

## Minutes of the Resident owners Meeting held on 03 Sep 2016 at

### 6 PM in Akash Ganga

1. A meeting of Resident owners was called for Vide Circular 11 dated 30 Aug 2016 with a single point agenda of " Illegal construction activity in the Type V DUs in the Block consisting of 107- 111".
2. As attendance was thin at 6 PM , the Secretary announced a slight delay in commencement. The meeting commenced at 06.15 PM.
3. Wg Cdr PM Rao(Retd) , President JVVHOWA, welcomed the members and announced that Wg Cdr V Gouripathi(Retd) , Secretary ,JVVHOWA would brief members about the sequence of events.
4. Wg Cdr V Gouripathi, briefed the members through a Power point Presentation and the salient points are as follows:-
  - a ) Dr Chalamaiah requested permission to construct balconies and lift facilities on 15 Jul 2016..
  - b ) Wg Cdr PM Rao replied to that mail on the same day seeking NOC from neighbours and to produce structural drawings verified and certified by licensed engineer for its structural viability with regards to balconies  
Similar details/drawings may please be submitted in case of lifts.
  - c ) on 17<sup>th</sup> he further wrote that "Construction of balcony of Type V DU as in original plan of AFNHB" .As no such approved drawings are available, requested to forward a copy of the drawing for clarity on the issue.
  - d ) The matter was also referred to advisory committee for their opinion on 27 Jul 16 along with other issues .The advisory committee in their reports emphatically advised the JVV BOM not to permit the said work.
  - e ) No reply was received from Dr Chalamaiah.
  - f ) Construction activity commenced on 16<sup>th</sup> Aug without any NOC from the BOM or permission from GHMC. Wg. Cdr. PM Rao, President, BOM personally went to the site and requested to stop construction. Construction activity continued even on 17<sup>th</sup> Aug 2016.  
The president consulted the legal counsel immediately and sent a letter to deputy commissioner, GHMC circle number 14, asking him to intervene, dismantle and prevent further construction.  
The very next day officials from GHMC visited the site and asked to stop construction.  
Construction activity continued in spite of the warning.
  - g) BOM was convened on 17 Aug 16. The members were appraised about the situation by the President. All the members unanimously passed a resolution not to permit the construction till all mandatory requirements are fulfilled as per Bye Laws.BOM has taken a decision to invite Dr Chalamaiah immediately to amicably resolve the issue.
  - h) Dr Chalamaiah was invited to BOM at that instant. On his arrival, Dr. Chalamalah stated the following in front of all the members of the BOM
    - i)He approached GHMC , which refused to give permission .

ii) He claims to have acceptance of all the neighbours.

iii) He promised to give an approved design of balconies and lift to the office.

iv) He said his neighbour, Sri Raghunath Babu of DU 111, would submit all the documents on their behalf as he will be out of Station.

The BOM concluded awaiting the documents.

j) Sri Raghunath Babu submitted documents on 18 Aug 16. The details are as follows:-

\*Mr. Rajendra Verma, supposed to be the owner of DU 108, gave his consent, in a letter to Dr. Chalamaiah. However he is yet to become a member by paying the required fee to the Association. (The required fee was paid on 02 Sep 16). It is found that Mrs Swarna Rudra Raju is the First Owner of the House along with Sri Rajendra Verma.

\*Cmde. AV Sethu Madhava Rao, gave willingness for balcony in front of Study Room and extension of the Dining area at back of the block, subject to approval by all concerned authorities. No reference to Lift.

\*A sketch signed by a licensed engineer for only a part of the construction was submitted. No separate mention was made on the structural effects of the modifications on the existing building.

\*For approved design, the original brochure issued by AFNHB at the time of construction of Phase I was given which has no dimensions for balconies either on the front or on the rear side.

**\*Consent mails from Cdr. Nath**

**Dated 23<sup>rd</sup> July 2016**

Cdr Nath ( of DU 107 ) sent an email to Dr. Chalamaiah stating that GHMC approval is necessary as it was an external construction.

He has no objection to extension on the rear side of the block, but he was not in favor of front extensions for the following reasons:

1. It will deprive him of sunlight and also since it was against Vaastu.
2. The front extension will lead almost to the road and any expansion of the same will lead to the destruction of the said construction, since 5 ft is the norm for minimum space from the common road.
3. He has no objection in having a lift facility in the front without disturbing the Vaastu of the building.

**Dated 02 Aug 2016 ( to Dr. Chalamaiah with cc to JVV BOM)**

"With reference to Dr. Chalamaiah's proposal for extension of the block housing 107-111 flats at rear sides, I give my willingness to join in the same."

"Proposal to that effect may be sent/sought for approval by the management of JVV accordingly."

On being approached through mail by the President on 17<sup>th</sup> Aug 2016, Cdr. Nath wrote to Dr. Chalamaiah

"postpone the work temporarily till I return to India in early Oct 2016 so that we all can proceed legally without setting any bad precedent in the colony." ( The copy was forwarded to JVV by S/O Cdr Nath)

k) On perusal of the above documents, it was decided that they were not in order to issue the NOC.

l) In a letter dated 23<sup>rd</sup> Aug 2016, it was once again requested both to Dr. Chalamaiah and Sri Raghunath Babu to STOP CONSTRUCTION IMMEDIATELY.

m) The President, Vice President and Secretary met the Deputy Commissioner of GHMC on 26<sup>th</sup> Aug 16 and appraised him of the situation.

n) Dy Commissioner promised immediate action, but due to lack of equipment and personnel, he requested us to wait for a couple of days.

o) His team came on 26th Aug and inspected the site and again ordered immediate stoppage of construction and threatened the workers with severe action.

p) In spite of all these letters and requests, the construction activity is continuing till date.

q) The BOM was again convened on 30 Aug 2016 as there is no improvement in situation. BOM decided to convene a Resident Owners Meeting.

r) In a letter dated 31 Aug 2016 Dr CHalamaiah again approached JVV office with a letter stating that:-

\*He quoted AGM resolution of a meeting held on 30<sup>th</sup> Aug 2015, which gave approval for balcony/Lift.

\*He claimed that since our society is registered as a group housing colony, and since approval was also taken for the same, our individual house plans were not approved by GHMC.

\*He has enclosed a copy of letter written to the Assistant Commissioner, Town Planning, requesting for permission for the lift facility in an undated letter. The AC TP office received the letter on 30 Aug 16.

\*Dr Chalamaiah was informed the out come will be based on decision of Resident Owners Meeting on 03 Sep 16 .

s) Secretary further quoted from relevant guidelines on the subject from GHMC and AFNHB. The relevant letters are:-

\*Lr. No. 1095/A1/WZ/GHMC 2010 dated 03/03/2010 from Zonal Commissioner, GHMC west zone Serlingampally, Hyderabad addressed to the Dy Commissioner, Circle 14, Kukatpally . He has drawn the attention that JVV apartment owners association (AOA) informed that JVV is a colony built by AFNHB and is inhabited mainly serving/retired defence personnel. The colony is built as a group housing scheme and as such no addition/alteration/modification are permitted

without specific NOC from JVVAOA (The then JVVAOWA). He asked the Dy. Commissioner to issue directive to GHMC, Kukatpally Municipality not to accept applications for approval without NOC from JVVAOA.

\*AFNHB Letter dated 04 Aug 2006 to President, JVVAOA : Board is concerned with complaints from society and individuals about unauthorized construction and encroachments by a few residents. This, besides being an act against all social norms, is also illegal. The responsibility of dismantling unauthorized constructions/modifications /alterations/additions and removal of encroachments rests with owners associations. They may liaise with concerned civil authorities for this purpose. Based on this a notice of caution is given and circulated to all the resident owners in a policy letter by the then President, Cmde. V Kumar (Retd).

\*AFNHB Letter dated 26<sup>th</sup> Jun 2014 addressed to all AFNHB societies: The board reiterated that the design of the projects is approved by the local development authority prior to the commencement of the construction. Any addition or alteration after the construction of these assets which is not in accordance to the approved design is considered illegal and is subject to demolition by the local development/approving authority. They quoted the case of Campa Cola society in Mumbai wherein the DU which had been constructed illegally have been ordered to be demolished. Any illegal/addition/alteration resulting in encroachment of common area which are meant for use by all the residents of the society and not for use by a single or few residents. These additions/alterations therefore not only cause inconvenience to others, spoils the overall look of the project but also compromises the safety of the project including insurance cover. The societies/alotees/residents are therefore advised to refrain from carrying out any such additions/alterations on the pretext that "everyone else has done, so why can't I?". The modifications, if any, be undertaken after due approval by statutory authorities and preferably be uniform so that the overall look of the project is not spoiled.

t) The Secretary concluded by saying "In the present situation, the incumbent board of management seeks guidance, input and further course of action from the august gathering of resident owners of the society."

4. The President then opened the house for discussion. Sri Raghunath Babu DU 111 stated that as AGM has already approved construction of Balconies the work should be permitted. Sri Ramachandra Raju DU 134 also expressed similar views. Cdr Kothuri 272 questioned the powers of AGM to pass resolution which is *ultravires*. Prof K Eswara Prasad DU 65, accepted the necessity of lift and emphasised the need to follow the procedures under Bye Laws and permissions of GHMC. Cdr Ashok Kumar DU85, Cmde V Kumar DU 58, Sri Jaya Babu DU143, Sri D Papa Rao DU191, Cdr JVR Murthy DU 66A, Lt Col Subba Rao DU 43 and Sri KSP Reddy DU233 spoke extensively on the subject. After deliberations on the subject, the house passed the following resolution. The meeting passed the following resolution for immediate implementation.

a) The construction activity has to be stopped forthwith

b ) Considering the resolution passed by AGM held on 30 Aug 2015, the DU owners are requested to submit the following.

- i ) Complete Plans for proposed balconies both in the rear and front along with their structural stability and their impact on the overall building. ( Prof K Eswara Prasad of DU 65 who is a Professor in JNTU volunteered to help DU owners in this respect.)
- li ) The location and extent of area required to establish Lift facilities. Whether the area on which the lift is to be located belongs to DU owners or it is undivided portion of common areas.
- lii ) What is the impact of Electricity load due to this Lift ? Can the existing transformer which supplies electricity to your block can take up this additional load?
- iv ) Whether all safety concerns are adequately addressed by manufacturers of the lift.
- V ) The NOC from all the DU owners has to be absolute for the entire work and with no conditions.

5 The Secretary thanked all the members for having accepted the request of BOM to attend the meeting and for giving guidance in the matter.

There being no further points, the meeting came to an end at 20.30 Hrs.



( V Gouripathi)

Wg Cdr (Retd)

Secretary

JVVHOWA