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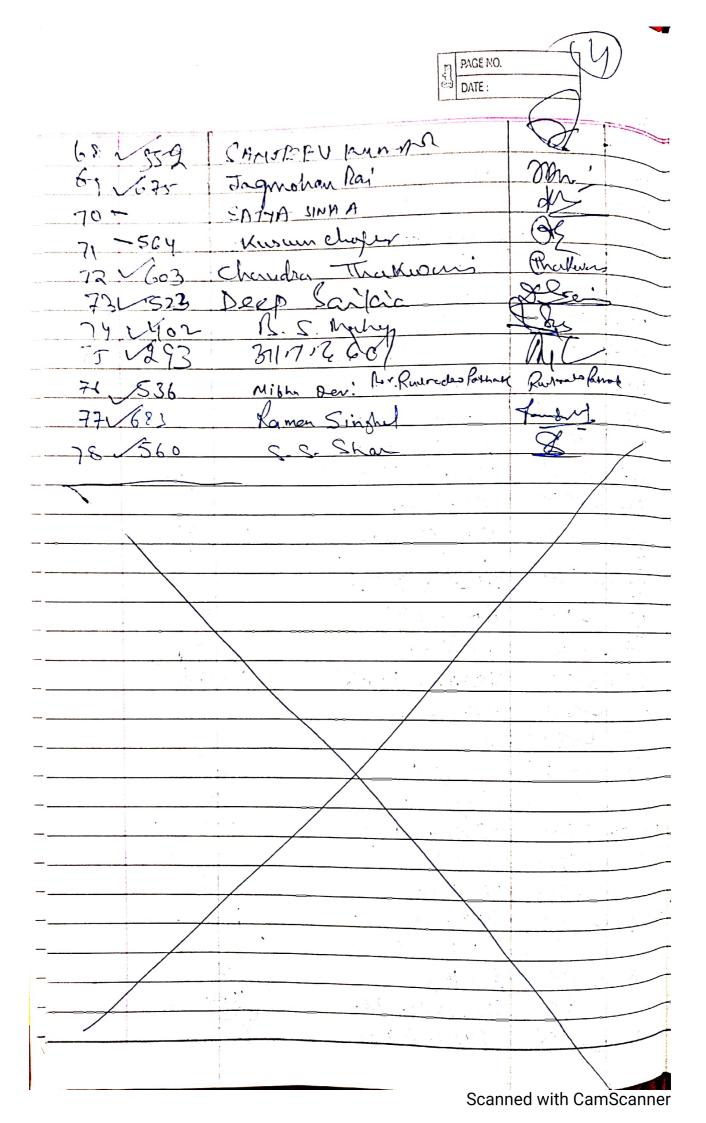
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## MINUTES OF GENERAL BODY MEETING OF THE KUNJ VIHAR COOPERATIVE GROUP HOUSING SOCIETY LTD. HELD AT 10.00 HRS ON 13.07.2008

- 1. The Special General Body Meeting of the members of the Kunj Vihar Cooperative Group Housing Society Ltd. was held at its site location at Plot No. 19, Sector-12 Dwarka, New Delhi-110078 at 10.00 hrs on 13.07.2008. Since, the quorum, required for the meeting, was not complete by 10.00 hrs, therefore, the meeting was adjourned for one hour and recommenced at 11.00 hrs on the same day and same venue. And again the quorum required for the meeting was not complete by 11.00 hrs, therefore, the meeting was adjourned for half an hour and recommenced at 11.30 hrs on the same day and same venue. The meeting was attended by 78 members who signed the SGBM register in token of their presence and resolutions passed in the SGBM. The meeting was presided over by Sh Satvir Singh, Administrator. The following was the agenda for the meeting:-
- (a) To Discuss and take decision for the contractor to carry out the balance work i.e (i) Internal Civil & Electrification works and (ii) External Development works in Kunj Vihar Cooperative Group Housing Society Ltd. Plot No. 19, Sector-12, Dwarka, New Delhi-110078 in view of the resolution passed in the last General Body Meeting held on 07.06.2008.
  - (b) Any other points related to agenda no. 1 as above.
- The Administrator welcomed all the members present in the meeting. The Administrator informed the members about legal opinion as to whether in the changed circumstances the work should now be awarded to M/s Techno Construction for completing the balance Civil work and also as to whether under the changed circumstances, the compromise award dated 02.06.2008 passed by Mr. Justice (Retd) Anil Dev Singh in the arbitration case in question, needs to be challenged. The Administrator read out the opinion furnished by the advocate of the society on the above mentioned points and informed the members, present in the meeting that the Advocate has opined that since the conduct and deeds of the firm and its proprietor have already come under scanner of the investigating agency and awarding of fresh contract for the completion of the balance work may again lead the construction work to stand still keeping in view of the involvement, hence the contract for the remaining / balance should not be awarded to the firm or its proprietor, though there is no legal bar as the matter is still under investigation, and no final verdict has been passed by the Hon'ble Court. With regard to opinion on the compromise award, the Administrator informed the members present in the meeting that the advocate has opined that an award which is based upon the forged and fraudulent documents is of no value in the eyes of the law, since investigating



367 /2

officer has categorically taken a stand that the tender documents submitted by the society as well as filed by Sh. Vinod kumar Singhal, hence are not genuine and are forged, therefore, the very basis of the compromise / settlement dated 30.05.2008 was the documents (tender document) relied upon by both the parties which was based on the said documents has now turned out to be vitiated by forgery. In other words the parent document itself has now been investigated to be forged, therefore the impugned award is based upon forgery and deception should be got set aside.

3. Keeping in view the opinion of the advocate of the society, as discussed above, the Administrator sought the views of the members, present in the meeting. S/Sh. Ashok Kurich (M.No. 159) Jagdish Kurich (M.No. 29), A L Mendiratta (M.No. 678), Inderpal kaur (M.No. 629), R K Choudhary (M.No. 551), Sarabjit Singh (M.No. 300), P K Sahoo (M.No. 595), Balvinder Singh Mahay (M.No. 402) and Ashwinder Pal Puri (M.No. 322) expressed their views that the society should not give the work in question to Sh. Vinod Kumar Singhal of M/s Techno Constructions. Sh. Jagdish Kurich further mentioned that the society should ignore the persons who are involved in criminal case. Mrs. Inderpal Kaur also further expressed that the society should keep itself away from criminal persons as due to them only the society went into problem.

- 4. Dr. H C Sachdeva (M.No. 399), Capt. Dua (father in law of Smt. Neera Dua M. No. 121), Sh. Rupender Choudhary (M.No. 666), Sh. Madhavan Narayana swamy (M.No. 549), Sh. S C Marwah (M.No. 615), Sh. S K Wadhawan (M.No. 649), expressed their views that keeping in view the terms & conditions accepted by M/s Techno Constructions, and also keeping in view wastage of lot of time, the work in question should be awarded to Sh. Vinod Kumar Singhal of M/s Techno Constructions.
- 5. Dr. R K Chowdhary further expressed his views that the work in question should be got completed through 2-3 petty contractors to complete the work at the earliest or we can invite open tender by publication in the news papers. He further suggested that the minimum work, which is required for filing the paper to obtain POC from DDA should be done and extra work like fixing of inside doors etc. should be ignored at present. S/Sh. A K Hasijja, P K Sahoo, and A K Roy, also suggested for retendering of the work and also suggested for election in the society. Sh: Sarabjit Singh and various other members also suggested for election in the society.
- 6. Dr. H C Sachdeva further expressed his views and informed the members present in the meeting that in the last SGBM it was decided to obtain legal opinions on the case in which Sh. Vinod Singhal was involved. He informed about the settlement of Rs. 2 Crore with M/s Techno Constructions which was done only after negotiations with Sh. Vinod Singhal by the negotiation committee as well as by the members of the Advisory Committee. Sh. Mahesh Goel also suggested that if this settlement would have not been scared of for any thing. On this Sh. Jagdish Kurich expressed that when the document in the view that if we file case against M/s Techno Construction then we can save Rs. 2 Crore and can start the work side by side. She also wanted to know the effect if the

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arbitration case is not decided. She was informed to that in such case possession of flats will not be made as per orders of Hon'ble High Courts. Sh. Sarabjit singh expressed his views that Sh. Vinod Singhal can never stop any work and we should start the work and leave other things to be decided by the court. Sh. P K Sahoo also expressed his views that Sh. Vinod Singhal can not do any thing and we should ignore him. He also expressed that nothing has been done so far and the members who are contributing a lot for the society presently, should be elected by the members to form the managing committee and to ignore the things happened in the past. Sh. Sarabjit singh also suggested that only members can complete the remaining work of the society and responsibility should be given to 10-20 members to complete the remaining work as awarding the work to any contractor will result in cost escalation. He also requested the members present in the meeting that the members should forget their house problems and give time and money to the society in time and work 24 hours and set an example that the members have completed the construction work of the society, and ignore the court case of Vinod Singhal. He also suggested that if the members who are selected in the election, do not complete the work then such members would be liable for explanation. Sh. Jagdish Kurich also corroborated the version of Sh. Sarabjit Singh.

- 7. Sh. J K Jain informed the members present in the meeting that we are mixing arbitration case and award of work of construction. He further expressed his views that if it is decided in the court that document in question is forged then the settlement with Sh. Vinod Singhal will be cancelled. He also expressed his views that petty contractors can not complete the work and we can face many problems therefore we should award one contract.
- Mrs. Supriya Sehgal wanted to know Prons & Cons about awarding the work to M/s Techno Constructions. On this Dr. H C Sachdeva informed the advantages for awarding the work to M/s Techno Constructions. He informed that Sh. Vinod Singhal agreed for three years performance guarantee of Rs. 1 Crore whereas other contractors did not agree for such amount and were agreed for one year guarantee. Sh. Vinod Singhal also agreed 5% deductions from every R/A Bills to be paid after completion of the work. This condition was not agreeable by the other contractors. Sh. Singhal also agreed for default condition and he can be penalized if do not complete the work within the stipulated period and everything is transparent. Dr. Sachdeva again mentioned that since the settlement in the arbitration case was decided in the by the Advisory Committee as well as the Negotiation committee, approved in the last SGBM then why this point is being raised now. Dr. Sachdeva further informed the members, present in the meeting that the arrest of Sh. Vinod Kumar Singhal was on the testimony of a person who is also underground and the persons who are on bail. Since the documents submitted by the society was also forged then why the case is not made against the old management of the society. Mrs. Supriya Sehgal further wanted to know the quantum of sufferings if the work is awarded to M/s Techno Construction. On this Dr. Sachdeva informed the members present in the meeting that once an arrested person is released on bail, he can not be arrested again.

- Sh. S.C. Marwah (M.No. 615) expressed his views that as per his experience no petty contractor can complete this work and no other contractor will come forward to do the work even if we give an advertisement in the newspapers. On this Sh. Jagdish Kurich suggested that if the terms & conditions are put favorably by the society then so many contractors will come forward to complete the work but on the present terms & conditions no contractor will come forward and we should amend the terms & condition accordingly. On this Dr. S.K. Wadhawan, Capt. Dua, and S.C. Marwah, expressed their views that if such conditions are not laid down then the society may face serious problems in future. Dr. H.C. Sachdeva also informed the members present in the meeting that all the conditions laid down by the society are correct and are in favour of society.
- 10. Col. Shiv Rana (father of Ms. Maneesha Rana M.No. 702) expressed his views that we should not go in the past, forget the past and the members should devote time for the sake of the society and should not raise same point again and again and take decision in favour of society. He also suggested that the members who do not attend the meetings should not raise any point. He also suggested that since the matter of settlement of Rs. 2 Crore in question was decided in last SGBM, therefore, such points should not be raised again. He further stressed to decide as to whether the work should be awarded to M/s Techno Construction or not. He also suggested to have voting on this point. Sh. K R Ravinder kumar and various other members also suggested for voting on the point as to whether under changed circumstances, the work in question should be awarded to M/s Techno Construction or not.
- 11. Keeping in view the aforesaid facts and circumstances, which indicate that various members, present in the meeting wanted election in the society and also indicate that the members, present in the meeting are divided on the point of as to whether the work should be awarded to M/s Techno Construction or not and keeping in view of suggestions of various members for voting on this point, the Administrator put it before the members present in the meeting as to whether voting should be held or not. On this almost all the members present in the meeting consented for voting.
- 12. Accordingly all the members present in the meeting were given small papers to vote as to whether they want to give the work to M/s Techno Construction or not. S/Sh. K R Ravinder Kumar and Sarabjit Singh rendered help in voting. Out of total 78-members, who attended the meeting, two members had already left before voting. Out of remaining 76 members, 64 members gave consent in writing to award the work to M/s Techno Constructions. 8 members expressed in writing that the works should not be awarded to M/s Techno Constructions. The vote of remaining 4 members were invalid as they were not members and attended the meeting on behalf of members. The resolution was passed accordingly.
- 13. The Administrator also sought the views of the members present in the meeting as to whether the consent award dated 2.06.2008 in question should be challenged as opined by the advocate of the society as discussed above. On this Sh. Sarabjit Singh and few other members informed the members present in the meeting that the negotiation Committee should again negotiate with Sh. Vinod Kumar Singhal and see that the



(368)

balance amount is waived off completely or reduced to the maximum. This resolution was passed unanimously with the request that the negotiation committee already formed should negotiate with Sh. Vinod Singhal.

14. Keeping in view the suggestion of various members for holding the election in the society, the Administrator informed the members present in the meeting that recommendation will accordingly be made to the office of Registrar Cooperative Societies for holding election of the management committee of the society. But this resolution could not be passed as various members now negated this suggestion.

(Satvir Singh) ADMINISTRATOR