Minutes of the 44th Annual General Meeting of the Society held on Sunday, the 10th August 2008 at 3.00 pm at Maratha Mandal Hall, Mulund (East), Mumbai 400081.

For want of quorum, the meeting was adjourned for half an hour and thereafter the adjourned meeting started at 3.30 pm.

The Chairman Shri J.M. Nanal presided over the meeting.

The Chairman called upon the Secretary to read out the Notice dated 24.07.2008 of the AGM.

Shri A.D. Pednekar raised objection as to why the notice dated 24.07.2008 of the AGM was signed by the Chairman and not by the Secretary.

Shri Shivalkar, Vice Chairman explained the provision of Bye-law 99 of the Society to that effect.

Shri Pednekar said that it is reported that Shri Nanal has resigned. Hence he cannot occupy the chair.

In reply, Shri Shivalkar clarified that Shri Nanal has not yet submitted his resignation and relevant papers in respect of transfer of his flat to the Society.

Shri Balgi supported Shri Pednekar and said that Shri Nanal has given send off party to him and some other members. Hence he cannot preside over the meeting.

Shri Shivalkar again explained the fact that no papers as yet have been submitted by Shri Nanal about transfer of his flat and his resignation. Shri Nanal is on the roll of the Society even today, hence he has every right to preside over the meeting.

Shri Balgi again said that Shri Nanal has no moral ground to preside over the AGM.
Shri V.B. Kathuria expressed his opinion on this point by quoting Bye law no. 132 (c) and said that Shri Nanal has every right to conduct the business of the meeting as a Chairman.

Shri V.S. Kambli pointed out that the report under consideration of the Annual general meeting pertained to the period during which Shri Nanal was the Chairman. Further more Shri Nanal still continues as the Chairman of the Society and he has both legal and moral responsibility to preside over the Annual General meeting.

Thereafter Shri Nanal commenced the proceedings of the meeting. He directed the Secretary to read out the Notice dated 24.07.2008 of the AGM.

Shri S.S. Narkar Secretary read out the Notice dated 24.07.2008 and Agenda of the AGM.

The House first paid homage to the departed members by observing two minutes silence. Thereafter the Agenda for the meeting was taken up.

**Agenda No. 1 (a) of Part I**

The Chairman requested the Secretary to read out the minutes of the 43rd AGM held on 03.11.2007. Accordingly Shri Narkar read out the minutes of the last AGM held on 03.11.2007.

Shri Pednekar said that the minutes of the last AGM were not circulated to the members.

Shri Kambli said that he remembered to have gone through the draft minutes of the last AGM and made his suggestions and comments there on. The copy of the draft minutes, he remembered was circulated by the building representative of Building No.B-8 Shri Deshpande amongst the members of his building for their comments/suggestions.

Shri Kathuria asked whether the Project Committee constituted by earlier AGM was dissolved.
The Chairman said "NO". Shri Kathuria stated that the fact about non dissolution of Project Committee should be recorded in the minutes of the AGM held on 03.11.2007.

Thereafter the following resolution approving and confirming the minutes of the 43rd AGM were adopted unanimously by the House and the Chairman put his signature there on.

**Resolution No.1**

"Resolved that the minutes of 43rd AGM held on 03.11.2007 be and are hereby approved and confirmed".

Proposed by : Shri D.M. Lotankar
Seconded by : Shri B.M. Padwal.
Resolution adopted unanimously.

**Agenda No. 1 (b) of Part I**

Thereafter Shri Shivalkar read out the minutes of the Special General Body meetings held on 11.12.2007 and 23.02.2008.

1. Regarding refund of the cost incurred by the Society for replacing cables, the Chairman told the House that the present Managing Committee would file appeal before the competent Authority.

2. The Chairman also informed the House that as per direction of the Special General meeting held on 23.02.2008, a Sub-Committee to frame the Rules and Service Conditions of the Society staff, has been formed consisting of following members: 1) Shri V.S. Kambli 2) Shri A.S. Shivalkar 3) Shri Sharad Chaubal 4) Shri P.M. Deshpande, including the Chairman and the Secretary as ex-officio members of the said sub-Committee.

3. Shri Shivalkar informed the House that the preliminary discussion on the rules and service conditions of the Society’s
employees, has taken place and the Sub-Committee will submit its report to the Managing Committee very shortly.

Thereafter the following resolution approving and confirming the minutes of both the Special General Body meetings were adopted unanimously.

Resolution No. 2

Resolved that the minutes of the Special General meetings held on 11.12.2007 and 23.02.2008 be and are hereby approved and confirmed.

Proposed by : Shri R.M. Patil
Seconded by : Shri Arjun Advani
Resolution adopted unanimously.

The Chairman thereafter put his signatures on both these minutes.

Agenda No. 2 of Part I

The Chairman then moved to the next Agenda. He suggested that the Annual Report and statements of Accounts having been circulated to all the members, the same may please be taken as read. The meeting agreed to this suggestion. The Chairman therefore placed the Annual Report and the Statements of Accounts before the House and called for discussions thereon.

The following members took active part in the discussion that followed and made observation, raised queries and suggestions as noted herebelow.

1. Shri Pednekar :- Rs. 25 lacs were shown as spent on the repairs of the buildings, which were those buildings. How much expenses were incurred on individual buildings and whether contractor/s was/were in any way responsible for defects if any in these repaired buildings.
2. The amount of O.D. facility taken by the Society. What was the amount spent so far and the balance as on 31.03.2008. He also asked about the amount of F.D. lying in banks.

Shri Damle, Treasurer replied that total limit of O.D. facility is Rs. 20 lacs out of which Rs. 1509003/- has been utilized as on 31.03.2008 and Rs. 1632812/- is utilised as on today and total amount of F.D. were as per the Annexure attached to the Accounts Statement. Shri Damle also told the house that the amount of Rs. 25 lacs was spent for repairing and repainting of 14 buildings.

The Chairman informed the house that one full round of repairing and painting of all buildings is over now.

Shri Rajan suggested that the O.D. facility should not be availed of without sanction of the General Body.

In reply, the Chairman clarified that the sanction for O.D. facility was taken in AGM held on 03.11.07.

Shri Rajan mentioned about widening of the nalla by B.M.C. In his view the work is not satisfactory.

Shri Balgi complained that the Managing Committee has not supervised the work of construction of nalla properly. The result of the said work is unsatisfactory.

Shri Abhijit Sawant clarified all the points raised by Shri Rajan and Shri Balgi.

Shri D'Silva suggested to take up the matter about reimbursement of cost of cables with M.S.E.D.C. He pointed out to the old rotten vehicles parked in the society’s premises and said that they should be removed immediately. He also complained about leakages in his flat and requested for immediate repairs.

The Chairman replied that for carrying out internal repairs in members individual flats, the Society has to raise huge fund which was not possible. The Chairman therefore requested the members to carry out internal repairs in their flats at their cost.
Shri V.H. Dharap pointed out that there was anomaly in Sinking Fund Investment and Asset for the same. Shri Damle, treasurer explained that it was during the tenure of the previous committee. Hence he was unable to explain the factual position on the spot and assure to go through the books and find out the correct position. Shri Dharap agreed to assist the Treasurer in the matter.

Thereafter the Chairman placed the Annual Report and the statements of Accounts for the year 2007-2008 before the House for approval.

The following resolution was thereafter carried by the AGM.

**Resolution No. 3**

"Resolved that Annual Report for the year ending 31.03.2008 and the Balance Sheet, Statements of Accounts and Income and Expenditure Account for the period from 01.04.2007 to 31.03.2008 be and are hereby approved and adopted."

Proposed by: Shri V.H. Dharap
Seconded by: Shri D.K. Sawant
Resolution adopted unanimously.

Thereafter Shri J.M. Nanal, Chairman was felicitated for his selfless and valuable services to the Society.

**Agenda No. 1 of Part II**

The Chairman invited the names of any two members willing to work as internal auditors of the Society. It was observed that there was no response. The Chairman regretted that no member is ready to volunteer for doing Internal Audit work for the Society. Hence the Chairman requested the House to allow the Managing Committee to appoint professional Auditor for Internal Audit of the Society for the year 2008-2009 on payment of necessary professional fees.

The following resolution was placed for approval of the General Body.
Resolution No. 4

“Resolved that the Managing Committee be and is hereby authorized to appoint professional Auditor for Internal Audit of the Society’s account for the year 2008-2009 on payment of their necessary professional fee.”

Proposed by : Shri R.M. Patil
Seconded by : Shri G.T. Khatri
Resolution adopted unanimously.

Agenda No. 2 of Part II

Thereafter the resolution for appointment of Statutory Auditor for year 2008-2009 was moved for approval of the House.

Resolution No. 5

“Resolved that M/S. Ketan Mistry and Associates, Chartered Accountants be and are hereby appointed as the Statutory Auditors of the Society for the year 2008-2009 on payment of fees as prescribed by the concerned competent Authorities.”

Proposed by : Shri D.M. Lotankar
Seconded by : Shri A.D. Advani
Resolution adopted unanimously.

With reference to Item No. 4 (on page 2) of the Report regarding “Recovery of dues”. Shri Kathuria suggested that the resolution for the recovery proceedings u/s 101 of Maha,. C.S. Act may be passed with the names of the defaulting members duly incorporated therein.

Thereafter, the resolution was placed for approval of the General Body.

Resolution No.6

“Resolved that the Managing Committee be and is hereby authorized to take recovery proceedings u/s. 101 of MCS Act, 1960
against the defaulting members Smt. M.D. Kulkarni, Flat No. A-7/3 for recovery of arrears of maintenance charges to the tune of Rs. 17914/- as on 31.03.2008 and Shri P.G. Walawalkar, Flat No. A-1/5 for recovery of dues amounting to Rs. 25800/- as on the date and to make expenses for initiating and completing the proceedings after taking legal opinion and after taking into account the expenses required for the purpose and amount of recovery due from the above members.”

Proposed by : Shri D.K. Krishnamurthy
Seconded by : A.B. Mujumdar
Resolution adopted unanimously.

**Agenda No. 3 of Part II**

With regards to the appointment of the Structural Auditor, Shri Abhijit Sawant, Jt. Secretary explained the background and informed the house that it was mandatory to carry out the Structural Audit after every 3 years as per Bye-law No. 77.

Thereafter the following Resolution for appointment of Structural Audit was placed for approval of the General Body.

**Resolution No. 7**

“Resolved that M/S. Pradip Deshmukh and Associate (Structural Engineers) be and are hereby appointed as Structural Auditors for carrying out Statutory Audit of 27 buildings and all 273 flats, underground and overhead tanks and also to quantify cost of repairs required for defects and/or damages. It is further resolved that the professional fee of Rs. 100000/- (Rs. one lac only) be paid to them.”

Proposed by : Shri R.M. Patil
Seconded by : Shri V.B. Kathuria
Resolution adopted unanimously.

**Agenda Nos. 5, 6 and 7 of Part II**
With the approval and permission of the House Item Nos. 5, 6 and 7 of the Agenda were taken for consideration before Item No. 4 of the Agenda.

On Parking of Vehicles in the Society premises many members suggested different ways.

Shri Tandel suggested that parking place to be allotted to the members and all four wheelers to be treated equally and charges be made applicable only after approval of the AGM.

Shri Padwal enquired about whether internal roads are damaged because of vehicular movements only and why the charges are doubled from 01.01.2008 only.

Shri Kathuria, Shri Sushant Barve and Shri D’Silva also took part in the discussion and suggested different ways to collect the parking charges and provide infrastructure for parking of the vehicles.

The Chairman, Vice Chairman and Jt. Secretary replied all the points and after considering the suggestions made by the members, the following Resolution was placed for approval of the General Body.

**Resolution No. 8**

"Resolved that the parking charges for non-Commercial Vehicles of bonafide members of the Society and their family members, shall be as follows:"

"Two wheeler Rs. 50/- p.m per vehicle, and Four wheeler Rs. 100/- p.m. per vehicle irrespective of seating capacity w.e.f. 01.09.2008 and for the Leave and Licencee the charges shall be double i.e for Two wheeler Rs. 100/- p.m. per vehicle and for Four wheeler Rs. 200/- p.m. per vehicle w.e.f.01.09.2008."

Proposed by : Shri Nilesh Tandel
Seconded by : Shri Vilas Solanki
Resolution adopted unanimously.
On the agenda No. 7 (maintenance charges) the following members took part in the discussion.

Shri Sushant Barve, Shri Balgi, Shri Kathuria, Shri Tandel, Smt. Joshi. They suggested certain measures like construction of bore well, so as to bring down the heavy expenses incurred on consumption of drinking water at present. Shri Kathuria suggested that due to differential areas of the flats, Rs. 0.10 per sq. ft. per month be charged towards general maintenance as suggested in the Secretary’s Report. The Chairman and Jt. Secretary fully explained and clarified all points and suggestions of the members and also reasons for increase in water charges and general maintenance charges.

Thereafter, the following resolution was placed for approval.

**Resolution No. 9**

“Resolved that the maintenance charge on account of unprecedented hike in the water charges tariff by BMC. be and are hereby increased by Rs. 220/- per month per flat w.e.f. 01.05.2008.”

“It is further resolved that general maintenance charges be and are hereby increased by Rs. 70/-, Rs. 55/- and Rs. 35/- per month per flat for LK2B, LKB, and LK respectively w.e.f. 01.05.08.”

Proposed by: Shri B.M. Padwal  
Seconded by: Shri P.M. Deshpande  
Resolution adopted unanimously.

**Agenda No. 4 of Part II**

Thereafter Agenda No. 4 of part II i.e. proposal for Redevelopment was taken for discussion and consideration. Being a very important issue, several members took active part in the discussions. The following members made suggestions and observations as under:

Shri V.B. Kathuria, Shri G.T. Khatri, Shri S.G. Balgi, Shri A.D. Pednekar, Shri Sachin Jagade, Shri N.C. Tandel, Shri K.S. Bhat, Shri
Shri Kathuria asked whether the proposal of the Managing Committee on Agenda 4 that is re-development was unanimous and what about previous resolution No. 1 adopted in the special General Body meeting held on 08.04.2007.

The Chairman replied positively saying that the proposal of the Managing Committee was unanimous and that the previous resolution stood as it was.

Shri Kathuria said that the formulae suggested by the Managing Committee in it’s note appended to the 44th Annual Report Of 2007 - 2008 was acceptable. He however suggested to cancel the earlier resolution adopted by the special General Body Meeting held on 08.04.2007.

Shri Khatri said that there was no need to cancel the previous resolution adopted on 08.04.2007 and suggested to call for the tenders.

Shri Pednekar sought information with regard to the balance FSI available and with regard to the proposal of the State Govt. to grant additional 0.33% FSI. Shri Pednekar further suggested to go in for corporate builders.

Shri Balgi suggested to call for tenders for 46%. He also said that the Managing Committee should be transparent and accountable.

Shri Sachin Jagade asked as to how much time would be required for the re-development.

Shri Tandel said that additional area must be distributed equally as maintenance charges are paid equally by all members. He also suggested that 200 sq. ft. additional area should be distributed to all the members.
Shri Dabhade told to decide base-line properly in current scenario. He suggested to have base line as 50%.

Shri Bhat asked what is the basis for this formula.
Shri Natarajan also suggested that there should be transparency in the re-development project.

Shri Rajan suggested that the Managing Committee should maintain transparency and obtain approval of General Body at every stage of re-development process.

Shri Nimbkar expressed his views on re-development and suggested that there should be transparency.
In reply Shri Abhijit Sawant elaborately dealt with the points, queries and observations made by the members. He further explained the disadvantages of bifurcation and trifurcation in reply to the letters written by the members of B-2, A-1, A-2, A-3 and A-11. Shri Abhijit Sawant also made mention in particular to the letter dt. 05.07.2008 written by Shri B.A. Patil and some other members, wherein cost of repairs of each building every year incurred by the Society was asked for by the said members. Shri Abhijit Sawant gave the amounts spent by the Society every year for the repairs of the buildings. Similarly Shri Abhijit Sawant referred to the letter signed by Shri Mani, Shri Pokle and Shri Dhonde of C-6 building requesting for equal distribution of benefits.

Shri Abhijit Sawant also appealed to the House to pass the resolutions already circulated to the members for calling for comprehensive tenders, forming the sub-committee consisting of the members having relevant knowledge and expertise in respect of the re-development of land and property of the Society and for recommendation of the Managing Committee’s proposal for appointment of technical experts like Architect, Solicitors and Chartered Accountant for preparing and calling for tenders in the matter.

Thereafter, the Chairman placed the following resolutions for approval of the General Body.

**Resolution No. 10**
“Resolved that the Managing Committee be and is hereby authorized to call for comprehensive tenders for redevelopment of land and property of the Society from corporate/reputed builders/developers with a condition of minimum 40% of existing total carpet area of the Society to be offered as additional carpet area.”

“Further resolved that the additional carpet area that would be offered by developer/builder will be distributed with minimum of 160 sq. ft. Additional carpet area to the members holding flat of Living + Kitchen by adjusting differential carpet area from members holding flats of (Living + Kitchen + Bed.) and (Living + Kitchen + 2 Beds) proportionately.”

Proposed by : Shri A.D. Advani
Seconded by : Shri D. Krishnamurthy.
Resolution adopted unanimously

Thereafter, Shri Kathuria suggested to dissolve the Project Committee constituted by earlier Annual General Body held in 2004.

The following resolution was placed for approval.

Resolution No. 11

“Resolved that the Project Committee constituted by earlier Annual General Body held on 14.08.2004 be and is hereby dissolved.”

Proposed by : Shri S.P. Dhonde
Seconded by : Shri S.G. Balgi
Resolution adopted unanimously.

Resolution No. 12

“Resolved that the Managing Committee be and is hereby authorized to appoint a sub-committee consisting of suitable members not exceeding 5 in number having relevant knowledge and expertise in matters of redevelopment to assist the Managing Committee.”

Proposed by : Shri Vilas Solanki
Seconded by : Shri K.S.C. Natarajan
Resolution adopted unanimously.
Relolution No. 13

“Resolved that the Managing Committee be and is hereby authorized to appoint competent professionals i.e. 1) Advocate/Solicitors 2) Civil Engineers/Architects and 3) Chartered Accountant and any other professionals to assist and to advise the Managing Committee in preparing the tenders in respect of the re-development of land and property of the Society and also in processing and scrutinizing the tenders. Resolved further that the Managing Committee is also authorized to fix the professional charges.”

Also resolved that the Managing Committee shall put forth its proposal and recommendations with regard to the tenders for final approval and decision of the General Body meeting.

Proposed by: Shri A.D. Advani
Seconded by: Shri B.M. Padwal
Resolution adopted unanimously.

Agenda No. 8 of Part II

Thereafter, next Agenda No.8 was taken for discussion.

The Chairman told the House that a member, Shri Bharat Gala, Flat No. A-1/6 did not take prior permission of the Society to carry out repair to the terrace of Bldg. No. A-1 over his flat and used drinking water for the same. As such, he committed breach of the Bye-laws of the Society and the Managing Committee has suggested penalty of Rs. 20,000/- to be levied on him for breach of Bye-laws of the Society.

Shri ShIVALkar gave full details in the matter.

Shri Gala was given opportunity to represent his case. He told the House that he had written a letter in 2007 to the Society about leakage in his flat but the Society did not pay heed to that effect.

Shri Kathuria asked Shri Gala certain questions as to whether he has claimed reimbursement of the expenses incurred by him for the said repairs and whether Shri Gala had paid the penalty to the Society.
Shri Gala replied that he had claimed the amount of Rs. 90,000/- spent by him and also admitted that he had not paid the penalty to the Society.

Thereupon Shri Kathuria suggested that all members of the Bldg. No. A-1 be called and the matter be sorted out.

Shri Balgi suggested that this matter should be decided in this AGM only.

Finally, it was decided to call for the meeting of all members of A-1 Bldg. with a view to examine this matter.

Agenda No. 6 of Part II

Thereafter Agenda No. 6 regarding action against unauthorized parking of Commercial vehicles was placed in the meeting. The meeting decided to place the same in the Special General Body meeting.

Agenda No. 9 of Part II

Thereafter, in respect of Agenda No. 9 (Leave & Licence) it was decided to first issue notices to the concerned members and thereafter to place the matter for consideration of the Special General Body Meeting.

Agenda No. 10 of Part II

Thereafter, a letter dt. 28.07.2008 received from Shri Kathuria to charge interest at 18% for delay in payment of maintenance charges, and issue demand notices to the members was placed before the House. The House decided to defer the matter and call for Special General Body meeting to discuss these issues.

In all 133 members attended the meeting.

The meeting concluded with National Anthem.

Date: 20.08.2008

Sd/-
Hon. Secretary

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