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"JALVAYU VIHAR APARTMENT-OWNERS' ASSOCIATION"
JALAVAYU VIHAR, KUKATPALLY
HYDERABAD - 500 872

MINUTES OF THE ANNUAL GENERAL BODY MEETING HELD ON 09.10.1994

1. The salient features of the Annual Report regarding working of the association have been informed by the president.
2. The minutes of the last Annual General Body meeting held on 14-11-1993 and Extraordinary General Body meeting held on 13-2-94 have been adopted.

Proposed by : Shri Sharma

Seconded by : Mr.Samsi

3. President has explained the need for change in the bye-laws which are existing now so that they can be more pragmatic. A subscriber committee is formed to look into the bye-laws and make changes by taking legal opinion. The committee consist of Mr.K.S.Reddy and Mr.Fialho.

They shall get in touch with concerned personnel. It is proposed for accept the following changes of bye-laws, to facilitate us to apply for Income Tax exemption.

1. Chapter VII, Point 2, Item (d) Resolved "IN THE MODES SPECIFIED UNDER THE PROVISIONS OF S.13(1) (d) READ WITH S.11(e) OF INCOME TAX ACT 1961 AS AMENDED FROM TIME TO TIME". Replaced by

"IN THE MODES SPECIFIED UNDER THE PROVISIONS OF S.13(1) (d) READ WITH S.11(5) OF INCOME TAX ACT 1961 AS AMENDED FROM TIME TO TIME".

2. Resolved that the bye law No.1 of Chapter X : "THESE BYE LAWS MAY BE AMENDED BY THE ASSOCIATION IN A DULY CONSTITUTED MEETING OR SPECIAL MEETING FOR SUCH PURPOSE BUT NOT AT AN ADJOURNED MEETING AND NO AMENDMENT SHALL TAKE EFFECT UNLESS APPROVED BY NOT LESS THAN FOUR FIFTHS OF THE APARTMENT OWNERS PRESENT. NO AMENDEMENTS TO MEMORANDUM OF ASSOCIATION AND RULES SHALL BE MADE WHICH MAY PROVE TO BE REPUGNANT TO THE PROVISION OF S.2(15), 11, 12, 13 AND 80 G OF IT ACT 1962 AS AMENDED FROM TIME TO TIME". Replaced by

"THESE BYE LAWS MAY BE AMENDED BY THE ASSOCIATION IN A DULY CONSTITUTED MEETING OR SPECIAL MEETING FOR SUCH PURPOSE BUT NOT AT AN ADJOURNED MEETING AND NO AMENDMENT SHALL TAKE EFFECT UNLESS APPROVED BY NOT LESS THAN FOUR FIFTHS OF THE APARTMENT OWNERS PRESENT. NO AMENDMENTS TO MEMORANDUM OF ASSOCIATION AND RULES SHALL BE MADE WHICH MAY PROVE TO BE REPUGNANT TO THE PROVISION OF S.2(15), 11, 12, 13 AND 80 G OF IT ACT 1962 AS AMENDED FROM TIME TO TIME AND SUCH AMENDMENTS, IF ANY, APPROVED BY THE COMMISSIONER OF INCOME TAX HAVING JURISDICTION OVER THE ASSOCIATION".

3. Resolved that the bye-law No. 1 of Chapter XI "IN THE EVENT OF DISSOLUTION OF WINDING UP OF ASSOCIATION THE ASSETS REMAINING AS ON DATE OF DISSOLUTION SHALL UNDER NO CIRCUMSTANCES BE DISTRIBUTED AMONG MEMBERS, BUT SHALL BE TRANSFERRED TO ANOTHER ASSOCIATION/SOCIETY/INSTITUTION/TRUST AND WHICH ENJOYS RECOGNITION UNDER S 80 G OF THE INCOME TAX ACT 1961 AS AMENDED FROM TIME TO TIME". Replaced by

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"THE ASSOCIATION MAY BE DISSOLVED OR WOUND UP IF 4/5 THIS OF THE APRTMENT OWNERS PRESENT AT A MEETING, CONVENED SPECIALLY FOR THAT PURPOSE, VOTE FOR SUCH PURPOSE".

"IN THE EVENT OF DISSOLUTION OR WINDING UP OF ASSOCIATION AS AFORE SAID THE ASSETS REMAINING AFTER THE DISCHARGING THE LIABILITIES IF ANY, AS ON DATE OF DISSOLUTION SHALL UNDER NO CIRCUMSTANCES BE DISTRIBUTED AMONG MEMBERS, BUT SHALL BE TRANSFERRED OR PAID TO ANOTHER ASSOCIATION/SOCIETY/INSTITUTION / TRUST WITH SIMILAR OR IDENTICAL AIMS OR OBJECTS AND WHICH IS REGISTERED U/s 12 (a) of THE INCOME TAX ACT 1961, SUBJECT TO APPROVAL BY THE COMMISSIONER OF INCOME TAX HAVING JURISDICTION OVER THE TRUST".

4. The audit report for the year 1993-94 upto June 1994 has been adopted and approved. All members have agreed to continue the same auditors P.Viswanadh & Associates for the year 1994-95 also. The audit fee for the year 1994-95 is fixed at Rs.2,000/-.

Proposed by : Mr.Sharma

Seconded by : Mr.Nageshan

5. The General Body has requested Sri K.S.Reddy and T.C.S.Rao to conduct the election of New Office bearers. As there was only one nomination from Type II & III for Mr.N.Kalyana Raman, his candidature has been considered. Mr. Appa Rao representing from Type VI opted for withdrawal. In his place, Commander Subba Rao has been nominated from Type VI. Hence, election officers General Body approved continuance of the other present members to continue for a period of one year from now.

Proposed by : Sri S.Ashok Kumar

Seconded by : Sri Nageshan

6. OTHER POINTS DISCUSSED

1. It is proposed to charge Rs.20/- for Type VI & V and Rs.10/- for Type III & II Quarters for removal of weeds every month. Separate account will be maintained for this purpose.

It is proposed that we should approach AFNHB to pay their share of expenditure incurred to clear of weeds in respect of the areas remained vacant for the purpose of construction of 2nd phase, on a regular basis.

Proposed by : Mrs.Shusma Prasad

Seconded by : Sri T.V.Rao

2. It is suggested by members that society should take up with AFNHB the final costing of the Quarters.
3. As the seepages ^{are} continuing despite the treatment, Association has ^{to} take up the issue strongly with AFNHB once again.
4. As members of Type II, III & V felt that stair cases have to be cleaned. It is proposed that in a week road cleaning will be done once and stair cases shall be cleaned, once, to utilize ~~to~~ sweepers properly.
5. It is resolved that sumps and extra tanks constructed shall have to be demolished.

Suggested by : Sri T.C.S. Rao & Fialho.

Seconded by : Sri Samsi

6. It was discussed whether installation of individual water meters are necessary. It is decided that at present they need not be installed.
7. To start a club all members agreed to contribute Rupees Five thousand (Rs.5,000/-) from the amounts likely to be received from AFNHB, so that they can automatically become members. Association has to write to the AFNHB in this regard, so that the amounts can be paid directly to the Association and equal amounts should be collected from Phase-II allottees.

Proposed by : Sri Vara Prasad
Seconded by : Sri Achuyuth Kumar

8. It is proposed to look ;into the possibilities of writing to the service authorities about non-payment of dues by the serving Officers/Officials.



President
JAL VAYU VIHAR
Apartment Owner's Assn.
KUKATPALLY-500 872

EXTRACT FROM THE REPORT OF BOARD OF MANAGEMENT OF JALAVAYU VIHAR
APARTMENT OWNERS ASSOCIATION 1993-94
ANNUAL MEETING 9TH OCT' 94
REPRODUCED BELOW

ENCLOSURE
TO LETTER
JVVAOA/1-3-96

ORGANISATION

Our Board has come into being as per the "Bye-laws" of our Association printed and distributed to our members on a nominal charge during the last General meeting held on 11 November 1993.

We conducted our affairs, following the contents of the printed Bye-laws. When we examined these Bye-laws constructively, we realised, that their validity is in doubt.

The objects cited in the Memorandum of the Assn and those in the Bye-laws are at variance. The Bye-laws were incorporated without the accepted procedure.

The applicability of Act of 1986 to the dwelling units built by The Air Force Naval Housing Board, is itself doubtful. APHB is distinctly exempted under Section 35 of the Act and we should strive for similar exemption for AFNHB, to eliminate any ambiguity about the application of this act to our Colony.

Incidentally, none of the flats in the neighbourhood (which abound) have subjected themselves to this act. The application of this Act itself is presently under a stay by the Hon High Court of A.P. at the instance of LIC flat owners Assn.

The implication of "GIFTING COMMON AREAS TO THE GOVT" would need critical examination as it is likely to compromise our Security and deprive us of our privacy and ownership of the land paid for by us as years roll by. In legal opinion, this is an untenable provision in the Act and would need to be struck down.

The Registrar of Co-operative Societies is in no way connected with the administration of our Association or Colony. Incidentally, no Declaration is filed with any of the Registrars by any other Flat owners, promoters as per the inquiries made by us. Even we never filed such a Declaration and Chapter III of the Act would not apply, yet our Bye-laws incorporated the provisions of this chapter.

The purpose of this Act was to protect the Flat Buyers from Unscrupulous Flat Promoters and to make the Flats Heritable and also give the Flat Owners ownership in the Undivided interest of land and common areas. This is not applicable in our case.

It is therefore necessary to have the matter examined and issue a fresh print out of Bye-laws, to conform to our objects and aims and the requirements of the statute.

These can be approved in due course by circular resolution by post to all the members or by convening a special meeting.

UNDER CERTIFICATE OF POSTING

1-3-96

Ref: JVV AOA

Dear Member,

Your attention is invited to the Board's report dated 9th Oct.94 (relevant extract enclosed with this letter)

We are glad to report that this matter has received our considerable attention after obtaining copies of original documents filed with the Registrar of Societies; Hyderabad. We are now enclosing the authenticated copy of Memorandum and rules of the Association as held in the files of Registrar of Societies, for your record and retention.

You would notice the following anomalies in this document and we would need the approval of members even to amend the obvious. We are therefore circulating this for your immediate response.

- I) Para (3) (I) membership 100
(We are likely to be about 500 by completion of phase III and it would require to be amended accordingly)
- II) Para (3) (III) Monthly Subscription Rs. 150/-
(The present monthly fees is Rs.150/- and Rs.200/- and it would need periodical revision to meet the changed needs.
- III) Function of the Executive Body
The term "Club" has been used at many places "Instead of Association"

We are enclosing a self addressed letter for your use and the same may be mailed to our office approving the above changes.

We are sure that all our members are aware that our Association is a legal entity and for its efficient functioning and to subserve the aspirations of the members, it is necessary for us to correct any ambiguities. This letter is issued to serve this purpose.

Extra-Ordinary Meeting

An extra ordinary meeting is proposed to be held in the 2nd week of April'96 to consider and approve New Bye-laws and other related matters. As explained in our report of 9th Oct'94, the present bye-laws as printed and circulated are neither appropriate nor relevant to our Association and these are also at variance with the memorandum. A separate communication would follow:

We confirm that we have conducted the affairs of the Association adopting the existing Bye-Laws as a guide; for lack of anything better.

Kindly intimate any change in your address.

Yours faithfully


(B VENKAT RAO)
Secretary
JVV AOA