the General Body Meeting of the Kury Lihar C.G.H. S Ital on 18 oct; 2015 at 4P.M., the Site of the Society at Plat No 19 Sector 12 Dwarka New Delhi 10075 the following Members were present in the Meeting

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



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

### Minutes of The Special GBM of The KunjVihar CGHS held on 18<sup>th</sup>October, 2015, at 4pm on the lawns of the Society

The GBM was scheduled to be held at 4 pm on 18<sup>th</sup>October, 2015 but since the quorum of the meeting as per the provisions of RCS Rules was not complete even at 4.40 pm, it was adjourned and the meeting was reconvened after 20 minutes at 5 pm. Eighty five 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 welcomedall the members and their families present to the GBM and regretted the delay in starting the proceedings due to lack of quorum and some BSES electrical supply problem at the last minute. The President congratulated all the members and their families for the allotment, and said this landmark achievement was possible only with the co-operation and support of all the members. Now it is a matter of days for members to get possession of their flats.

Hethen 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 and took up the points on the Agenda one after the other. For the benefit of the members present, the Secretary, Dr.H.C.Sachdeva read out the agenda for the GBM already circulated:

#### Agenda for GBM

- 1) Approval of the Minutes of the previous GBM meeting (already circulated)
- 2) Finalise the flat cost
- 3) Apprise members of latest status of clearance of the detained members RCS letter dt 11<sup>th</sup> May 2015 (detained earlier due to deficiency in documents/defaulters and pending physical verification)
- 4) Consideration of request for forwarding the names of the 2(two) remaining defaulting members for allotment to the RCS Office, who have given an undertaking to make full payments before possession of flats
- 5) Status of filling up of the 3(three) vacancies in the Society
- 6) Apprise members of the legal cases
- 7) Parking facility allotment
- 8) Any other points with the permission of the chair

#### I. Approval of the Minutes of the last GBM:

The Secretary sought the approval of the GBM minutes already circulated from the members and specifically asked the members if any member had objection to these. No member had any objection. The minutes were thus passed.

The Secretary requested the President, Mr. M A Cariappa to take up the issue of flat cost.

#### II. Finalise flat cost:

The President started by reminded the members that the procedure/basis for calculating the cost of the flat had been deliberated and approved in the previous GBM. Accordingly, the cost of works cost already done and the estimated cost of balance pending works had been finalized. He mention at that the procedure was adopted with the view to mitigate the cost of the construction being passed on to the members by way of easing the burden and subsidizing it from the funds collected due to equalisation, interest, filling up of vacancies of memberships.

The Society has incurred a total expenditure of about 62 to 63 crores rupees till date. Another Rupees Three Crores is the estimated cost of works to be still done, especially repair works and sanitary/electrical works inside the flats as well as some repair/finishing works in the common areas and the essential services and utilities. He told the members that in order to arrive at the current cost to be charged from the members, prior to possession, inputs had been taken from the Architect as to the super area based on the DDA measurements and the Society's CA who had scrutinised the accounts and vetted the calculations. Accordingly, after a detailed study and analysis of these inputs and books of accounts by Mr A K Kapoor (M No571) and the treasurer Mr.Tripathi, a rate of Rs 1646/- per sq.ft., rounded off to Rs.1650, has been arrived at to arrive a the cost of the flats, which the MC recommends for acceptance by the GBM. Further, the cost of parking facilities had been averaged at Rs. 1,40,000/- per member.

#### The President then invited the Members for their comments and suggestions

Many members came forward:

i) Mr Virender Singh (M No 629): a) He commented that he had in the past he had requested that the Society to complete the finishing works in the Community Hall so thatit couldbe available for us on 24th and 26th October, 2015, as he wished to have a few a programs in it on these days, connection with his daughter's marriage. He regretted that the Community hall is still not ready. He was not satisfied with the methodology adopted to calculate the interest, particularly in relative to the calculation done in July 2012. c) He emphasised that he did not accept the calculation does by the Society and was not ready to accept the cost put forward by the Managing Committee eight of the Society construction or the cost of the flat d) He personally wants to go into the accounts the Society e) He does not accept the escalation of the cost of the flat and is not willing to pay a new cost being charged. He said that he had been promised the 4 B/R flat at Rs. 25 lacs by Pradeep Mehta at the time of booking, any escalation is not acceptable to him. f) He wanted committee to be formed to look into accounts of the Society. g) He wanted the "allotment" lett to be issued to the members.

- ii) Mr R K Choudhary (M No 551): a) He said the MC in 2011 had projected that the Society was nearing completion, why is it that the flats are being handed over to the members only now b) He wanted to know why the "allotment letters" are not being handed over to the members e) He wanted to know why are the members being charged Rs 1650/- per sq.ft. and not less d) He emphasised that at the rate now being proposed by the MC for approval in this GBM, he would have to pay another Rs 3 lacs more for his 4 B/R flat.Similarly, since other members also have to pay this amount then the MC of the society would be collecting: 210 members x 3 lacs = 6.3 crores appx., which was a preposterous amount and the MC had no business in raising this demand e) He said that the flats still have deficiencies which have to be rectified f) He said that many a time nobody is available in the office to rectify the problems some responsible person should be nominated to whom the members can approach regarding any problem faced by them in the Society and his name and telephone number should be communicated to all the members. g) He emphasised that there should be proper checking of the water supply line, sewage line and the electric wiring connection, h) He wanted the deficiencies in the flats pointed out by the members to be rectified at the earliest.
  - iii) Mr Sonu Kapoor (M No406): a) He wanted to know why the deficiencies listed by the members were not being rectified. b) Why were the (allotment letters) not being handed to the members c) He wanted to know when the "possession" of flat will be given. d) How had the cost of the flat been calculated.
- iv) Mr Pradeep Mehta (father of Ms Ramita Mehta, M No 673): a) He wanted to know why the "possession" of flat was being delayed. b) why was so much money being charged as the cost of flat c) the escalation was unjustified c) he claimed that Rs 22 crores had been spent in completing 76% of the works in the Society till the year 2006, whereas the present MC subsequently spent Rs. 32 crores in completing the balance 24%.
- Ms Neena Kapoor (M No.547): She objected to Mr Mehta's accusations and said he himself had misappropriated funds of the society running into crores for which he remained behind bars and is still under trial for the same, not only in this cooperative society but in many other Societies as well he is facing charges of misappropriation and legal cases are proceedings in these cases. He should not misuse the goodwill of the present MC in such a manner that it crosses all the limits of decency.

At this many members – to name a few among these – Mr Navin Chandra(634), Mr K R Ravindra Kumar(M No641), Mr Anil Kr. Goel (M No 438), Mr A K Sharma (M No604), Mr A K Hasija (M No 377), Mrs R Bali(M No 633) came forward and supported whole heartedly what Ms.Neena Kapoor had emphasised and demanded that Mr.Pradeep Mehta should stop interfering in the matters of the Society and leave the matters to the members to tackle – since it was only after Mr.Mehta's exit, that the new MC and the members had successfully completed the society project and now "possession" of flats was to take place.

vi) Mr A K Sharma (M No 604): He echoed similar sentiments as Ms Neena Kapoor in regard to the presence and comments of Mr.Pradeep Mehta. He called into question the real motive of Mr.

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Pradeep Mehta coming to the society after such a long gap. Particularly so - when the "allotment" and "possession" was to take place soon, if the GBM approved the cost of construction. He exhorted the members to realize that at this time when members are now to be given the "allotment" and "possession" of their flats—this was a ploy by those persons/members who in the past had to be removed by the RCS in 2006—that an ADMINISTRATOR had to be appointed, to reate mischief so that members are deprived of "possession" of their flats. Even a handful of members who are supporting Mr P Mehta have to realize that they shall also suffer—being deprived of "possession" of flat. He exhorted the members to remain united at this crucial juncture and see to the fact that this opportunistic game plan is defeated. He rebutted the claim of Mr Virender Singh that the accounts were not correct and emphasized that in the past Mr. Virender Singh himself alongwith 3 other members nominated in a GBM had looked into the accounts and had not found anything wrong at all and had given their recommendations. He acknowledged the contribution of Mr AK Kapoor to look into the accounts and spending considerable time to finalise the cost project and the amount payable by the members.

He also acknowledged the effort put in by the President, Mr. Cariappa because of whom the clearances had been obtained from the DDA and the RCS offices – getting these clearances was a big achievement.

DDA had rejected our application for grant of POC/CC, a mandatory requirement for allotment, since our case was time barred as per the Government Notification. Even then we got the same. Thereafter, the RCS office had initially turned down the "allotment" proposal of the Society. The RCS appointed Administrator had duly mentioned about the lack of documents in his report to the RCS. Since the proper documents needed at different stages of approval, were not available, finding suitable alternatives and solutions to the satisfaction of the authorities, rebuilding the documents, and getting the files processed required special effort and strategy. As such it was only natural that the procedure took quite some time.

As regards the pending works in the Society, he acknowledged that the condition in the flats may not be all that good. Some of the construction works are about 13 years old,hence, nature 148 taken its toll and therefore some more repair may be required especially in the construction and plumbing. The extent of damage can be assessed only after sometime.

Mr Jagmohan Rai (M No 675): He also exhorted the members to be positive and be cooperative. He reminded the members that due to the cooperation till now the members had succeeded in reaching this stage and were now finally getting the "possession" of their flats. He also congratulated the 40 new members for whom the draw of lot for flats had taken place 2 days back. He reminded the members that he along with other members had seen the accounts of the Society in the past and had noted that the MC was functioning in a transparent manner in accordance with the decisions in the GBM.

He commented that the MC was trying it's best to speed up and complete the balance work but the works have been slow on the part of the contractor and thus the delay. For this he gave an

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example – that the shafts in the block C were to be checked for any leakage and seepage and be had himself interacted with the contractor but the final results were yet to be seen and checking still seemed quite distant. He appealed to the members to be cooperative, particularly so since in the near future they were going to live together – there has to be mutual give and take and the feeling of acrimony should not be there.

- viii) Ms. Neena Kapoor congratulated Mr Virender Singh and extended her best wishes as his daughter was to get married in the coming days. She also requested the members to take care of the "malba" which had accumulated due to the renovation work in their flats as this was creating a problem for the other members and also was giving the society an ugly look.
- ix) Mr Ashish Banerjee(M No 701): a)He suggested and proposed that separate teams could be formed to supervise the different pending works for a faster completion b) He also suggested that the cost of flat calculated @ Rs 1650/- per sq.ft. should be accepted by the members as a lot of effort has gone into looking into the accounts and only then this figure has arrived. The Society accounts have been looked into by the members in the past and he does not see any reason of revisiting the accounts without a strong and valid reason. He wanted that the money due to the members be refunded and that there should be a policy for this.
- Mr. Rupendra Nath Choudhury (M No 666): He wanted to know the expected time for "allotment and possession" of the flats to be completed.
- xi) Mr Mahesh Goel (M No 578): He pointed out that his name had been incorrectly given in the DDA list in 'the result of the draw' andthe name should be got corrected as Mahesh Kumar Goel.

The President once again requested members to come forward with their queries or suggestions. Since no other member came forward, the President took up the issues raised by the members one by one.

#### 1. Allotment and Possession

The President remarked that the "allotment" and "possession" letters were being readied and after costs are approved by the GBM then the Society would finalise the 'Statement of Accounts' of the members and issue the "allotment" letters within a week thereafter. The possession could be handed over subsequently. In case any member has any pending due after the issue of the statement of accounts, then possession to those members would be given after the members concerned have cleared their dues.

He reminded the members that despite the fact that the "possession" of the flats to the members is yet to take place, the members have been getting their flats renovated so that these members can move into their flats at the earliest without any unnecessary delay, once the formalities have been completed. For this the NOC for the electric connection for the BSES and the cooking gas

connection from IGL are also being issued from the Society to facilitate the members being able to move into their flats at the earliest.

#### 2. Pending works in the flats

He informed members that some minor repair works and some sanitary and electrical fittings works are still pending in the flats but that should not hinder the process of granting possession of the flats to the members. These works had been kept pending to avoid theft and also sometimes the members wish to change the fittings after they get possession. However, as discussed in the last GBM, the President requested such members to inform the Society office immediately so that the Society does not undertake these works in their flats. As decided in the earlier GBM, the cost of sanitary fittings, not yet procured by the Society, can be refunded to the respective members. However the Society will complete anypending works uniformly in all the other flats.

As these works is taking time, the President requested the members who proposed to shift immediately to let the Society know, so that the works in those flats could be taken up on priority. The President also mentioned that main contractor is yet to deploy sufficient manpover for undertaking the pending works. Even though he had done good work in the past, for the last year the works were slow as the Society was carrying out only need based work. However, now we have directed the contractor to complete the works on priority to the satisfaction of the Society failing which we will get the works done through other experienced contractors.

#### 3. Community Hall and Guest House

The President also informed that the finishing works in the common facilities being developed, particularly the Community Hall and Guest House, for which some of the members are waiting to avail their usage, will also be taken up. The air conditioning work was in progress and he was hopeful that the electrical and sanitary works would be completed to the extent that a function could be held as scheduled by the members who have booked the Hall for usage in the last week of October. The works related to tiling, permanent kitchen and toilets will be completed thereafter.

#### 4.Fresh Demand from Members

Regards the apprehension of Dr.R.K.Choudhary that the Society will extract Rs.6 Crores from the members, the President clarified that, in the past the Society hadissued uniform demands to the members of each category, based on an estimated common super area for each category on the clear understanding that the actual super area of each flat and the cost thereof will be finalized at the time of allotment/possession. Now that the super area of each flat has been finalized by the Architect, the total cost paid by all the members equally of each category towards principal will be apportioned to each member on the basis of the super area of the flat

now allotted. Therefore, while the larger flats may cost more, the smaller flats will cost less in direct proportion to their super area.

Since only the cost already paid towards principal is being re-adjusted, as was proposed in the last GBM, the Society will not receive any additional revenue on this account, and if some members are paying money to the Society, others are getting a refund.

#### 5. Refund of Money

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The President stated that while the MC would endeavor to effect the refunds at the earliest, this could take a little time since it would depend on the Society's fund position, money need for completion of priority works, payments by defaulters and new members as well as the payments to be received from members who have been allotted larger flats. If circumstances demand, the refund could be in installments.

#### 6. Correction of members details in DDA/RCS

The President agreed that the details of a few members were not correct in the list of members given in the RCS 'recommendation for allotment' and/or in the DDA list of 'draw of lots of flats'. This was due to typing errors either by the Society or RCS or DDA. In all the cases brought to the notice of the Society, the MC had written to the DDA and the RCS for suitable correction in accordance with the details in the original documents.

#### 7. Allegations of escalation and misappropriation

He said the present MC had carried out all works and had incurred expenses in a transparent manner. The MC had also involved other members from time to time to help in tender finalization, awarding of works and follow up with DDA and RCS and other Government agencies. All accounts had been audited as per rules. Even now the Society's accounts will be audited by the Auditor approved by the GBM and the report will be filed by him in the RCS.

As regards the cost of flats to be charged from members he again mentioned that the cost/expenditure incurred has been worked by taking inputs from the Architect and the C.A.(chartered accountant). He said that MC has further entrusted the verification of the calculations, jointly to Treasurer, Mr S P Tripathi and Mr A K Kapoor (M No 571), who have spent of lot of time looking into the accounts, verified its accuracy and then rechecked their calculation to leave little scope for error.

The President then requested Mr.A.K.Kapoor to come forward and explain the status of the expense account and the methodology adopted to arrive at the flat cost for each member.

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Mr A K Kapoor (M No 571): He said that he has had extensive interaction with the MC members regarding many issues especially relating to the ongoing work. Also, in the past he had also looked into the society accounts alongwith Mr Jagmohan Rai, Mr K R Ravindra and Mr Virender Singh. Now, for the purpose of allotment and possession, he had agreed to the request of the MC to look into the cost calculation of the flats.

He had looked into the accounts from many aspects to arrive at the correct calculation. The total amount demandedby the Society from the members as the principal demand was Rs 53.23.97,000/-. The total super area of the construction in the Society worked out and certified by the Architect was 3,23,627 sq.ft. Consequently, this translated into a rate of Rs 1646/- per sq.ft., to be applied on the super area of each flat, which has been rounded off to Rs.1650/- per sq.ft..

He also clarified that the amount taken into consideration for arriving at the flat cost does not reflect the amount totally spent on the construction and other requirements of the Society. As a matter of fact the total society expenditure has been around Rs. 63 crores—till date. The MC has estimated another Rs 3 crores has been projected to complete the balance works. Even then the MC has demanded only Rs.53,23,97,000/- amount. This difference is made up by the amount of subsidy that has accrued from the interest, equalization and filling up of vacancies.

He said that in the beginning the rate to arrive at the cost appeared to be approx. Rs. 1710/- per sq. ft. but taking into consideration the subsidy, the rate came down to be Rs 1650/ per sq. ft. He informed that the amount payable by the members to the society was Rs 2 crores appx. and Rs. I crore appx. payable by the society to the members as interest hiability. Money from the 3 vacant membership flats is to come into the society accounts. He also emphasized that at the end of the completion of the construction the Society should have a reasonable amount of money to tide over the first few months of maintenance, otherwise there shall be serious problems in the routine working.

After the presentation by Mr.A.K.Kapoor, the Secretary, Dr.Sachdeva, sought the approval of the members on the following

- i) cost / expenditure incurred in the completion of the society project,
- ii) cost of flats and
- iii) cost of parking

The members approved and passed the above loudly by a voice vote and a show of hands.

However, one member, namely Mr.Virender Singh (M.No.629) came forward and wanted his objection to be recorded. He said that he will not accept the area calculation and the cost of the flat. He had already paid the full cost of the flat in the past. He wanted the accounts to be looked into.

In response, the President mentioned that in the past Mr Virender Singh alongwith Mr A K Kapoor, Mr K R Ravindra and Mr Jagmohan Rai had looked into the society accounts and nothing

untoward had been pointed out by him and brought on record - why was he then raking up the issue now once again. Further the President clarified that there are set and prescribed accounting practices of the RCS which the Society is duly following. The accounts of the society have been audited by the RCS approved Auditor and the Auditor is the right person to examine this issue, now and then a member cannot come and raise frivolous objections and say that he wishes to examine the society is accounts.

However, as regards the expenditure and costs the President said he was still agreeable to examination of the society accounts on urgent basis over the next couple of days, if some members of the society who were accountants by profession like Mr Alok Kalra, Mr K R Ravindra, Mr Ashak Gupta and some others were willing to look into the accounts.

However the President wanted that this exercise should be taken up immediately since he wanted the 'Possession' to be handed over on priority, especially since he was shortly travelling out of Delhi for several weeks due to his personal commitment.

However no member came forward.

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Thereafter, the President once again sought the approval of the members for going ahead with the issue of final demand on the basis of the actual area of the flats and to go ahead with the process of allotment/ possession.

The members once again approved with a show of hands.

The President thanked the members and requested the Secretary to go ahead with the other points on the agenda. The Secretary further took up the following points.

III Authorisethe Office bearers to issue the Allotment and Possession/Occupancy letters and other necessary certificates: The secty, proposed that the office bearers of the MC of the society be authorized to issue the "allotment" and "possession" letters and also other necessary certificates, which the members approved with a loud voice vote.

IV Apprise members of draw of lot for Allotment of the 40 previously detained members now recommended by RCS letter dt 17<sup>th</sup> Aug. 2015 - to be conducted by DDA (letter dt 06 Oct. 2015) on 16<sup>th</sup> Oct. 2015: The President informed the members that it was with great pleasure that he was conveying the confirmation that the draw of lots by DDA has taken place on 16<sup>th</sup> October for 40 more members approved by the Rule 90 Committee of RCS for allotment.

V Status of filling up of the 3(three) vacancies in the Society: The President informed that Society has intimated the RCS regarding the filling up of the 2 out of balance 3 vacancies. For the balance 1 vacancy - The 'Public Notice' would be advertised by the Society in Veer Arjun (Hindi) and The Statesman (English) by the end of this month is being forwarded to the RCS, with a request that the same may be uploaded on their website. The proposed closing date for receipt of applications is the 14th of November, 2015.

#### VI Progress of construction work

Repair of exterior cracks and broken plaster/grit: The President stated that the MC had already taken note of this and assured that it was already being taken care of. As a matter of fact this repair is to be undertaken shortly, he expects this to be completed in the coming months.

Community Hall/Guest House facility: The president assured the members that the use for both the community hall and guest would be made available for the members, specifically as the member – Ms Rana was getting married shortly and had planned the marriage functions in the community hall. These would be made functional as soon as possible. The guest room was almost complete and would be furnished ready for use. The community hall was under preparation and the major works namely central air conditioning, false roofing were already in process. Subsequently the tiling and painting would be undertaken. He assured the members that the work will be speeded up, and would do his best to make it ready for use by end October. The availability would be based on first-come, first serve basis. As regards the charges to be levied for their use, the MC/GBM could initially decide some nominal amount based on the anticipated expenditure and then review based on response and actual operational costs.

Lifts: The President stated that the society has 13 lifts, all of these are not operational. However care has been taken to ensure that one lift/block is functional immediately and the arrangement for AMC of all the lifts has been awarded to M/s.Johnson. The representatives from the company have visited the Society and are making all these lifts fully operational in the coming days.

Alteration of the structure of flats and common areas being carried out by members: The secretary requested the members not go in for basic structure alteration of the structure of the flats which would be in violation of rules and regulations of both the DDA and RCS; the members were liable for disciplinary action, including revocation and expulsion of their membership from the society. He also requested the members not go in for alteration and installation of plastic sheets of different colours used for covering the balconies/used as sun shades in the balconies. The DDA and RCS authorities could specifically take disciplinary action against these members.

### VIIApprise members of the legal cases: The Secretary, Dr.Sachdeva informed

- i) that the case involving Mr Mendiratta is in the final stage of arguments, the next date of hearing is on 4<sup>th</sup>November.
- ii) The case of Ms Ramita Mehta is also in the final stages of hearing, the next date is in December.
- iii) The arbitration case with M/s HiTech is also in the final stages of arguments; the next date of hearing is on 17<sup>th</sup> November.

VIII Dr. Sachdeva additionally mentioned - that he hoped that he had clarified satisfactorily to Mr Sonu Kapoor's letter received on the 20<sup>th</sup> Sept relating to the construction as and when he had visited the society a number of times.

IX Security and the installation of camera and surveillance: The Secretary informed that due to some recent incident of theft the MC had to change the security agency. Due procedure of inviting



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

quotations had been followed and subsequently the contract awarded after due diligence and the scrutiny of the documents - 4 firms had quoted. He sought and obtained the approval of the agency appointed M/s Universal Security Agency (selected—as the lowest charging firm). He also informed that the MC had also invited the quotations for the installation of the camera and the monitoring system. These are in the process of being examination and some more offers are expected

X Electric meter connection facility: The BSES has provided a single meter to the Society for drawing electricity for common use, like street light, pumps, office community hall, common passage, lifts etc. Every flat will be provided with a direct connection and meter by BSES, separately, to provide electricity for their own consumption. To obtain a connection, the members have to apply directly to BSES. For the convenience of the members, the application forms have been arranged from the BSES. Members are requested to collect the blank forms from the Society office and return them, duly filled along with the prescribed fees -in case they wish the Society office to assist them in getting the connection.

XI-IGL-cooking gas connection: Many members came forward, particularly  $Dr \Re K$  Choudhary, and requested that the Society should take steps in a similar manner as for BSES connection. The President whole heartedly agreed to the suggestion, but said the process normally takes more time than for a BSES connection.

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 taking the decisions in the interest of the Society. The meeting concluded at 7.05pm. The members then proceeded for refreshments arranged by the Society.

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