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GENERAL RODY METTING ! OI MAR 2008

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The Kunj Vihar Co-operative Group Housing Society Ltd.

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Plot No. 19, Sector-12, Dwarka, New Delhi-110078

MINUTES OF THE GENERAL BODY MEETING OF THE KUNJ VIHAR COOP GROUP HOUSING SOCIETY LTD. HELD ON 01.3,2008 AT 1.00 PM AT SOCIETY'S SITE ic. PLOT NO. 19, SECTOR-12, DWARKA, NEW DELHI-78

- 1. The General Body Meeting of the members of the Kunj Vihar Cooperative Group Housing Society Ltd. was held on 01.3.2008 which was presided over by the Sh. Satvir Singh, Administrator. Since, the quorum, required for the meeting, was not complete by 1.00 PM, therefore, the meeting was adjourned for one hour and recommenced at 2.00 PM on the same day and place. The meeting was attended by 106 members.
- 2. The following were the agenda items for the meeting:-
 - (a) To appoint the contractors for the completion of all types of balance work at site.
 - (b) To appoint the Architect for the completion of all types of balance work at site.
 - (c) To apprise the members of the report of Chartered Accountant who was assigned the work to calculate the interest/equalization amount to be claimed from each member.
 - (d) To apprise the members about the submission of proposal for allotment to the office of RCS and its present position.
 - (c) To apprise the members about the Audit of the books of accounts of the society for the financial year 2005-2006.
 - (f) Any other relevant points.
- 3. All the members present in the meeting were welcomed by the Administrator. The members were informed that almost all the hurdles, to recommence the balance construction work, have been cleared and hope that the work will be recommenced shortly after receipt of clearance from office of Hon'ble L.G. which is expected at the earliest. The members were informed that initially, DDA referred the matter to CBI for clearance which was cleared by CBI. Then the matter was referred to crime branch EOW Delhi Police for clearance and they also cleared the matter. Thereafter, the DDA authorities referred the matter to their legal cell for legal opinion as to whether time extension for belated construction can be granted to the society or not. After all such

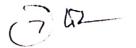
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the Registrar Cooperative

clearances the matter was referred by the DDA to office of the Registrar Cooperative Societies, for giving No Objection. The matter was then referred to the Hon'ble LG's office by Registrar Coop. Societies. All the members present in the meeting appreciated the same whole heartedly.

- 4. The members were apprised of the fact that in order to save the time to restart the construction work immediately after receipt of Time Extension from DDA, the quotations for balance Civil Work & Internal Electrification Work, External services and Development works. Fire Fighting works. Installation of Lifts And Installation & Commissioning of Electric- Sub Station Equipment & External Electrification were called, by sending the quotation papers to the firms/companies as per decision taken by the members of the Advisory Committee. Accordingly, the quotations were sent to the following firms/companies:-
- 5. For Civil work & Internal Electrification work quotations were called from the following firms/companies by sending quotation to them by hand:-
 - M/s MUDIT Buildcon
 E0158, B K Dutt Colony
 Near Jor Bagh, Delhi-110003
 - M/s Mathura Dass Ahuja & Sons H-237 (LIC Colony) Jeewan Niketan, Paschim Vihar New Delhi-110087
 - 3. M/s Pramjot Infrastructure Pvt Ltd. J-3/178, Rajouri garden New Delhi-110027
 - 4. M/s H B Agarwal C-112, Prashant Vihar Rohini, Delhi-110085
 - M/s Satya Narayan
 167, Pocket H-17, Sector-7
 Rohini, New Delhi-110085
 - 6. M/s Bhasin Construction Co. J-3/178, Rajouri Garden New Delhi-110027

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- o. Out of aforesaid six firms companies, the following firms/companies submitted the Quotations:-
 - 1) M/s MUDIT Buildcon
 - 2) M/s H B Agarwal
 - 3) M's Bhasin Construction Co.
- 7. For External Service and Development work quotations were called from the following firms companies by sending quotations to them by hand:-
 - 1 M/s MUDIT Buildcon
 - 2. M/s Mathura Dass Ahuja & Sons
 - 3. M/s Pramjot Infrastructure Pvt Ltd.
 - 4. M/s H B Agarwal
 - 5. M/s Satya Narayan
 - 6 M/s Bhasin Construction Co.
- 8. Out of aforesaid six firms/companies the following firms/companies submitted the Quotations
 - 1. M/s MUDIT Buildcon
 - M/s H B Agarwal
 - 3 M/s Bhasin Construction Co.
- 9. Similarly the quotations for Fire-Fighting works were called from the following firms/companies:-
 - M/s DYNAPRO Fire Safety System (P) Ltd. G-87/A, Kalkaji New Delhi-110019
 - M/s FIRETECH Engineer & Consultants 354, Vardhman Grand Plaza, Manglam Place, Outer Ring Road Rohini, Delhi-110085

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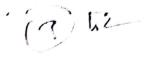
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- M/s Global Fire Protection F-54, Preshant Vihat Near Robint, Sector-14 New Delhi-110085
- M/s ACE Fire Systems (P) Ltd 952, Sector-23A Near TTM, Gurgaon (Haryana)
- M/s Deva Naraina Fire System C-110, Aman Vihar Sultan Puri, Delhi
- 10. Out of the aforesaid firms/companies, the companies namely M/s Firetech Engineer & Consultants and M/s Deva Naraina Fire Systems could not be located at the given addresses and thus the quotations could not be served on them. Out of remaining two firms/ companies, only M/s Global Fire Protection submitted the quotation.
- 11. For installation of lifts, the quotations were called from the following 3 companies
 - M/s Schindler India Pvt Ltd.
 E-16, East of Kailash
 New Delhi-110065
 - M/S KONE Elevator India Pvt Ltd. 4th Floor, D.C.M. Building, 16, Barakhamba Road New Delhi-110001
 - 3. M/s OTIS Elevator India Pvt Ltd.
 Rectangle-1
 504-505, Saket Place,
 Saket, New Delhi
- 12. Out of these 3 companies, only M/s Kone Elevator India Pvt. Ltd, submitted the quotation.
- 13. In order to open and assess the quotations received from the aforesaid firms, for internal civil balance work submitted by M/s Mudit Buildcon, M/s II.B.Aggarwal, and M/s Bhasin Construction Co., a meeting of members of Advisory Committee as called on 24.2.2008 in society's office. The members namely, Mr B S Mahey (M.No 402), Mr Alok Kalra (M.Mo. 661), Mr Virender Singh (M.Ship No. 629), Dr Harish Chander Sachdeva (M.No. 399), Mr Lakhvinder Singh (M.No 705) and Mr Ashvinder Pal (M.No. 322), attended the meeting. They opened these quotations. Similarly the quotations for

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Electrical (P) Ltd. M/s Loina Electric co and M/s Pieco Power Projects were also opened by the said members of advanty committee bince only one quotation each for fire fighting and lifts were received, therefore, the members of the advisory committee were of the opinion that the firms/ companies from whom the quotation for these work have not been received, may be contacted telephonically to know as to whether they are sending the quotations or not. If such quotation are received from them by 27.2 2008(FN), the same will be opened on 27.2 2008 (AS) when the members of advisory committee will again meet in Society's office. Meanwhile the members of advisory committee desired to prepare comparative statements for the quotations opened on 24.2.2008 for Civil work & Internal Electrification work, External Service and Development work and Electric-Sub-station Equipment & External Electrification. The same were prepared with the help of S/Sh Balvinder Singh Mahey and Alok Kalra.

- 14. The members were further apprised of the fact that to arrive at any conclusion, a meeting of members of Advisory Committee was again called on 27.2.2008 which was attended by the following members:
 - 1. Sh. M Carriappa
 - 2. Dr. H.C. Sachdeva
 - 3. Sh. Alok Kalra
 - 4. Sh. Virender Singh
 - 5. Sh. Ashwinder Pal
 - 6. Sh. Lakhvinder Singh
- 15. The members of Advisory Committee perused the quotations and the comparative statements—and found that the quotation of M/s Mudit Buildeon and M/s Bhasin Construction were conditional. M/s Mudit Buildeon submitted the quotations explaining that no performance guarantee will be given. Water and electricity shall be given free of cost. They also requested mobilization advance of Rs. 25 lacs as against 15 lacs and maximum retention money for Rs. 5 lacs. No insurance of the work. Similarly, M/s Bhasin construction submitted that no performance guarantee will be provided. Thus the members of the Advisory Committee were of the view that the conditional quotations are not at all acceptable.
- 16. The members of the Advisory Committee found that the quotations of M/s H.B.Aggarwal are complete in all respect and can be considered. But keeping in view their profile which indicate that they have not executed such a big project so far, therefore, it was considered to have interaction of the members of Advisory committee with M/s H.B.Aggarwal to have assessment as to whether they will be able to complete the project in time and efficiently. Accordingly, the contractor was contacted telephonically and he appeared before the members of the advisory committee. Prolong and lengthy discussions/ interactions with regard to the quotations and the profile, were held between members of the Advisory Committee and contractor. After due discussions



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and interactions and after obtaining various clarifications on various points in relation to profile of the contractor as well as the rates quoted by the contractor, the members of the Advisory Committee were of the view that the said contractor i.e. M/s II B Aggarwal may be reviewed after a site visit. Thus the members of the Advisory Committee decided to recall other quotations from more contractors after approval of the General Body Meeting and the offer of M/s H B Agarwal may be considered alongwith the fresh offers.

- 17. Since the quotations for major portion of the balance work have not been found worth awarding the work and rejected and will be called again, therefore, the members of advisory committee took decision that the quotations for Electric-Sub-station Equipment & External Electrification work received from M/s Lohia Electrical, M/s Enkay Electrical Pvt. Ltd and Pieco Power Project which were opened on 24.02.2008, will be taken into consideration alongwith the quotations of civil work after these are re invited.
- 18. As far as quotations for lifts and Fire Fighting are concerned, the Advisory committee took decision that such quotations will be opened and considered only on receipt of quotations from other firm/companies alongwith fresh quotations of civil and electrification works.
- 19. All the members present in the meeting appreciated the aforesaid facts and passed resolution unanimously as discussed above.
- the quotations for Administrator further apprised the members that 20. appointment of Architect for getting the Architectural work completed, were called and received from M/s GIAN P Mathur & Associates Pvt Ltd. C-55, East of Kailash, New Delhi and M/s Andleys Associates Pvt Ltd. Architects, Engineers, Planners & Valuers, 39 Housing Society, South Extension Part-I, New Delhi-110049. M/s GIAN P Mathur & Associates quoted the Architect/Professional fee @ 3% and M/s Andleys & Associates Pvt Ltd quoted the fee @ 2.25% of the total cost of the works to be carried out. Since M/s Andleys Associates quoted lowest rates and scems to be a reputed & experienced Architects, therefore, further negotiations with the said Architect were held and he was persuaded to reduce the charges. After due discussion and deliberations, the said Architect agreed the fee at @1.75% of total cost of remaining works. Accordingly, all the members unanimously approved and resolved to appoint M/s Andelys & Associates Pvt Ltd as Architect of the society at the fee of 1.75% of the total cost of remaining work to be carried out in the society.

21. The Administrator further apprised the members that, as decided in the last General Body Meeting for getting the calculation of interest on late payment of dues by each member from a Chartered Accountants, the task for calculation of such interest/equalization money was given to M/s VSR & Co. D-11/304, Nanda Devi Tower, Central Market, Paschim Vihar, New Delhi. The Administrator further apprised the members that there was no dispute among the members and the then Managing Committee of the society in making payments of dues demanded upto Dec 2004. Thereafter, some dispute arose between the members and the then Managing Committee

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and accordingly few members made payments of their dues demanded in the year 2005 onwards and most of the members did not make such payments. To arrive at a logic conclusion, a meeting of some prominent members was called on 12.8.2007. The meeting was attended by various members including the following:-

- 1. Dr H C Sachdeva
- 2. Dr R K Chaudhary
- 3. Sh Virender Singh
- 4. Sh K K Luthra
- 5. Sh A N Roy
- 6. Sh A K Hasija
- 7. Sh Sanjay Kumar Passi
- 8. Sh m Cariappa
- 9. Sh Ashvinder Pal Singh
- 10. Sh J K Jain
- 11. Sh S C Marwah
- 12. Sh P K Sahoo
- 13. Sh Ambuj Tripathi
- 14. Sh K Ashokan
- The members were further apprised of the outcome of the aforesaid meeting that the interest rate/equalization charged at the rate of 12% for delayed period for six months, 15 % upto one year and 18 % for more than one year. The members who had paid the installments demanded after Dec 2004, desired that the same rate of interest should be charged from the members who did not pay such payments. But the members who did not pay the demands, demanded after Dec 2004 desired that no interest should be charged for non payment of such dues. Therefore, the formula was discussed that the rate of interest on non payment of the demand after Dec 2004 may be 12% and the total interest calculated on such amount may be credited into the accounts of all the 213 members of the society. By doing such the members who did not pay the dues demanded after 2004 will not go scoot free and has to pay some interest and the members who paid such dues will get credit of the interest charged from the members who did not pay such dues. After prolonged discussions and deliberations this formula was accepted by the above mentioned members. Accordingly, CA ie, M/s VSR & Co was asked to calculate the interest member wise by adopting the above formula. Accordingly, CA has completed the job and prepared member wise calculation sheet on the aforesaid formula.
- The members present in the GBM were asked to opine whether the aforesaid formula is acceptable for which it was unanimously resolved that the formula in question is proper. However, as far as acceptance of the amount of interest calculated by the CA is concerned, the members approved the same provisionally and desired that for final approval copies of calculation sheets may be sent to all the members for perusal and necessary action for making payments. The members further desired that the CA may be asked to remain present in the society's office for any clarifications from the members. Therefore, Sh. Shailender Garg of M/s VSR & Co., who was present in the GBM and

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who had explained the procedure adopted for calculation of interest equalization charges, was requested accordingly. The Administrator informed the members that a calculation sheet in question will be dispatched to the individual members shortly mentioning the dates and time of availability of the CA in the society's office for any clarification on the matter. The members who desire any clarification may visit the society's office on such dates and time. If any member does not visit the society's office during those dates it will be presumed that they do not require any clarification and accept the same. The members resolved the same unanimously.

4.

- The Administrator further apprised the members about forwarding of the proposal for allotment/clearance of membership to the office of the Registrar Cooperative Societies on 15.2.2008. The members, who have not submitted their required affidavit and verification certificates, were requested to submit the same without any further delay so that further necessary action can be taken on the subject matter. The members were further apprised of the position that the office of the RCS desired more information relating to proposal for allotment. Some of the requirements were read out in the meeting which are (i) list of resigned members (ii)—confirmations from resigned members (iii) justification of enrolment of members on 8.1.2003 onwards (iv) publication of list of members proposed for allotment, detained and resigned, publication in news paper to invite any objections from the public. Action on such points and other requirements is under process. The members appreciated the same.
- The members were further apprised of the fact that M/s II K Khanna & Co, who was deputed to conduct audit of the society for year 2005-2006 and who had verified the 25 books of accounts of the society several times, has not submitted the audit report despite various written and telephonic requests and advance payment of Rs. 50,000,00 which was irregular. Accordingly, M/s II Gambhir & Co was deputed to conduct the audit of the society for the year 2005-2006 who have completed the audit and submitted the reports with various objections. The Administrator read out some of the objections raised by the auditor which are (i) Fax Machine, shown purchased on 1.4.2005 for Rs. 14620.00, was not physically available with society.(ii) No vouchers have been signed by the authorized committee members. (iii) 18% interest has been paid to Sh Pradeep Mehta and Mrs Anita Gupta on their resignation against the prescribed 7% rate of interest. (iii) Mobilization advance of Rs. 30 lacs was paid to Hi-Tech Constructions without approval of MC Meeting, (iv) Project consultancy charges of Rs. 2,25,306.00 was paid to M/s Mehta Consultants without bills, approval/passing any resolution in the MC/GB Meeting (v) Rs. 50,000.00 was paid as advance to M/s II K Khanna & Co, CA which has been done without raising any bill or without doing any internal audit. (vi) Three members namely Smt Neera Dua, Sh Atul Narang and Sh A K Gupta, who had resigned earlier but shown reinstated during the year 2005-06 by allotting the same membership number which is against the rules. The auditor gave various suggestions for regularization/recovery etc. The members resolved to take action as suggested by the auditor.





- 26 Sh Arjun Lal Mendiratta suggested that a copy of audit report may be sent to all members on which the Administrator informed the members that on receipt of audit report duly acknowledged by the office of the Registrar Coop. Societies, action on such requests will be considered.
- The Administrator also apprised the members about some of the court cases which include the case filed by Mrs Usha Bhargva, a resigned member in the Arbitration Court of the RCS vide which she has claimed that she did not resign from the membership of the society. The Administrator further apprised the members that the society has filed an appeal in the National Consumer Redressal Forum against the order of State Consumer Forum vide which the society/ Sh Pradeep Mehta was asked to pay Rs. 1.50 lacs to Sh Ranbir Toor, a resigned member. In this connection the members were informed that such amount was nowhere found mentioned in the books of accounts of the society. All the members appreciated filing of appeal and requested to fight such matters vigorously otherwise it will become a precedent. The members were further apprised of the fact that the status report based on the records, in respect of the cases of 4 (four) expelled/ceased members, have been filed before the court of RCS as desired by the court.
- The Administrator further apprised the member about the case filed by M/s 28. Techno Constructions before the Arbitrator Mr Justice (Retd) Anil Dev Singh. This case was referred to the Arbitrator by the Hon ble Delhi High Court. The Administrator informed the members that as per the orders of the Hon'ble High Court of Delhi dated 16.3.2005 the possession of the flats can not be given without leave of the Hon'ble High Court or the Arbitrator as the case may be. In this connection, the members were further apprised of the fact that Sh Vinod Singhal of M/s Techno Construction filed the petition before the sole Arbitrator Mr Justice (Retd) Anil Dev Singh for One Time full & final Settlement of all his claims. In his claim he has asked the society to pay Rs. 5 crores in lump sum to settle all disputes, differences and claims. The members were further informed that this one time settlement has been filed by him after the award passed by Justice (Retd) P K Bahri, Sole Arbitrator on 27.12.2007 vide which Sh Rakesh Kumar Gupta, another partner of M/s Techno Constructions has been retired from the partnership of M/s Techno Constructions and Sh Vinod Kumar Singhal has become the sole proprietor of M/s Techno Constructions. In this connection the members have been apprised of the fact that the members of Advisory Committee consisting of S/Sh M Cariappa, Dr H C Sachdeva, Alok Kalra. Virender Singh. Ashvinder Pal Singh and Lakhvinder Singh called Sh Vinod Singhal on 27.2.2008 to discuss the compromise amount. After due consideration and prolonged discussions between the aforesaid members of committee and Sh Vinod Singhal, Sh Singhal came down to compromise with the amount from Rs. 5 crores to an amount of Rs. 2.25 crores. The members of Advisory Committee further requested Sh Singhal to come down to Rs. 2 crores but he refused to do so.
 - 29. The Administrator asked the members present in the GBM to opine (i) whether the society should proceed for any compromise with Sh Vinod Singhal now Prop. M/s

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Techno Constructions and (ii) whether the compromise amount may be Rs. 2.25 erores, so that a reply of his compromise petition may be filed before the Arbitrator on the next date of hearing which is 12.3,2008. The members passed the following resolutions in this regard:

- (a) In view of the orders of the Hon'ble High Court of Delhi dated 16.3.2005 society may compromise with Sh Vinod Singhal of M/s Techno Constructions, if there is no further and any kind of claim by him, any other partner etc.
- Anil Goel, Sh A K Kapoor, Mrs Kavita Jha etc. suggested that the amount of the compromise should be Rs. 80 lacs already deposited with the Hon'ble High Court plus the interest earned on the same or at the most some more amount. But the majority of the members, present in the meeting, wanted to get rid off this case and suggested that Sh Vinod Singhal should be persuaded further to come down with the compromise amount. It was further suggested that since the discussion on the compromise petition was held by the members of the Advisory Committee only, therefore, a negotiation committee should be formed to further negotiate with Sh Vinod Singhal for compromise amount before the next date of hearing.
- The Administrator invited the members to come forward voluntarily to become member of the Negotiation Committee in question. Following members gave their names which were approved by the General Body Meeting unanimously.
 - 1. Sh A K Roy
 - 2. Ms Kavita Jha
 - 3. Mr Anil
 - 4. Mr Manoj Dass
 - 5. Mr A K Kapoor
 - 6. Mr Mahesh Goel
 - 7. Mr Sanjay Passi
 - 8. Dr R K Chaudhary
 - 9. Mr Naveen Chandra
 - 10. Mr A K Sharma
 - 11. Mr Sarabjit Singh
- In this connection, it was resolved unanimously that the decision of the above mentioned negotiation committee will be acceptable to all the members.
 - 31 The Administrator finally proposed for holding elections in the society to complete the pending tasks. On this all the members present in the meeting opposed in one voice and resolved that no elections of the Managing Committee of the society should be held till allotment/possession of the flats to the members and requested the Administrator to continue till completion of the balance—work of construction and allotment of the flats as the members apprehend—various types of serious problems again which will again hamper the completion of the project.





32 The Administrator invited any more suggestion from the members. There was no further suggestion from any member and the meeting was adjourned with a vote of thanks to the chair at 4 PM on the same day.

(Satvir Singh) ADMINISTRATOR