

Minutes of the 35th AGM of Veena Beena CHS Ltd. Held

Sunday on 31st October 2021

1. Reading Report from the Chairman's Desk.

- A) The Secretary informed the members at the AGM and highlighted about the following about the Chairmans Report with detail explanation was given in the AGM Booklet. Distributed to members in the month of April, a COVID-19 period.

Fraud Details

- B) The Actual figures are as follows but only Rs. 3.10 lakhs is recovered and I appreciate the effort of our secretary & treasurer in this recovery. The statutory & internal auditors has highlighted about the Fraud, in the Audit report 2019-20 for recovery.

Rs. 29,54,403 Lakh Fraud

+ Rs. 30,000/- paid to Govt. Auditor

+ Rs. 93,324/- to Dholam & Associates for investigating the fraud,

+ Rs.10,000/- to the police for preparation of chargesheet

+ Rs.1,83,992/- for legal advice and to protect themselves from fraud
implication (no details & Bills)

+ Rs.33,442/- the cash fraud

Totalling Rs.33,05,161/- (Rupees Thirty three Lakhs five thousand one hundred & sixty one).

C) DEFAULTERS LIST

Unlike past, the present Committee has been displaying the list of all members having overdue exceeding Rs 10,000/-. Overdue balance exceeding Rs 10,000 was Rs 66,55,142/- as of 2019-20 from 37 Members.

D) CONVEYANCE REPORT

Conveyance is a matter of great importance which many members have not taken any interest, and many members till date have not yet submitted the Xerox copies of the agreement inspite of many reminders.

Members must remember that the efforts to get the conveyance is solely due to the efforts of Mr. Lewis, a challengeable job executed, appearing before the courts and coordinating with legal fraternity for the last 20 years beginning with Desouza Panel committee members. The efforts are commendable. In the year 16th March 2017 society got the court decree in favour of the society after fighting the legal battle in the High Court, in the appeal matter by Kaulchand Jogani against the decree passed by the City Civil court. Never the less the secretary never relented coordinating with the society lawyers and with the Builder bringing the long drawn battle to an end, by making the Builder to prepare & sign **consent terms**.

2. To confirm the minutes of 31st October 2021 Annual General Body Meeting. Held Sunday on 31st October 2021

The postponed 35th AGM dated 29th March 2021 was later held as scheduled on Sunday 31st October within the Society premises behind H Wing.

Since due to lack of quorum at 6:15 pm the meeting was adjourned for half n hour. Thereafter the secretary informed the members about agenda of the meeting start with. Meanwhile the secretary requested the Chairman to start the adjourned meeting, after the secretary informed the members present at 6:45 pm about the quorum being 74 members present to start with the meeting.

The Chairman welcomed all the members present n informed the members because of COVID 19 situation and the AGM of March being postponed to October. He offered his Greetings n Good wishes to the members at the approaching festival of Dipawali and also offered condolences to the bereaved families. As a mark of respect to all the Late departed members, of the society, requested members to pay homage to the departed, with 2 minutes Standing Silence. Thereafter, the Chairman requested the secretary to begin the meeting.

The secretary highlighted the help rendered by the Active member Late Shri Sitaram Shetty H 106, who helped the society in various activities, which will be deeply felt n remembered as his unconditional help was always available for society's, any type of work/activities financially or otherwise. May his soul rest in peace.

As per the Agenda the secretary welcomed once again all the members present, thanked members for their Presence n enquired with the members reminding them about AGM booklets distributed with the Income n Expenditure n Balance Sheet Statement, having been distributed (the AGM booklet) in the month of March.

The Secretary sought information from members present whether they have read reports or not, though circulated in advance, he further cautioned the members, that extra copies are printed and are available for members for discussion n information, few members opted for the extra copies.

The secretary after taking notes of the members presence requested the members to forward their queries for healthy discussion n present their opinion/suggestions only on the minutes of the AGM meeting held on 29th September 2019/20 if read, it has to be considered, approved n passed by the members present, at the AGM.

He further requested members if they have and queries on the subject matter of conveyance documentation and about agreements not received. The Secretary asked Shri Shinde committee member to enlighten the members about the difficulty faced by conveyance committee Shri Parmar member of team to give details about some members who have not submitted proper documents agreements. Shri Shinde thereafter gave complete details about it as follows:

Shri Shinde further inform the members that conveyance matter is almost concluded between the builder and the society, now members have to submit the documents for adjudication for stamp duty liability. Once this process of stamp duty payment is completed the court will appoint a officer to sign the documents on behalf of the builder in favour of the society. Shri Shinde informed the members that out of 359 members, 33 documents are pending to be received from 33 members, 15 documents are complete, but with small discrepancies, 15 more documents are received but they are full of discrepancies which are required to be checked in details, 3 more documents are to be received and if the same are not received they will have to pay stamp duty as per current ratable value plus 400% penalty. With this information Shri Shinde on request of the members present at the AGM read the Flat Nos. of the Members.

Flat No. A-105, A-501, A-505, B-604, C-101, C-401, D-404, D-504, E-401, E-406, E-506, E-702, F-303, F-306, F-403, F-704, G-105, G-206, G-301, G-302, G-503, G-606, H-301, H-404, H-405, H-501, H-606, I-304, I-401, I-405, I-501, I-503, I-603. After hearing this details Shri Parmar said that a final call to the members will be given to submit the documents within 20 days. Shri Pravin further enlightened the members that who's documents are not supported with necessary requirements will have to pay stamp duty as per demand notice. The entire stamp duties of all the society members will paid by the society and members in

turn will have to clear the stamp duty liability within 30 days. If not cleared 21% interest will be charged on the outstanding unpaid stamp duty amount not paid by the members.

Shri Maxi D'Costa demanded list from Shri Shinde about the shops not submitting documents for conveyance, he said that majority shop owners have submitted incomplete documents and in one case of STORE not a single documents is given till date, and the member will have pay stamp duty as per today's ready reckoner rate.

Shri Maxi D'Costa enquired about amount of Rs.1,22,285/- which pertains to 2007-2008 about TDS deducted by banks and the society not claiming the same by filling IT Returns. Shri Shinde clarified that the old committee has not claimed so and at present to claim the same is time barred (3 years elapsed) and the amount has to be written off by the AGM.

The Secretary after informing the AGM members requested to give the approval for confirmation of the Minutes. Majority Members present gave the approval and proposed as passed.

Proposed by: Shri Maxi D'Costa, Seconded by: Gunjal

3. Adoption of the audited accounts for the year 2019-20

The Balance sheet for the year 2019-20 was distributed along with the notice of the AGM to all society members in advance and was also placed before the members for approval and adoption.

There being no queries forthcoming from the members, towards the audited accounts placed for adoption for the year 2019-20 which was accepted, passed & adopted unanimously.

RESOLUTION: "Resolved that the Accounts for the financial year of 2019-20 are hereby accepted, passed and adopted unanimously".

Proposed by: Shri Maxi D'Costa Seconded by: Shri Parmar

4. Approval of Audit Rectification Report: Statutory & Internal Auditors for period of 2019-20

Though members present did not raise any objection it. With this Item of the agenda no 4 was approved & passed by majority.

Resolution: "RESOLVED THAT Approval of Audit Rectification Report of statutory and Internal auditors for the period of FY 2019-20 is accepted ,passed & approved unanimously.

Proposed by: Shri Anand Jain Seconded By : Shri Gunjal

5. Appointment of Statutory and Internal auditors for the year 2020-21 and approving of their remuneration

The house unanimously authorised the Managing Committee to do the needful in their appointment as per by-laws. With this Item of the Agenda No. 5 is hereby approved and passed unanimously.

Resolution: "RESOLVED THAT the managing committee is authorised to appoint statutory and internal auditors for the year 2020-21 and their remuneration.

Proposed by: Shri Deepak Shede Seconded By : Shri Chaudhari

6. To accord post facto approval for transfer of flats, shops, garages as approved by the Managing Committee during the period 2020-21 to be ratified by the AGM

Since there were no objections, all the members present unanimously approved the transfer proposals of the agenda, and ratified the same.

Resolution : RESOLVED THAT THE transfer of flats, shops and garages as approved by the Managing Committee during the period 2019-20 is hereby approved by the House unanimously.”

Proposed by: Tanaji Gunjal Seconded By : Shri Chaudhari

7. Mandatory approval of Electrical Repair works of B wing meter room cost being over n above Rs. 1,00,000/- totaling to Rs. 2,51,552/-

The Secretary placed before the AGM members for approval of Electrical repair works which was carried out urgently due to the BEST Notice received second time. This repairing work was kept pending due to ongoing repairs works of Society Buildings and same had to be carried out urgently. Thereafter Mg. Committee after approving the lowest and the best quotation from the 3 quotation received after scrutiny, the work was awarded to the lowest bidder.

Since the cost of the electrical work increased to Rs.251000/- Mg. Committee decided to place the matter before the AGM for approval of the cost involved in it for carrying out major urgent Electrical work of B Wing Meter Room. The matter was explained in detail to the members present in AGM. After hearing the Secretary and the Sub-Committee appointed by the Mg. Committee the members present at the AGM approved and accepted the total cost of Rs. 251552/-.

Shri Shinde further informed that BEST Notice for I Wing is also received but it is kept on hold as the cost involved is Rs. 3 lakhs.

Resolution : It is hereby Resolved that the sanctioned needed by the Mg. Committee for the amount spent in the matter of urgent electrical expenses to B Wing Meter Room incurred is hereby approved by the AGM, the cost of which is Rs.251552/- incurred and as approved by the Mg. Committee and also accepted, approved and passed by all the members present unanimously.

Proposed by: Shri Maxi D’Costa, Seconded By : Shri Rajesh Ramtri

8. To seek approval for legal action of AGM for recovery of maintenance dues U/S 154 B-29 (101 Old) as 3 notices are already been served and no replies are received.

The Mg. Committee informed the AGM about 3 Notices already served to the defaulters to pay the amount, but none of the defaulter members have shown any interest inspite of repairing their flats, but dues of repairs are not been paid by them. Mr. Parmar after hearing the secretary about dues amounting to Rs.8081312/- requested the Mg. Committee to aggressively follow up the recovery process as early as possible. Shri Shinde informed the AGM that the society has not taken any coercive action due to human consideration. Shri Anand Jain further said that in order to clear up dues some sort of incentives be offered to the members. Either on the interest part or by some other means. The Secretary informed to the AGM members that as per Bye-Law interest reduction or any type of interest waiver is not possible as there is no such clause included in the Bye-Laws and which is not possible. Shri Satwant Singh stated and said that repairs charges for shop owners should not be double charges but they should be charged as per residential charges and said it is illegal and for these a court case is filed against the society. He further claimed that the amalgamation of repair charges and maintenance charges were not passed in the AGM. Shri Shinde committee member said that if all these charges are illegal then Shri Satwant Singh should prove the same with the support of another shop owner, whatever the decision is taken by the AGM in recovering repair charges alongwith the maintenance charges levied by the society by way of amalgamation as one bill combined and sent to the society members. Shri Shinde further clarified that already 2-3 years have already elapsed and no members has complained about it on this statement Shri Satwant Singh stated that he had already submitted letters on the same issue. Shri Shinde once again told Mr. Satwant that if he can prove by way of letters he will look into the matter. Shri Shinde further said that repair charges were passed by the Spl. AGM conducted in the year 18-5-2014 and the amalgamation of bill of maintenance & repairs was also approved by the AGM and only after the approval by AGM, only one bill was sent to members (Maintenance & Repairs) thereafter. Shri Satwant once again argued that there is court order restraining the society from collecting repair charges from shop owners. The secretary interrupted and stated there is no such court order but the order states that status quo to be maintained till final order to be passed by the court on the subject matter, since the issue was not understood clearly by Shri Satwant, Shri Shinde clarified that it was the year of society elections and shopkeepers also being members of the flats, the election officer so appointed after reading the order stated that if the residential dues are cleared the member can take part for election, further the Secretary clarified that status quo order by the court also states that if any shopkeeper has paid as per repairs bills in full or he has paid according to residential rates the same will be taken into consideration when the judgement in the matter will be delivered. Mr. Anand Jain after hearing Mr. Satwant and the Mg. Committee proposed a resolution stating that since the matter is subjudice the affected member will have to wait till the final judgement is received, hence the Mg. Committee can proceed with the proposed action of recovery as approved by the AGM. Passed by the majority members.

After discussion a resolution by the Mg. Committee was proposed before AGM members to recover dues U/S 154 B-29 (101 Old).

Resolution : It is hereby Resolved by the AGM that the Mg. Committee is hereby being authorized to recover all outstanding dues of maintenance, repairs or any other dues payable to the society from the defaulting members. It is also being authorized to make all necessary legal expenses and out of court expenses pertaining to recovery of dues of the society from the defaulting members and also to deal/appoint recovery officers for recovering society dues.

Proposed by: Anand Jain

Seconded by: Mahendra Chaudhary

Passed by: Majority Members

9. To decide future course of action as per the Statutory Auditors remarks for recovery of Fraud Amount.

The Secretary placed before the AGM members about the remarks on fraud given by Statutory Auditor every year, since recovery process not being followed up by the present Mg. Committee and this remark by the Statutory Auditor is reported on a/c of recovery amounting to Rs. 29,40,341.80/- as on 31st March 2013. The Secretary further informed the members that this amount has to be recovered from the old committee members of that period and they have also executed a indemnity bond in favor of the society under model Bye-law 138 and MCS Act 1960, and accordingly these amount is fully recoverable. Shri Parmar questioned since it is the society money it has to be recovered from the old committee members and the Mg. Committee Members should a make effort for recovery.

The Secretary informed the members present that due to the appeal pending before the Housing Minister and no results till date are received, the secretary said the only way out is to go in for a fresh Appeal before the High Court as this amount is reflected in the Society Balance Sheet every year. Shri Asfaque Khan questioned as the matter is in the Bhoiwada Court, what is the necessity of this appeal. The Ssecretary clarified that this is the Civil Matter and the appeal before the High Court is to recover the money lost by old committee members due to their negligence.

Resolution: Resolved that the office bearers namely, Chairman, Secretary and Treasurer are hereby authorized to file an appeal for the recovery of the money lost by way of negligence under Bye-law 138 and MCS Act 1960.

Proposed by: John Fernandes

Seconded by: Shri Anand Shetty

Passed : Unanimously

10. Confirmation of the appeal before the Sessions Court as decided by the Managing Committee.

The Secretary informed the AGM members at present past 11 years the fraud matter case is lingering in the Bhoiwada Court and process of hearing is not taken up by the Court for reason best known to the Court. The secretary informed the members the only way of is to

appeal before the Sessions Court for early hearing process to start. The members present authorized the Mg. Committee and the Office Bearers to go in for the appeal before the Sessions Court to start with immediate process.

Resolution: Resolved that the office bearers namely, Chairman, Secretary and Treasurer are hereby authorized to file an appeal before the Sessions Court for early hearing and decision in the matter of recovery of fraud amount and also authorized to make legal expenses and out of pocket expenses.

Proposed by: Tanaji Gunjal Seconded by: Shri Dadamiya Khatib
Passed : Unanimously

11. To collect Repairs & Maintenance fund as per Bye Law no. 13(a) minimum charges 3 times above & over the Sinking Fund of (0.35 p. presently collected) as per the Auditors remarks.

The members present questioned why repairs & maintenance fund is to be collected now, as already repairs fund was collected earlier. Shri Shinde on behalf of Mg. Committee clarified that this amount has to be collected as per the Auditors Remark and now it is compulsory, the society had stopped collecting major repairs fund for last 3 years and hence day-by-day repair works is increasing due to the age of the buildings and also BMC have categorized the society buildings as dangerous buildings. The society as a precautionary major has to collect .35 paise into three times, i.e. 1.05 paise per Sq. Ft. Carpet Area. Shri Gunjal requested clarification on this matter and after hearing the explanation given by Shri Shinde in the matter accepted the statement.

Resolution: Resolved that the Mg. Committee is hereby authorized to collect repairs & maintenance fund as per Bye-law No.13 (a) minimum charges 3 times above (0.35 paise x 3 = 1.05 paise on sq. ft. carpet area) from all Flat/Shop Owners with effect from 1-04-2022 onwards through maintenance bill.

Proposed by: Shri Satwant Singh Seconded by: Shri Tanaji Gunjal
Passed : Unanimously

12. Reconfirmation of Special AGM decision of 16th June 2013 Managing Committee resolution to finalize the matter of Conveyance, those members not submitting the Sale Agreements and to pay Stamp Duty liability on behalf of these members and to complete the pending conveyance and to recover the same through maintenance bill.

The secretary placed before the AGM for reconfirmation of its decision taken by the AGM on 16th June 2013 about conveyance and stamp duty payments to be recovered from those

members, whose liability will be sent by the stamp duty office after finishing the adjudication process. The Mg. Committee informed the AGM members about the process, that all members have to comply with supporting documents and if any members fails to comply, the stamp duty requirements he will be levied charges as per rules and decision of the stamp duty office will be final. It is also to be noted that any members fails, flat / shop owners to submit the agreements, he will have to pay stamp duty at the present Ratable Value plus 400% penalty.

Hence the society in order to complete the stamp duty process society will pay on behalf of erring members failing to submit documents for adjudication.

Resolution: It is hereby Resolved that the Mg. Committee is authorized to pay stamp duty amount on behalf of erring members failing to submit documents for adjudication process of stamp duty to complete the process of conveyance and to recover charges by a separate bill of conveyance within 30 days and members failing to pay the society it will recover interest as per Bye-law @ 21% p.a. on the outstanding dues payable to the society.

Proposed by: Shri Mahendra Choudhary Seconded by: Shri Pivekar
Passed : Unanimously

13. Any other matter with the permission of chair

As the AGM meeting was coming to an end Shri Kishor Cheda of B Wing raised the leakage problem due to rain water seepage Shri Parmar said that there are many reason for this leakage and he will try to sort it out before the next monsoon. Shri Satwant Singh also raised the issue about the leakage of his 2 flats I-601 and I-603, that said there are many cracks and they have to be taken care of, he also complained about the leakage from the side walls not taken care while the work in progress was going on. Shri Shinde assured him that his leakage work will attended before the next monsoon.

Vote of Thanks

The secretary welcomed once again and thanked the members for attending the AGM. He further thanked the Chairman for conducting the AGM in a peaceful manner and the Committee Members for their attendance. Thereafter the secretary requested all the members to take part in the singing of National Anthem with full respect, after singing, the meeting ended.

Shri Anil B. Koli
Chairman

Shri J. S. Lewis
Hon. Secretary