

The General Body meeting of The KUN'S VIBRA CORP LTD
 held on 28th April 2013, at 10:30 AM at the side
 of the society at Plot No. 19, Sector-12, Dwarka,
 New Delhi - 110078, The following members are
 Present:-

| S. NO. | M. NO. | member's name | Sign. | Remarks |
|--|--------|------------------------------|-------------|---------|
| 1. | 511 | CHITANI Gupta L | [Signature] | |
| 2. | 547 | Neenu Kapoor & Naveen Kapoor | [Signature] | |
| 3. | 399 | Dr. H.C. - Sushama | [Signature] | |
| 4. | 372 | SHRADHA TRIPATHI | [Signature] | |
| 5. | 582 | RAMASUBRAMANIAM | [Signature] | |
| The Quorum was not completed at 10:30 AM hence the meeting was adjourned for one hour and meeting and meeting was restarted at 11:30 AM at the same venue and on the same date | | | | |
| 6. | 631 | Anand Mohan Jha | [Signature] | |
| 7. | 614 | R. L. RAINA | [Signature] | |
| 8. | 652 | Ar. K. D. Broshi | [Signature] | |
| 9. | 619 | K. L. Chaudhary | [Signature] | |
| 10. | 692 | Neeva Chugh Choudhary Loh | [Signature] | |
| 11. | 525 | R. N. Kalita | [Signature] | |
| 12. | 600 | S. Swaminathan | [Signature] | |
| 13. | 541 | S. P. Tripathi | [Signature] | |
| 14. | 552 | SANJEEV KUMAR | [Signature] | |
| 15. | 675 | Jagmohan Rai | [Signature] | |
| 16. | 558 | Asim Kumar Singh | [Signature] | |
| 17. | 604 | A. K. SHARMA | [Signature] | |
| 18. | 633 | RAJINI RAO | [Signature] | |
| 19. | 641 | K. R. Ravi Sankar Kumar | [Signature] | |
| 20. | 571 | A. K. Kapoor | [Signature] | |
| 21. | 694 | Anukampa Jha | [Signature] | |
| 22. | 530 | Sarany Buni | [Signature] | |
| 23. | 0562 | J. K. Singh. | [Signature] | |

| | | | | |
|-----|-----|---------------------------|-------------------|-------------------|
| 24. | 621 | Sandeep Sharma | Sharma | |
| 25 | 636 | Col YS Sangwan | Sharma | |
| 26 | 664 | Anu Gupta | Sharma | |
| 27 | 667 | Nalini Kant Anil Kulkarni | Sharma | |
| 28 | 523 | Deep Saikia | Sharma | |
| 29. | 543 | Anuleyil Dillana. | Sharma | |
| 30 | 565 | Ujjwal Pathak | Sharma | Ujjwal |
| 31 | 671 | SANJAY KUMAR PASSI | Sharma | |
| 32 | 688 | D. R. KALRA | Sharma | |
| 33 | 377 | A.K. HASSIJA | Sharma | |
| 34. | 705 | Lakhvinder Arora | Sharma | |
| 35 | 661 | Abhik Kalia | Sharma | |
| 36 | 680 | Dr. H. Deka | Sharma | |
| 37 | 635 | Dr VSP Srivastava | Sharma | |
| 38 | 592 | Kh. Anur | Sharma | |
| 39 | 550 | AMISUJ TRIPATHI | Sharma | |
| 40 | 558 | Bhuvan Kumar Sahu | Sharma | Bhuvan Kumar Sahu |
| 41 | 549 | MADHANU NARAYANASAMY | Sharma | dr. m. |
| 42 | 567 | Ashok Kumar Gupta | Sharma | |
| 43 | 634 | Narain Chandra | Sharma | |
| 44 | 610 | Satish Gaur | Sharma | |
| 45 | 652 | Anadi Gupta | Sharma | |
| 46 | 532 | Mahender Singh | Sharma | |
| 47 | 576 | Raj Chandra | Sharma | |
| 48 | 13 | Mohit Bhargava | Sharma | |
| 49 | 555 | NEERAJ KHATRI | Sharma | |
| 50 | 624 | VIRINDER SINGH | Sharma | |
| 51 | 649 | Soanay Wadhawan | Sharma | SO |
| 52 | 702 | Shiv Karg. | Sharma | |
| 53 | 669 | SAROT SAINI & SANJAYMA | Sharma | |
| 54. | 676 | DR. Dinesh Halder | Sharma | Dr. Dinesh |
| 55. | 537 | ARUN KR KULSRESTHA | Sharma | |
| 56 | 581 | TM Kumar | Sharma | |
| 57 | 648 | Narandhra Gupta | Sharma | |

| | | | |
|----|-----|----------------------------|----|
| 58 | 637 | Ch. De. Manu. Anur. Kumar | 2 |
| 59 | 275 | Mr. Ramesh Prasad (Bengal) | 3 |
| 60 | 514 | Narada Komwar. | 4 |
| 61 | 595 | P. K. SAHOO | 5 |
| 62 | 644 | M. GARIAPPA APPAIAH | 6 |
| 63 | 691 | Pranod Kumar Singh | 7 |
| 64 | 565 | Shashov dharma | 8 |
| 65 | 569 | S. K. Diwan | 9 |
| 66 | 570 | Bhushan Chaudhry | 10 |
| 67 | 703 | Samtan | 11 |
| 68 | 689 | Punish Mishra | 12 |
| 69 | 701 | Ashin Banerjee | 13 |
| 70 | 658 | Satish Kumar | 14 |
| 71 | 574 | Bhupendra Bhutani | 15 |
| 72 | 622 | Yash Vardhan | 16 |
| 73 | 578 | Kamal & Kavita Gwal. | 17 |
| 74 | 666 | R. N. Chaudhary | 18 |
| 75 | 594 | Ashok Latta | 19 |
| 76 | 575 | J. S. BHORIA | 20 |
| 77 | 583 | Prasanna Baruah | 21 |
| 78 | 561 | RATNI HAKIM | 22 |
| 79 | 620 | Deeyak Mursah | 23 |
| 80 | 662 | Pankaj Ashwary | 24 |
| 81 | 548 | K. Ardhan | 25 |
| 82 | 663 | VIKASH KUMAR | 26 |
| 83 | 877 | CM Soudali | 27 |
| 84 | 121 | ANIL Dha. | 28 |
| 85 | 152 | Shokan chud sayana. | 29 |
| 86 | 670 | V. SURESH KUMAR | 30 |
| 87 | 534 | Ravi Kumar | 31 |
| 88 | 563 | Ramch Kumar | 32 |
| 89 | 584 | Shelchan Kanoojit | 33 |
| 90 | 615 | S. C. MARWAHA | 34 |
| 91 | 628 | NARENDER KR | 35 |

| | | | |
|----|----------------|--------------------|-----------|
| 87 | 299 | Harinder Kaur | |
| 88 | 23 | BUSOY KOUR | Bojha |
| 89 | 48 | Suresh K. Sanyal | |
| 90 | 159 | Ashok K. Verma | Ashok |
| 91 | 609 | J.S. Guler | J.S. |
| 92 | 495 | V.K. Singh | V.K. |
| 93 | 660 | Sanjay Varil | Sanjay |
| 94 | 6106 | Sone Kaper | Sone |
| 95 | 597 | Kaushalya Bhartiya | Kaushalya |
| | 598 | Rashmi | |
| 96 | 665 | Sanjay K. Singh | Sanjay |
| 97 | 402 | B. S. Mahay | B.S. |
| 98 | 314 | Ashwini Subha | Ashwini |

The Kunj Vihar Co-operative Group Housing Society Ltd.

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

Minutes of the General Body Meeting of The Kunj Vihar CGHS Ltd. held on 28.04.2013

The General Body Meeting of members of Kunj Vihar Cooperative Group Housing Society Ltd. was held at its site, Plot No. 19, Sector-12, Dwarka, New Delhi-110078 at 10:30 AM on 28th April, 2013. Since, the quorum, required for the meeting, was not complete by 10.30 hrs, the meeting was adjourned and recommenced at 12.25 hrs on the same day and same venue. The meeting was attended by 87 members who signed the GBM register in token of their presence and endorsed the resolutions passed in the GBM. The meeting was presided over by Sh. M Cariappa Appaiah, President.

1. The Secretary Dr. H.C. Sachdeva convened the meeting by inviting the President, Mr. M. Cariappa Appaiah; Vice-president, Dr.R.N.Kalita, the Treasurer, Mr.S.P.Tripathi, and the other MC members to the dais and requested the President to start the proceedings.
2. The President welcomed all the Members and families present. He then requested the Secretary, Dr. H.C. Sachdeva to present his report.
3. Dr. H.C. Sachdeva read out the Agenda for the GBM circulated in advance to all members and presented the Secretary's report. The minutes of the last GBM held on 25.11.2012 already circulated and Audit Reports for the F.Y 2011-12 was circulated to the members. The GBM minutes and Audit report were accepted and unanimously confirmed by members present.
4. Mr.Virender Singh, M No.629 and Mr.P.K.Singh M No 659 sought certain details of the Audit report. They were requested to collect a copy of the entire Audit report from the Society office. The Secretary also requested other interested members also to collect copies, if they so desired.
5. He then handed over the proceedings back to the President.
6. The President then:
 - i) Provided a brief summary of the progress, the Society had made since November last. He specifically referred to the construction related to extension of 3 B/R flats, construction of community hall, shops and other common facilities and the completion of new and unfinished old works as per revised drawings required for obtaining the completion certificate from DDA.
 - ii) He emphasized that after the approval of the Society's revised scheme by the Delhi Urban Arts Commission (DUAC) the balance completion work is being pursued in a planned manner with the aim of getting the Completion Certificate from DDA at the earliest. He also mentioned the revised scheme of drawings as approved by the members in the last GBM and approved by the DUAC have been displayed adjacent to the podium, for the information of the Members.
 - iii) He then mentioned that two of the esteemed members, namely Ms.Ramita Mehta (M.No.673) and Mr.Mendiratta (M.No.678), have intimated their inability to attend the GBM, but had sent in their observations, on the Agenda that had been circulated along with the notice for the GBM. Since they had requested that their observations be placed before the Members in the GBM, the President read out the letters *verbatim*.



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Mr Inderjit Dihanna M.No. 543 wanted to know the opinion of the MC on the observations of the two members.

The President replied that all the issues are in the knowledge of the Members since they have been deliberated in the GBMs since the time the Administrator was in charge, and the issues have been addressed based on the GBM decisions and RCS Rules and Procedures.

However, since Mr.Mendiratta wanted these issues raised by him to be included in the minutes of the GBM, the President confirmed that the issues raised along with the clarifications already given in the GBMs will be issued as part of the minutes of this GBM also.

The President then requested all the members present to come forward with any queries, comments & suggestions on the Agenda points as well as any other issue concerning the Society so that the same could be deliberated/clarified. Many members came forward with comments/suggestions and actively participated in the deliberations on important issues such as action against defaulters, policy for filling vacancies & allotment.

1. ACTION AGAINST DEFAULTERS:

Several members wanted that the defaulters should not be recommended for allotment. Many members wanted defaulters to be expelled as they are hindering the progress of the Society, acting against the members who are paying the demanded dues in a timely manner. They wanted the list of defaulters to be read out & demanded to know what action has been contemplated against them, they also proposed that these defaulters should not be allowed to participate actively in the GBM. This opinion was expressed by Mr A K Hasija, (M.No. 377), Mr I Dihanna (M.NO. 543), Mr.A Tripathi (M. No. 550), Mr. Sangwan, (M.No.626).

The President clarified that as of today more than 90% members have fully paid their dues as well as interest and equalization in case applicable – which is not a mean achievement for the society and amply reflects the sincerity of the members. There are about 24 defaulters and about Rs.1.4 Crores is due from them. A list detailing the amounts due from these members has been displayed on the notice board of the Society. The President requested the Members to reconcile their accounts with the Society accountant and clear the pending dues, since final notices for payment have already been served on Members against whom the records showed default. The recommendations for expulsion of these members can be initiated by the MC, even though expulsion is a time consuming process and could take several months. In the case of Mr.Mendiratta (M.No. 678) the MC initiated expulsion proceeding and recommended the expulsion of Mr. Mendiratta to the RCS. The RCS officials have informed verbally that till his expulsion is procedurally accepted and the expulsion is admitted by the RCS he is still a Member and should be invited to the Society as in the case of other members.

At the same time, the President continued, that the members should note that, the names of defaulters will not be considered for allotment under any circumstances by the RCS. It is in this context that the members who have defaulted are constantly being exhorted to pay their dues to facilitate the allotment of flats for which they are also anxiously waiting.



2. FILLING UP OF VACANCIES THROUGH UPGRADATION / ADVERTISEMENT :

Several members came forward to offer their comments and suggestion on this issue. Some of them had reservation about the proposal of upgradation of existing members to higher category of flat, mainly due to the following reasons :

- a). This was a time consuming process and the exercise might lead to considerable delay in allotment. Members have been eagerly awaiting allotment for the past many years and there should be no further delay in allotment on this account.
- b). Upgradation was not in the interest of the members of society at large since only the members who get upgraded, and who may be only five or less in number, will benefit. They wanted these vacant memberships to be sold at the prevailing market price to outsiders and the funds generated should be used to subsidise the cost for the benefit of all the existing members.

This opinion was expressed by Mr.A.K.Jha,671, Mr.Sonu Kapoor,406, Mr.Inderjit Dihana,543.

Mr.Madhavan,549 thanked the MC for the good work it has carried out so far. Further, he suggested that only those members who have not defaulted even once in making payments of the demands should be eligible for upgradation. He also wanted all aspects to be given proper consideration and rules examined before taking action on this issue, since in the past the MC had to backtrack on a couple of occasions after clarification by the RCS/DDA. Therefore he was very particular that, since upgradation was an exercise where the benefit accrued only to a few members, the MC should go for it only if they were doubly sure there would be no delay on this account and that it was absolutely essential as per RCS Rules.

Mr A Tripathi (M.No. 550) proposed that – i) The proposed process of upgradation should be completed within three weeks, ii) The amount to be deposited up front for upgradation be decreased, iii) waiting list of applicants for upgradation, and iv) enquired whether selling of these flats at the market rates was permissible as per the RCS rules.

Mr O P Kansotia H/o Mrs. Alka Kansotia (M.No. 585) expressed happiness that the MC was working as per the RCS laid down procedure and welcomed this opportunity for upgradation and thanked the MC for this opportunity and emphasized that there should not be any delay because of the process of upgradation. This process should be shortened to the minimum time possible. Mr.A K Roy, (M.No. 588) and Mr. Ashish Banerjee (M.No. 701) also expressed similar sentiments.

Mr.Virender Singh, M No.629 stated that the GBM was the supreme power to take decisions in matters pertaining to functioning of the society – and this applied to the process of upgradation also. He wanted the upgradation or sale of the vacant flats at a higher price in the benefit of the Society. He also proposed that the shops should be sold to raise money for completion of the construction in the Society.

Some Members - Dr Jagmohan Rai, M No.675, Mrs.KavitaGoel, M.No.578, and Mr A K Kapoor (M. No.571) wanted to know whether the upgradation was indeed essential as per the RCS rules and enquired whether market rate could be charged for the flats? Also due to the upgradation process only 2 B/R flats would be vacant subsequently and these flats would fetch much less price compared to the 4 B/R & 3 B/R vacant flats at this stage. If

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these vacant flats are sold prevailing at the market price the Society will benefit by at least Rs 2 Crores as compared to the sale of seven 2 B/R flats at the prevailing market rates.

Mr O P Kansotia H/o Mrs. Alka Kansotia (M.NO. 585) intervened to state that the co-operative societies are not commercial establishment, therefore, the market rates for the filling up of these vacancies cannot be charged. This was an internal matter of the society and this should be sorted by the society itself. He gave examples of the policy that existed within many organizations for fresh recruitment from the existing employees also in many cases the vacancies are filled up by promoting existing employees rather than getting outsider.. Even some banks provide the facility of loans at subsided interest rates to their employees compared to the rate charged to the public. He emphasised that the Rules of the RCS must be followed and the process of upgradation must be followed. Similar views were expressed by Mr P K Singh, 659; Mr K K Luthra F/o Mr. Dinesh Luthra M.No 592; and Mr. A K Roy (M.No. 588).

Mr Gurcharan Singh F/o Mrs Sherry Singh (M.No. 538) expressed the view that since the upgradation would be opted for, only by a few members, the names of the members who were not interested in upgradation should be forwarded to the RCS for allotment without any further delay. However, when the matter was discussed in details & it was explained that allotment process will not be delayed on this account, he also agreed for upgradation subsequently.

Mr Deep Saikia, M.No. 523 emphasised that since the MC has put up this proposal of upgradation as per the RCS rules – it should be followed in good faith and the MC should try to shorten the procedure. He disagreed with Mr. Madhavan that a member who has delayed in making payment of the demand even once should not be allowed to upgrade, instead only presently existing defaulters should be ineligible.

After the members had given their suggestions/comments, the President clarified as follows :

Section 92, of The Delhi Co-operative Societies Act, 2003, Para 5, states ‘ Preference shall be given to the existing members in case of any vacancy falling in the higher category’

Further, Sub Rule 1 of Rule 90 of the Delhi Co-operative Societies Rules, 2007 states : The Registrar shall recommend the name of such members to conduct draw of lots whose enrolment as a member of the co-operative Society has been found proper as per provisions of the Act, these rules and bye-laws of the co-operative society after obtaining the information mentioned in schedule –VII:

PROVIDED that the Registrar shall recommend the names of members to conduct draw of lots after seeking prior approval of the following Committee:-

| | |
|---|------------|
| Secretary (Co-operation) | Chairman; |
| Registrar Coop. Societies | Member; |
| Addl. Secretary (Finance) | Member |
| Jt. Secretary (law) | Member and |
| Jt Registrar / Addl Registrar Co-op Societies | Member |

Para 22 of Schedule VII states as follows:

“ The Secretary / President of the co-operative housing society shall submit compliance of section 92 and other provisions of the Act in an affidavit given in Form H annexed to the Schedule along with supporting documents as prescribed therein.”

Para VI of Form H (affidavit) has to state as follows :



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"Preference was given to the existing members in case of any vacancy falling in higher category. The details of the same are enclosed (alongwith the proof that preference was given to the existing members in case of any vacancy falling in higher category)"

Para 6 of section 92 as stated below

All proposals as above, shall be approved by the general body in a meeting by a majority of not less than two-third [the members present in the meeting].

The President further clarified that it is in this context that the existing members are being offered the upgrade. He pointed out, that the MC has been working sincerely in the interest of all the Members. Therefore, the MC is also interested that the maximum amount should be generated for the benefit of the Society. However, this is a Co-operative Group Housing Society and any action by the Society should be within the Rules to avoid litigation and consequent complications in the Society leading to delay in allotment.

The President agreed with members that there should be no delay in allotment on account of upgradation.

Therefore, the process of upgradation had been thoroughly discussed in the MC and it was decided that if upgradation is carried out as per a time bound schedule then the entire process should be completed before the 15th of June 2013, by which time the affidavits and the balance documents to be submitted to RCS for allotment are expected to be finalized.

As regards the notional realization of an additional Rs 2 Crore and whether the sale of vacant flats is allowed at market prices to new members the President clarified that the RCS rules only specifies equalization of new members who join the Society at an advance stage. However, at the appropriate time this will be done in a transparent manner in the best interest of the Society in consultation with the RCS. As in the case of upgradation, the process will be monitored by a committee specially appointed for this purpose in the GBM.

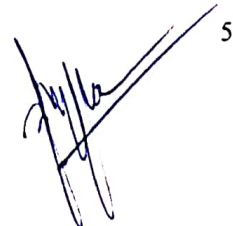
Further, the President informed that the Society is in need of funds to complete the project, and the money received through upgradation will help the Society immensely at this stage when we are near completion & awaiting allotment. 'A bird in hand is worth two in a bush'. The Society should concentrate on means to expedite completion and allotment at this stage.

He stated that it would not be correct to exclude members from the process of upgradation who had defaulted even once. In fact the President reiterated that even the current defaulters would also be eligible, if they clear their default amount before the last date for upgradation. Intimation regarding the vacancies and the process of upgradation would be communicated to all the members so that all the members are given an equal opportunity to apply for upgradation in the higher category, in transparent and fair manner

3. ALLOTMENT

He expected that the DDA officials to carry out the inspection at site in the coming month, following which the DDA will issue a clearance to RCS for allotment.

For the allotment to take place the members have to submit an affidavit that they have no dispute, regarding size of flat etc. This affidavit draft is being mailed to the members so that they can submit these, the MC in turn shall submit these at the RCS. He requested the

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members to submit the affidavits, called for by the Society, as early as possible to facilitate allotment/possession.

The President reminded members that the MC in the last year had convened a meeting of the 3 B/R flat members to resolve the issue of different sizes of 3 BR flats. Thereafter, it had been agreed upon by the members that there should be a common draw of lots for the 3 B/R flats; however, one of the members has still gone to the RCS and complained.

The President stated that in the past, Some members were selectively allotted large size flats, specific size flats which were park facing, flats on a select floor and even terrace right the many of these members had subsequently release that this is not ethical in co-operative Group Housing Societies and had relinquishes their claim. The Society had adjusted any additoanl payment made by such members along with interest. However, some members were still trying to claim such allotments, as a matter of right.

At this point Mr.Virender Singh (M.No. 629), pointed that no particular flat could be given / allotted selectively to any particular member. The flats should be allotted by a draw of lots for a single pool of 3 B/R category flats as already decided in the meeting of GBM. The President at this asked Mr. Sube Singh and Mr. Ravi Kumar if they would like to comment on this issue. However they politely decline.

Dr.H Deka (M. No. 420) opined that since the DDA had initially approved the 3 B/R flats as single category the same should be acceptable to all the existing members.

The president reassured the members that all the 3 B/R flats except the new flats proposed on the Ground floor are a single category of flats as decided in the GBM held on 25.11.2012.

Mr.A.Tripathi, M.No. 550 and Mr.Madhavan, M.No. 549 wanted the 2 B/R category of flats of 2 different areas to be treated as 2 different categories and their allotment be done separately. At this Mr.A K Roy, M No. 588 and Mr.A K Hasija, M.No. 377 got up to say that the 2 B/R category of flats be treated as one single category since the difference in area was small. Mr. S P Tripathi, Treasurer stated that as the difference in area of the 2 B/R category of flats was not large. It would in the common interest of the members of the 2 B/R category flats that these are treated as single category of 2 B/R flats.

4. ARBITRATION

The President noted that as per the order of the High Court, every member was bound to give an affidavit, before taking possession. All these affidavits have to be filed before the Arbitrator. Hi-Tech has claimed nearly Rs. 6 Crores in arbitration. The Society has filed a counter claim of Rs. 27 Crore. The Society has further requested the Arbitrator to secure the interest of the Socceity by seeking a statement of the assets of the proprietor of M/s Hi-Tech. The case is still in progress.

5. CONTRACT FOR BALANCE WORK

The President informed that the works in our Society had been carried out by several contractor, especially ;

- Techno Construction
- Hi tech construction
- Raj & Associates



- Associated Engineers
- Ketan Infradevelopers Pvt Ltd

Many of the works have long ceased to be within the defect liability period and the retention money has also been refunded in the past. Recently retention money due to Raj & Associates has also been released & some retention money is also due to Ketan Infradevelopers Pvt Ltd. However since some of the works are old, especially plumbing, the MC requested the Architect to inspect all the works & cover the Society in the respect of critical works like plumbing, electrical, sewage etc and recommend the amount of money to be retained towards defect liability and the period for which it is to be retained. After getting inputs from the Architect the Society will sign a fresh contract inspect incorporating these clauses, for the works executed to be executed by Ketan Infradevelopers Pvt Ltd.

6. BRIDGE FINANCE

In the previous GBM, it was decided that in order to tide over the gaps in the availability of funds for completing the work expeditiously the MC will request the members for deposits on which a suitable interest would be paid. This rate will be attractive for the member and the period would be limited to 6 months, so as not to burden the Society by the out payment of interest.

7. CLARIFICATION OF THE PRESIDENT ON OBSERVATION OF MS. RAMITA MEHTA & MR. A L MENDIRATTA

A) MS. RAMITA MEHTA

Observation: You have been silent on collection of more than by Rs. 10,00,000.00/- (Rupees Ten Crores) which could be realized by the Society first by selling the flats for which around 13 vacancies exist right now. The Society first of all should collect and spend this large amount of money. It is requested that the Society should work in a transparent manner.

Clarification: One of the points for discussion on the Agenda is the procedure to be adopted for filling in the vacancies. As members are aware, there are seven vacancies in the Society, caused due to the resignation of six members and the unfortunate death of one member. This has already been communicated to the RCS. As per the RCS rules, vacancies in the higher category have to be offered to the existing members of the lower category. Thereafter, the remaining vacancies have to be filled up after obtaining clearance from the RCS. In order to ensure transparency, it is proposed to constitute a committee of members, in the GBM to oversee the filling in of these vacancies following the rules of the RCS.

Observation: After the termination of the contract of M/s Techno Construction the contract was awarded to M/s Hi-Tech Construction who were completing the work on old rates why the contract of Hi-Tech Construction was terminated? What was the justification? Is it correct that the new Contractor have been brought at much higher rates? Kindly educate me on this point or otherwise should I presume that you people desire to misappropriate the funds of the Society to earn illegitimately by awarding Contracts at much higher rates to other contractors when M/s Hi-Tech construction was ready to complete the work awarded to them at the old rates, we poor members are made to pay much higher prices for flats.

Clarification: It is immaterial, at this stage, to comment on the justification for terminating the contracts of Techno Construction or Hi-Tech who supposedly, were willing to work at old rates. The records show that the contract of Hi-Tech was terminated as they were alleged to be



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incompetent and inexperienced by the Administrator. In fact as informed by the Administrator in the GBM, physical verification by the Architect of the construction at site showed that excess claim had been made by Hii-Tech. The verification also revealed that there were various defects in the construction. The use of substandard material was also reported. In fact, the main defects were also read out in the GBM by the Administrator. The case of Hii-Tech is in Arbitration and the Society has filed a counter claim after the new management took over. As regards the awarding of contracts for completing the project, after the new management took over from the Administrator in 2009, tenders were called for through advertisements in several national dailies and the contracts were awarded to the L-1 bidder after further negotiation by committees specially constituted for this purpose and after approval in the GBM.

Observation : Kindly clarify the over payment of an exorbitant sum of Rs 2 Crores to M/s Techno Construction against an amount of Rs. 56 lacs so worked out by the Local Commissioner appointed by the Hon'ble High Court, Delhi.

Clarification : The members are aware that even though the local commissioner worked out Rs.56 lacs, the Managing Committee at that time had themselves deposited Rs.80 lacs in the Court. Thereafter, the High Court appointed Hon'ble Anil Dev Singh, as the Arbitrator to settle the issue. The issue was finally closed after deliberations in the GBMs during the Administrator's tenure.

Observation : The then Architects of the Society M/s Andley & Associates when refused to agree with the unjust demands of the managing committee, a new Architect was brought in to serve your vested interest. Kindly give clarification on this point.

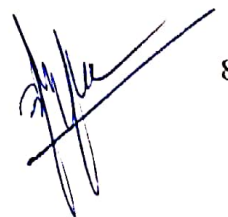
Clarification : M/s Andley & Associates were appointed as Architects in the Society in May 2008, during the tenure of the Administrator. The records show that the Architect supported the Administrator to invite bids for the balance works and also process approvals in the DDA. However, the Administrator did not proceed with the works, even after approval by the GBM. When the new management took over from the Administrator, it was decided to invite fresh bids since the same Architect had recommended changes in the BOQ for all the works. In order to maintain transparency during the evaluation process, the MC had formed sub-committees from among the members who offered to give time to the Society, when the Society wrote to all members for support to look into various activities. The records also show that the Architect was not able to devote time to give professional support to these committees. Subsequently, the Architect wrote to the Society that he is unable to give time due to his increased work load and that he had no objection if the Society engaged the services of any other Architect.

Consequently, the Society invited offers from a few leading Architect companies experienced in large projects. M/s. Environ Design, was selected considering his experience and his offer being the lowest.

B) MR. A L MENDIRATTA

Observation : No copy of the Audit Report has been circulated, nor I understand this has been put on the Notice Board. Hence, I strongly object to this approval and my comments may please be recorded on the minutes in this respect too.

Clarification : As per procedure, the Auditor, selected from the Panel approved by the RCS files his Audit Report directly in the office of the RCS without reference to the Society. After the Report is scrutinized in the office of the RCS, the same is released to the Society with their observations. As informed to all the members in various GBMs, copies of any of the Audit



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Reports placed before the GBM after receipt the RCS, can be availed from the Society office on request.

Observation : Regarding approval of New Auditor for financial year 2012-13, no profile whatsoever has been circulated of the proposed appointment? Hence, it is impossible to say YES without the profile of the proposed appointment

Clarification : The Auditor being proposed is the same Auditing Company who have audited the Society affairs in the past. As per RCS Rules, Auditors cannot audit a Society continuously for more than three years. The previous year's audit was conducted by another Auditing company after approval by the RCS and the GBM.

Observation : Status of construction and balance work in Society.

It would have been better, had the MC drawn up a one page status for the information of the members coming to attend the meeting. They could be better equipped with the required queries?

Clarification : This is a good and constructive suggestion. It will be taken care of in future.

Observation : Approval of balance work and cost for completion of the project.

No details of the balance of work are given in the agenda. In any case, the MC is developing New Schemes, New additions, New Conversions, New plans etc.etc. forgetting that the Original mandate with the Society was to complete the Society as per the original plans. All the changes have caused huge harassment, delays, cost escalations, etc.

Clarification : Members are aware what was the stage of the Society when the new management took over from the Administrator in 2009. The revised scheme was necessary only to regularize the construction already carried out as well as to meet the Dwelling units, ECS (Equivalent Car Space) and green requirements of the DDA/RCS and to provide common facilities in the interest of the Society. Members are also aware that even though the full estimated cost had been demanded in 2005, a lot of work, even as per the original plan, like roads, lifts, tanks, parking, electrical works, BSES work, internal finishing works, generators, water treatment plant, water harvesting system, fire fighting system etc, were yet to be taken up. Since the total amount based on 'full payment' of 2005 had already been spent in the Society prior to 2009, the above mentioned balance work which are mandatory for getting completion/occupancy certificates from DDA and thereafter allotment through the RCS, had to be carried only through further payments by the members. Once this further course of action, in the interest of the Society was worked out in consultation with the Architect and Engineers, the new management commenced the work with the blessings and approval of the Members in the GBM. Any member who refuses to pay his share cannot have a claim to be treated on par with a member who has paid his due share, as decided in the GBM. If all the member were to say that they had already made the full payment as estimated in 2005, then who would pay for all the balance work mentioned above. It is better if the members who raise such disputes, see reason, pay their share and enjoy the fruits of the effort that all the other members are putting in.

Observation : Regarding approval for adopting policy and eligibility for up gradation of existing members, while, I am for benefiting the existing membership in the matter of up-gradation. However, it needs to ensure that those benefiting by this gesture are the real and genuine users of the Society Apartments and not just acquiring the bigger apartments to earn more from the resale of these apartments. However, if any such policy is approved, it should be strictly in accordance with the seniority of the members i.e the date of membership. Similar procedure can even be adopted for the shifting of two memberships as per item 10. Allegedly,

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these two memberships became vacant in the 2 beds category because of the shifting of the earlier members to the 3 beds category? I hope I have learnt correctly? Filling up of balance membership ...

Every such move has to be in accordance with the seniority and all new memberships have to be brought in on the basis of the rules and regulations circulated by the Honourable RCS.

Clarification : Upgradation of members of a lower category to the higher category and filling up of vacancies will be carried out as per the procedures prescribed by the RCS and after approval in the GBM. The MC has decided that committees constituted in the GBM should oversee the process to ensure transparency and derive maximum benefit for the Society. The two vacancies in the two bedroom category have arisen due to one, the resignation of one member and the second, due to the unfortunate death of a member.

Observation: The GBM may be pleased to recommend removal of any equalization charges from the members instituted and introduced in 2008 by the then the Administrator.

Clarification: Equalisation and interest will be applied only as per RCS Rules and Procedures.

Observation: Regarding fund mobilization for bridge financing. I beg to disagree with any such move, as funds have already been used haphazardly and without consideration of the capacity of the members to pay. I strongly oppose any such move please.

Clarification: In the past, the Society had gone in for bridge financing to meet land and construction costs. As decided in the last GBM this will be resorted to only if it is essential to complete the work till allotment. However, this requirement can be totally avoided if all the members pay their dues without raising frivolous issues and disputes to avoid the same.


8. COMMITTEE FOR UPGRADATION

He then invited the members to propose names for constituting a committee to complete the process of upgradation on the terms proposed by the Secretary Dr. H.C Sachdeva at the start. The names of the following members were recommended for inclusion in the Committee.

1. Mr S C Marwah (M No. 615)
2. Mr Ajay Kumar Kapoor (M No. 571)
3. Mr Arun Kumar Roy (M No. 588)
4. Dr Jagmohan Rai (M No. 675)

These members confirmed that they are not applying for upgradation and agreed to monitor the process of upgradation as accepted in the GBM.

The President invited more suggestions from the members. There were no further suggestions from members and the meeting ended with a vote of thanks to the chair at 2.50 PM on the same day. The members then proceeded for lunch arranged by the society


(M. Cariappa Appaiah)
Hony. President

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Secretary's report to the GBM of The Kunj Vihar CGHS Ltd on 28th Apr. 2013

Mr President and respected Members, I extend a warm welcome to all of you to the General Body Meeting (GBM). As already stated in the agenda for this GBM many vital and crucial decisions are to be taken today. Therefore, this GBM is being held before the forthcoming vacations of school and colleges to ensure members active participation and approval of the decisions – as many members would be out on vacations. These decisions are important, as they have bearing on completion of society construction and allotment of flats in a timely manner in the coming months. Now with your permission, I would like to share with you the progress we have made since the last GBM i.e 25.11.2012. May I proceed as per the agenda circulated in advance :

1) Approval of Minutes of last GBM : In the last GBM held on 25.11.2012 following 5 important issues were placed before the members as per the then agenda:

- i) Status of construction
- ii) Application for Allotment
- iii) Application of RCS Rule of non clearance of membership for allotment on account of
 - a) Members being defaulter
 - b) Non submission of affidavit & other documents
 - c) On account of court cases
- iv) Status of all legal cases
- v) Ratification of revised drawings for POC.

Copy of the GBM minutes has already been mailed to you and circulated today again for ready reference and perusal and may we resolve that the GBM minutes are passed unanimously.

2 & 3) Audit of the Accounts of the Society : The Society's Accounts have been audited for the financial year 2011-12 by M/s DSP & ASSOCIATES, appointed after seeking approval from the RCS office. The Audit report approved by the RCS office has been circulated today and is placed before you for approval. If agreed I will take it that it has the approval of the GBM.

For the year 2012-13 permission has been sought from the RCS office to conduct the audit by M/s Grover, Lalla & Mehta who were the Society's Auditor for the years 2008-2011. The MC proposes to get the Audit completed at the earliest so that there are no hindrances in getting the formalities of allotment completed.

4) Legal Cases:

i) Arbitration case filed by M/s. Hi Tech, (previous contractor): Members were apprised in the last GBM about the Arbitration case with M/s. Hi Tech. The last hearing was held on 14.02.2013. At present the proprietor is being cross examined, the next hearing is tomorrow, i.e 29.04.2013. The claimant was directed to file the documents/affidavits supporting his statement of the claim as informed to you in the last GBM; however some documents are yet to be received. You are also aware that the Society has also filed a counter claim in the said matter.

ii) Case filed by Mr. A.L.Mendiratta : He has disputed the demands raised on him by the society and has filed a case in the RCS office. He has demanded that he should be allotted flat at the original tentative cost, irrespective of the cost rest of the society members are paying. The RCS has referred this dispute to an Arbitrator. The Society is contesting the case.

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iii) **Case filed by Mr. G.K.Bhargava** : He has disputed the demands raised on him by the society and had filed a case in the court of the Arbitrator. The Hon'ble Arbitrator has ordered that the Society's stand is justified and concerned member has to make payment as per the demand to other members. Mr. Bhargava has now appealed in the Tribunal against this order. The Society is contesting the case. The case is to come up for arguments on 8th May 2013.

There are other members who have also raised similar issue – that they are not liable to pay interest on the demands for the period when they had not received the demands from the society.

The MC thought it prudent to seek legal opinion in a matter where the member had been expelled by the MC but the membership was restored by the RCS – whether these members are liable to pay interest on the demands for the period when they remained expelled. The MC has received advice from its counsel that members are liable to pay for the period even if they had not received the demand as their membership has been restored. The counsel has cited judgments of the Hon'ble Supreme Court to substantiate his advice.

I would like to inform the members who are in litigation with the Society clearly once again that their names would not be forwarded to the RCS for allotment as per the RCS Rules Schedule VII sub-rule (1) of Rule 90, point no.15. This was made clear in the last GBM also.

5) Revised scheme of drawings of the Society forwarded by the DDA and approved by DUAC/CFO : Members were apprised in the GBM in Jan 2012 of the revised scheme of drawings of the Society, after approval, it was submitted to DDA for approval/sanction. The MC feels happy to convey to you that the revised scheme of drawings of the society which the MC had applied for approval to DDA was forwarded to DUAC and CFO. The DUAC approved the revised scheme as proposed by the Society last month, i.e March 2013.

Further, consequent to our application to the Chief Fire Officer for approval of our fire safety scheme, a must for obtaining the completion certificate from DDA, an inspection team from the fire department, visited our society for a detailed inspection. The report of the inspection team states that they were satisfied with the firefighting equipment and installation. The Clearance from CFO is expected very shortly. The society has also received a fresh demand for EOT (Extension of time) charges from the DDA for completion by 31st May 2013. This amount shall be deposited this week itself.

6) Status of construction and balance work in the Society : The present status of construction achieved is there before you all to see. The project works are now nearing the final stages of completion. As informed in the last GBM, order for balance 6 lifts had been placed; the delivery of these is expected shortly. The preparatory work for the installation of these lifts is in progress. However, this will not affect the process of obtaining completion certificate / allotment. The balance work essentially pertains to construction work on ground floor flats, shops, community hall, water supply, sewerage, electrical fittings, tiles laying in the flats, diesel generator sets, R.O. Plant etc.

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7) Approval of balance work and cost and comprehensive contract for completion of the project as per the revised sanction. The quantum of balance project cost has been estimated to be appx. Rs. 6.5 Crore. This includes interalia the cost of the balance work mentioned earlier, balance cost of 6 lifts, CP and CW fittings, labour cess, taxes, payment to DDA/RCS/BSES and other government agencies, administration costs, retention amount to be returned to the contractor etc.

We are now confident that all works related to construction will be finally completed on a war footing within the next 3-4 months before possession, and detailed work plans have been drawn out with the present contractor. However, members are aware that since the construction work continued for more than 10 years, and was executed through several Architect and contractors the time has now come to have a comprehensive contract, to cover the Society against any defect especially in electrical works, plumbing, seepage, water piping to ensure excellent living conditions. Members may be aware that there is no retention money kept for work executed by the previous contractors' i.e. - M/s High Tech and M/s Techno Construction. However, Society has been deducting retention as per construction activity bill from present contractor. Certain amount of retention payable to the present contractor has also been released. The MC in consultation with the Architect has decided to retain a recommended amount for at least 2 years from the allotment date alongwith an extended warranty against defect for a further period of 3 years. The Architect has prepared a contract document with appropriate clauses to cover this defect liability as well as the completion of the balance work as per our requirement especially in view of the revised scheme approved by the DUAC/DDA. In the interest of the Society, as recommended by the Architect, the contract will be finalised with the existing contractor only—M/s Ketan Infradevelopers Pvt Ltd., if approved by you.

8) Apprise members of fund requirement to complete minimum balance work for obtaining necessary clearances from agencies/authorities and completion certificate from DDA : The projected balance work till completion is going to need about appx. Rs 6.5 crores. The MC proposes to generate the funds by :- i) raising the next demand i.e 2% of instalment from the members, ii) raising money through the upgradation of members to higher category of flats, iii) filling up of vacancies at present and subsequently after upgradation, iv) shops. Needless to say, at this crucial juncture, it requires very efficient cash flow management, and above all co-operation amongst the members to achieve this goal.

9) Approval for submission of revised sanction to the RCS, as approved by DDA/DUAC which has 6 categories of flats: You were apprised about the submission of revised scheme / plan of drawings. These drawings have been approved by the DUAC in March this year which have 6 categories of flats : i) 2 B/R flats ii) 3 B/R flats iii) 4 B/R flats iv) Duplex flats v) Groundfloor 3 B/R flats and vi) Groundfloor 4 B/R flats. As discussed and approved in the past GBM the Groundfloor flats would be a separate category. The existing members are given an option to upgrade to these flats. It may be worth mentioning that as per the earlier drawings, 2 flats of 2 B/R category already exist on the Ground Floor

10) Approval for filling up of 2 membership vacancies in existing 2 B/R category: There are at present 2 vacancies of 2 B/R flats which have arisen because of resignation of 1 member

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and 1 member having expired more than 10 years back but the intimation was received only last year. The society proposes to fill up these vacancies in the coming months.

11) Approval for adopting policy & eligibility for upgradation of existing members to membership vacancies in new categories of flats i.e 3 B/R and 4 B/R flats at Ground floor.

The RCS rules provide for an option to the existing members in lower category to upgrade for vacancies in higher category. The members are being given an opportunity to upgrade to 3 B/R & 4 B/R flats. Members are aware that in the earlier GBM it had been decided and approved that 5 flats – (i) 2 Nos. of 3 B/R flats and (ii) 3 Nos. of 4 B/R flats would be constructed on the Ground floor. These 5 flats, as mentioned earlier, constitute two separate categories. Therefore, all the honorable eligible members are being given an option to upgrade to the higher category of flats. The MC wishes to proceed with this proposal quickly and in a time bound manner that Allotment can take place without any further delay. The cost of these flats is similar to the cost charged to the existing members. The difference payable has been tentatively worked out on the basis of amount demanded from 4 BR members, 3BR members and 2 BR members and the resultant equalization and interest chargeable on the difference in amount of demands from the date of such demands.

The MC has also enquired of the prevailing market rate in Dwarka which is about Rs 10,000/- sq. ft. The prevailing CIRCLE RATE of properties as per the MCD , Delhi applicable in Dwarka is about Rs. 1,06,400/- per sq.m.

If the GBM approves the proposal of upgradation of members at a cost similar to other members; the MC would invite applications for upgradation from interested members from today itself and give the members 1 month time to apply alongwith an undertaking and the requisite amount as bankers' cheque / draft/ RTGS. The MC has decided not to accept cheques, in case if these are returned by the bank for whatever reasons this could result in a dispute and delay of construction and completion of this project and the subsequent allotment process. The details of the proposal are:

1. Application for upgradation alongwith Banker cheque / Draft / proof of payment through RTGS for the amount as mentioned below to be received by 30th May 2013 till 5 pm in the society's office.
 - (i) Rs 26 (twenty six) lakhs for upgradation from 3 to 4 bed room ground floor
 - (ii) Rs. 8 (eight) lakhs for upgradation from 2 to 3 bed room ground floor
 - (iii) Rs. 34 (thirty four) lakhs for upgradation from 2 to 4 bed room ground floor.
2. Member will submit an undertaking that he is applying for 3 BR or 4 BR Ground floor flat but will accept 3 BR flat in the upper floors, in case of resultant vacancy. Application without requisite payment/payment proof and without undertaking will not be considered and summarily dismissed.
3. The applications will be scrutinized by a committee to be appointed by GBM today from the existing members. The committee shall comprise members who are not defaulters, are not in litigation with the society and are not applying for upgradation.
4. The list of eligible applicants will be finalized by the Committee on 31st May 2013 and/or 1st June 2013.
5. Draw of lots, if there are more applications: 01st June 2013 at 3.00 pm.

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6. Refund to applicants' not successful in the upgradation process for flat allotment by 10th June 2013.
7. Option for upgradation once exercised will be final and cannot be withdrawn.
8. This option of upgradation is available only to members who are not in default at the time of applying for upgradation ; application from defaulting members, can be considered only if the members clear their total pending dues alongwith the amount for upgradation at the time of the application.
9. The cost indicated above is tentative and can vary from member to member depending on the individual member's payment from time to time vis-à-vis the demand raised and will be adjusted finally at the time of allotment /possession.
10. The MC proposes to draw up a waiting list of members equal in number to the existing vacancies from the members applying for upgradation. The members who wish to be considered in the waiting list would not be refunded their deposits within 10 days as proposed for the unsuccessful members; their money would be refunded after 1 month in case they remain unsuccessful applicant for upgradation.

12) Filling up of balance membership vacancies, as available, after upgradation of existing members to new categories of flats :After the members have exercised their option of upgradation to opt for the higher category of flat, the resulting vacancies would be filled up subsequently by following the procedure as per the rules of the RCS. The MC proposes to fill up these at the earliest since this possibly would be the last step in completion of society membership. The cost of these flats will be subsequently worked out before the MC proceeds with the advertising for these vacancies as per the rules of the RCS.

13) Apprise members of status of application for allotment in RCS and submission of requisite documents and affidavits to RCS, mandatory for allotment: May I apprise you that the MC had published a list of present members and resigned members in the newspapers as per the rules & regulations of RCS. Members were apprised in the last GBM that the MC has applied to the RCS for allotment. The RCS office has scrutinized these documents and informed the society for submission of more documents and most of these documents are now ready to be submitted. Some of the documents are required to be submitted by the members, which the MC would submit in turn to the RCS. Unless the members submit these, their names cannot be forwarded to the RCS office for allotment. Also, some of the documents which the MC has to submit are based on the submissions of the documents by the members.

14) Submission of affidavit by each member as per the direction of the Hon'ble High Court in the dispute pertaining to M/s High Tech to cover payment if required to be made, depending on the outcome of the result of the arbitration: Members are already aware of the dispute of the society with the previous contractor M/s High tech. The Hon'ble Delhi High court had passed an order that the members would have to submit an affidavit pertaining to the payment by members based on the outcome of the Arbitration case. The matter of the affidavit would be sent to the members so that the MC in turn can file it with the RCS office. Another affidavit required from the members pertains to point No.4 of form G of schedule VII of Delhi Coop. Soc. Rules 2007. Members are requested to submit these affidavits at the earliest and

M. G. Chaudhary

positively by 25th May 2013 so that these can be forwarded to the RCS office for allotment process.

15) Apprise members about the action initiated for recovery of dues from defaulting members and further action against persistent defaulters: Members were apprised about the payment not being made by members – some of these members had expressed helplessness to pay because of certain domestic compulsions – which the MC fully sympathises with them. However, as per the rules of the RCS, only those names can be recommended who have cleared their dues. The members are therefore once again being reminded to clear their dues. At present about 182 members have cleared their dues, (i.e about 90% of total members). As discussed and approved in the previous GBM action was initiated against the defaulters and Reminders and Notices have been sent to the Defaulters. Actions against defaulters is being taken strictly as per the RCS Rules & regulations. The names of Mr. Parminder Mendiratta & Mr. Arjun Lal Mendiratta (M.No. 678) were recommended for expulsion to the RCS office.

16) Fund mobilization for bridge financing to complete balance work in the Society till possession: Members are aware that there is a sizable number of defaulters and a large amount is recoverable from them. Members are also aware that construction can keep pace with the availability of funds. Due to gaps in the available of funds, due to default by members, the MC proposes to invite investments from other members at an affordable and attractive interest so that the Society is able to complete the project in a timely manner.

The MC expresses thanks to those members for writing to it from time to time raising issues of concern and advice as well, particularly Mr.A.L.Mendiratta, Mr.Ravi Kumar, Mr.Sapra, Mr. Kurich, Ms. Ramita Mehta, Mr.Sarangpuri, Dr. Chowdhary to name a few. Whenever possible replies have been sent- the MC likes to take this opportunity to reply in general and to the above mentioned members regards the issues raised by them, particularly in respect to demands, upgradation, audit, construction, completion of construction, etc. It is hoped that their concerns have been adequately addressed.

I now hand over the proceeding to the President Mr. M.Cariappa Appaiah to update you regards the balance construction work, costing and completion of this project.

Dr. H.C. Sachdeva

Dr.H.C.Sachdeva
Secretary

Dr. H.C. Sachdeva
28/4/13