

The General Body Meeting of the Kunj Vihar CHS Ltd held on 7th June 2015 at 5.00 PM at the site of the Society at Plot No 19 Sector-12 Dwarka New Delhi-110075. The following members were present.

Sr. No.	M. No.	Member's Name	Sign	Remarks
1	541	S P Tripathi		
2	399	H. C. Sahasrini		
3	646	Narainchry Gupta		
4	644	M. CARIAPPA APPAIAH		
5	525	Dr R N Kaidi		
6	578	KAMAL KR. GUPTA & KAVITA GUPTA		
7	631	Kavita Jha & A.M. Jha		
8	664	Anuj Gupta & Shweta Gupta		
9	530	Indu Jain		
10	605	Maresh Goel		
11	624	Vinodh Singh		
12	549	MADHAN MARYAMASAMY		
13	559	DEBASHISH SEN		
14	558	BHUPAN K. SAHU		
15	675	Dr. Jagmohan Rai		
16	558	Arum Kumar Roy		
17	634	Nawin Chandra		
18	671	SANJAY KUMAR BHATT		
19	677	CM SADDI		
20	610	Satish Gaur		
21	375	Dr. Ushore Sarma		
22	600	S. Swaminathan		
23	679	Arinudha Das		
24	690	Be Rama Chandra (690)		
25	650	Dr KD Bsoola		



26	199	Rajesh Kumar Sagar	Rajesh
27	420	Dr. D. K. G.	Dr. D. K. G.
28	669	Saraj Saini	Saraj
29	372	Shraddha Tripathi	Shraddha
30	551	R. K. Chowdhury	R. K. Chowdhury
31	523	Deep Saikia	Deep Saikia
32	2	Anup Daga	Anup
33	643	Ramesh Kumar Aggarwal	Ramesh
34	293	Anand Verna	A. D. Verna
35	597	Kaushik Bhat	Kaushik
36	537	ARUN K. KUSHAKETHA	Arun K. K.
37	550	A. TRIPATHI	A. Tripathi
38	604	ARVIND KUMAR SIKARMA	Arvind
39	705	Lakshmi Devi	Lakshmi
40	300	Sarabjit Singh	Sarabjit
41	627	I. R. Gupta	I. R. Gupta
42	584	Sachin Bhatnagar	Sachin
42	711	Sangeeta Devi & Manoj Kumar	Sangeeta & Manoj
43	581	T. M. Kumar	T. M. Kumar
45	660	Sanjay Vaid	Sanjay Vaid
46	538	Sherry Singh	Sherry
47	562	J. K. Singh (0562)	J. K. Singh
48	637	K. K. Arora Anil Kumar	K. K. Arora

The Quorum was not completed at 5 PM hence the meeting was adjourned for one hour and meeting was restarted at 6 PM at the same venue and on the same date.

49	13	Gopal Krishan Bhargava	Gopal
50	575	J. S. BHARGAVA	J. S. Bhargava
51	406	Sonu Kaku	Sonu
52	614	R. L. RAINA	R. L. Raina
53	702	Shiv Om Rana	Shiv Om
54	648	Dr Vinod Kr. Wadhawan rep. by Ashok Arora	Dr Vinod



55	649	Dr. S.K. Wadhawan	Dr. W.
56	569	Dr. S.K. Dineen	Dr. K.
57	628	NARENDER KUMAR	Dr. K.
58	601	Madan Ramachandran	Dr. K.
59	23	TRISAY KUMAR	Dr. K.
60	836	R.R. Gurnani	Dr. K.
61	633	Rashmi Bali.	Dr. K.
62	641	K.R. Ravindra Kumar.	Dr. K.
63	629	Col I S Sangster	Dr. K.
64	595	P. K. SAHOO.	Dr. K.
65	576	Rita Chaudhary	Dr. K.
66	48	Suresh Kr. Sanyal	Dr. K.
67	662	Pankaj Chandra	Dr. K.
68	652	Anadi Gupta	Dr. K.
69	534	Aarti Kumar	Dr. K.
70	674	P. K. Sanyal	Dr. K.
71	575	Dr. SANJAY KUMAR	Dr. K.
72	401	Indira Chandra	Dr. K.
73	288	J. K. Sanyal	Dr. K.
74	555	NEERAJ KHATRI	Dr. K.
75	683	Ramesh Singh	Dr. K.
76	703	Pankaj/Sunita	Dr. K.
77	652	Tarun Khandia	Dr. K.
78	564	Dr. Amitabh Khanna	Dr. K.
79	584	Shekhar Khandia	Dr. K.
80	667	Anita Sharma & Anand Kumar	Dr. K.
81	414	Urmila Bharti	Dr. K.
82	692	Veen, Chugh	Dr. K.
83	547	Naveen Kapoor	Dr. K.
84	676	Dr. Dinesh Haldar	Dr. K.
85	594	ASHOK GUPTA	Dr. K.
86	322	Ashish Kumar	Dr. K.
87	574	Shyamala Kishor	Dr. K.

88	566	Shivendu Singh	Aug
89	582	Mahender Singh	Aug
90	560	S. S. S. Khan	Aug
91	194	Devi Banoli	Aug
92	840	Deepak Mishra	Aug
93	615	S.C. MARWAH	Aug
94	619	K.L. Chandra	Aug
95	571	A.K. Kapoor	Aug
96	572	SANJEEV KUMAR & Co	Aug
97	663	VIKASH KUMAR	Aug
98	599	Chand Malik	Aug
99	593	JAI KATHURIA	Aug
100	763	Ramish Leiman	Aug
101	152	Shashan Chandra Sharma/Rakesh	Aug
102	531	Dr. Neelgopal Singh & Ashu Kumar	Aug
103	585	KANSU TIL / EP	Aug
104	583	Prasanna Bamaiah	Aug



# **The Kunj Vihar Co-operative Group Housing Society Ltd.**

Plot No 19, Sector-12, Dwarka, New Delhi-110075

## **Minutes of The GBM of The Kunj Vihar CGHS held on 07<sup>th</sup> June 2015 at 5pm at the lawns of the Society**

The GBM was scheduled to be held at 5 pm on 07<sup>th</sup> June, 2014 but since the quorum of the meeting as per the provisions of RCS Rules was not complete even at 5.40 pm, it was adjourned and the meeting was reconvened after 20 minutes at 6 pm. One hundred and four members attended the GBM and signed the attendance register in token of their presence and endorsed the resolutions passed in the GBM.

The Secretary, Dr.H.C.Sachdeva welcomed the members and invited the President, M Cariappa Appaiah, Vice President, Dr.R.N.Kalita and the Treasurer, Mr.S.P.Tripathi to the dais. He then requested the President to start the proceedings.

The President welcomed all the members and their families present to the GBM. He then requested the Secretary, Dr.H.C.Sachdeva to conduct the proceedings of the GBM.

The Secretary, Dr.H.C.Sachdeva started the proceedings of the GBM as per the agenda already circulated. He requested the members to hold their queries, suggestions, doubts and criticism till the end of the proceedings, as per the agenda. He assured the members that they would be given ample time for this. However, he requested members to be brief so that maximum members could come forward and speak. The Secretary, Dr.H.C.Sachdeva, then took up the points on the Agenda, one by one :

- 1. Approval of the Minutes of the previous GBM (already circulated):**  
The Secretary, Dr Sachdeva informed that the minutes of the last GBM have already been circulated and the minutes be taken approved if the members had no objection. None of the members had any objection. The minutes were passed unanimously.
- 2. Approval of the Audited Account Statement for the Financial Year 2013-14:**  
The Secretary requested the Treasurer, Mr.Tripathi to present the Audited Account Statement for the Financial Year 2013-14 and highlight the salient features pertaining to the observations made by the Auditor regarding the rectification and compliance of the objections pointed out in the previous years.

The Treasurer read out the relevant portions of Part A of the Report and audit observations relating to period prior to the appointment of the Administrator and action taken and proposed to be taken by the Society as demanded by the RCS.



S No.	Audit Observation	Action Taken by the Society
(i)	The compliance of the audit report observations should be submitted to the competent authority, as required under DCS Rules 1973(amended)	Audit Observations and suggestions of MC for compliance are presented to the GBM and would be submitted to the RCS.
(ii)	The Individual members balance should be confirmed by sending them periodical statement.	In every demand letter the amount previously demanded and paid by the member is clearly stated giving the member an opportunity to check the correctness of his payments. Moreover, since the allotments would be made shortly, every member would be advised the final cost of the flat, amount deposited by them and balance payable by them, as worked out by the Architect.
(iii)	Steps should be taken to recover records from the previous management.	This MC had taken over charge from the administrator and the records available with him have been taken over.
(iv)	Legal fees of Rs.5,95,825/- has been paid during the year. But most of the payments have been made without the bill and without approval/passing resolution in the M.C. Meeting.	These objections pertain to the year 2005-06. Thereafter the Administrator had taken charge. This MC took over charge in the year 2009-10. By that time the three years limitation appeared to be over. However in order to have a viable solution, it is proposed to be discussed with the Legal and Financial consultants.
(v)	Project consultancy charges of Rs.2,85,306/- has been paid to M/s Mehta Consultancy without approval/ passing/ any resolution in the M.C. /G.B. Meeting. Further no TDS has been deducted on payment of Rs.1,60,000/-.	As above
(vi)	No TDS has been deducted & deposited on the payment made to Pradeep Mehta- Rs.60,000, Tara Chand- Rs.60,000, S.K. Mishra- Rs.1,09,000, M.K.Sachdeva-Rs.1,12,500 which is violation of law, society is advised to deposited the formalities of TDS. Further TDS has been deposited late in some cases it should be deposited in time.	As above



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(xv)	Fax Machine (Panasonic) has been shown at Rs 14,620 as on 01.01.2005 which is not physically available with the society. The steps should be taken to recover the Fax Machine from the previous committee members.	Fax machine even if recovered now would be 10 year old and would be almost scrap. It may not be worth the effort. May be written off.
(xvi)	Interest has been paid @18% (approx.) to Mr. Pradeep Mehta & Anita Gupta on registration in the year 05-06 but it should not exceed @7% as per RCS Act Rule, the steps should be taken to receive the excess payment of interest made to them on registration.	Under consultation
(xv)	Mobilization advance of Rs. 30,00,000 has been paid to M/s HI-Tech Construction without passing any resolution in M.C. or General Body Meeting. Further no agreement has been made between HI-Tech Construction & society for such type of advance. Efforts should be taken to recover the money.	Under Arbitration. Action as per Arbitration Award.
(x)	A sum of Rs.50,000 paid as advance to Mr. Sandeep Singh (M/s H.K.Khanna & Co.) Chartered Accountants for internal audit d, but this amount has been debited to audit fee account in the books even when no internal audit has been done & no bill has been raised by him. Therefore this account should be debited to him as advance & steps should be taken to recover the money.	Under consultation
(xi)	List of Resignation & enrollment of members must be sent to the RCS office for their approval. But no such list was sent & no approval has been taken.	This is now being complied with as per RCS Rules.
(xii)	The amount of Rs.14,000.00 as shown payable to one Mr. Rajeev Kumar Sharma in Expenses payable may be checked and settled.	Claimant not traceable. Hence matter closed.

### 3. Apprise members of the legal cases

- Cases filed by Mr. Mendiratta and Ms. Ramita on the 1<sup>st</sup> May 2015 at the Delhi High Court, with the RCS as Respondent No.1, the Society as respondent No.2 and the DDA as Respondent No. 3. Strangely, the Society had not received a copy of the petition. However, when the MC heard about it by chance, it took immediate steps to be heard, so that the interest

of the members was not jeopardised. The matter was discussed with the Society lawyer, who then represented the Society during the hearing on May 25, 2015.

It is understood from our lawyer, that these two members have disputed the demands raised by the Society. They had claimed that they had already paid in full for their respective flats and wanted the Hon'ble Court to direct the RCS to forward their names to DDA for allotment. They also had supposedly claimed in their petition, that the Society was misappropriating funds and had also wanted a direction to the RCS to institute an enquiry under Rule 91 of the DCS Act and Rules in regards to the functioning of the Management Committee (MC).

When our lawyer informed the Learned Judges that the petitioners had suppressed the fact that the matter pertaining to the demands was already under dispute at the Consumer forum and also at the Delhi Cooperative Tribunal, the learned judges did not take kindly to this and imposed a penalty of Rs. 5,000/- each on Mr.Mendiratta and Ms.Ramita Mehta. The judges also directed the concerned petitioner to withdraw the case in the consumer forum.

The Secretary then read out the entire judgement pertaining to the cases. The judgements in the 2 cases were similar.

The members applauded at hearing the judgement.

- ii. Arbitration (Arbitrator: Retd Justice C K Mahajan) case regards dispute with the previous contractor M/s Hi tech. The final arguments are underway and the next date of hearing is 20<sup>th</sup> July (next month).
- iii. Consumer forum: Case filed by Mr.Mendiratta, He has disputed the demands raised by the Society and has claimed that he is not liable to pay. However, in view of the order of the Hon'ble High Court of Delhi, the case has to be withdrawn.
- iv. Delhi Cooperative Tribunal (DCT): Mr.Mendiratta has appealed against the arbitration award directing him to pay the amount demanded by the Society from all the members of his category.
- v. Delhi Cooperative Tribunal (DCT): Regards the case of Ms. Ramita Mehta the Society has contested the case and has maintained that she is liable to pay the demands raised by the society. (Both the cases in the DCT are in advanced stages of hearing and as per the Hon'ble High Court order shall be disposed of, in the near future)

**4. Apprise members of the status of allotment consequent to RCS letter dated 10<sup>th</sup> April 2015 to DDA recommending draw of lots for allotment of flats to 168 members:**

The Secretary informed that all the concerned 168 members have been individually intimated regarding the recommendation of the RCS and the consequent intimation received from the DDA regarding the date of 12<sup>th</sup> June 2015, for the draw of lots for allotment.

**5. Apprise members of latest status of clearance of the 38 detained members (detained earlier due to deficiency in documents, defaulters and pending physical verification):**

The Society has received a communication from the RCS providing the details of the members who have been detained and the reasons for the same. These members have been informed individually,



by the Society so as to rectify the deficiency, so that their names can also be recommended for allotment by the RCS.

**6. Apprise members of the cost of the select balance work related to back-up/common facilities/finishing/beautification and strategy for completion with available resources:**

The MC has done its best to see that the necessary works are completed as per the priority requirement and also in accordance with the funds available in the Society. The members are well aware that there are still a significant number of defaulters who owe the Society a large sum of money and works cannot be undertaken unless the members pay their contribution. However, the approval of the RCS of the induction of the 4 new members for the 2 B/R Category is expected shortly and a large amount which is still payable by these newly inducted 4 members is expected. Also funds can be expected from the 3 memberships of the 2 B/R flats which are still vacant. With the available and the expected funds, the Society would complete all the works as already approved in the past by the General Body.

**7. Apprise members of 3 vacancies in the 2 B/R Category consequent to the enrollment of only 4 members against 7 vacancies advertised in accordance to the decision of the GBM on 13-4-2014**

It was proposed that the remaining 3 vacancies of the 2 B/R flats be filled up as early as possible in accordance with the DCS Act and its Rules as was done for filling in the 7 vacancies as earlier. The members unanimously resolved that these vacancies be filled up so as to be able to generate funds for the completion of the works in the society in accordance with the approved drawings and the decisions in the earlier GBMs.

**8. Ratification of the appointment of the Consultants engaged periodically (as deliberated and approved in the last GBM held on 12-10-2014), for obtaining clearances from various Authorities including members clearance and approval for allotment by RCS, Rule 90 Committee and DDA :**

Members were intimated that in the previous GBM on 12<sup>th</sup> Oct. 2014 it was resolved in the GBM as follows: "Resolved that the MC should appoint a Consultant on such Fee and terms as the MC finds fit, to advise, guide and facilitate the allotment in a time bound manner. The Members further express their confidence in the President and the MC and reiterate that while allotment will be given top most priority, all other pending works as per the discussions in the GBMs will be taken up and completed at the earliest".

**CONSULTANT APPOINTMENT GBM RESOLUTION**

The GBM noted that consequent to the RCS notice that the then management of the Society had enrolled members without following the due process of the law, the Administrator had been appointed to remove the anomalies and report to the RCS from time to time.



This process was inconclusive, due to which the society had to face many hurdles during the allotment process.

The GBM also noted that the Society was not completed within the stipulated time limit of 10 years and further EOT was withheld by the DDA. Also since several structural deviations from the originally approved drawings also created hurdles in obtaining various approval related completion, allotment, Approval for provision of essential services/utilities, etc.

These issues had been deliberated in the MC meetings, GBMs and with members during informal meetings from time to time.

Consequently as decided and ratified in the GBMs, the MC had from time to time appointed consultants to assist the society in preparing documents, submit clarifications, provide comprehensive legal back up with valid representations and meetings with concerned officials or legal Departments to clear legal objection to obtain various clearances, like BSES, Jal Board connections for water and sewage, Labour Commissioner's clearance for labour Cess, EOT, RCS approval for allotment, Rule 90 committee, and complete all the formalities/ requirements which were mandatory for draw of lots.

The MC was empowered by the GBM for taking necessary action and appoint consultants for these purposes in the interest of the members & allotment. The GBM was informed that that the following legal consultants had been appointed by the MC:

1. Dr. K.S. Bhati, LL.M, Ph.D(Law), Advocate  
Completion of documentation and legal counselling/ comprehensive legal back up including discussions in the offices of Labour Commissioner, Delhi Jal Board, BSES, Government of Delhi, DDA, regarding extension of time, beyond the limitation of ten years
2. Ms Mamta Rani, Advocate  
Give legal/technical advice regarding records, documentation and procedures of the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members as well as discussion with RCS as and when required.
3. M/s Global Jurix, Advocate and Solicitors  
Provide support to complete/update all the records, documentation and advise on clarification from time to time called for by the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members
4. Ms. Yashodhara Verma, Advocate  
Prepare the applications, representations to the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members as well as provide liaison services and follow up with the RCS as and when required.





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It was indeed important for these consultants to be hired for the ultimate objective of the members being approved for the allotment of flat which these consultants have provided their services. The Society's application for completion and for allotment had been initially rejected by the DDA and RCS respectively. It was through the timely services rendered by these consultants who prepared the documents at various stages and provided the appropriate clarifications, that we were able to get the EOT required for completion and also get the first list cleared for allotment. Now we are working to get the second list cleared.

#### 9. Elections to the Managing Committee:

Members are aware that the MC has a tenure of 3 years and elections to the MC are conducted by the RCS through a Returning officer at the expiry of its term. The MC had written to the RCS to conduct elections and had also submitted a reminder for the same. Members are well aware that the Society is passing through a very crucial stage and the members are on the verge of allotment of flats. The tenure of the present MC lapsed on 27<sup>th</sup> May 2015. There has been no communication from the RCS about the elections to be conducted for electing a new MC to replace the present MC. In the meantime, since the Society is at a critical stage when the allotment process is in progress and essential works, as already approved by the GBM is to be completed before handing over flats to the members, the present MC resolved in the last meeting on 23<sup>rd</sup> May 2015, that subject to the approval of the GBM, the MC will continue discharging its functions till the new MC is constituted by the RCS appointed Returning Officer.

#### 10. Any other points with the permission of the chair

A) **Representation of Mr. Sonu Kapoor :** The Secretary, Dr Sachdeva informed that Mr. Sonu Kapoor (M No.406) had come to the Society 3 days back, when the President, Secretary and a few other members were also present. He had expressed his displeasure on several issues concerning the Society.

However his main issue was his objection to the grouping of all 3 B/R Category members into a single category and wanted that the first 30 members who were enrolled for the 3 B/R Category should be allotted flats only in the B-Block and all the other 3 B/R Category members should be allotted flats in the A and C Blocks. He was informed that since he was present in all the deliberations on this contentious issue, whether in a specially convened meeting of 3 B/R Category Members or in the GBMs, he was fully aware of the issues and the fact that allotment of specific flats to members was contrary to the Rules and Procedures of the RCS and had resulted in disputes. He was reminded that the decision to place all 3 B/R Category members in a single category was considered the most judicious and logical solution to close all the disputes and that his present suggestion was not in accordance with the RCS Rules. However he was free to take up the issue in the forthcoming GBM.

Subsequently, yesterday the Society had received a letter from him raising several issues and stating that since he would not be attending the GBM, his letter should be placed in the GBM. Since Mr. Sonu Kapoor was himself present in the GBM, Dr Sachdeva requested him to come to the dais to read out his letter so that members are made aware the same. Mr Kapoor came to the



dais, and though he did not read out the letter which he had submitted in the Society, he pointed out that he was an old member in the Society. He stated that he had written several letters in the past expressing concern over the payments, delay in the construction and increase in the cost of the flats. He was upset that his letters had not been replied to. He wanted that he should be allotted a flat in B block. He also expressed his pleasant surprise that the Society had come to a stage of allotment which he had not expected to happen so soon. However he informed members that he would approach the court to obtain a stay against the draw if his demand for being allotted flat in the B-Block only is not accepted.

Several members in the audience objected to his demand.

Dr Sachdeva replied that it was incorrect to allege that the letters had not been replied to, as would be clear from the minutes of the past several GBMs where the issues and letters of the members had been taken up in the GBM and concerns were debated and addressed. As to his demand that he be allotted a flat preferentially in Block B it is not permissible within the DCS Act & Rules, this was also told to him very clearly in the meeting when he had last visited the Society. All the members of the Society are placed uniformly for the draw of lots within the same category at the time of draw of lots and the MC is bound to follow the rules and regulations applicable. The list for draw of lots is finalised by the RCS, which is forwarded to the DDA for conducting the draw of lots for the flats. It is the DDA which conducts the draw of lots of flats for the members, presently scheduled for the 12<sup>th</sup> June 2015, an event the members had desperately been waiting for.

**B) Payment of bonus, incentive and gratuity to the office staff :** Dr Sachdeva informed that the office accountant Mr Ashok Jain, who had resigned in February this year to take up a new job, has been demanding that he be paid his arrears, incentive, bonus and gratuity. The Society would definitely be paying the arrears, if any. Regards the issue of bonus and incentive – these are not mandatorily payable as per the legal requirements. As regards gratuity – conflicting opinion has been provided as to its applicability. However, the MC would like to recommend, that since the office staff had served the Society for several years some compensation can be given to the employees on a case to case basis, even if not legally due. The MC seeks the permission and approval of this GBM to suitably compensate them by way of some lump sum payment in the near future, as and when finances are available in the Society.

The GBM approved the proposal and authorised the MC to take a decision in this matter.

**The Secretary then invited the members for their comments/ suggestions/queries. He requested the members to identify themselves and their membership number before speaking. The Secretary requested the members to be brief and make their considered suggestions so that there are no legal hassles at a time when the allotment of flats to members is in sight.**

Several members came forward:

- I. **Dr S Wadhawan (M. No. 649)** : He was deeply appreciative and thankful for the efforts put in by the MC that this day of allotment is now indeed a reality and so near. He wanted to place his thanks on record and wanted the other members to join him in this hour of achievement after a long and uncertain journey of the MC which has culminated successfully. All the members applauded in response.

Dr.S.Wadhawan further wanted to know the provision for exchange of flats within the same category and different category between the members.

As regards the matter raised by Mr.Sonu Kapoor, that he be given preferential allotment in Block B, Dr.Wadhawan stated that this was not tenable because no member is eligible to get a preferential treatment. All the members are similarly placed and no member can claim special benefits, which even the present MC members have not claimed for themselves. He emphasized that the members should not raise self-seeking benefits in the GBM.

- II. **Dr.Kavita Goel (M. No. 578)** : She enquired regarding the procedure for the draw of lots to be adopted by the DDA.
- III. **Mr. Anadi Gupta (M. No. 652)**: He wanted to know if any document was required by the members to be taken along with them at the place of draw of lots of DDA.
- IV. **Mrs.Inderpal Kaur, W/o Mr.Virender Singh (M. No. 629)**: She wanted to know about the maintenance costs involved in the near future.
- V. **Mrs. Neelam Diwan (M. No. 569)** : She wanted to know when could the members actually start with the alteration work of the interior of the flat?
- VI. **Mr. Mahendra Singh (M. No. 532)**: he wanted to know when the members could begin more tree plantation in the society. Mr. Cariappa informed that the members that they were welcome to do so and they could do so any time they wanted.
- VII. **Mr.Kewal Krishan Arora (M. No. 637)**: He wanted know the policy that would be adopted for the shops. Whether they would be sold or rented or given on lease? Also, whether these would be given to the Society Members only or outsiders would also be eligible to take these?
- VIII. **Mr.JagmohanRai (M. No. )**: He suggested that the Office bearers of the MC of the society and the office staff should be present at the DDA office where the draw of lots would take place.

Since no other member came forward, the Secretary handed over the proceedings to the President. Mr.M.Cariappa Appaiah.

First of all the President thanked all the members for their suggestions and comments. He acknowledged that it was only with the co-operation of all the members that the Society had progressed to this extent and allotment and possession of flats was at hand.

As regards the statement of Mr.Sonu Kapoor that he would obtain a stay against the draw, the President made it clear, that while every member had a right to any legal step, the Society would not hesitate to



defend the rights of other members, especially in cases where contentious issues and disputes, which had arisen in the Society in the past due to acts contrary to the DCS Act and Rules, had been deliberated in the GBM and decisions had been made and solutions arrived at, in the common interest of all the concerned members. The President assured members that the Society would take all steps to ensure that the allotment goes ahead and members get possession of their flats.

This announcement was greeted with tremendous applause by the members.

The President, thereafter informed members that the draw of lots would take place at 3.30 pm on Friday the 12<sup>th</sup> of June, 2015, at Vikas Sadan, INA (DDA), category wise in a transparent manner, in the presence of all the members and family who wish to be present. The procedures for the draw, as understood from the DDA, was explained to the members present. The members were not required to carry any document. The MC members and the office staff would be present at the draw venue that day to assist the members.

The result of the draw would be uploaded on the DDA website for the members' perusal on the same day. After the draw, DDA maintains a one month wait, in case of any representation, objections/complaints, before processing the issue of confirmation of allotment.

The process of handing over possession of flats would start only after the DDA issues the confirmation of allotment. Any internal work in the flats by the individual members can be taken up only after possession.

The President also explained that, in case of mutual exchange of allotted flats between members, the concerned members have to jointly apply to the DDA along with a fee of Rs.30,000 each in case of exchange within the same category and Rs.50,000 each in case of exchange of different categories.

As regards the policy for maintenance, parking, shops, etc. Mr Cariappa elaborated that the MC would take a comprehensive view of the entire society as this involved – shops, senior citizen club, crèche, community hall, etc. and place the proposals before the GBM for approval. He also explained the balance works pending in the flats and the external works including finishing works in the common facilities would be completed.

The painting of the exterior of the society was to be undertaken shortly. The generators were to be installed, which would be done in phases, depending on the requirement and the availability of funds. The piped LPG was already connected and only a little more work remained to make it functional. The formalities with the gas company, so that the members could actually start using the facility, would be taken up after allotment. The process for obtaining individual BSES connections would also be started at the same time.

The President then asked the members if they had any other query or point on which they wanted further clarifications. Since no one came forward, the President handed the proceedings back to the Secretary to conclude the agenda issues.

Accordingly, the Secretary placed the following resolutions before the members for their consideration and approval.

- I. *"It is hereby unanimously resolved that till the RCS conducts elections and a new Managing Committee takes over the charge, the MC whose tenure ended on 27-5-2015, will continue to manage and supervise and take decisions, as in the past, in the interest of the Society and its members, in matters related to the works, allotment and consequent handing over possession and thereafter, within and outside the Society as well as with various authorities. The GBM desires that this decision be conveyed to the RCS without any further delay in the interest of the members and that the allotment of flats does not get affected in any manner".*

This resolution was unanimously passed and approved by the GBM. The President, however, in confirmation asked any member who had any objection to come forward. Since no one had any objection, the resolution was adopted unanimously.

Thereafter, the Secretary requested the Treasurer place the details of the legal/technical consultants appointed by the Society till date, the purpose, the services rendered by them and payments made to them/proposed to be made, before the members for their consideration and approval.

The Treasurer, Mr. Tripathi read out the details of the appointment of the Legal Consultants for consideration and ratification by the GBM

- I. **Dr. K.S. Bhati, LL.M, Ph.D (Law) : Total Fees Rupees Twenty Eight Lakhs**  
Completion of documentation and legal counselling/ comprehensive legal back up including discussions in the offices of Labour Commissioner, Delhi Jal Board, BSES, Government of Delhi, DDA, regarding extension of time, beyond the limitation of ten years.
- II. **Ms Mamta Rani, Advocate : Total Fees Rupees Twenty Lakhs**  
Give legal/technical advice regarding records, documentation and procedures of the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members as well as discussion with RCS as and when required.
- III. **M/s Global Jurix, Advocate and Solicitors : Total Fees Rupees Twenty Lakhs**  
Provide support to complete/update all the records, documentation and advise on clarification from time to time called for by the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members
- IV. **Ms. Yashodhara Verma, Advocate : Total Fees Rupees Twenty Four Lakhs and Fifty Thousand**  
Prepare the applications, representations to the Office of the Registrar of Co-operative Societies (RCS) in connection with the Society's application to the RCS for recommending the Society to the Rule 90 Committee for allotment of flats to the Members as well as provide liaison services and follow up with the RCS as and when required.

The President then specifically requested the members to come forward in case they had any objections or suggestions or comments with regard to the procedures and appointment of the consultants or any other issue. The following members came forward with their suggestions/queries.



1. Dr.S.Wadhawan (M.No. 649) : He appreciated the actions taken by the MC to sort out several issues through the Legal Consultants and reach this stage of allotment. However he wanted the MC to ensure that TDS and other statutory dues should be deducted while making payments to the consultants.
2. Mr.Arora on behalf of Dr.V.KWadhawan (M. No.648) : He wanted to know whether the Society had deposited TDS deducted by the Society on the payment made to the consultants who had rendered the services and prepared the documentation to enable obtaining the EOT and for allotment of flats to members.

The Secretary confirmed that the TDS, not only in the case of the Legal Consultants but also in other cases also, as well as the labour cess had been duly paid as per the regulations applicable.

Thereafter the President once again asked Members if they had any comments, suggestions or objections. As no member came forward, the President requested the Secretary to conclude the meeting.

The Secretary, Dr.Sachdeva, thanked all the members for their presence and active participation and approving the resolutions in the interest of the Society and the meeting concluded at 7.55 pm. The members then proceeded for dinner arranged on the Society lawns.

M Cariappa Appaiah

President

M. CARIAPPA APPAIAH  
President  
The Kunj Vihar Co-op. G.H. Society Ltd

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V. K. WADHAWAN, M. Sc., Ph. D. (Physics)  
Freethinker, author, blogger, science populariser  
Formerly, Raja Ramanna Fellow, Department of Atomic Energy (DAE), GOI  
Formerly, Associate Editor of the journal PHASE TRANSITIONS (Taylor & Francis, USA)  
'Outstanding Scientist', DAE (retd.)  
Head, Laser Materials Division, RRCAT, DAE (retd.)  
'Enthusiastic Bright', Brights International

14 April 2015

Hon. President / Secretary  
The Kunj Vihar CGHS Ltd.  
Plot 19, Sector 12  
Dwarka, New Delhi 110075

Member No. 648  
Letter of authorization

Dear Sirs:

I underwent a major surgery recently, and am currently recuperating in Bengaluru where my son Anupam Wadhawan is settled (he is currently abroad on official work). Since the draw of lots for the apartments of KVCCHS is likely to occur in the near future, if I am unable to attend that and other meetings for health reasons, I hereby authorize my brother-in-law, **Shri Ashok Kumar Arora** (a resident of F-39, Brahma Apartments, Plot 7, Sector 7, Dwarka) to attend all the necessary meetings and sign documents on my behalf, subject to ratification by me as soon as I can. He is already well-known to many members of the MC.

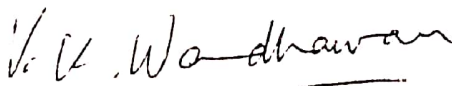
If, for any reason, Shri Arora is unavailable for this purpose, my brother **Dr. Sudesh Kumar Wadhawan** (member no. 649) is hereby authorized to sign papers on my behalf, subject to ratification by me as soon as I can.

They are also hereby authorized to take important decisions on my behalf, after due consultation with me on the phone, or by email.

I take this opportunity to thank all members and office bearers of the Society who put in so much effort and time to bring this project to a successful closure. I look forward to meeting all of you in the near future.

A hard copy of this authorization letter is being sent by SpeedPost.

Best regards,

  
V. K. Wadhawan

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Phone: 088613 14968  
Email: [ykw1412@gmail.com](mailto:ykw1412@gmail.com)



## AUTHORITY LETTER

I, SH. SHKER CHAND SHARMA S/O SH. EL C. Sharma R/O A-66,  
SECOND FLOOR, ANAND VIHAR, NEW DELHI-110092, do hereby authorise  
FURTHER CORRESPONDENCE WILL BE CONSIDERED TO MR. RAKESH KUMAR S/O  
SH. MANGI RAM R/O K-1/80-EXTN, MOHAN GARDEN, UTTAM NAGAR, NEW DELHI-  
110059, for the rights of MIG FLAT NO. \_\_\_\_\_ MEMBERSHIP NO. 152, KUNJ VIHAR  
CO-OPERATIVE GROUP HOUSING SOCIETY LTD. PLOT NO. 19 (TWO BEDROOM FLAT),  
SECTOR-12, DWARKA NEW DELHI-110075. or concerned authority on my behalf  
now and in future

I therefore authorise MR. RAKESH KUMAR to sign on any documents etc.  
on my behalf. Specimen signature of MR. SHKER CHAND SHARMA is attested  
below.

*Rakesh Kumar*

Specimen Signature

of MR. RAKESH KUMAR

*Shker Chand Sharma*  
SHKER CHAND SHARMA

R/O A-66, SECOND FLOOR,  
ANAND VIHAR, NEW DELHI-110092