corporation.	- Rs 1000.00
(h)	Non Removal of Poop of Pets.	- Rs 1000.00
(i)	Littering.	- Rs 500.00

38 This Special Resolution was approval unanimously by the house for amendment to the Society Byelaws.

39. Increase in Society Charges.

(a) After paying the LTDF, we will be left with Approx 3 Crores in FDs. We need to increase our FDs to 5 Crores to cater for any major repairs and replacement of equipment. If we increase our Society Maintenance Charges by Rs 500.00 for Economy Flats, we will be able to add approx. Rs 35.00 Lakhs to our FDs every year and in 4-5 years' time we can have approx. 5 Crore in our FDs. This will allow us to cater for major repairs and replacements.

(b) It is proposed that the Society Maintenance Charges may please be approved to be increased wef 01 April 2025 as under:

	<u>Type of Apartment</u>	<u>Society Charges per month (Rs)</u>	<u>Yearly Increase (Rs)</u>
(i)	Thrifty(12)	1800 to 2085	41,040
(ii)	Utility(56)	2350 to 2730	2,55,360
(iii)	Economy (348)	3000 to 3500	20,88,000
(iv)	Deluxe (140)	3600 to 4165	9,49,200
		TOTAL	33,33,600

(c) Approval of the House was requested for above increase.

(d) Proposal was discussed wherein Col Rajeev Khanna (E14/202) suggested that we should increase Society Maintenance Charges flat 10% every year. However other members suggested present system has more transparency so it should continue based on requirement. Proposal was accepted with overwhelming majority wherein everyone accepted the increase.

40. Amendment to Byelaws

(a) Amendment to Byelaws Chapter II Para 6(d) – Page 5 – it reads like this -

Membership and the Society Association of Apartment Owners

6. Terms of Admission of Members.

(c) xxxxxxxxxxxx

(d) Upon any apartment owner transferring the apartment by way of any will, gift or sale or an apartment becoming liable to transfer on account of natural inheritance, the successor-in-interest shall automatically become a member of the Society, and shall be admitted as a member on payment of the applicable membership fee, provided that any transfer of the apartment by way of sale to a third party, other than those involving family transfers, shall require no objection certificate/prior approval of the Society and AWHO.

Further provided that, wherever, any such transfer is permitted to a third party, the seller/transferor or the buyer/ transferee, as mutually settled between the parties and also be liable to pay a one-time transfer fee to AWHO, contribution of Long-Term Development Fund/Corpus Fund, Service Charges, other contributions or fee etc., as laid down by the General Body, to the Society. However, for disposal of property (Dwelling Unit), provision laid down in paragraphs 80 to 84 of AWHO Master Brochure July 1987, as amended from time to time, shall be strictly complied with.

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(c) Highlighted portion of above para needs to be replaced as –

"Further provided that, wherever, any such transfer is permitted to a third party, the buyer shall be liable to pay a one-time transfer fee of Rs.10,000.00 (plus GST) to Society as laid down by the Haryana Registration and Regulation of Societies Rules, 2012, as amended vide Notification dated 22 June 2018 to the Society."

(d) Fresh Para 6(d) will be as under: -

"Upon any apartment owner transferring the apartment by way of any will, gift or sale or an apartment becoming liable to transfer on account of natural inheritance, the successor-in-interest shall automatically become a member of the Society, and shall be admitted as a member on payment of the applicable membership fee, provided that any transfer of the apartment by way of sale to a third party, other than those involving family transfers, shall require no objection certificate/prior approval of the Society and AWHO. Further provided that, wherever, any such transfer is permitted to a third party, the buyer shall be liable to pay a one-time transfer fee of Rs.10,000.00 (plus GST) to Society as laid down by the Haryana Registration and Regulation of Societies Rules, 2012, as amended vide Notification dated 22 June 2018 to the Society."

41. The above special resolution was approved unanimously.

Points from Members

42. Point given by following members were displayed and debated:

- (a) Cmde Sanjay Nagar(D4/704).
- (b) Col S Bhardwaj(E10/601).
- (c) Col SK Chauhan(E6/302).
- (d) Lt Col Kulwant Singh(E13/704).

43. President requested that while giving points members should use decent language and desist from use of words like "Ghapla" etc.

44. Points by Members Present

(a) Mr. Subhash Sharma(D3/304) brought out that for fencing outside boundary wall we should take clearance of HSVP, otherwise someday they may uproot it. On this Col R S Rathee said that this is called "BAAN" area and is normally permitted. However, he shall visit the office of HSVP and re-confirm it.

(b) Mr. Subhash Sharma also brought out that for filling swimming pool we should take technical help. We need to fill the bottom with

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thermocool material first before we fill it with other materials. Point was agreed to by concurrence of members.

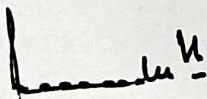
(c) Mr. Subhash also suggested that we may consider making a Central Garage sort of area to store boxes etc. instead of their storage in stilt and parking areas. However, the point was contested by majority of members on the ground that residents should do away with such boxes that cannot be stored inside their flats.

(d) Col Rajeev Khanna brought out that some blocks have again locked their toilets meant for use by staff. President reiterated that there will be no locks on these toilets and if a particular blocks resident resist, then entry of all casual help, such as, maids, car cleaners, buddies, construction labours etc. of that particular block may be restricted/not be permitted to enter.

Panchkula
16 February 2025




(Col HS Ahuja)
General Secretary


(Brig Parvinder Singh)
President