

## **Minutes of the 36th AGM of Veena Beena CHS Ltd. held on Sunday 29" May 2022**

### **1. Reading of Report from the Chairman's Desk.**

A) The Secretary informed the members at the AGM and highlighted about the Chairman's Report with detail explanation given in the AGM Booklet, distributed to members in advance in the month of May 2022.

#### **Fraud Details**

B) The Actual figures are as follows but only Rs. 3.10 lakhs is recovered the balance is to be recovered from the old committee members. The statutory & internal auditors are continuously highlighting about the Balance Fraud recovery amount, from the year 2010 and also in the Audit report of 2020  
21 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 charge sheet
- + Rs.1,83,992/- for legal advice and to protect themselves from fraud  
implication (no details & Bills Accounted)
- + Rs. 33,442/- the cash fraud

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

#### **C) DEFAULTERS LIST**

Unlike earlier, the present Committee has been sending 6 months ledger to all members displaying defaulters list of those members having overdue, exceeding Rs 10,000/-, Overdue balance amount receivable Rs. 82,54,727/- as of 2021-22 from Members.

The Secretary informed that he had visited Federation office, and as per their advise to serve 3 Notices in their draft format. He further informed that every 6 months society sends outstanding statement to all the members and if any discrepancy is noticed, society members must visit the office to clear & correct discrepancies in the Bill Statement and also clarified hard copies of Bill are given to some members due to present Bill by mail system.

He further stated as per the advice, from the Federation and also by the Registrar officials who visited the society office advised the Secretary to start recovery procedure U/S 154, B-29 (New). He requested members to clear, dues and also informed about the Stamp Duty payment liability which has to be paid and cleared to pay Stamp Duty office to complete conveyance process.

Shri Tanna stated that in the Spl. Gen. Body. Repairs charges resolutions were passed & many shopkeepers paid the repair amounts. without protest or complaints.

Dr. Bhati stated there was a court order about status quo not to collect disputed repairs contribution. Status quo to be maintained, the Secretary Clarified to Dr. Blatti that since it was a Election year of 2017 many members/shopkeepers who were contesting, election, having pending dues approached the Registrar with the status quo order of the court, but registrar order stated, first to clear dues of the Flats & pay also part payment of the shop dues under protest and than, you can contest Election. Shri Shinde also clarified that the Repair & Maintenance amount are all collected by passing resolution as per Byelaws, therefore they are adopted and approved by the AGMs and then only payments are collected through maintenance Bills.

Shri Shinde further emphasized that Mg. Com. has to maintain the society only on receiving members contribution on time, society has to be maintained at all costs and hence all members must co-operate in clearing the society dues.

Dr. Bhatti said coercive methods should not be adopted & Mr. Satwant said in the earlier AGM it was said 2 separate Bills, one for maintenance & other major Repair Bill, both to remain separate were approved.

The Secretary agreed to it & clarified that after two years, AGM agreed and decided to combine both. as one bill, on this he never agreed, therefore the Secretary once again reminded him that in the last 3<sup>rd</sup> AGM he had argued on the same subject, which is recorded in the minutes book, hence the Secretary had told him to visit the office to read the minutes of the AGM to clear any misunderstanding, but he never visited the office. on this confirmation Shri Satwant said to send the minutes to him, which the Secretary agreed. The Secretary once again requested him to clear the dues to which he agreed that certainly he will clear all the outstanding dues, Shri Tanna, Shri Sangoi said everywhere for repairs everywhere commercial activity is in progress double charges are collected from the members, to which Shri Satwant said it is illegal & wrong.

Shri Tanna said, if it is so, he advised Shri Satwant & Dr. Bhatti to get a Court Order in his favour & whatever extra repair amount is collected by society it will be refunded, if the Court Order says so. Hence finally the resolution was approved & confirmed to start legal proceeding against all defaulters with 3 notices served, appointing recovery officers to recover outstanding dues.

**Proposed by Shri Tanna, Seconded by Shri Sangoi, Passed by Majority.**

## **2. To confirm the minutes of 29<sup>th</sup> May 2022 Annual General Body Meeting, held on Sunday at 6:30 p.m. in the Society Premises**

The 36<sup>th</sup> AGM dated 29<sup>th</sup> May 2022 though held as scheduled on Sunday at 6:30 p.m. in the Society premises behind H Wing.

However due to lack of quorum at 6:30 p.m. the meeting was adjourned for half an hour. Thereafter the secretary informed the members about the agenda of the meeting to start with. Meanwhile the Secretary requested Mr. Tanna to chair the meeting as Shri Anil Koli Chairman was held n due to his personal assignment. The Secretary informed the AGM members about the delay and requested to members to approve the name of Shri Tanna as Interim chairman of the meeting to start with agenda of the society. Shri Tanna consented to chair the meeting with the approval given by members present at to start the AGM.

The adjourned meeting started at 7:00 p.m. after the secretary informed the members present about the quorum being 84 members present for the meeting,

The Secretary informed the members about Mr. Tanna's steering role in t the major repairs pf society buildings and praised him, for sparing his time & guiding the contractors and his men to carryout repair works in a systematic manner. The Secretary further informed the members about the contribution in the repairs works by the team headed by Shri Tari, Shr Tanna, Shri Parmar and Shri Anand Jain (as now he left the Society.)

Thereafter Shri Tanna welcomed all the members present and also ence at the meeting. He thanked members for their further informed the members about the conveyance work reaching final stages of completion, with few cases pending due to members not submitting the much needed missing documents and requirements. He therefore requested the members to search &

submit the agreements at the earliest. He further cautioned the members, made them aware, about the stamp duty liability, if agreements are not submitted for adjudication, whereby the members will have to pay heavy charges, according to the present day ready reckoner rate, 400% penalty plus fine on the assessed amount, of their flats/ shops.

Shri Tanna thereafter spoke on the subject matter of redevelopment of society buildings, he said once after paying adjudicated stamp duty to stamp office and name transfer on property card is registered in society's name., the process of redevelopment can start. For this a PMC has to be appointed & also a legal advisor to frame agreements, to protect society from legal implications that may arise when actual redevelopment starts. He further emphasized that first a core committee will be formed consisting of the office bearers and redevelopment committee, besides two additional members from each wing and also from shops will be in the redevelopment committee, the two selected members will be named by the wing members as per their choice to report & coordinate about the redevelopment activity.

As per the Agenda the secretary once again welcomed all the members present, thanked members for their Presence and 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 May 2022.

The Secretary sought information from members present whether they have read AGM Booklet with 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 note of the members presence requested the members to forward their queries for healthy discussion and to offer their opinion/suggestions only on the minutes of the AGM meeting held on 29th May 2022 read, it will be considered, approved n passed by the members present, at the AGM.

The Secretary thereafter placed the minutes for approval.

**Proposed by Shri Jayant Sangoi, Seconded by Shri Yusuf, Passed by Majority**

### **3. Adoption of the audited accounts for the year 2020-21**

The Balance sheet for the year 2020-21 though distributed along with the notice of the AGM to all society members in advance was placed before the members for approval and adoption. Shri Shailesh Jain raised the issue about penalty of Flat No.H-306 on this issue Shri Shinde clarified that the amount though collected was not in conformity with the Byelaws, hence amount was adjusted. There being no queries forthcoming from any members, towards the audited accounts placed for adoption for the year 2020-21 which was accepted, passed & adopted unanimously.

**RESOLUTION:**"Resolved that the Accounts for the financial year of 2020-21 are hereby accepted, passed and adopted unanimously"

Proposed by: Shri T. B. Gunjal, Seconded by: Shri Gurdeep Parmar

Passed: Unanimously

#### **4. Approval and adoption of Audit Rectification Report: Statutory & Internal Auditors for period of 2020-21**

Though members present did not raise any objection, the Item of the agenda was approved & passed by majority.

Resolution: \*RESOLVED that Approval of Audit Rectification Report of Statutory and Internal auditors for the period of FY 2020-21 is hereby accepted, approved & passed unanimously."

Proposed by: Shri T. B. Gunjal, Seconded By : Shri Yusuf Sarguru

#### **5. Appointment of Statutory and Internal auditors for the year 2021-22 and approving of their remuneration**

The Secretary clarified about appointment of both the auditors, Internal Auditor to check monthly or Bimonthly regular audit to be conducted and also about payments approved in monthly meeting. Our society has appointed regular Internal Auditor to oversee accounts & other payments are properly accounted for. after the fraud that took place in the society in the year 2008-2009 & for Balance Sheet Statutory Auditor approval is compulsory who finally approves and certifies the entire society's with all remarks & observation which is printed in the AGM Booklet for members information & for queries if any to be understood.

The member unanimously authorized the Managing Committee to do the needful in their appointment as per by-laws, both statutory and Internal Auditors to audit Society A/cs. With this Item of the Agenda No. 5 it is hereby approved and passed unanimously.

Resolution: "RESOLVED THAT the managing committee is hereby authorized to appoint statutory and internal auditors for the year 2021-22 and their remuneration, is approved as per Registrar Office guidelines."

Proposed by: Shri Jayant Sangoi, Seconded By : Shri Mane,

Passed by Majority.

#### **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/queries, 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 2021-22 is hereby approved & ratified by the members unanimously."

Proposed by: Shri Pivekar, Seconded By : Dr. Vora,

Passed by Majority

#### **7. Confirmation for legal action as proposed by AGM for recovery of outstanding maintenance dues U/S 154 (New) B-29**

The Mg. Committee informed the AGM about 3 Notices already served to the defaulters to pay the amount, but majority of the defaulter members have not shown any interest or responded inspite of repairing their flats completed but repair dues are not been paid by them. Mr. Parmar after hearing the secretary about dues amounting to Rs.80,81,312/- requested the Mg. Committee to aggressively follow up the recovery process as early as possible.

Hence the Mg. Committee is hereby authorized to 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.

Resolution : It is hereby Resolved by the AGM that the Mg. Committee is hereby being fully authorized to recover all outstanding dues of maintenance, repairs or any other dues payable to the society from the defaulting members. Further 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: Shri Chaudhari, Seconded by: Shakeel,  
Passed by: Majority Members

**Item No.9 is to be considered to be read as No. 8 to be treated as 9**

**8 Appointment of PMC for preparatory work of redevelopment.**

Shinde invited attention of all the members of the Bad structural conditions of all the Buildings, be outlined that we have to go for redevelopment though we have repaired our Buildings. They are all temporary solutions as the bldg. conditions are getting bad day by day & we still are in the C-1

category and even if we are out from C-1 category, BMC has informed instructed, that society has to submit structural report every year. In this scenario redevelopment work must start on a war footing basis.

He therefore sought permission from the AGM members for the appointment of PMC. When the proposal of PMC appointment was put forward many suggestions from members came forward and

were put forth to the AGM members present.

Thereafter the Secretary asked Shri Tari to speak on this matter.

Shri Tari explained under Govt. Policy 79A many conditions, rules & regulations have to be followed:

1. Appointment of PMC is mandatory
2. Paper Advertisement for PMC to be floated
3. Selection process criteria to be prepared for interviews
4. Experience && project handled and completed
3. Appointment period for number of years to be fixed & contract to be signed
6. Fixing of Fees to be decided
7. Payment / Fee Structure decision
8. Sub. Committee to be formed of experts & core committee

Dr. Bhatti after observing the discussion suggested the following:

1. PMC should be paid from society's A/c not through Builder A/c
2. A legal Advisor to be appointed to draft agreements
3. If a contractor is appointed a time bound period clause to start with the work should be incorporated in the agreement not beyond one year.
4. Spl. AGM to be called before appointment of PMC

## **9. Appointment & confirmation of Sub-Committee members for redevelopment**

Shri Tanna suggested that since all our Bldgs. Are structurally weak redevelopment is now our aim under the guidance he further suggested the name of Shri Tari & core committee and one member of each building to be appointed but Shri Yusuf suggested two member for the committee for each wing, the reason if one is absent the other members can / will attend the meeting, so wing member will get information / report about the progress and discussions that transpired during the regular meeting. Shri Yusuf further enlightened the members cautioning there will be multiple difficulties coming in the way and many issues can be resolved at the starting stage. Thereafter the secretary thanked Shri Tanna & Shri Yusuf for their suggestion & information.

The secretary further informed in order to start the redevelopment process Govt. guideline and resolutions to be followed under Section 79A of the MCS Act 1960. The decision of Spl. General Body meeting first priority.

To arrange Special General Body Meeting for the redevelopment of the building or the society. Not less than 1/5 of the members of the societies which are intending to undertake the redevelopment of the buildings of the Co-operative Housing Society should have to submit the application for arranging Special General Body Meeting to decide the policy in respect of to undertake redevelopment of the building of the society with their plan and suggestions regarding the redevelopment of the building to the Secretary of the Managing Committee of the society, elected according to the Byelaws of the society. Before calling the said meeting, the managing committee of the society shall invite quotation for preparing Project Report of the redevelopment work of the building from the Project Management Consultant on the panel of Government/Local Authority comprising at least 3 registered Architects from the Architect Council under the Architect Act. 1972 and one expert person amongst them shall be selected in the Special General Meeting.

In view of the transparency, the proposed redevelopment societies shall create website on the internet. All type of information in respect of the redevelopment like notice, minutes of the meeting and report of the Project Management Consultant etc. shall be kept on that website, The said information shall be available to the members of the society. Notices and minutes of the meeting regarding the said project shall be sent to the members by email/in person /registered post. Member have to submit his email ID and contact particulars. Information will also be published on the Notice Board of the society.

Suggestions and communication through the minutes of the meeting of the Managing Committee and Special General Body Meeting regarding the redevelopment shall be necessary to communicate to the concerned Registrar's office within 15 days of the said meeting through email and hard copy. The acknowledgements in this regard should be kept carefully by the said societies. The quorum of the Special General Body Meeting called for the redevelopment of the building of the Co-operative Housing Society shall be 2/3 of the total number of members of the society. If quorum is not fulfilled, the said meeting is adjourned and by giving 7 days notice, the said meeting shall be again arranged within next 1 month. If again quorum is not fulfilled in the said meeting then the meeting shall be cancelled and the said subject cannot be brought for the approval before the Special General Body Meeting for up to next 3 months.

Thus, the said decision shall be approved by the majority not less than 51% of the total number of the total members of the society. As mentioned above, after the passing of the decision of making redevelopment by majority not less than 51 % of the total members in the Special General Body Meeting, it is necessary for the managing committee to take written consent letter of the member registering the vote at the side of redevelopment resolution for taking further action in respect of the redevelopment. Shri Parmar after hearing the discussions informed the AGM that though 19 members are elected only 4 to 5 members are taking active part in Managing Committee, rest other members are only part of the Mg. Com. He further said by taking 2 member from each wing will serve the purpose to limited period as this was the experience he had with the repair committee.

#### **Any other business with permission of the Chairman**

Shri Siddique told that his parking charges issue is not yet solved and hence he requested the chairman to look in to the matter, Shri Shinde assured him his issue will be discussed in the Mg. Com. and the decision of the Mg. Com. will be given. Many of the issues were highlighted by members without giving advance notice on the subject matter. As per the rules & regulations of the Agenda of the meeting and hence the same is not taken on record.

The Secretary submitted his resignation to the Chairman in the AGM stating he should be relieved of all responsibilities as a secretary instead a new committee member should be appointed. Majority members present requested the chairman not to accept the resignation and also members present requested the secretary to withdraw the resignation as they are having full faith in his capability with rich experience in society management. Members once again requested him not to resign & work for the society.

#### **Vote of Thanks**

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

**Shri Anil B. Koli**  
**Hon. Chairman**

**Shri J. S. Lewis**  
**Hon. Secretary**