

NAV SANSAD VIHAR C.G.H.S



ANNUAL GENERAL MEETING - 29/OCT/2023.

ATTENDANCE IN THE ANNUAL GENERAL BODY MEETING DATED
29-OCTOBER-2023 AT 'NAV SANSAD VIHAR' C.G.H.S; PLOT-NO-4
SECTOR -22; DNARKA, NEW-DELHI - 110077.

S.NO	FLAT.NO	MEM.NO	NAME	SIGNATURE
1.	231	448-A	Dr OP Mehta	<i>[Signature]</i>
2.	154		Chide MR Khan (Child)	<i>[Signature]</i>
3.	232		col NS Gahlot (Retd)	<i>[Signature]</i>
4.	944		V K Pandey	<i>[Signature]</i>
5.	202	753-D	Govindarao SRIWASTAVA-R	<i>[Signature]</i>
6.	133		JOY KIRT NARAYAN	<i>[Signature]</i>
7.	912		Anil Kumar Dhungra	<i>[Signature]</i>
8.	403		A. G. Bhattacharya	<i>[Signature]</i>
9.	734	629	R. V. Panaholi	<i>[Signature]</i>
10.	312		T. M. Chavan	<i>[Signature]</i>
11.	724	631	Ankita Nath Kaushal	<i>[Signature]</i>
12.	611	785	Kanta Shajma	<i>[Signature]</i>
13.	301		Rajni Panohli	<i>[Signature]</i>
14.	404	741	Vidit Kaushal	<i>[Signature]</i>
15.	822 (832)		Brigadier Ashok Sondhe	<i>[Signature]</i>
16.	822 (562)		Vipin Jag Mohan Chhabra	<i>[Signature]</i>
17.	243		Dinesh Singh Jamwal	<i>[Signature]</i>
18.	373	725	Preeti Dhankhar	<i>[Signature]</i>
19.	652		Rajw Shama	<i>[Signature]</i>
20.	733	634	Poojanka Barua	<i>[Signature]</i>
21.	543		Astha Singh	<i>[Signature]</i>
22.	871	791	Mohit Kr. Khata	<i>[Signature]</i>
23.	562	523	Rishwajit Dhill	<i>[Signature]</i>
24.	443	584	Khushirati Behra	<i>[Signature]</i>
25.	822	615	RAJESH KUMAR	<i>[Signature]</i>
26.	923		Col Ashok Kumar (Retd)	<i>[Signature]</i>
27.	622		Ishward Kaur	<i>[Signature]</i>
28.	473		Nirmala Singh	<i>[Signature]</i>

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MAY SANVED VIKAR C.P.S

ANNUAL GENERAL MEETING 25/05/2023

S.NO	FLAT.NO	MEM.NO	NAME	SIGNATURE
29.	414		Pushpa Sehrawat	
30.	823		Neelam Daleys	
31.	132		Dr. Rajesh Kumar	
32.	132		VIVEK RAI	
33.	444		Saurabhrai	
34.	654		SATYPAL SINGH RAWAT	
35.	731		ANU. (husband)	
36.	544		MBHD	
37.	362		PARAMDEEP SINGH	
38.	204	450	MANISH MISHRA	
39.	412		LOKESH KUMAR	
40.	322	04	A. Sandana	
41.	344		Burabh Phiriyakone	
42.	434		Ajinkya Singh	
43.	114		Rohit Kumar	
44.	134		Neena Khanna	
45.	531		Ranjendra S.K	
46.	643	652	Hary Raina	
47.	732		SANDEEP BHUJANI	
48.	171		Sarla Arora	
49.	241		Suresh Sharma	
50.	954		ALOK TUGNAIT (Retd)	
51.	451		K. R. Sharma	
52.	513		Aruna Singh	
53.	454	581	Prasanna Kumar Sharma	
54.	153		Hemant Kumar	
55.	164		Dr. Anandita Khanna	
56.	161		Pawan Prabh	
57.	162	740	S. HARPREET SINGH	
58.	142	796	RAVI RAWAT	
59.	424	687	Alok Rai	
60.	972		SRDHAL	

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S.NO	FUAT. NO	MEM. NO	NAME	SIGNATURE
61.	914		Dr. P. V. Chaur	[Signature]
62.	201		Vibha Dhingra	[Signature]
63.	153	585	REJIMON CIC	[Signature]
64.	333		Praveen Kumar	[Signature]
65.	321	-	Poonam Bansal	[Signature]
66.	653	-	Aditya Guler	[Signature]
67.	824	-	Savrabh Singh	[Signature]
68.	521		SYDESH APTA	[Signature]
69.	911		Savita Kaul	[Signature]
70.	171		Sarla Arora	[Signature]
71.	754		Rajpal Singh	[Signature]
72.	323		Sadhana Singh	[Signature]
73.	844		Naresh B. Koul	[Signature]
74.	524		A.K. SRIVASTAVA	[Signature]
75.	813		RAJKUMAR	[Signature]
76.	402		Mahi Sharma	[Signature]
77.	172		S. Mish	[Signature]
78.	814		Col NS Paswan	[Signature]
79.	252		Vinod Sharma	[Signature]
80.	963		capt. DAVINDER NAGI	[Signature]
81.	633		P. K. Oswal	[Signature]
82.	752		Bharat Nigam	[Signature]
83.	751		SANJEEV	[Signature]
84.	631		Maiti	[Signature]
85.	843		P. K. Mohanty	[Signature]
86.	352		Sapan Aggarwal	[Signature]
87.	883		K.S. Negi	[Signature]
88.	841		Dr. Dev Singh	[Signature]
89.	141		Saurabh Singhal	[Signature]
90.	623		Anshu Sharma	[Signature]
91.	341		S.S. Sharma	[Signature]
92.	214		Bulchand Kaur	[Signature]

S.NO	FLAT.NO	MEM.NO	NAME	SIGNATURE
93.	901	570	LATIKA DUA.	
94.	131		Yogesh Singh	
95.	851	693	Udit Jain	
96.	932		Renu Mittal	
97.	741		Pushpinder Kumar	
98.	651		Ms C.K. Sengal	
99.	273		Subhash Chand	
100.	932		Ab. Akash Kumar	
101.	951		Brij SK Uppal.	
102.	469		Kumar Pandey	
103.	744		A.K. Vanshani	
104.	903		Hayesh Mahawar/RB	
105.	941		Harsharan M	
106.	421		Nijmla	
107.	861		Harsh Joon	
108.	943		Rosh Sorek	
109.	944		G.R. Sengal	
110.	144		Poochi Bana	
111.	451		Ujjal Kumar	
112.	461		Subrata Ray	
113.	113		Gurba	
114.	802		A.G. Khan	
115.	441		Arundhati	
116.	272		SARITA	
117.	801	575-N	Richa Agarwal	
118.	401		Shobhna	
119.	804		Chinnay	
120.	304		Sameer Kherwaji	
121.	644	808	Abhijeet Kumar	
122.	121		Ashwini K Arje	
123.	511		Heela Gupta	
124.				

MINUTES OF THE "ANNUAL GENERAL BODY MEETING"



HELD ON 29th OCT 2023, AT 11:00 AM

IN THE CENTRAL LAWN OF THE SOCIETY

- 1. Quorum:** The AGM was scheduled at 11:00 AM on 29th Oct 2023, but since the quorum was not complete at 11:00 AM, the meeting was adjourned to 11:30 AM on the same day and same place. The meeting started at 11:30 AM at the same place and same day.
- 2. Attendance:** 123 (One hundred twenty three) as per the entries in the AGM register, but one member of Flat No. 171 has erroneously signed twice (Sl. 48 & Sl. 70 of attendance register). Also, same person has signed for the owners/members of Flat No. 544 and 731 (Sl. 35 & Sl. 36 in the Attendance register). At Sl. No. 115 of attendance register the name of member against Flat No. 441 is written but not signed. **Hence, the nos of attendees will be accepted as 120.**

Introduction

- 3.** In-spite of prior intimation through various means including Agenda Notice the AGM venue was **crowded by large number of non-members including tenants and non-residents who were from outside the Society** and many of them were sitting along with the members in the seats meant for members only, the Secretary Col. S. K. Tugnait (Retd.) politely requested them to leave the venue for peaceful conduct of the AGM but no one left and continued remaining inside the venue. It is evident from the video footage that people from outside the Society were brought in to sabotage the AGM. The video footage also clearly shows that tenants and non members were occupying the seats earmarked for the members, but they kept on occupying in spite of repeated requests. This was purposely done by few extension optees for bogus voting, and to sabotage the entire proceedings. Owner of Flat No. 414 Mrs. Pushpa Sehrawat' Son (non-member) can be seen in the video footage misbehaving with the Chair and roaming around inside amongst the members and passing lewd comments and gestures at the members who were participating in the proceedings in a peaceful manner. In the video / CCTV footage it can also be clearly seen that when extension optees were indulging into heated arguments and misbehaving with the Chair by surrounding the Chair, about seven (07) outsiders / unidentified persons had come very close to the dais and in between Mr. Alok Rai can be seen talking to them. These unidentified individual were present throughout the meeting, it seems they were brought for the purpose of sabotaging of AGM






proceedings. The points presented by non-members or joint members who had illegally attended the AGM proceedings have not been included in these minutes.

4. Some of the important and necessary Agenda points could not be discussed / covered during the proceedings due to interruption and unruly conduct of few members involved in extension project, specially those against whom the recovery / legal cases have been filed in the RCS or the civil Courts. The whole agenda of these unruly members was not to let the truth come-out in front of the house & to spread lies against the Management Committee (MC) , and to disrupt and sabotage the AGM proceedings in order to cover their misdeeds. In addition there were few who were part of this unruly crowd having investment interest in the Society.
5. The members responsible for interrupting the smooth conduct of AGM proceedings were mainly Mr. Alok Rai, Mr. Subrata Roy, Cmde M R Khan, Mr. Saurabh Rai, Mr. Rajiv Sharma, Mrs. Preeta Dhankhar, Mrs. Priyanka Sharma, Mr. Paramdeep Singh. Most of these members are the Litigants also in the Case No. W.P.C. 14121/2022 in Hon'ble Delhi High Court. Some of them specially Mr. Alok Rai and Subrata Roy kept using un-parliamentary language against the Chair. These individuals kept on spreading lies on the subject of extension to mislead other members. They kept on obstructing and intimidating other members from participating in free and fair discussion during the proceedings. All these members kept shouting continuously and did not allow the Chair to speak whenever the Chair tried to bring out facts in front of the house.

Commencement of proceedings

6. Col. N. S. Parmar (Retd.), President of the Society declared the Meeting open by welcoming and apprising the members that the last AGM of the Society was held on 17th March 2013 in which Audited accounts for the period of 2004-05 to 2010-11 were approved. The President requested the members to maintain dignity and decorum of the occasion for smooth conduct of the AGM proceedings. The President also requested the members to take minimum time to convey their points / suggestion if any during the proceedings due to long list of Agenda Points to be discussed.
7. The chair welcomed Mr. Harish, the observer appointed by the RCS on request of the Management Committee.

Discussion on Agenda Points


8. Item 1: Minutes of Last Special General Body Meeting held on 25th Aug 2019.

The President brought out that the recorded minutes of the SGBM held on 25th Aug 2019 are in variance with the video footage of said SGBM proceedings. The President said that **due to these variations a certified transcript copy was obtained by the MC and the same was shared earlier with the members** along with the video footage and recorded minutes of the SGBM held on 25th Aug 2019 for the members to see and analyze. President asked for the suggestion from the members. Cmde. M R Khan introduced himself and brought out that the SGBM dated 25th Aug 2019 was conducted with all fairness and all the points were discussed in detail and approved. The minutes were signed by Col Tugnait, and Mr. Oswal, who were part of the then MC. The minutes were forwarded to RCS along with the videography, the Chair warned Cmde M R Khan that it's not true, the said minutes and videography was never sent to RCS. He blamed the current MC to raise this issue with fallacious intentions and said no one gave their objection then. He suggested that the written minutes must be ratified. Mr. Subrata Roy conveyed his objection on raising this issue after a gap of 4-5 years, to which the President replied that if it cannot be questioned after 4-5 years then what is the need to adopt the minutes? There was some arguments between Mr. Rejimon and Mrs. Malini Sharma which was interrupted by the President. Mr. Rejimon said that if the minutes are tempered or altered then the minutes becomes Null & Void hence should not be adopted. Mrs. Malini Sharma objected on this item being taken up for discussion and questioning the intentions of previous MC, to which the President clarified that the recorded minutes of that time are in question and not the previous MC.

9. Proposal : The following were proposed by the President :-

- (a) To accept the certified transcript of the video footage of the proceedings of SGBM held on 25th Aug 2019. OR
- (b) Refer the case to the RCS for his decision / adjudication.




10. Few members who are extension optees started shouting and demanded to adopt the minutes already recorded which the chair declined mentioning the variations and the anomalies which if adopted will harm the interest of Extension optees and non optees both. At this juncture a few extension optees demanded voting on this. Professor Devi Singh got up and advised these members to behave in a civilized manner to convey their view point , again





extension optees interrupted and digressed from the discussion point and started discussing extension issue. Professor Devi Singh again got up and suggested the issue to be taken up with RCS for his decision, he also asked the members as to what are their inhibitions in referring the issue to the RCS?? Alok Rai, Sanjeev Mishra, Subrata Roy & Vidit Kaushal and other's started complaining that the issue should not be referred to RCS. Mr. Sandeep Bhutani conveyed that illegality cannot be put to voting. Few members requested the interrupting and unruly members not to shout and let the chair & other members speak. **The chair conveyed that the illegality cannot be put to vote and due to huge crowd of non-members and outsiders overwhelming the venue there is a likelihood of bogus voting.** President tried to list out the anomalies / variations in the recorded minutes and when he mentioned about the resignation of Mr. Behra from the chairmanship of BREC and dissolving the BREC and also that Mr. Pancholi (a non-member) was made a BREC member. Mr. Behra gave details of his resignation as BREC chairman during the proceedings of SGBM of 25th Aug 2019 confirming the anomalies as pointed out by the Chair. Mr. Pawan Prabhat tried to put across his views that everything cannot be recorded. Some members at this juncture again started shouting and arguing and surrounded the chair and tried to force the chair for voting to which the chair declined by stating that the illegality cannot be put to vote. Alok Rai, Subrata Roy, Cmde M R Khan, Pawan Prabhat, Preeta Dhankhar, Sanjeev Mishra and Paramdeep Singh kept on interrupting the proceedings time and again. Mr. Gautam Kondapalli suggested for a secret voting which was declined by the chair citing the aforesaid reason. Professor Devi Singh once again tried to advise the members that MC / Chair did not need anybody's permission they could have referred the issue to RCS without even including this in the AGM. He further advised the interrupting / unruly members that if they are interested in continuation of meeting then let the proceeding be progressed further otherwise let us close the meeting. Mr. Ashok Arya also tried to pacify the unruly members and advised to maintain peace and harmony. He further said that if there is no consensus on the issue then it can be taken up later on. He informed that he retired as a Principle Commissioner and he was a judge member in customs and service tax appellate tribunal and have dealt with such cases, so if an issue is not agreeable then it is decided by the third judge. We can take up this issue at the last and if it still remains undecided then it can be referred to third judge i.e. the RCS. Majority of the members raised their voice in agreement.

11. **Decision:-** It was decided to adopt proposal (b) i.e. to refer the case to the RCS for his







Adjudication/decision. Motion was passed with majority. There was a dissent by few members demanding approval of the minutes which are contradictory and do not match with certified transcript and video footage of the proceedings (At this stage at-least 07 unidentified outsiders could be seen approaching close to the Chair and Mr. Alok Rai interacting with them).

12. Item-2. Audit Reports of Accounts: President brought out that AGM is being conducted after a gap of 11 years, the last AGM of the Society was conducted in March 2013. The audited accounts of past 12 years were proposed to be passed. President while taking up item on Audit reports of past 12 years was interrupted by Alok Rai, Subrata Rai, Cmde M R Khan, Rajesh Kumar, Preeta Dhankhar, Sanjeev Mishra, Rajeev Sharma, Priyanka Sharma and stalled the proceedings on the issue of minutes of previous SGBM being referred to RCS. They surrounded the chair and started threatening the chair and used uncivilized language. At this juncture one of the members Mrs. Renu Mittal approached near the dais and requested everyone to co-operate with the chair. She said that this MC has been elected by majority so let them do their job and let the chair carry out the AGM proceedings. Subrata Roy at his moment tried to forcefully snatch the mike from her hand. He was warned for his misbehavior by the Chair, Mr. Vinod Gupta another member also warned the interrupting members not to disrupt the proceedings and let the chair do its job. At this stage some heated arguments erupted between Mr. Vinod Gupta and Mr. Alok Rai wherein Alok Rai's younger brother Vivek Rai also joined him in threatening Mr. Vinod Gupta. Also, few unidentified outsiders were seen approaching near the dais where argument between Mr. Alok Rai & Mr. Vinod Gupta was taking place. However, both these members were pacified.

13. Points from the members :

(a) **Dr. O. P. Mehta:** Dr. O. P. Mehta brought out a point regarding his payment from reserve fund / equalization charges which he was supposed to get in the year 2004. The chair enquired that since Dr. O. P. Mehta himself has been part of various MC's in the past, what action he took on this issue?. Dr. Mehta answered that he had resigned from the MC. The chair announced that since the current MC took over the office in Sep 2021, and case which Dr. Mehta is referring is appx. 20 years old. Hence, it was decided to form a committee headed by Dr. Mehta to look into this issue, Dr Mehta agreed for the same.



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(b) **Mr. Gautam Kondapalli:** He raised the issue of payments made out of reserve fund for obtaining the "Occupation certificate" which was not being issued due to construction of block 8 & 9 which were planned later without due approvals. Again being an old issue it was decided to form a committee headed by Dr. O. P. Mehta as suggested by Mr. Gautam Kondapalli and agreed by Dr. Mehta to look into the issue, Mr. Gautam Kondapalli being one of the members of the committee.




(c) **Mr. Rejimon:** He suggested that the audit of accounts should be conducted regularly every year within 120 days to 180 days after 31st March. Non passing of accounts will have serious repercussions.

(d) **Mr. Pawan Prabhat :** He raised the issue of funds being utilized to fight the litigations, painting work in Society and minor repairs. He made uncorroborated accusation on the MC of embezzlement of funds. The chair apprised the house that MC is carrying out all necessary maintenance and repair work in the Society within its purview and which are necessary for the benefit and smooth functioning of the Society. Mr. Pawan Prabhat was advised to refrain from making unsubstantiated accusations.

14. The audit reports w.e.f. FY ending 31st March 2012 to FY ending 31st March 2023 were placed before the house.

15. **Item-3 Maintenance of essential services funds, building maintenance funds and building replacement funds.**




(a) **Building Maintenance Fund:** The President apprised the members that as per DCS Acts & Rules it is mandatory for a housing Society to maintain a corpus of "Building Maintenance Fund" by collecting money from its members exclusively for the purpose of preventive maintenance of buildings. The rate of collection may be fixed annually by the General Body Meeting. Our Society has till date not introduced this fund, hence, it was proposed to introduce it now so that the regular and timely maintenance of our buildings can be undertaken. At this point again members including Mr. Alok Rai and few others kept surrounding the chair and the voice of peace-loving, and well-meaning members was suppressed. The members who raised their voice in favour of the proposal were being threatened by Mr. Alok Rai and Mr. Subrata Rai. The members led by Mr. Alok Rai &

Subrata Rai started shouting that they don't trust the MC who has spent their money (Extension optees money) on fighting of legal cases against them. President kept on telling them not to mislead the house by false statements as the entire money collected for the extension purpose was already spent by the previous MC and BREC members. In fact the expenditure was carried out by them was more than the funds collected from extension optees. Also, as per the SGBM dated 25th Aug 2019 and minutes of MC Meeting dated 23rd Aug 2019, all the expenditure concerning the extension is to borne by extension optees and not by non optees or the Society. All these details are on record which can be seen by anybody who wishes to. **The proposal could not progress further due to disruptions.**



(b) Revision of Maintenance of Essential Service Fund: The President apprised the members that the last revision of Maintenance of essential services funds was done in 2019 and citing high inflation growth, minimum wages act and steep hike in prices and services it is essential to revise the rates of this fund. Mrs. Preeta Dhankhar and Mr. Sanjay Dahiya raised the issue of maintenance of lifts. The chair informed the members that these lifts have already outlived their normal life and these need to be replaced or upgraded. Since, the Society does not have funds so replacement is out of question for the time being, but up-gradation can be taken up which will enhance the life of lifts for few years. The expenditure on such up-gradation is appx. Rs. 3.00 lakhs and if personalized access cards are required then additional Rs. 1.00 lakh has to be incurred for each lift. As a pilot project the Society has upgraded one lift as per the suggestion of OEM M/s OTIS Elevator in Block-2. Mr. Oswal briefed on the up-gradation and informed the members that the up-gradation is on the safety aspects and not the cosmetics. Mrs. Malini Sharma conveyed her agreement on the proposal but said that she has no trust on the MC as her extension money has been spent on the legal cases. The chair told her that the extension money has been spent on extension cases in the courts and the extension optees have to bear this cost and not the non optees. **This proposal also saw the similar fate which could not be progressed due to disruptions.**

(c) Revision of Building Replacement Charges: Again non-member kept shouting, however a member from Block-2 Mr. Gautam Kondapalli raised the issue of money spent by Block-2 members on repair of their block 2 building. Members have spent their money on repair of their building so the payment of building replacement fund should be waived



off for Block-2 members. The chair said that this has already been explained few times earlier that the purpose of building replacement fund is different, which cannot be utilized for preventive maintenance of buildings. However the interest of Block-2 members will be kept in mind and they will be kept at par with members from other blocks vis-à-vis expenditure on repair of their respective blocks. President apprised the members that building replacement fund is required to be utilized on long-term building replacement when the buildings have completed their life and then this fund can also be utilized on replacement of lifts, DG set and Basement repair. The President asked the members who have not yet deposited the money under this account to do the same without further delay so that the "Basement Repair" may be undertaken without losing further time, as it is in a very bad state. It was also informed by the Chair that all these three funds discussed above are statutory in nature as per DCS Acts and Rules which are mandatory on the part of Society to collect it from members in any group housing Society and also it is mandatory on the part of members to make regular payments against these three funds as stated in the DCS Acts and Rules. The requirement of holding a GBM is only for the revision of rate of collection for these three funds and for the utilization purposes in respect of building replacement fund on recommendation of the Architect / Structural Engineer. The GBM is not required to be held to authorize the MC for periodic collection of these funds unless rates are to be revised. Secretary Col S K Tugnait (Retd.) also stressed upon the importance of all the three funds and the building replacement fund which is urgently required for replacement of lifts and basement repair.

16. While Secretary was trying to convince the members on the importance of passing the resolution for these funds few extensions optees intentionally digressed from the subject and steered the discussion again on extension related issues. Ms. Pooanm Pandey suddenly got up from her seat and started leveling vulgar accusations against the President for a WhatsApp message posted by him in Society WhatsApp group of a general nature. She also spoke very ill and made objectionable remarks against the Society ladies. She was told to refrain from using such uncivilized and un-parliamentary language in such an august gathering.
17. On the issue of revision of building replacement funds which could not be passed due to the repeated shouting and interference by Mr. Alok Rai, Subrata Rai, Rajeev Sharma &

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other extension optees, Mr. Alok Rai tried to mislead the house by giving a different meaning of building replacement fund, he gave an unreasonable explanation that extension optees had paid the advance amount for the extension so there should not be a need to collect building replacement fund. It seems he was not aware or may be intentionally misleading the house to the fact that the issue being discussed here in the AGM was not the collection / payment of building replacement fund but it was about the revision of the rate for collection of building replacement fund from the members from FY 2024-25 onwards. Collection / payment of building replacement fund is a mandatory / statutory requirement as laid down in DCS Acts & Rules in vogue. Mr. Gautam Kondapalli raised the issue of using the available funds under building replacement fund for the repairs of basement which is in a very bad state.

18. Mr. Saurab Rai raised the issue of funds being spent on legal cases of extension, arbitration and recovery cases etc. He blamed the MC for stopping the extension work and not taking a stand in favour of extension in Hon'ble Delhi High Court. He further advised the MC to commence the extension work soon. The Chair reiterated the facts of the entire extension issue wherein the extension work was stopped on orders of DDA before the present MC was even elected, the award of contract was declared "Null & Void" by the Arbitrator Hon'ble Justice (Retd.) V K Jain. The court case against extension was already filed before the present MC was elected, the tender documents concerning to this contract was never handed over to the current MC by the previous MC, which is the property of the Society and MC, is the custodian of all records of the Society. Also, when the current MC was elected there was approx Rs. 70.00 lakhs in the extension fund account where as the pending bills amounting to Rs. Approx 75.00 lakhs (including 3rd & 4th RA bills of the Contractor amounting to Rs. 62.00 lakhs) were kept pending in the office which was to be paid to the contractor. The current MC could not have paid these bills due to absence of tender documents and MB books and up to date measurement of quantities. The other fact which has been shared with the members earlier is that the total amount for the work carried by the Contractor which was physically measured in the audit carried out by the Society few months back amounts to approx Rs. 59.00 lakhs whereas the payment made to the contractor was appx. 1.13 Cr. So it is very clear that the entire contract execution by the Ex MC members and BREC members lacked transparency and fairness. It is for this reason that this MC took the right decision which was further confirmed by the Arbitral award in which Justice V K Jain (Retd) declared the contract "Null & Void". The current MC

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has taken all measures to safeguard the interest of the extension optees, non extension optees and the Society as a whole. Hence, Mr. Saurabh Rai and other extension optees who were making noise were advised by the chair not to spread lies and mislead the members.

19. These members led by Subrata Roy and Alok Rai started hooting and did not allow the resolution to pass, questioning the money spent on installing Boom-Barrier, minor repairs / cracks / paint work etc. which were undertaken recently due to deteriorating conditions. **It was evident that the intention of these extension optees was not to let the AGM progress so that the illegality done by them is not exposed.**

20. **Item 4 – Budget.** Due to the adamant and non cooperative approach of extension optees who were just 8 to 10 in numbers, this item could not be covered due to disruptions.

21. **Items-5 Court Cases.**



(a) During the discussion on court cases members were briefed that three (03) court cases have been settled during the current MC's tenure. To this Mr. Alok Rai interrupted and told that chair is telling a lie and case related to Flat No. 922 (**Ritu Sahu V/s Nav Sansad Vihar CGHS Ltd.**) was settled earlier during previous MC's tenure. The president corrected him that the judgment of the Hon'ble Delhi High Court was delivered on 13th Oct 2022 but Mr. Alok Rai was not ready to agree. The members were also informed that in most cases the Society is Respondent. President also informed that recently the case "**Nandi Yelliah V/s Nav Sansad Vihar** has also been given in Society's favour on 31.08.2023 and the membership of Nandi Yelliah stands terminated. Case of **Hitesh & Anju Bagai v/s Nav Sansad Vihar** (refund of the membership fees for Sanjay Club) has gone against the Society. President briefed that the case was not represented in the past due to which an ex-parte judgment was delivered against the Society, while Administrator was in office. When the MC was re-instated by the Delhi Cooperative Tribunal on 26 Aug 2022 and thereafter the MC took over the office again, the copy of judgment was seen by the MC. Though it was already late to file a challenge petition against the judgment but we still did it with an application for condonation of delay but the National Consumer Forum did not accept the condonation application, hence, we had to refund the application / membership fees along-with interest.

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(b) The case "**Alok Rai V/s RCS and Anr.**", pertains to **MC election case**. Mr. Alok Rai filed a complaint against RCS and our Society for unfair conduct of MC election held on 5th Sep 2021. At this juncture Mr. Alok Rai contested that he did not file case against the Society but individually against the MC members, to which President advised Mr. Alok Rai not to tell lies. It was informed to the house that the case was filed against RCS and the Society by Mr. Alok Rai and assured the house that proof of this shall be circulated to all (All members were sent the screen shot of RCS letter No. ARB Case No. 36/GH/DC/ARB/2021-22/2300 dated 26.10.2021 wherein "Nav Sansad Vihar CGHS Ltd." is Respondent No. 1, however after loosing the case in Delhi Co-operative Tribunal Mr. Alok Rai challenged the DCT verdict in Hon'ble Delhi High Court which is currently in progress. Mr. Alok Rai was advised by chair to withdraw this case to save his money and also of Society's money, as there is no sense or logic in pursuing this case any further as the current MC is nearing its completion. Mrs. Preeta Dhankar, Mr. Manish Mishra and Mrs. Nirmal started raising the issue of recovery case which has been filed against seven members of previous MC & BREC against them in RCS. Mr. Manish Mishra tried to instigate the members against the MC stating that the MC had issued him the legal notice for vacating the shop, a Society property which he was allotted but he sub- let the property against the laid down policy. Similarly Mrs. Nirmal & Mrs. Preeta Dhankar tried to win the sympathy of the house by stating that Society has filed recovery cases against them without disclosing the truth that the recovery case been filed against them for the loss caused by these seven members to the innocent extension optees and the Society.

(c) Ratnesh Bariar & Anr. V/s DDA & Others (including 48 impleaders)

While the chair was touching upon this point, Mr. Alok Rai again interrupted and asked the President to advise Mr. Bariar to withdraw the case. To which President asked Mr. Alok Rai that why he has not withdrawn his case against the RCS & the Society which he has filed against the fair conduct of MC election. Mr. Alok Rai said that he will withdraw all his cases if Mr. Bariar and Mr. Rejimon withdraw their case, he requested to record this statement of his, **at this juncture he started to instruct the RCS appointed Observer Mr. Harish to note down his statement. President advised Mr. Alok Rai not to dictate and pressurize the Observer as he is just an Observer in the AGM.** President advised him to withdraw all the cases filed by him against the Society and RCS

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then only the Management will request and try to convince Mr. Bariar & Mr. Rejimon to withdraw their case.

(d) Next case discussed was recovery case against Mr. K. R. Sharma for illegal possession of Society shop for 12 years and non-payment of rent (**Nav Sansad Vihar V/s K R Sharma**). Mr. K R Sharma said at this juncture that he replied to Society's notice but the Society did not reply, President corrected Mr. Sharma that he was suitably replied but he refused to pay his dues that's why the Society had to file a case in RCS. Mr. Sharma said that he has receipts to which President said that why the copies of the receipts were not submitted by him with his reply. Mr. Sharma's reply was *"I am not supposed to submit those to you, I will submit in RCS"*. At this juncture Mr. Alok Rai said that the root cause of all these problems is the extension issue. The President asked him that why tender documents have not been handed over to the MC?? Mr. Alok Rai kept deflecting the issue of "Tender documents with vague replies.



(e) Next, President informed the house that the other legal case which has been filed against 07 members of the Society some of them were the office bearers of previous MC and members BREC. These members are responsible for the huge financial loss to the Society and the extension optees. The Arbitrator Justice (Retd.) V K Jain in his judgment has declared the award of contract to Hadiso Construction Pvt. Ltd. as "Null & Void" due to non-adherence of procedures as per DCS Act & Rules and mentioned that such loss to be recovered from the MC members who are responsible for these losses as per DCS Acts & Rules in vogue. Cmde. M R Khan interrupted and tried to mislead the members that the contract was not declared "Null & Void". The Chair asked Cmde. M R Khan not to mislead the house. The Arbitral award was shared with the member few months back and it is very clearly mentioned in this award. This contract was declared "Null & Void" by the Arbitrator Justice (Retd) V K Jain.

(f) Next Court case discussed was **Hadiso V/s Nav Sansad Vihar CGHS Ltd.**, filed for implementation of Arbitral award which mainly is for payment of the claims of Hadiso. President informed the house that the Society tried to negotiate with Hadiso Construction but he did not agree and demanded approx 1.50 Cr. The Society had no option but to file petition in Delhi High Court against the arbitral award. Hon'ble Delhi

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High Court has put a stay on the case of Hadiso. Cmde. M R Khan and Mr. Subrata Roy questioned the information given by the President stating that if the contract was "Null & Void" then why Hadiso's claims were granted by the Arbitrator? The house was told that the claim of Hadiso is for the work done and the labour employed. And as per the Indian Contract Act even if the Contract was null and void the payment has to be made for the labour employed and the work carried by the labour. Both these gentlemen started accusing the chair for giving out false information about contract has not been declared "Null and void". Mr. Ashok Kumar a retired chief engineer from Indian Railways at this juncture informed the house that he has gone through the entire arbitral award which was earlier shared by the MC with all the members, he informed that as per arbitral award the contract has been declared "Null & Void", Mr. Alok Rai started arguing with Mr. Ashok Kumar. At this juncture the Chair read out the relevant extract of the Arbitral Award dated 29th April 2023 (Arbitral Award already circulated earlier) Mr. Subrata Roy and Cmde. M R Khan started throwing accusation against the MC for destroying the Society, President reminded them that it is the previous MC and BREC members who are responsible for all the destructions in the Society and bringing the Society to this pathetic condition. He re-iterated that major decisions were taken without following the procedure as laid down in the DCS Acts & Rules and against the wishes and consent of majority in the Society. Mr. Subrata Rai started abusing the chair with un-parliamentary language in the proceedings. Mr. Subrata Roy kept shouting and interfering in the during the entire proceedings.




22. The Chair informed the house that the sanction for extension was obtained by illegal means in clear violation of DCS Acts & Rules. He said that in the SGBM held on 19.05.2019 there were 63 members who attended whereas in the minutes the voting has been shown for 132 members -101 members in favour of Extension and 31 members in favour of repair only, this is clear proof of fudging of minutes. Mr. Alok Rai again interrupted and did not let the proceedings progress smoothly. President advised Mr. Alok Rai to take his seat. President further informed the house that in the said SGBM of May 2019 AVM S K Arora the then President had specifically announced that the proposal of FAR / Extension will be forwarded to DDA only once minimum 80% of the Extension optees have deposited the advance amount. The same was agreed and passed. But the then MC and BREC forwarded the proposal to DDA while only 43% of the extension optees had deposited the Cheques as advance. In fact

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80% collection was never achieved, till date only appx. 68% optees had paid the advance for extension.

23. Also, it was informed to the house that in the SGBM held on 25th Aug 2019 it was decided that the repair is the top priority which should start immediately, extension can start after one year, 1 ½ year or later but repair has to commence immediately, specially repair of common areas. But the repairs was overlooked and extension was started. The so called "Building Repair Extension Committee" (BREC) was illegally formed (with a Chairman & members) which was announced during the proceedings of SGBM of 25th Aug 2019. BREC issue was raised in the said SGBM which was not on Agenda point, the formation of BREC was already finalized before the SGBM, which was questioned and opposed by the members but these objections were brushed aside, the Chairman of this so called BREC refused to be part of this BREC and he announced so in the same meeting, declaring the 'he resign from the chairmanship of BREC. Another member Mr. Alok Rai also announced his resignation as a member of BREC in the same meeting, but still the minutes of the said SGBM the formation of this BREC was recorded with the same set of members. This BREC was given vast powers which was in violation of the DCS Acts & Rules in vogue. It was this very same BREC which initiated and executed the FAR / Extension project violating the proceedings as laid down in DCS Acts & Rules in vogue and also in violation of the "Unified Building By-laws 2016 (UBBL 2016)". The contract awarded by the said BREC and the previous MC was declared "Null and Void" which as supported by the majority by the Arbitrator Justice V K Jain (Retd.). Hence the Chair declared that the BREC stands dissolved being "Void-ab-initio", which was agreed by the majority.

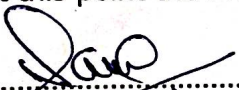
24. Next it was decided in the same SGBM of 25th Aug 2019 that extension optees will bear the entire cost / expenditure related to extension, Society and non optees will not bear the cost. The Chair also brought out the fact that block No. 5 was included for the purpose of extension without the majority consent of block-5 members to which Mr. Rajiv Sharma an extension optee, replied that the money collected against block 5 flats was not paid by the owners of block-5 flats. It was also informed by the Chair that the plans shown in SGBM dated 19th May 2019 were different from what has been sanctioned and what was being constructed on ground is entirely different. At this juncture Mr. Rajiv Sharma put up a question to the Chair that Col. Tugnait

(Retd.) and Mr. V. K. Pandey were the part of the then MC, please ask hem whether they signed the said MC Minutes?? At this juncture the members led by Mr. Alok Rai tried to again interrupt the proceedings. But the President further reiterated that award of contract was illegal, Contractor, Architect, Structural Engineer etc. were never approved in any GBM, tenders were not opened before the house and not discussed, rates of contract were not discussed openly and fairly and ignored the lowest bidder who had cleared successfully all stages of bidding and the contact. There was no transparency or fairness in the award of contract was awarded to their favorable party ignoring the interest of the Society and its members.

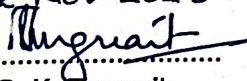
25. Hence, the Chair proposed for rolling back of extension project on the grounds of illegalities and violations of DCS Acts and Rules and for the fact that Society is suffering in terms of a large no of court / legal cases due to illegalities in the extension project right since beginning. The proposal for rolling back of Extension / FAR Project was agreed and passed by majority. Thereafter the unruly members started misbehaving and resorted to hooliganism and tried to snatch the documents and damaged the Society property.

26. At this point the President declared the meeting closed.




 Col N S Parmar (Retd)

President
 02 NOV 2023




 Col S. K. Tugnait
 Secretary 02 Nov 2023






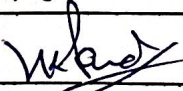
 Mrs. Vidhi Sharma

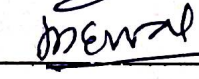
Vice President 21/11/23



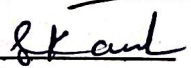
 Mr. Davinder Nagi
 Treasurer 02/Nov/2023

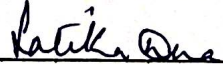
Kumar
 Mr. Ashok Arya (Member) 

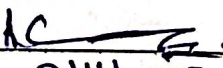
Mr. V. K. Pandey (Member)  2. 11. 2023

Mr. P. K. Oswal (Member)  02/11/23

Mrs. Sarla Arora (Member)  2/11/23

Mrs. Savita Kaul (Member)  2nd Nov. 23.

Mrs. Latika Dua (Member) 

Mr. Avinash Srivastav (Member)  02/11/2023

