

CDR S ASHOK KUMAR

H. No 85, Jal Vayu Vihar,
Kukatpally, Hyderabad-85

26 Oct 2021

To,
The President,
JVVHOWA,
Hyderabad - 85

**SUB: Submission of BOARD OF MEMBERS REPORT -
TO ADVISE BOM ON PENDING CORT CASE**

Respected sir,

A BOARD OF MEMBERS was constituted TO ADVISE THE BOM ON PENDING COURT CASES vide your letter no JVVHOWA/HYD/DU/No.34/41/&85 datd 29 Jun 2021.

The Board constituted the following members:

Cdr S Ashok Kumar, DU no 85 - Convener
Wg Cdr K Radhakrishna, DU no 94 - Member
HFO LaxmiRajam, DU no 229 - Member

With **TERMS OF REFERENCE** as:

1. To investigate into the circumstances leading to filing of cases in High Court considering various options available with BOM
2. To physically inspect the premises of all the affected DUs, and validate their A&A with respect to the recommendations A&A Board.
3. To evaluate all the pros and cons of the existing cases and to recommend the course of action to be taken by present Board of Managers.
4. To bring out any other aspects which need attention of BOM and to make any recommendations to JVVHOWA to avoid any such recurrences.

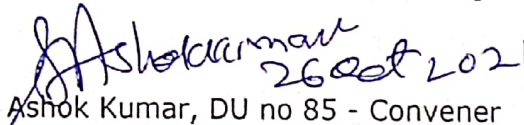
Recommendations of the Board are enclosed for your further necessary action please.



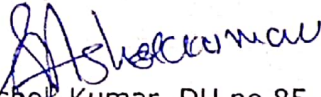
Wg Cdr K Radhakrishna, DU no 94 - Member



HFO LaxmiRajam, DU no 229 - Member


26 Oct 2021
Cdr S Ashok Kumar, DU no 85 - Convener

Submitted please



Cdr S Ashok Kumar, DU no 85 - Convener

ENCLOSURES: PAGES

"BOARD OF MEMBERS"-PENDING COURT CASES-JVVHOWA

PREAMBLE

1. The last three Board of Managers [BOM's] [commencing from the Year "AGM - 30 JUL 2017 to AGM - 18 Oct 2020"] of JVVHOWA, Kukatpally, Hyderabad have been approaching the High Courts with Writ Petition against DU Owners [DU's] who are carrying out Alterations / Additions to their Dwelling Units. The BOM's have not updated the Association Members in the Annual General Body [AGM] meetings and have **not taken an approval of actions initiated**. Further, BOM's have not maintained:
 - i) Record of the Writ Petitions,
 - ii) Record of Contempt of Court Petitions,
 - iii) Record of DU Owners Writ Petitions
 - iv) Present state of the each Case,
 - v) Financial sanctions / expenses for the case to case basis,
 - vi) Approval for the Lawyer engaged to take up the case in High Court when already a standing counsel was available for JVVHOWA.
2. The present BOMs elected on 18 Oct 2020 **were not given any handing over notes** by BOMs (previous) and hence are not aware of pending court cases and their liabilities to the affect. **Bye Laws** (Pg 17 of 32), **Chapter IV - Board of Managers- Clause/Para 16**, Heading "**Handing/Taking Over of BOM**" gives process of BOM handing Over charge.
3. In view of para 1 & 2 above, President JVVHOWA, Kukatpally, Hyderabad vide their letter JVVHOWA/HYD/DU No 34 / 41 & 95 dated 29 Jun 2021 [**Encl 1**] constituted a Committee of - "**Board of Members: to advise BOM's on Pending Court cases**" as follows:
 - Cdr S Ashok Kumar, DU no 85
 - Wg Cdr K Radhakrishna, DU no 94
 - HFO Laxmi Rajam, DU no 229

and also intimated the Board of Members that court cases [Writ Petitions] against three DU's 34, 41 and 95 Owners is filed in the High Court by JVVHOWA for carrying out **Additions and Alterations** to their DU's by violating the Association Bye Laws.

4. TERMS OF REFERENCE:

Terms of reference given to **The Board of Members** is to report on the following:-

1. To investigate into the circumstances leading to filing of cases in High Court considering various options available with BOM
2. To physically inspect the premises of all the affected DUs, and validate their A&A with respect to the recommendations A&A Board
3. To evaluate all the pros and cons of the existing cases and to recommend the course of action to be taken by present Board of Managers.
4. To bring out any other aspects which need attention of BOM and to make any recommendations to JVVHOWA to avoid any such recurrences.
5. The letter JVVHOWA/HYD/DU No 34/41 & 95 dated 29 Jun 2021 further mentions that the THREE affected DU 34/41 & 95 Owners have each given a representation [**Encl 2, 3 & 4**] to the President JVVHOWA, requesting for withdrawal of Writ Petition filed in High Court by JVVHOWA against them.
6. DU 34 / 41 & 95 Owners further submitted that - they are carrying out works in their DU's and have sought / not sought NOC for the works being undertaken due:
 - i) They were renovating the existing tin roof structure
 - ii) Repairing leaking walls and were not carrying out any Alterations and Additions.
 - iii) DU Owners further mentioned, that an Alterations & Additions [A & A's] Committee was already in progress at that time looking into A & A's that could be carried out by the DU's. Hence, they commenced works as their constructions is well within the conditions laid out in A & A's Committee Report which has since been approved by EGM / AGM of Year 2019/20.
 - iv) Now that Alterations and Additions have been approved in the AGM, they have requested to issue NOC and also withdraw the cases against them.

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7. The "**Board of Members**" met in Jul 2021 and choose Cdr S Ashok Kumar as a Convener of the Board and met on a number of occasions. Based on the representation given by the Three DU's 34, 41&95 Ownersto the President of BOM's for withdrawal of pending court cases, Board of Member's visited their DU's to see the Works / Alterations and Additions undertaken by them. DU Owners were asked to submit the drawings of their DU's as is today after the A&As carried out by them.
8. Prior to going into the terms of reference of the Committee, there is a need to Know:
- Firstly, Rules and Regulations as laid in the **Memorandum of Association** and the **Bye Laws** of JVVHOWA which are to be adhered to by all Members of the Association including the BOM's. These Bye Lawshave been extensively quoted in the Affidavit by the President / Secretary of BOM's on filing of cases and countered by the DU Owners in their submissions to the BOM's / Court Affidavits filed. Hence, there is a need to know the various Rules and Regulations on Members privileges, laid process for members violating the Bye Laws and Process for BOMs to take Legal action / File a case as referred in the Bye Lawsand this is placed at **Encl5**.
 - Secondly,as the basis of Court cases has been Alterations and Additions carried out by the DU Owner, the brief on the set up of **ALTERATIONS AND ADDITIONS Committee**, its report and finally its **approval** by AGM need to be considered and delay in the process of approval of A & A's Committee Report is placed at **Encl6**.
 - Various decisions taken by BOM's in their internal meetingsand recorded as minutes prior to filing the Court cases. Certain aspects that need to be reported to AGM for approval has been ignored by the BOM's. Decisions taken in the BOMs in their meetings for the period is enclosed
 - Extracts of BOM meetings - From - AGM 30 JUL 2017 TILL AGM 15 JUL 2018 - **Encl 7**,
 - Extracts of BOM meetings -From -AGM15 JUL 2018 TILL AGM28 JUL 2019 - **Encl 8** and
 - Extracts of BOM meetings -From - AGM 28 JUL 2019 TILL AGM 18 Oct 2020 - **Encl 9**

REPORT OF - "BOARD OF MEMBERS" - COURT CASES - JVVHOWA

9. The **COURT CASES** that have been initiated by JVVHOWA will be discussed in the succeeding paragraphs.
10. The Board of Members met the President, JVVHOWA and discussed on the subject of the Court Cases. In the process of one of the discussions, the President mentioned that he now understands that there are more court cases filed and are pending / filed / closed, which was not intimated to the present BOM's by the previous BOM's nor was it mentioned in any of the previous AGM's.
11. **It is not out of place to mention that none of the Copies of Writ Petition nor their correspondence between the DU Owners and JVVHOWA are available in the file, either as an Original or as a Xerox copy. Writ Petition copies are also not in the file. The same has been obtained from the respective DU Owners and placed in the file where available.**
12. Board of Members will briefly delve in all the Court cases, as known, filed by the BOM's JVVHOWA till date and their present state as per available record.
13. The Board of Members understands that following Court cases against DU Owners have been filed by the BOM's JVVHOWA. Cases apart from the below, if filed, is not known, as no consolidated report nor the status is available on record.
- DU No 34 - DU mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 41 - DU mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 95 - DU mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 35 - This DU **NOT** mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 96 - This DU **NOT** mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 101 - This DU **NOT** mentioned in the Board of Members Constituted by JVVHOWA
 - DU No 300 - This DU **NOT** mentioned in the Board of Members Constituted by JVVHOWA
14. **None of the individual DU files (except sl g) was available in the Office.** Understand, the files were totally handed over to the Advocate, without an acknowledgement of list of documents being handed over with the file. Files are handed over to the Advocate to file the case and these files have not been returned back to the office. The present BOM's have requested the Advocate for return of files and the same is now available without relevant document / correspondence in Original / Xerox in the file.
15. The process followed by BOM clearly indicated the **HURRY**of the President BOM's in filing cases by signing Vakalatnama in respect of TWO DU's [34 & 41] on 26th July 2019keeping AGM JUST TWO DAYS AWAY and not even mentioned the same in the AGM.As coverup action President BOM's has asked the house to strengthen BOMs to initiate legal course against erring DU Owners to control Unauthorised modifications. To say the least, AGM approval is for Legal action to be proceeded **after all options as in Bye Laws are exhausted.**

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16. In the absence of Data in the files, Data has been collated from the submitted Affidavit filed for Writ Petition. A brief **summary of the Writ Petitions filed by JVVHOWA and counter by the respective DU Owners** and correspondences between JVVHOWA / DU Owners [34, 41, 95 followed by 35, 96, 101 and 300]/ GHMC, leading to filing of cases and Writ Petition filed by respective DU Owners are all placed at the appendix as under:

- a) DU No 34 - Details of the case is placed at Appendix "A"
- b) DU No 41 - Details of the case is placed at Appendix "B"
- c) DU No 95 - Details of the case is placed at Appendix "C"
- d) DU No 35 - Details of the case is placed at Appendix "D"
- e) DU No 101 - Details of the case is placed at Appendix "E"
- f) DU No 300 - Details of the case is placed at Appendix "F"
- g) DU No 96 - Details of the case is placed at Appendix "G"

17. Coming to the **Terms Of Reference No 1, circumstances leading to filing of cases in High Court** and explanation given at Para 11 above, clearly indicates large gaps in correspondence linkages in the file between the DU Owners and BOM's. To understand the circumstances, a **QUESTIONNAIRE** was prepared by the BOARD OF MANAGERS for the Presidents of previous three BOM's and a Secretary BOM's since he has filed the WP. **QUESTIONNAIRE response** is as below:

18. A) The previous President, BOM's, Shri Gandhi Reddy **has refused to take the Questionnaire** given by Hand at his residence after he went through the content of the letter [This Questionnaire is enclosed at **Encl 10** along with further correspondence with Mr Gandhi Reddy. It has been a **scant respect** by the previous **BOM's President** of the colony. The Questionnaire was then sent on Shri Gandhi Reddy's mail ID, to which he replied as **"I may not be in a position to spend time understanding the points mentioned and give a reply"**. To this he was replied that - **"in the light of important portfolio of President of BOM, JVV being held by You, your answers will go a long way in improving the system"**. For this, there is no reply.

B) Now coming to the TWO time earlier Board President, Shri RV Prasad, he refused to answer the Questionnaire - saying **"unable to give a reply"**. On subsequent mail reminder, Shri RV Prasad replies as - **"I am unable to gather the intention in issuing the Questionnaire to me in my personal capacity"**. The Questionnaire is clearly addressed as **"To, The President JVVHOWA 2017-18 & 2018-19"** and not as **AN INDIVIDUAL MEMBER** of the colony. This is the position of the previous **PRESIDENT'S BOM's, who has taken decisions and do not intend to give details / reasons for taking such steps without adhering to the various processes that are spelt out in the Bye Laws**. Correspondence with replies of Shri RV Prasad is at **ENCL 11**.

C) Dr N Chalamaiah, Secretary for the period 15 JUL 2018 to 28 JUL 2019 has also been given the Questionnaire as replies were not provided by the Presidents of BOM's. The reply received from Dr N Chalamaiah is placed at **ENCL 12**.

D) Questionnaire was given to the last BOM Secretary JVV, Shri Jaya Babu. On specific Question that cases were filed in his time, He Replies "I remember that it was discussed in BOM meetings & that I am not involved in any of the Court cases directly or the Lawyers and do not have any knowledge on the related issues". He has not replied the Questionnaire & is placed at **ENCL 13**.

19. The AGM conducted on 28 Jul 2019 and its Minutes of the meeting is also dated 28 July 2019. On questionnaire Dr Chalamaiah has replied as **"As I was leaving to UK on the next morning of the AGM, the AGM minutes were handed over to the President on the same night of the day on which General body was conducted"** Even though the minutes are said to be handed over to the President on 28 July 2019, they were put up on the notice board only on 07 Aug 2019 and it was commented by me [copy enclosed]. Some of my remarks have been incorporated and others have not been corrected to suit the outgoing BOMs thoughts and not the AGM discussions. Both the draft Minutes and my comments are placed at **ENCL 14**.

20. Now coming to the **Terms Of Reference No 2, "To physically inspect the premises of all the affected DUs and validate their DU modifications with respect to the recommendations of A&A Board"**, the Board Members asked the DU No 34, 41 & 95 to give the latest updated drawing of their DU with the Additions and Alterations carried Out. All the 3 DU Owners have submitted the same which are placed at **ENCL 15 [DU 34], ENCL 16 [DU 41] & ENCL 17 [DU 95]**.

21. As per the **Terms of Reference No 2**, the Board Members have physically visited the premises of DU's No 34, 41 and 95 for the extent of physical state of works carried out so as to validate their A & A's carried out with respect to the recommendations A&A's Board and also compared with the drawings Submitted by them.

22. PLOY OF THE PRESIDENT, BOARD OF MANAGERS-Delay in approval of A&A's report:

- a) Keeping the wishes of the Members in mind, Alteration's and Addition's Committee was approved in the AGM conducted on **15 Jul 2018**.
- b) A & A's committee submitted a detailed Report to BOMs after collating views in a Questionnaire form from majority of DU Owners of each type on **25 May 2019**. This A&A's report was explained in detail to BOM's which gives the extent of **A&A's** that could be undertaken for each type of DU.
- c) The exhaustive report presented by the Committee in the AGM of **28 Jul 19** was deliberated on, prior to approval. BOM's **deliberately** with a pre conceived notion and a hidden agenda of the President, requested for a more detailed discussions prior to approval and for which an EGM be called. AGM then mandated EGM be called before 31 Oct 2019.
- d) It is subsequently understood that hidden agenda of the BOM was to pursue the Writ Petition against DU Owners wherein Vakkalatnamawas already signed by the President on 26 Jul 2019 and not inform the AGM conducted on **28 Jul 2018**. It is a clear breach of trust of the BOM's.
- e) BOM's did not call the EGM as mandated by AGM before 31 Oct 2019 inspite of repeated requests from the A&A's Committee. EGM finally was called on **16 Feb 2020** and provisionally **APPROVED the A&A's RECOMMENDATIONS**. BOM's on another pretext delayed final approval, asking for a "Solution to the combined Drainage system" in respect of - **four Groups of Type VI DU's with each Group consisting of 3 DU's** which the Committee gave the solution by 21st Feb 20 and requested to call EGM by **15 Mar 20**. The BOM's again delayed calling EGM & subsequently, due to Corona first wave there was a complete shutdown.
- f) After representation by Members, AGM was called for on **18 Oct 2020**. **DELIBERATELY**, BOM's did not include the EGM point in the agenda. However, the AGM Members pointed out to the BOM's, that EGM if conducted / any Committee report should be listed as the agenda point and its Minutes need to be discussed / approved in the AGM. [Chapter III-ADMINISTRATION - Pg 9 of 32 of the BYE LAWS - "ORDER OF BUSINESS" CLAUSE 9C) & 9G) ARE RELEVANT.
- g) Finally, A & A's report as presented in the EGM on 16 Feb 2020 was approved in the AGM conducted on **18 Oct 2020** without any **DISCUSSIONS & AMENDMENTS** which clearly indicates the **intension of the President and BOM's to avoid passage of A&A Committee report**.

23. AGM conducted on **28 Jul 2019** - based on the request of BOM's, passed a resolution as: "**DU Owners who are irresponsibly extending and remodelling their DU's may be issued Legal Notice and proceed legally, if necessary**". The hidden agenda behind passing the resolution got clear subsequently. This resolution goes without saying, that it is to be implemented Only after following due processes, as laid down in the Bye Laws.

24. EXTRACTS FROM MINUTES OF THE MEETING OF THE BOARD OF MANAGERS - FROM 15 Jul 2018 to 28 Jul 2019.

30 Aug 2018 - minutes - para 8, 9 & 10 -	
DU 196 - BOM's Issued NOC on 28 Jun 2018 for Portico construction. As construction is going beyond limits, NOC cancelled on 05 Aug 2018. On assurance from DU Owner, NOC revalidated and the issued	WHY NOC IS BEING ISSUED TO FLATS & NOT TO INDEPENDENT DU'S?
17 Nov 2018 - Para 1 - DU 197, DU 199 & DU 200- Extension application to rear balcony considered and NOC issued	When AGM appointed A&A's Committee report has not been approved by AGM as yet? It is a discrimination between INDEPENDENT and Flat DU's.

How is it feasible to issue an NOC approval for Flats without A&A's being approved?
This is a Discrimination between Flats & INDEPENDENT DU's followed by the President BOM's

25. EXTRACTS FROM MINUTES OF THE MEETING OF THE BOARD OF MANAGERS - FROM 28 Jul 2019 to 18 Oct 2020

18 Dec 2019 - Minutes - Sl 4 - Type II & III - NOC be issued for expansion as per approved / permitted expansion.	How is it feasible without A&A's approval; Discrimination between Flats & Independent DU's
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How is it feasible to issue an NOC approval for Flats without A&A's being approved?
This is a Discrimination between Flats & INDEPENDENT DU's followed by the President BOM's

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ANALYSIS BY THE BOARD OF MEMBERS-COURT CASES JVVHOWA

TERMS OF REFERENCE 1: To Investigate into the circumstances leading to filing of cases in High Court considering various options available with BOM.

SI	DU No	DU Owner correspondence	JVVHOWA correspondence	Board of Managers -COMMENTS
1	34	Did not ask for NOC	Notice issued by JVVHOWA ON 22 May 19	This JVVHOWA Notice - is Correct
		a) 13 Jun 2019 - replied - works being carried out are minor in nature having minimal bearing on structural strength of DU and requested to issue a NOC and I will be proceeding with the construction. [Did not abide by Bye Laws Chapter V Clause 3b)]	a) JVVHOWA refused to issue of NOC ON 18 Jul 2019 for the proposed modifications - Owner continued with his proposed modifications. b) Letter to DC Kukatpally on 17 Jun 2019 to take action against the DU 34 Owner for illegal construction/modification without obtaining NOC from JVVHOWA. c) Again addressed a letter to DC Kukatpally dated 20 Jul 2019 , beside telephonic follow up, to take action against DU's 34 / 41 / 95 for illegal construction.	i) Contention of DU Owner as minor works - Not Factual. Alterations and Additions carried out. ii) Point a) of JVVHOWA - is correct. iii) Point b) of JVVHOWA - is correct. iv) MAJOR LAPSE: Here JVVHOWA has not replied within 30 days from date of application for NOC from DU Owner [request for NOC is dated 13 Jun 19] Hence, is construed as NOC given, as per Bye Law Chapter VII, clause 3d . BOM's should ensure such lapse does NOT occur. v) President BOM's should have taken appointment and met the GHMC official on a daily basis to take action as was the case in the year 2010 rather than only resorting to telephone calls and WRIT PETITIONS. vi) To substantiate the construction activity, regular photos of the site should have been taken and submitted to GHMC for action.
		b) On show cause NOTICE issued to DU owner by GHMC - Owner replies that there are cracks, seepages further doors / windows deteriorated and hence need repairs.	1. For point b) of Owner, proof of deterioration / cracks / seepages is NOT documented / produced and JVVHOWA should have contested this with GHMC. 2. Vakalatnama Signed by President, BOM's on 26 Jul 19 when AGM is on 28 Jul 19, without approval.	Every Alterations and Additions should be accompanied by the start phase of Building Photos, stagewise photos and on completion, photos. All these should also be submitted. Circumstances for filing the case by JVVHOWA is Not Understood - as various options available with BOM in the Bye Laws were NOT CONSIDERED like - calling the DU Owner to explain his views to BOM's NOR Advisory committee / Resident Owners meet called.
2	95	a) Owner asked for NOC 02 Dec & 18 Dec 2018 b) Did not seek fresh NOC c) Owner replied on 25 Jul 2019 requesting to finish construction as per his choice.	a) JVVHOWA asked for proposed Layout drawing with NOC of neighbours on 11 Dec 2018 and 27 Dec 2018 followed by 17 Feb 2019. b) JVVHOWA refused NOC as NOC from all neighbours is not submitted. c) NOTICE issued by JVVHOWA for proceeding with A&A's on 23 Jun 2019 d) As no reply, issued Show cause Notice by JVVHOWA on 21 Jul 2019	a) Signing a Vakalatnama on 26 July 2019 when AGM is meeting on 28 Jul 2019 and filing Writ Petition on 20 Aug 2019 without approval is NOT UNDERSTOOD. Circumstances for filing the case by JVVHOWA is Not Understood - as various options available with BOM in the Bye Laws were NOT CONSIDERED like - calling the DU Owner to explain his views to BOM's NOR Advisory committee / Resident Owners meet called.

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SI	DU No	DU Owner correspondence	JVVHOWA correspondence	Board of Managers COMMENTS
3	41	a) Did not ask for NOC	Notice issued by JVHWA ON 20Jul 2019	<p>JVVHOWA Issuing a NOTICE on 20 Jul 2019 for not taking NOC for carrying out Alterations and Additions and immediately <u>signing</u> a Vakalatnama on 26 July 2019 and filing Writ Petition on 02 Aug 2019 is NOT UNDERSTOOD.</p> <p>Every Alterations and Additions should be accompanied by the start phase of Building Photos, stagewise photos and on completion, photos. All these should also be submitted. Circumstances for filing the case by JVHWA is Not Understood - as various options available with BOM in Bye Laws were NOT CONSIDERED like - calling DU Owner to explain his views to BOM's NOR Advisory committee / Resident Owners meet called.</p>
		b) On show cause notice issued to DU owner by GHMC - Owner replies there are cracks, seepages Doors / windows deteriorated hence need repairs	For point b) of Owner, proof of deterioration / cracks / seepages is NOT documented / produced and JVHWA should have contested this with GHMC.	
4	35	a) NOC requested for carrying out modifications on 16 Feb 2018, 12 Mar 18, 19 May 18.	a) JVHWA replied on 04 Mar 2018, 04 Apr 18 refusing NOC for modifications as front elevation changes. On 05 Apr 18 after BOM meet granting NOC temporarily with condition to use TY structures for roofing instead of concrete.	<p>Circumstances for filing the case by JVHWA is Not Understood - as various options available with BOM in the Bye Laws were NOT CONSIDERED like - calling the DU Owner to explain his views to BOM's NOR Advisory committee / Resident Owners meet called.</p> <p>AMOUNT SPENT ON THE WRIT PETITION TO BE TAKEN FROM THE PRESIDENT AND BOM'S FOR NOT FOLLOWING THE BYE LAWS INSPITE OF DU OWNER REQUESTING FOR THE SAME.</p>
		b) DU on 19 May & 01 Aug 2018 asked for hearing by BOMs & Resident Members meet, as per Bye Laws. DU Owner extensively quoted the Bye Laws & all options be closed before approaching the court.	b) Notwithstanding Bye Laws, JVHWA filed a Writ Petition on Aug 2018 c) WP filed on __ Aug 2018 and Contempt Case filed on 11 Sep 2018.	
5	101	No correspondence in the file	<p>WP filed 20 Apr 18 & listed 29 Jul 18. HC Case closed. GHMC to act on JVHWA letter & intimate Petitioner on action taken. CC filed.</p> <p>b) From minutes of BOM approval to issue Legal notices given on 12 May 18</p> <p>c) All of sudden with Court cases pending DU was sold & BOM's regularised the new owner.</p>	<p>a) As per Minutes of BOM meeting dated 16 Sep 18 point j) - An amount of Rs 25,000/- be paid as Lawyer's [G Bhaskar] fees for HC stay order and contempt of court writ for violation of Court order</p> <p>b) All of sudden Court case pending against DU 101 was sold & BOM's have regularised the new owner</p> <p>c) As per Bye Laws, Chapter IX, clause 9c), "Any action or legal proceeding shall not abate or be discontinued by the death, resignation or removal from office of any member of society after the commencement of the proceeding".</p> <p>d) As regularisation has been done by the BOM's, all amount should be recovered from the BOM's and also debar such members into the BOM.</p>
6	300	The only DU in the colony that has been DEMOLISHED by the Owner for constructing a New 2 storeyed building	Not delving much on this case. JVHWA does not permit a 2 storied building with their own design.	<p>DU Owners requested for permission to reconstruct as per GHMC plan.</p> <p>GHMC plan not approved by JVHWA..</p> <p>If Owners come up to reconstruct as per original plan of the DU with original design, approval will be given and is communicated to the DU Owner.</p>
7	96	The DU Owner is running a commercial unit, namely coaching classes, even as on date.	There are no correspondence in the file. 1. 13 Jul 2018 - Legal Notice Issued Advocate M Babu Rao. 2. DU sold by Owner. Sale deed dated 12 Nov 2018.	<p>Following Information picked from Minutes of meeting of BOM's. There is no correspondence in the file</p> <p>1. 10 Sep 2019 - Point No 6, Legal notice to be issued to DU 96 for Commercial Activities in violation of Bye Laws. No copy in file</p> <p>2. 16 Oct 2019 - Point No 5 - Legal notice for indulging in Commercial activity. No copy in file.</p> <p>3. 28 Dec 2019 - Legal intimation against DU 96 for commercial activities. No copy in file</p>

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Observations of Board of Managers

A) TERMS OF REFERENCE NO 1.

CIRCUMSTANCES LEADING TO FILING OF CASES IN HIGH COURT

1) VARIOUS OPTIONS AVAILABLE WITH BOM BUT NOT FOLLOWED. Steps to have been followed by BOM's/VARIOUS OPTIONS AVAILABLE WITH BOM

- a) BOM's should have called Owner to present his case in person to the Board. [Bye Laws Chapter I Clause 5 o); Chapter IV Clause 2 and Chapter V Clause 6 g)]
- b) If not satisfied by either party, should have referred the matter to either the A&A's Committee / Advisory Panel to resolve. [Bye Laws - Chapter IV Clause 2; Chapter IV Clause 14 AND Chapter VII Clause 3 a) vii)]
- c) If construction is in progress by DU Owner, JVVHOWA should have stopped transportation of construction material to site and any material which is in the common area to be cleared by JVVHOWA at the cost of owner. **AGM TO APPROVE SUCH AN ACTION and INCORPORATE IT IN THE BYE LAWS.** [Chapter V Clause 4 d)]
- d) Should have appointed an arbitrator to resolve issue. [Bye Laws-Chapter I Clause 5a) & 5b)
- e) If construction is still in progress, BOM's should have called for an emergency RESIDENT OWNERS MEET. [Bye Laws- Chapter III- Clause 6].

2) **NOT following any of the procedures mentioned at step 1) above**, JVVHOWA rushed to HC with writ petition and Vakalatnama signed by the President on 26th Jul 19 when AGM meet was on 28 Jun 19 and case registered in HC on 02 Aug 2019 by **OLD Board** after AGM which elected New Board & hence OLD Board has NO Authority / LOCUS STANDI when the New Board has taken over. At best Hand Holding should have been done and filed by the NEW BOARD. **This subject matter of Vakalatnama signed by the President on 26th Jul 19 was not even informed to members in the AGM held on 28th Jun 2019.**

Further, case filing seems to have been done on an individual capacity of the President, without concurrence of Board of Managers in a BOM meet. On enquiry, why no approval of BOM is taken to file a case, [Minutes of BOM do not reflect approval to file a Case], it is informed that concurrence on telephone has been taken from Members and from the next elected BOM, where nothing is on record. [Statement of Dr.Challamaiah, Secretary, BOM's, who has left for UK on the night of AGM completion and statement of Secretary of the New BOM's are relevant (Encl 12 & 13)].

- 3) Further, appointing a friend of President BOM's Advocate G Bhaskar, to file the case without approval of the BOM initially, and then not getting endorsement by AGM subsequently is a gross lapse of Duty / Responsibilities by the President and the Board of Managers, that too when a Lawyer [standing Council] is approved by AGM. This step of the President BOM's is against the spirit of Memorandum of Association (MOA) - AIMS and OBJECTS clause 3 v) - To take effective, reasonable and Lawful resolution of the problems relating to the Members of the Association.
- 4) It is seen from the minutes of the meeting of BOMs at point 2 on 12 May 2018, which is minuted thus "DU 300 - Looked after by Advocate Mr S Sandeep Reddy. It is agreed that the case of DU 300 may be transferred to other Advocate who can look after the interests of JVVHOWA to its welfare". All the above, shows interest of the President, BOM's Advocate friend, rather than interest of JVVHOWA.
- 5) When a standing Council is appointed with an annual payment of Rs 20,000/- his services have not been utilised to issue a Legal Notice to stop all work. Not utilising the standing Council and incurring additional expenditure of Rs25,000/- per hearing/filing a case tantamount to **mismanagement** of funds.
- 6) As there is no approval for the NEW Advocate to take HC cases, the total amount paid till date be recovered from all the BOMs / President.
- 7) The haste at which President, BOM's moved the HC seems to have ulterior motive / Personal grudge and that too after demitting office. The action is uncalled for, without following even a single procedure as laid in the Bye Laws.
- 8) **Circumstances for filing the case by JVVHOWA is Not Understood - as various options available with BOM in the Bye Laws were NOT CONSIDERED like - calling the DU Owner to explain his views to BOM's NOR referring it to the Advisory committee or calling for a Resident Owners meet.**

BB

Jake

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B) TERMS OF REFERENCE NO 2

"TO PHYSICALLY INSPECT THE PREMISES OF ALL THE AFFECTED DU's AND VALIDATE THEIR/DU ALTERATIONS & ADDITIONS WITH RESPECT TO THE RECOMMENDATIONS OF A & A'S BOARD"

The Board of Members have asked the DU No's 34, 41 & 95, to mark on the Original DU drawing as handed over by AFNHB, the Additions and Alterations carried Out by them and submit. All the three DU Owners have submitted the same which are placed at **ENCL 15, 16 & 17** [DU 34, 41 & 95 respectively].

1) DU 34 - ENCL 15 [Drg]

- a) DU Owner 34, has submitted the layout drawing vide letter no: DO/242/RD dated 03 Jul 2021 to the President BOM's on the ORIGINAL plan of AFNHB with marking of the Additions and Alterations carried out by a green hash lines and removal of structure by a red hash lines.
- b) The layout drawings submitted is not the true reflection of the DU as it stands today. Factually, the DU has been extended to the rear side and is not shown in the drawing.
- c) Physically, the DU at the Rear has a gap of about one feet only from the edge of compound wall which is **AGAINST the Alterations and Additions Approved** *to give a clear THREE FEET from face of DU rear wall to face of the inner edge of the compound wall.*
- d) Other extension and deletion shown in the Drawing in the front ground floor and front first floor is as per Approved A&A's.
- e) In view of the rear extension to the DU, which is well beyond the A&A's approved plan, the Board of Managers do **NOT RECOMMEND** the issue of NOC

2) DU 41 - ENCL 16 [Drg]

- a) DU Owner 41, has submitted the Additions and Alterations carried out on the original Layout Drawing as handed over by AFNHB by showing A & A's carried out by red lines.
- b) The layout drawing submitted by the Owner is the true reflection of the residence as it stands today and DU is within the Approved A&A's and hence a **NOC can be given** to regularise the construction

3) DU 95 - ENCL 17 [Drg]

- a) DU Owner 95, has submitted the Additions and Alterations carried out on the original Layout Drawing as handed over by AFNHB by showing A & A's carried out by red lines.
- b) The layout drawing submitted by the Owner is the true reflection of the residence as it stands today and DU is within the Approved A&A's and hence a **NOC can be given** to regularise the construction

4) DU 35 -

- a) NOC requested for carrying out modifications on 16 Feb 2018 & 12 Mar 18. DU on 19 May & 01 Aug 2018 asked for **hearing by BOMs & Resident Members meet**, as per Bye Laws. DU Owner extensively quoted the Bye Laws and all options be closed before approaching the court
- b) JVVHOWA replied on 04 Mar 2018, 04 Apr 18 refusing NOC for modifications due front elevation changes. On 05 Apr 18 after BOM meet granted NOC temporarily with condition to use TY structures for roofing instead of concrete.

c) DU Alterations carried out is within Approved A&A's & hence **NOC can be given** to regularise construction

5) DU 101 -

- a) No correspondence in the file. **WP filed 20 Apr 18** & listed 29 Jul 18. An amount of Rs 25,000/- to be paid as Lawyer's [G Bhaskar] fees for HC stay order and contempt of court *at per order 11/2018*.
- b) From minutes of BOM's approval to issue Legal notices given on 12 May 18
- c) All of sudden **with Court cases pending, DU was sold & BOM's regularised the new owner**

6) DU 300 -

- a) DU 300 case is in the court with a stay order as this is the only DU in the colony that has been totally demolished by the Owner for constructing a **TWO storeyed** building as per GHMC approved plan for which NOC has NOT been issued by JVVHOWA. The date of next hearing is not known.
- b) It is observed that Advocate has been changed as per Minutes of BOM's dated 12 May 2018 which reads - "DU 300 is looked after by Advocate Mr S Sandeep Reddy. It is agreed that the case of DU 300 may be transferred to other Advocate who can look after the interests of JVVHOWA for its welfare".
- c) DU Owners requested for permission to reconstruct as per GHMC plan. JVVHOWA has not Approved.
- d) Due **TOTAL DEMOLITION** of the DU, Board of Managers do **NOT RECOMMEND** the issue of NOC

7) DU 96 -

- a) The **court case** for this DU is for commercial activities if filed. **Details not in file.**
- b) The DU Owner is **running a commercial coaching classes**, even as on date.
- c) 13 Jul 2018 - **Legal Notice** Issued by Advocate M Babu Rao. Copy in file.
- d) 12 Nov 2018 - **DU 96 sold** by Owner.
- e) Following Information picked from Minutes of meeting of BOM's. There is no correspondence in file
 - i) 10 Sep 2019 - Point No 6, **Legal notice to be issued for Commercial Activities** in violation of Bye Laws. No copy in file
 - ii) 16 Oct 2019 - Point No 5 - **Legal notice** issued for indulging in Commercial activity.
 - iii) 28 Dec 2019 - **Legal intimation** for commercial activities

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C) TERMS OF REFERENCE NO 3 - RECOMMENDATIONS

"TO EVALUATE THE PROS AND CONS OF THE EXISTING CASES AND RECOMMEND THE COURSE OF ACTION TO BE TAKEN BY THE PRESENT BOARD OF MANAGERS:

BOM's Observations clearly gives the following RECOMMENDATIONS in respect existing cases:

a) **DU 34**

- i) In view of the rear extension to the DU 34, which is well beyond the A&A's approved plan, the Board of Managers do **NOT RECOMMEND** the issue of NOC and
- ii) Board of Managers do **NOT APPROVE** the case withdrawal [as NOC for A & A's is not issued].
- iii) Board recommends that a maximum of six months' time be given to the DU Owner to bring the DU to the approved A&A's layout for issue of NOC and case withdrawal.
- iv) Board of Managers recommends to parallelly follow up with GHMC and the court case

b) & c) **DU 41 and 95**

- i) DU 41 & 95 Alterations carried out is within the Approved A&A's and hence a **NOC can be given** to regularise the construction. DU Owner to apply for NOC with the Revised Plan of DU&
- ii) DU Owner based on the NOC issued, obtain approved plan from GHMC and submit to JVVHOWA.
- iii) DU Owner to submit the present building photos after A & A's.
- iv) **Before issue of NOC** the DU owner is to:
 - deposit Rs 1.5 Lakhs towards expenditure for filing the Writ Petition's by JVVHOWA and
 - give an undertaking that no further A & A's will be carried out to the DU and
 - a request to withdraw the court case.
- v) After final closure of the case, the account be settled with respect of court cases and additional amount collected from DU Owner as deposit can be refunded after audit and approval of AGM.

d) **DU 35**

- i) DU 35 Alterations carried out is within the Approved A&A's and hence a **NOC can be given** to regularise the construction
- ii) DU Owner based on the NOC issued, obtain approved plan from GHMC and submit to JVVHOWA
- iii) DU Owner to submit the present building photos after A & A's
- iv) Amount spent on the writ petition to be taken from the president and BOM's for not following the bye laws inspite of the DU owner requesting for the same.
- v) *Circumstances for filing the case by JVVHOWA is Not Understood - as various options available with BOM in the Bye Laws were NOT CONSIDERED like - calling the DU Owner to explain his views to BOM's NOR Referring to Advisory committee NOR calling Resident Owners meet.*

e) **DU 101**

- i) after issue of Legal notices given on 12May18 All of sudden **with Court cases pending DU was sold & BOM's regularised the new owner.** [An amount of Rs 25,000/- paid to Lawyer's [G Bhaskar] fees for HC stay order and contempt of court].
- ii) As per Bye Laws, Chapter IX, clause 9c), "Any action or legal proceeding shall not abate or be discontinued by the death, resignation or removal from office of any member of the society after the commencement of the proceeding".
- iii) *As regularisation has been done by the BOM's, all court expenditures should be recovered from the BOM's and also debar such members to the BOM.*

f) **DU 300**

- i) In view of the **TOTAL DEMOLITION** of the DU, which is well beyond the A&A's approved plan, the Board of Managers do **NOT RECOMMEND** the issue of NOC
- ii) JVVHOWA has communicated to the DU Owner, if they intends to reconstruct as per original plan of the DU with original design, than approval for reconstruction will be given. NOC under this condition is recommended to be given - **to RECONSTRUCT as per ORIGINAL DU PLAN.**

g) **DU 96**

- i) Legal notice has been issued [Minutes of BOM's meet dated 10 Sep, 16 Oct and 28 Dec 2019] for Commercial Activities being carried out in the DU in violation of Bye Laws. No copy in file. Details of the case is not known.
- ii) AGM to authorise the BOMs to file a Writ Petition against the DU Owner for carrying out commercial activities in a residential area.

-----cont 10-----

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D) TERMS OF REFERENCE NO 4

To bring out any other aspects which need attention of BOM's and to make any RECOMMENDATIONS to JVVHOWA to avoid any such recurrences.

1. REPLACEMENT OF AN ADVOCATE IN A CASE WITHOUT VALID REASON AND NOT INFORMING THE AGM

- i) As per **MINUTES OF BOARD OF MANAGERS** dated 12 May 2018 which reads as -
 "DU 300 is looked after by Advocate Mr S Sandeep Reddy. It is agreed that the case of DU 300 may be transferred to other Advocate who can look after the interests of JVVHOWA for its welfare".
- ii) BOM's do not have an authority to replace the existing Advocate for the case without substantial proof of Non capability of the Advocate to argue the case. AGM to decide the issue and give the powers to the next BOM's - if the case is already transferred to call the NEW Advocate and if NOT, call the OLD Advocate and discuss the present state of the case.

RECOMMENDATIONS: like replacing the existing Advocate by the BOM's has not been brought to the notice of the AGM nor is there any endorsement in the File of DU 300 keeping the future BOM's / AGM in the dark. Board of Managers recommends a Disciplinary warning be served / Reprimand the President of the BOM's who have taken the decision and any other action deemed fit.

- 2. When a standing Council is appointed with an annual payment of Rs 20,000/- his services have not been utilised to issue a Legal Notice to stop the Alterations and Additions by the DU Owners. Not utilising the standing Council and incurring additional expenditure of Rs25,000/- per court case hearing/filing tantamounts to **Mismanagement Of Funds.**

RECOMMENDATIONS:

- a) Board of Managers recommend **recover the Court filing charges** including Contempt of court costs from The President, BOM's for not following the rules as in Bye Laws and not utilising the services of the standing council. Mere saying, that the standing council asked for Rs 2L per case in HC without any proof is no answer. The new Advocate has kept the charges open and has not spelt out what is the cost per case. It is seen the charges being paid is Rs 25K per hearing.
- b) For Mis appropriation of funds, the President be barred from contesting any elections for life time and should not represent in any standing committee

3. NOT following any of the procedures mentioned in the Bye Laws [Encl 5], with emphasis on - "member [BOM's] shall be prudent enough to try and exhaust all the provisions within the Association to obtain justice, failing which, only he shall take his complaint / dispute to the outside authorities". JVVHOWA rushed to HC with writ petition and **Vakalatnama signed by the President on 26th Jul 19 when AGM meet was on 28 Jun 19 and case registered in HC on 02 Aug 2019 by OLD Board after AGM elected the New Board.** OLD Board has **NO Authority / LOCUS STANDI** to file the case when the New Board has taken over. [At best Hand Holding should have been done and the NEW BOARD could have taken an independent view]. This clearly indicates the intention of the President, BOM's and violates the principle of natural justice.

RECOMMENDATIONS: **Vakalatnama signed by the President on 26th Jul 19 when AGM meet was on 28 Jun 19 and case registered in HC on 02 Aug 2019 by OLD Board after AGM elected the New Board.** OLD Board has **NO Authority / LOCUS STANDI** to file the case when the New Board has taken over. - Then President, BOM's to pay for all the amounts paid to the Advocate for **Court filing charges** including the contempt cases and reply to WP filed by the DU Owners.

- 4. All the DU files [DU's - 34, 41, 95, 35, 96 & 101] has been handed over to the Advocate without any record in the Office. There is no noting as to what are handed over to the Advocate under signature of receipt. All correspondence letters in each file Xerox copy should have been taken prior to handing over the file to the Advocate. Today the file has ZERO correspondence between JVVHOWA, DU Owner, GHMC and the Advocate. The Vakalatnama and Writ petition copy is not in the file. To say the file itself was not in the office, till the BOM's have asked for it from the Advocate.

The above action clearly indicates the callous attitude of the President, BOM's to JVVHOWA records.

RECOMMENDATIONS: Members who have a callous attitude towards JVVHOWA should be barred from the BOM's.

5. OTHER RECOMMENDATIONS:

- a) Approval of the Advocate for each case to be obtained from Resident Owners and subsequently endorsed in the AGM
- b) A brief of the court cases closed / pending to be placed in AGM for approval
- c) Total financial expenses for the period for each DU / case till date is to be put up for Approval in AGM
- d) Without an NOC from BOM's no building material to be permitted to any DU. If any material brought to site should be removed by the owner in 24 Hrs failing which the BOM's be authorised to clear it at the cost of the DU.
- e) All important decisions taken by the BOM's should be enclosed along with the AGM call letter.
- f) Those members who can effectively communicate and involve in the decision making process only be taken into the BOM's and into the Executive committee.



85

End ①

Tel. : 040-23058018
Mobile : 7680953171

JAL VAYU VIHAR HOUSE OWNERS' WELFARE ASSOCIATION

(Regd. No. 4167 of 1992)

KUKATPALLY, HYDERABAD - 500 085.

Email : jvvhyd72@yahoo.co.in, Website : www.jvvkukatpally.com

JVVHOWA/HYD/DU No.34/41/&95

Date.29 Jun 2021

To

Cdr Ashok Kumar (Retd), DU 85

WgCdr K Radha Krishna (Retd) DU 94

HFO LaxmiRajam DU 229

Board of Members: To advise BOM on pending Court cases

1. You may be aware that JVVHOWA, filed three cases against owners of DUs 34, 41 & 95 for violating the additions & alterations as laid out in Bye Laws.
2. All the affected owners now appealed to JVVHOWA, requesting for withdrawal of cases as their constructions are well within the conditions laid out in A&A which was approved by EGM/AGM.
3. This aspect has come for discussion in the meeting of BOM held on 25 Jun 2021. It has been decided to appoint an independent Board to look into all aspects of the issue and recommend a course of action to the BOM. The records of the case will be made available to you by office and you are at liberty to contact anyone concerned with the intent of eliciting information.
4. The Terms of Reference given below. As the term of present BOM is coming to an end shortly, you are requested to complete the proceedings at the earliest.

TERMS OF REFERENCE

1. To investigate into the circumstances leading to filing of cases in High Court considering various options available with BOM
2. To physically inspect the premises of all the affected DUs to provide the extent of extension done drawing for perusal and physical verification and validate their A&A with respect to the recommendations A&A Board.
3. To evaluate all the pros and cons of the existing cases pertaining to these three DUs and to recommend the course of action to be taken by present Board Of managers.
4. To bring out any other aspects which need attention of BOM and to make any recommendations to JVVHOWA to avoid any such recurrences.


(V. G. Sripathi)

WgCdr (Retd)

President

JVVHOWA

End ②

34

Cdr R Dasari (Retd)

34, Jal Vayu Vihar
Kukatpally
Hyderabad - 500072

DO/242/RD

22 Jun 2021

The President
Jal Vayu Vihar House Owners Welfare Association
Kukatpally
Hyderabad - 500072

WITHDRAWL OF COURT CASES AND NOC FOR MODIFICATIONS CARRIED OUT DU NO 34

Dear Sir,

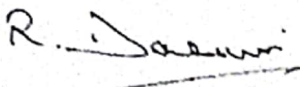
I would like to submit that a writ petition (Court Case) WP 16418 of 2019 was filed alleging that Alterations and Additions carried out by me are illegal construction. NOC was not sought as it was a renovation of existing corrugated roof structure and a board was also in progress at that time looking into overall Alterations and additions of DU.

2. Subsequently the Committee report has been approved in the AGM held on 18th Oct 2020 and Modifications carried out by me to my DU no 34 are in conformance with Para 24 of "Approved Alterations & Additions of a DU along with process for Approval".

3. In view of the above I request ~~to constitute a committee to study my A&As and if in order request~~ you to please withdraw the case. Towards this I will bear any costs intimated by the Board.

4. I also request you after the case is withdrawn, my A&As may be approved as per the standard procedure.

With warm regards


(Cdr R Dasari)

From,
G Ravi Kiran Reddy
Represented by G Rayapu Reddy
41, Jal Vayu Vihar
Kukatpally
Hyderabad – 500072

To,
The President
Jal Vayu Vihar House Owners Welfare Association
Kukatpally
Hyderabad - 500072

WITHDRAWL OF COURT CASES AND NOC FOR MODIFICATIONS CARRIED OUT DU NO 41

Dear Sir,

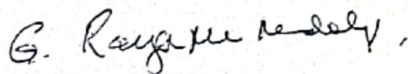
I would like to submit that a writ petition (Court Case) WP 16416 of 2019 was filed alleging that Alterations and Additions carried out by me are illegal construction. NOC was not sought as it was a renovation of existing tin roof structure and a board was also in progress at that time looking into overall Alterations and additions of DU.

2. Subsequently the Committee report has been approved in the AGM held on 18th Oct 2020 and Modifications carried out by me to my DU no 41 are in conformance with Para 24 of "Approved Alterations & Additions of a DU along with process for Approval".

3. In view of the above I request you to please withdraw the case. Towards this I will bear any costs intimated by the Board.

4. I also request you after the case is withdrawn, my A&As may be approved as per the standard procedure.

With warm regards


(for G Ravi Kiran Reddy)

Represented by G Rayapu Reddy (Natural Father)

Date: 23 June 2021

End (4)

95

Raavi Srinivas Rao.

95, Jal Vayu Vihar,
Kukatpally,
Hyderabad - 500072.

DO/242/RD

04, Jun 2021

The President
Jal Vayu Vihar House Owners Welfare Association
Kukatpally
Hyderabad - 500072

WITHDRAWL OF COURT CASES AND NOC FOR MODIFICATIONS CARRIED OUT DU NO 95

Dear Sir,

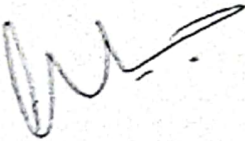
I would like to submit that a writ petition (Court Case) WP 18161 of 2019 was filed alleging that Alterations and Additions carried out by me are illegal construction. NOC was not sought as it was a renovation of existing corrugated roof structure and a board was also in progress at that time looking into overall Alterations and additions of DU.

2. Subsequently the Committee report has been approved in the AGM held on 18th Oct 2020 and Modifications carried out by me to my DU no 95 are in conformance with Para 24 of "Approved Alterations & Additions of a DU along with process for Approval".

3. In view of the above I request you to please withdraw the case. Towards this I will bear any costs intimated by the Board.

4. I also request you after the case is withdrawn, my A&As may be approved as per the standard procedure.

With warm regards



(Raavi Srinivas Rao)

MEMORANDUM OF ASSOCIATION and BYE - LAWS

Prior to going into the terms of reference to the Committee, there is a need to also delve into the Rules and Regulations as laid in the **MEMORANDUM OF ASSOCIATION** and the **BYE LAWS** of JVVHOWA, which were extensively quoted in the Affidavit by the President / Secretary BOM’s on filing of cases and countered by the DU Owners in their Submission’s to the BOM’s / Court.

MEMORANDUM OF ASSOCIATION [MOA] - EXTRACTS

PARA	TOPIC	Pg No	Para/ Clause	Sub Para/ Clause	<u>SUBJECT / DESCRIPTION</u>
1	Aims & Object	1 of 6	3	(v)	<u>AIMS and OBJECTS:</u> <i>To take up effective, reasonable and lawful steps for the resolution of the problems relating to the Members of the Association</i>
2	Functions of the Board of Managers and Office Bearers	5 of 6	III	6	<u>FUNCTIONS OF THE BOARD OF MANAGERS [BOM] AND OFFICE BEARERS:</u> <u>Office Bearers:</u> <i>They are responsible Persons for doing the activities of the Association which the Executive committee entrusts them.</i>

BYE - LAWS – EXTRACTS

PARA	CHAPTER	TOPIC	Pg No	Para/ Clause	Sub Para/ Clause	<u>SUBJECT / DESCRIPTION</u>
3		<u>OBJECTS&MEMBERSHIP OF ASSOCIATION</u>	3 of 32	5		<u>OBJECTS OF ASSOCIATION:</u> The Objects of the Association shallbe:
4 of 32			o)			<i>To ensure that members abide by these bye laws and to evolve and publicise amongst members <u>a procedure to implement penal or other disciplinary action against defaulters or wrong doers after giving an opportunity to be heard from the person to be proceeded against and before any action is initiated.</u></i>
4	I	<u>OBJECTS&MEMBERSHIP OF ASSOCIATION</u>	6 of 32	8	a)	<u>DISPUTE REGARDING MANAGEMENT:</u> <i>In the event of any dispute arising among the management committee or the members of the society, in respect of any matter relating to the affairs of the society, any member of the society may <u>proceed with the dispute under the provisions of the Arbitration and Conciliation Act, 1996, (Central Act 26 of 1996) or may file an application in the District Court concerned and the said court shall after necessary enquiry pass such order as it may deem fit. The court has a mandatory duty to refer the disputes arising between the parties to the Arbitrator. The statutory Arbitrator would also have to be appointed by agreement under the Arbitration Act.</u></i>
					b)	<i>The member shall be prudent enough to try and exhaust all the provisions within the Association to obtain justice failing which only he shall take his complaint / dispute to the outside authorities.</i>
5	III	<u>ADMINISTRATION</u>	8 of 32	2	-	<u>POWERS AND DUTIES OF ASSOCIATION:</u> <i>The association shall maintain a close liaison with AFNHB and local authorities on all matters of common interest <u>without any detriment to any member.</u></i>
6			8 & 9 of 32	6	-	<u>RESIDENT MEMBERS MEETING:</u> <i>Resident members meeting may be convened at short notice of three working days by the President / BOM if such a situation demands for an urgent decision <u>on any matter or approval of sudden expenditure in excess of the powers of BOM in the best interests of the association. The decisions of such meeting must be ratified in the normal AGM.</u></i>
7			9 of 32	9	-	<u>ORDER OF BUSINESS:</u> The order of business at all meetings of the members shall be as follows:
				c)	<u>Discussion and approval of the minutes of the preceding meeting and</u>	
				g)	<u>Reports of committees if any.</u>	

PARA	CHAPTER	TOPIC	Pg No	Para/ Clause	Sub Para / Clause	<u>SUBJECT / DESCRIPTION</u>
8	IV	<u>BOARD OF MANAGERS</u>	12 of 32	2		<u>POWERS AND DUTIES OF BOM:</u> <i>The Board shall have the powers and duties necessary for a transparent and unbiased administration of the affairs of the association and may do all such acts and things as are by law or bye-laws directed to be exercised and done by the members. _ _ continued _ _ . <u>The member / resident shall be given an opportunity to present/defend his case in person/writing to the board and decision of the Board shall be given by a majority vote of BOM. The Board may form Sub Committees by Co-opting members and assign specific tasks to help in the function of BOM.</u></i>
9				3		<u>OTHER DUTIES:</u> In addition to the duties imposed by these bye laws or resolutions of the association, the board shall be responsible for the following:- i) <u>To get prior approval of anypolicy decision / expenditure in excess of the Board’s powers in a resident members meetingto be ratified later in the AGM / EGM</u>
10				14		<u>STANDING ADVISORY COMMITTEE:</u> A 15 member standing advisory committee, comprising three members from each type of DU, shall be elected in the AGM. All or some members may be requested to hear the dispute and give their opinion. The committee shall try to diffuse the situation and propose a solution. In case NO solution is found even then, the BOM may at their discretion call for an EGM or postpone the decision till AGM.
11				16		<u>HANDING / TAKING OVER OF BOM:</u> An updated inventory of all operational / repairable / write off machines / stores / tools and office books / records / drawings to be physically mustered and handed over by outgoing BOM to incoming BOM along with a handing over brief . The inventory and the ledgers shall be maintained / accounted for by the association manager under the purview of the Secretary.
12	V	<u>OBLIGATIONS OF THE MEMBER / RESIDENT</u>	19 of 32	3	b	<u>USAGE and ALTERATION OF DU’s:</u> A member shall not make any structural alterations or modifications in his DUwithout previously notifying the same and <u>obtaining a No Objection Certificate (NOC)</u> from the association. The subject of alterations or modifications in the DUs is separately dealt in chapter VII and the member shall abide by them
13				4	d	<u>USAGE OF COMMON AREAS AND FACILITIES:</u> <i>Any fencing or covering of the common areas and outside the boundary wall / area of the DU shall be at the occupant’s risk & discretion only and which shall be demolished with or without any notice by the association according to the situation.</i>
14				6	a)	<u>CODE OF CONDUCT:</u> <i>No member/resident shall paste any advertisement, poster or any such publicity material in JVV or on their DUs without prior permission of the Association.</i>
			20 of 32		g)	<i>Any member /resident may be issued with a notice by the BOM to explain in writing and / or present his case in person for any non-compliance of rules or violation of the bye laws. After due inquiry, the BOM may initiate necessary action such as imposing fine etc on such member / resident depending upon the case.</i>

PARA	CHAPTER	TOPIC	Pg No	Para/Clause	Sub-Para/Clause	SUBJECT / DESCRIPTION	
15		LAND REGISTRATION IN DU - SALE DEED AND ALTERATION/MODIFICATION OF DUS	25 Of 32	3		ALTERATIONS/ADDITIONS/MODIFICATIONS OF DUS	
					a)	GENERAL:	
					iv)	A member shall submit the proposal for the internal/external works on the DU along with No Objection Certificate (NOC) from neighbour members	
					v)	He may then take up his proposal of works and obtain the necessary <u>mandatory approvals of the competent authorities after obtaining NOC from Association.</u>	
					vi)	Members of DU's who have already carried out works without following the mandatory procedures and approvals shall approach the concerned authorities and obtain the approvals within a specified time limit under intimation of the association. The association shall be empowered to initiate necessary action as deemed fit against the defaulting members on expiry of the specified time limit.	
					vii)	<u>The BOM is empowered to issue NOC or refer to a sub-committee before arriving at a decision or defer till AGM for decision by the General body as deemed fit of any proposal.</u>	
16	V I I			26 Of 32	3	b)	INTERNAL:A member / owner shall fulfil the following:
			i)			He shall submit his proposal of internal works, duly certified by a licensed structural engineer, to the association and obtain a No Objection Certificate (NOC)	
			ii)			He shall give an undertaking in writing to make good of any damages caused to his neighbour DUs with common wall / structure or to the association property.	
			iii)			He shall also give an undertaking in writing that structural strength members such as columns, beams, RCC slab / flooring, load bearing members etc which may affect the safety of the DUs / building will not be touched.	
			iv)			The BOM may at its discretion dispense with any of the above conditions if it is observed that the proposed works are minor in nature.	
			c)			EXTERNAL:A member/owner shall fulfil the following	
17					3	i)	He shall submit his proposal of external works, duly certified by a licensed structural engineer, to the association and obtain a No Objection Certificate.
		ii)	He shall not propose any works for structural additions vertically or horizontally of more than the permitted percentage of plinth area of his DU or affecting change of setbacks of the DU / Building.				
		iii)	He shall <u>obtain approval of the plan and works from the local competent state authority</u>				
		iv)	He shall pay fee to the association for increase in the plinth area/water, electrical and conservancy loads of his DU at a rate (rupees per square foot) decided in the AGM from time to time to augment the infrastructure of JVV.				
		v)	He shall give an undertaking in writing to make good of any damages caused to his neighbour DUs or association property.				
18				3		NO OBJECTION CERTIFICATE(NOC)	
		d)	The association shall have the obligation to answer within 30 days and failure to do so within the stipulated period shall mean that there is no objection to the proposed modification, alteration or installation.				
19	I X	GENERAL/ MISCELLAN EOUS MATTERS	30 of 32 and 32 of32	9		LEGAL PROCEEDINGS:	
		c)	Any action or legal proceeding shall not abate or be discontinued by the death, resignation or removal from office of any member of the society after the commencement of the proceeding				

ALTERATIONS AND ADDITIONS

Brief of **Alterations and Additions Committee approval** by AGM and delay in the process of approval of **A & A's** Committee Report is mentioned in the succeeding paragraphs

1. It is the 30th Year since JAL VAYU VIHAR, AIR FORCE NAVAL HOUSING BOARD [**AFNHB**], KUKATPALLY, Phase I project has come into existence as it was inaugurated on 30 Sep 1992. Members who have purchased the Dwelling Units have since aged in the period and their families have grown needing more space for living, need modern internal changes in the DU for comfort and also need support facility for the aged.
2. Rules of **AFNHB** and **BYE LAWS** of JVVHOWA do not permit **ADDITIONS and ALTERATIONS[A & A's]** to the DU's and BOM's are unable to give a NOC for the A & A's proposed by DU Owner, pending norms to the extent A & A's could be approved. Keeping the wishes of the Members in mind an Alteration's and Addition's **Committee was approved** in the **AGM** conducted on **15 Jul 2018**.
3. AGM approved **A & A's Committee on 15 Jul 2018** and deleted BOM's meeting on 19 Sep 18 proposed to call A&A Committee for finalisation. BOM's issued **NOTICE** forming the committee on **18 Sep 2018** & giving the Terms of Reference. **A & A's committee submitted** a very detailed **Report** after collating views of majority of the DU Owners of each type to the BOMs on **25 May 2019** - giving the extent of **A & A's** for each type of DU that could be undertaken. This **A & A's** report was explained in detail to BOM's and was highly appreciated by them. Exhaustive report was presented in the **AGM of 28 Jul 2019** for Approval.
4. **AGM of 28 Jul 2019**, deliberated on the A&A's report [PPT] presented by the Committee, but BOM's **deliberately had pre conceived thoughts with a hidden agenda** of the President & BOMs to delay **A&A's report** approval. BOM agenda was to pursue / progress the Writ Petition against DU Owners.
5. BOM's has requested for a separate EGM, indicating more time is needed for detailed discussions and AGM was made to believe it which then approved for an **EGM to be called before 31 Oct 2019**. **It is not out of place** to mention here that **Vakkalat was signed by the President on 26 Jul 19 & did not inform the AGM** being conducted on 28 Jul 2018. It is a **clear breach of trust of the BOM's**.
6. A&A's report was again discussed with the new BOM's in detail by the Committee members. However, EGM was not called by the BOM's within 31st Oct 2019 as mandated by the AGM in spite of repeated requests from the A&A's Committee.
7. Finally, an **EGM** was called for on **16 Feb 2020** and **provisionally APPROVED the A&As recommendations** but **deferred final APPROVAL** on only one point – for Committee to provide a **"Solution for the combined Drainage system"** in respect of - **four Groups of Type VI DU's** with each Group consisting of 3 DU's". This deferment sought by the BOM's has been done intentionally to progress the Writ Petition filed by the BOM.
8. A&A's Committee proposed that the **next EGM be called on 15th Mar 2020**, as solution to drainage was provided by 21st Feb 2020. BOM's delayed calling EGM on one or other pretext without giving any reason, till covid lockdown commenced.
9. Finally, **AGM was conducted on 18 Oct 2020**. BOM's purposefully did not include the EGM point in the agenda. In the AGM, Members pointed out to the BOM's, that EGM if conducted / any Committee report, should be listed as the agenda point and its Minutes need to be discussed / approved in the AGM. [In this respect, see para 7 of ENCL 5]. Further, **Chapter III – ADMINISTRATION** – Pg 9 of 32 of the **BYE LAWS – "ORDER OF BUSINESS" CLAUSE / PARA 9 C) & 9 (G) ARE RELEVANT**.
10. Thus, A & A's report as presented in the EGM conducted on **16 Feb 2020** was **approved** without any **DISCUSSIONS & AMENDMENTS** in the **AGM** conducted on **18 Oct 2020** which clearly indicates the intension of the President and BOM's to avoid passage of A&A Committee report.

EXTRACTS FROM BOM'S MEETING MINUTES
CONNECTED WITH ALTERATIONS AND ADDITIONS – DISCUSSED

Board Of Manager's ELECTED IN AGM - 30 JUL 2017 TILL AGM - 15 JUL 2018

SI	BOM MEETING DATE	Minutes - SI	<u>DESCRIPTION</u>	BOARD OF MEMBERS COMMENTS
1	04-Mar-18	7	DU 35 - Modifications NOT Approved, as Front elevation will change	
2		8	DU 101 - Notice issued to stop work. Resolved to issue Legal action so as to stop work	
3	30-Mar-18	1	DU 150 - NOC cannot be issued as NOC of neighbours not enclosed. No clarity in Modifications. Proposer to attend before Advisory Committee	
4		2	DU 35 - NOC cannot be issued as Front elevation is proposed for change and Proposer advised to attend before Advisory Committee.	
5		3	DU 138 - Proposal against the Bye Laws. Demolition / Work in progress. Proposer advised to attend before Advisory Committee to clarify doubts.	
6	22-Apr-18	2	DU 266 - UnAuthorised construction and also running school in premises.	
7		4	NOC to be issued to type V DU's who have requested to extend portico without pillars support at front end & with pillar support at rear end.	
8	12-May-18	1	DU 101 - Notice issued through HIGH COURT → why action is not initiated against DU 101 for making illegal extension of DU without NOC from JVVHOWA and decided to pay Rs 15,000/- to the Advocate for this work.	
9		2	DU 300 - Looked after by Advocate Mr S Sandeep Reddy. It is agreed that the case of DU 300 may be transferred to other Advocate who can look after the interests of JVVHOWA for its welfare.	
10		3	NOC for minor modifications of DU's - Decided to give NOC for such requirement.	
11	10-Jun-18	5	Request coming from several DU's requesting NOC for renovation. As Bye Laws are vague allegations are against BOM's for partiality. BOM needs proper guidelines for: 1. Change in front elevation. 2. Change in number of floors of the building 3. Change in plinth area of the building.	
12	20-Jun-18	5	DU 196 - Portico in rear portion of DU 196 is approved.	

EXTRACTS FROM BOM'S MEETING MINUTES
CONNECTED WITH ALTERATIONS AND ADDITIONS - DISCUSSED

Board Of Manager's ELECTED IN AGM - 15 JUL 2018 TILL AGM - 28 JUL 2019				
SI	BOM MEETING DATE	SI in Minutes	<u>DESCRIPTION</u>	BOARD OF MEMBERS COMMENTS
13	15-Jul-18	Pg 3	15 JUL 2018 AGM minutes of the meeting: AGM suggested for forming a COMMITTEE to give final recommendations in regard to: 1. Change in front elevation. 2. Change in number of floors of the building 3. Change in plinth area of the building. 4. Occupation of each DU, limiting to one family, as our infrastructure may not be sufficient for multiple families. 5. Action against the existing DU's, which are already modified without NOC. 6. AGM NOT APPROVED inclusion of Municipal Engineer & Legal advisor in the Committee. 7. AGM has approved 4 members representing one each from - TYPE VI, TYPE V, TYPE 3H, and TYPE II & III.	AGM on 15 Jul 2018 formed A & A's Committee consisting of following: 1. Cdr S Ashok Kumar 2. Sri VS Ramachandra Raju 3. HFO (Retd) S LaxmiRajam 4. Sri GV Subbaiah. Report submitted by Committee on 25th May 2019 to BOM's
14		29-Jul-18	10	DU Owners who are irresponsibly extending and remodelling their DU's may be issued Legal Notice and proceed legally, if necessary.
15	19-Aug-18	1 b)	Proposal to levy maintenance charges based on the Plinth Area basis - No decision taken	
16		7 b)	Proposal to call the COMMITTEE for finalisation of Building Alterations and Approvals.	Committee formation letter issued by BOM's on 18 Sep 2018.
17	16-Sep-18	c)	DU 135 - Issue Legal notice for unAuthorised construction through our Lawyer M Babu Rao.	
18		j	An amount of Rs 25,000/- to be paid as Lawyer's fees for HC stay order and contempt of court writ for violation of court orders.	
19	30-Aug-18	8, 9 & 10	DU 196 - Issued NOC on 28 Jun 2018 for Portico construction. As he is going beyond limits, NOC is cancelled on 05 Aug 2018. On assurance from DU Owner, revalidated the NOC issued.	Why NOC is being issued to Flats & Not Independent DU's when A & A's Committee is appointed by the AGM to look into A & A's of DU's and report not approved by AGM as yet.
20	17-Nov-18	1	DU 197, DU 199 & DU 200 - Extension application to rear balcony considered and NOC issued.	
21	17-Mar-19	3	DU 95 - Applied NOC for internal repairs, internal lift, extension in the front and extension in the first floor of the building. NOC CANNOT BE GIVEN AS EXTENSION IS BEYOND BYE LAWS.	
22		4	DU 146 - NOC applied - APPROVED	----- do-----
23	09-Jun-19	3	EGM to discuss recommendations of Additions and Alterations Committee report is deferred by BOM's due AGM is going to be conducted in Jul 2019.	
24		7	As & A's committee requested for taking survey fixing positions of DU's and available spaces around them for enabling them to decide the area that can be registered alongwith type V, III & II. Area covered may be about 8 acres for which Rs 5000/- per Acre is quoted. For surveying Rs 40,000/- documentation. Resolved to be placed before AGM.	Total survey cost is only Rs 5000/- and not per Acre as recorded. Verify payment.

EXTRACTS FROM BOM'S MEETING MINUTES				
CONNECTED WITH ALTERATIONS AND ADDITIONS - DISCUSSED				
Board Of Manager'S ELECTED IN AGM - 28 JUL 2019 TILL AGM - 18 Oct 2020				
SI	BOM MEETING DATE	Minu tesSI	<u>DESCRIPTION</u>	BOARD OF MEMBERS COMMENTS
			28 JUL 2019 AGM minutes of the meeting:	It was a deliberate attempt with pre conceived thoughts of the President & BOMs to delay approval of A&A's report in order to pursue the hidden agenda of progressing the Writ Petition against DU Owners. Vakalat was signed by the President on 26 Jul 19 & not informed the AGM.
			Report submitted by the Additions and Alterations Committee	
25	28-Jul-19	Pg 3	The President, before the discussion began, thanked all members of the Committee for their detailed, meticulous and tedious work undertaken. Cdr S Ashok Kumar explained in detail, the Committees recommendations on Alterations and Additions that can be permitted for both Independent houses and Flats.	
26			After through deliberations, Pro and against, unanimity could not be arrived at and it was decided to call for an AGM exclusively before 31st Oct 2019 to take the final call over the Alterations and Additions Committee Report.	
				Points suggested by the DU Owners with the permission of the Chair
27		Pg 3, 2	No commercial activity in the colony: AGM approved to take legal action on DU Owners conducting commercial activity against the Bye Laws of JVVHOWA.	SI 28 approval was taken with pre conceived thoughts and hidden agenda as WP is already signed by the President on 26 July 19 on eve of AGM & not informed AGM Approval does not mean, not exhausting the rules laid in Bye Laws
28		Pg 3, 8	Action against unauthorised modifications: The President requested the House to strengthen the BOM's to initiate legal course against erring DU Ownersto control the illegal and Unauthorised modifications. Though this was approved in AGM 2017, the menace could not be controlled and Modifications are going Unabated. The House approved.	
29	18-Aug-19	1	Owners 41/34/95 came to the office regarding seeking for withdrawl of the case on them. BOM decided to call a Resident meeting next Sunday to decide about the issue.	Resident Owners Meeting NOT CALLED. WHY?
30	25-Aug-19	1	Discussed on DU 41 & 95 illegal construction. It is observed that work is going on without NOC inspite of JVV society notice. It is decided to issue " NOTICE " to stop work immediately.	
31		6	Legal Notice to be issued to Owners of DU 96 for COMMERCIAL activity in violation of Bye Laws.	No details of filing available in the DU file.
32	10-Sep-19	8	ADVISORY COMMITTEE: A&A's Committee to be constituted to rectify the anomalies observed in the report of A&A's Committee of last BOM	There is no anomalies in the A&A report. All preconceived thoughts of the President BOM's
33		5	Letters to be issued to DU's No 41, 239, 261 & 262 for unauthorised construction	
34	03-Oct-19	7	Legal Charges incurred on DU 34, 41 & 95 have been approved.	No mention of Amount
35		1	DU 34 - Letter issued for carrying out unauthorise construction. Legal action initiated for contempt of court	
36	16-Oct-19	5	DU 96 - To be issued Legal notice for indulging in COMMERCIAL ACTIVITIES	Copy of Notice Not in File Is case been filed in HC?
37	29-Oct-19	6	Advisory Committee to be called for review of A & A's. To be called on 03 Nov 2019 and will be informed.	Not called inspite of repeated requests from the committee
38	09-Nov-19	1	A & A Committee: BOM decided to call on 22 Dec, 2019 an EGM to finalise A's & As for all types of DU's. Prior intimation to be sent to all Owners before 22 Nov 2019	

AGM - 28 JUL 2019 TILL AGM - 18 Oct 2020 – Encl 9 [Pg 2 of 2]

SI	BOM MEETING DATE	Minutes SI	<u>DESCRIPTION</u>	BOARD OF MEMBERS COMMENTS
39	21-Nov-19	4	Change proposed with respect to A&A's document to be circulated to Owners for the EGM.	
40	01-Dec-19	13	Resident Owners meet on 08 Dec 19. intimation will be sent	Not called/ informed ?Pupose / Topic?
41	12-Dec-19	j	Following recommendations were set aside by BOM's 1. No Modifications or Alterations are permitted for a DU. DU to be as per original DU.	Why? When A&A committee submitted awaiting approval.
42		m	Status of all Legal cases to be placed in EGM every year	Not even given in AGM. WHY?
43		n	Other Points discussed: 2) Notice issued against dishonouring the Bye Laws 3) Legal cases filed / pending	No decision taken.
44	18-Dec-19	2	Paid Legal fees Rs 30,000/- on DU 34 & 41	
45		4	Type II & III - NOC to be issued for expansion as per approved / permitted expansion. [Construction of balcony for type V DU's as in original plan of AFNHB. Same for type II & III Flats - AGM 2015 - MINUTES]	How is it feasible without A&A's approval? Discrimination between Flats & Independent DU's
46	22-Dec-19	5	DU 96 - Court fees of Rs 25,000/-	No details of filing available in the DU file.
47	28-Dec-19		Legal initiation against DU 96 for COMMERCIAL activities	Legal notice details Not Available in DU file
48	04-Mar-20	3	Advocate fees for counter application on behalf of 3 Writ Petitions filed by DU's 34, 41 & 95. BOM decided to pay the amount.	
49		5	Minutes of the EGM 16 Feb 2020 approved.BOM to send a letter to A&A Committee for review and clarification sought.	
50	13-Sep-20	1	Legal fees of Rs 20,000/- approved by BOM.	
		4	AGM will be conducted on 18 Oct 20	
51	18-Oct-20		18 Oct 2020 - AGM minutes of the meeting:	
52		9	Cdr PS Nath pointed out the deficiency of Board functioning by not including agenda points as per Bye Laws despite informing the BOM's through his letter dated 10 Oct 20. However, some of these points were taken up in the AGM including approval of the proceedings and minutes of EGM 2020.	
53		10	ALTERATIONS & ADDITIONS - EGM CONDUCTED IN FEB 2020	
54		a)	AGM unanimously approved the presentation made by the ALTERATIONS AND ADDITIONS Committee in the EGM without any amendments	
55		b)	Further solution in respect of drainage for four blocks of type VI DU's consisting of 3 DU's each as proposed subsequent to the EGM by the Committee is approved.	
56		d)	Approved ALTERATIONS AND ADDITIONS Committee report alongwith the process for approval of A's & A's of a DU to be promulgated by the BOM's.	PROMULGATED

12/2/6

Encl (10)

Re[2]: QUESTIONAIRE - PENDING COURT CASES FROM BOARD PRESIDENT INVESTIGATION

S Ashok Kumar

To: Gandhi Reddy Tammi Reddy

Crk_ashok86@homail.com,vgouripa:hi@gmail.com,JVV Office,Sri.S. Laxmi Rajam,KRK2303@GMAIL.COM

Sir,

It just takes 15 mins to fill the information

Every one works to do the best. There are gaps in the system which should be rectified for future and lay standard operating procedures

Today it may be one member and tomorrow it may be another. We should lay systems. Your answering will improve the system for the future. We cannot retrieve what has happened, but means to correct and move forward

In the light of important portfolio of President of JVJ being held by you, your answers will go will go a long way in improving the system.

Similar Questionnaire has been given to all affected members and persons in important portfolios.

Thanks

Looking forward for your co-operation.

Task entrusted to me in not simple But cooperation from members will help

Thanks once again

Cdr Ashok.

Sent from Outlook Email App for Android

Sunday, 08 August 2021, 10:03PM +05:30 from Gandhi Reddy Tammi
Reddy gandhireddy.t@gmail.com:

Dear Sir,

I may not be in a position to spend time understanding the points mentioned (difficult to recap) and give a reply. I can say one thing that we did our level best during that time in the wider interest of society as by laws.

We appreciate your cooperation.

Regards
Have a nice and safe day

On Sun, Aug 8, 2021 at 7:36 PM S Ashok Kumar <k_ashok,86@hotmail.com> wrote:
08 AUG 2021

Dear Shri Gandhi Reddy,

You having held a responsible position in JVVHOWA as Board President, reading the letter and then refusing to take the letter issued by the enquiry committee Board constituted to enquire into the circumstances of filing Court cases against DU Owners 34, 41, & 95 and Advising BOM's Course of action to be taken on Pending Court cases does indicate your careless attitude to norms of the JVVHOWA and the committees set up to enquire.

Would appreciate a reply in electronic form for the Questionnaire enclosed on or before 13 Aug 2021.

Regards
Cdr S Ashok Kumar
President Board of Members
for Advising BOM's Course of action
to be taken on Pending Court cases.

QUESTIONNAIRE - PENDING COURT CASES FROM BOARD PRESIDENT
INVESTIGATION

Yahoo! Mail Inbox

S Ashok Kumar <k_ashok86@hotmail.com>

To: gandhireddy.t@gmail.com

Cc: k_ashok86@hotmail.com, vgouripathi@gmail.com, JVV Office, Sri.S. Laxmi
Rajam, KRK2303@GMAIL.COM

Sun 8 Aug at 7:30 pm

08 AUG 2021

Dear Shri Gandhi Reddy,

You having held a responsible position in JVVHOWA as Board President, reading the letter and then refusing to take the letter issued by the enquiry committee Board constituted to enquire into the circumstances of filing Court cases against DU Owners 34, 41 & 95 and Advising BOM's Course of action

to be taken on Pending Court cases does indicate your careless attitude to norms of the JVVHOWA and the committees set up to enquire.

Would appreciate a reply in electronic form for the Questionnaire enclosed on or before 13 Aug 2021.

Regards

Cdr S Ashok Kumar

President Board of Members

for Advising BOM's Course of action

to be taken on Pending Court cases.

Cdr S Ashok Kumar,
President (Board - Pending Court Cases.)

DU 85, JVV KUKATPALLY,
Hyderabad - 500085

07 Aug 2021

To,
Shri T Gandhi Reddy,
DU No 27,
President JVVHOWA -(2019-20)

Sub: BOARD OF MEMBERS CONSTITUTED TO ADVISE PENDING COURT CASES.

Sir,

1. This is to inform you that present BOM, JVVHOWA constituted a Board of Members to advise them on the way to go about pending court cases against DU Nos 34, 41 and 95, of which I am The President of the Board.
2. The Board, as a part of the proceedings, enquired and inspected the premises of all the affected members.
3. In order to arrive at correct conclusions, We, the Board Member's seek certain clarifications from You as the same was processed during Your tenure as The President of BOM's, JVVHOWA. The clarifications required is given in a Question form and I request you to give your answers for the same to the best of your knowledge in the form itself and Where more elaboration is needed a separate sheet be attached.

SI	Questionnaire from the Committee	Reply from The President BOM's JVVHOWA
1	Are you aware that AGM in its meeting dated 15 Jul 2018, approved the formation of an Additions and Alteration committee to look into the changes in front elevation / Number of floors / Plinth area of various Types of houses in our colony.	
2	Are You aware that the A&A Committee President submitted their Report on 25 May 2019? Have all the aspects been discussed in BOM subsequent to submission of the report?	
3	As President, BOM, Did you / Your team have any discussions / exchanged letters, given any clarifications to The President and Members of A&A Committee, during the time of their functioning.	
4	Are You aware that as per the Bye Laws, Chapter VII, Para 3 a) vii) - The BOM's is empowered to issue NOC or refer to a sub-committee before arriving at a decision?	
5	Are You aware that as per the Bye Laws, Chapter I, para 5 (o), a procedure to implement penal or other disciplinary action against defaulters could be taken after giving an opportunity for the member to be heard prior to be proceeding against and before any action is initiated?	
6	If Yes for para 5 above, please intimate the date time and place where such an opportunity has been given to the member to be heard and Names of Board Members present during the enquiry.	

7	If No opportunity has been given for the defaulting member to be heard and represent before the Committee, can the Board conclude that all opportunities as provided in Bye Laws have not been exhausted before proceeding for legal action.	
8	In respect of the Three DU's 34, 41 & 95 have you referred regarding NOC to a sub-committee keeping in view the Alterations and Additions Committee report already received by BOM's?	
9	Have you referred the subject of NOC to the A&A's committee for their views, in the light of their submission of the report?	
10	<p>a) Has the Previous board prepared their Handing over notes to Your BOMs and both have signed for it?</p> <p>b) Has the Previous board intimated the details of Legal Cases, and details of the Advocate filing a Legal Case in High Court against DU 34, 41 & 95. OR</p> <p>c) Can you confirm the date of initiations of this Legal case as no records are found in the office records and produce the same for scrutiny by the Board?</p> <p>d) OR - Has the legal cases been filed by You?</p> <p>e) If case has been filed by You, Can You elucidated reasons for not calling an emergency Resident Owners meet for their views regarding action required to be taken and way forward? [as was the case of installing a Lift for the Flats, the emergency Resident Owners meet was called]</p> <p>f) Can you intimate the date of filing of the cases in High Court after all internal sources as per Bye Laws has been exhausted?</p> <p>g) Have the legal cases been put in the Report of AGM along with expenditure in the AGM held on 18 Oct 2020?</p> <p>h) What is the state of the Legal cases at the time of your handing Over.</p> <p>i) Has the legal case report intimated in writing to the next BOMs? If No, please give reasons thereof?</p> <p>j) Have You referred the matter to a sub-committee for their views before proceeding legally?</p> <p>k) If previous Board has filed a Legal case in their tenure, than why did Your Board not Object and bring up in the AGM held on 18 Oct 2020 for filing cases without approval of AGM?</p> <p>l) Further, as per the Bye Laws, chapter I, Para 8, a) & b) - It is prudent enough to try and exhaust all provisions within the Association to obtain Justice, failing which only shall take complaint / dispute to Outside Authorities. Please confirm the same has been followed.</p> <p>m) Further, are You aware that the Management Committee / Member of the Society in any matter relating to the affairs of the Society, may proceed with the dispute under the provisions of Arbitration & Conciliation Act, 1996 failing which an application may be made in the District court concerned, who is mandated after enquiry to refer the dispute to the Arbitrator.</p> <p>n) Have all the provisions laid in the Bye Laws provided for a dispute with a Member of the Association been all exhausted as per para i), k), l & m) above before approaching the High Court?</p>	
11	Have you analysed each DU 34, 41 & 95 the violations in respect DUs vis-a- vis the recommendations of A&A report?	

5

12	JVHWA had a standing counsel since 2016. Has any termination letter been given to existing counsel before approaching a different Advocate? Alternatively, has the standing Counsel approved by the AGM given an undertaking that he is unable to process the case in the high Court? If so, is there any record?	
13	Have you taken consent of AGM for change of Counsel and his terms of payment? If not, reasons thereof.	
14	Can You indicate the date of approval taken from the BOMs for proceeding Legally against DUs 34,41&95? Please intimate the date of the BOMs minutes	
15	a) For proceeding legally regarding defaulters carrying out Alterations and Additions to their DU's without NOC, AGM dated 28 Jul 2019 has given an approval. b) Does it mean proceeding legally is without exhausting all the provisions laid out in the Bye Laws? c) Proceeding legally is different from filing a Writ Petition in High Court.	
16	At the time of filing cases, a Vakalatnama is to be signed by the President which is mandatory. Were those copies of VakalatNamas handed over to incoming President.	
17	Has the fee structure of newly appointed counsel been briefed to incoming President? What is the fees structure, please spell out.	
18	a) What are the circumstances that led you to take such a drastic action of WP instead of Legal case in the light of approval only for a legal case? b) Has approval of Lawyer for Writ Petition taken in the AGM as a standing Council / Advocate of the Colony? c) His name and Contact details has it been officially communicated to the incoming President of BOM	
19	You have not projected any Lawyer fees nor taken provisional approval for the same in the AGM	

4. Please give your replies on or before, 13 Aug 2021.

Thanking You,

S. Ashok Kumar
 Cdr S Ashok Kumar
 Board President [Cases filed in court]

*Kind Request
 Made to Shri
 T. Ganesh Reddy on 8/8/2021
 Ashok Kumar*

Encl (1)

From
R.V. Prasad
47 Jalvayu Vihar, KPHB.
Hyd-500085

18th Aug 2021

To
Cdr S Ashok Kumar
President (Board-Pending Cases)
85 Jalvayu Vihar, KPHB, HYD.

Sir,

Sub:- Advice regarding pending court cases.

Ref:- letter dated 7-8-2021

1. I am served with a letter to give my explanation regarding several aspects 19 in number.
2. In this regard, I am unable to gather the intentions behind in issuing the letter referred above to me in my personal capacity to give my replies on those points. In fact I have neither personal interest nor any animosity towards the erring DU members, but I am expected to take steps as per the procedure to safe guard the decorum of DUs as per bye-laws.
3. To answer most of the queries, I wish to inform you that there will be gap of 10 to 15 days for handing over charges to the incumbent managing committee, the subject Villa Owners bearing Nos 34,41 and 95 have hurried doing alterations totally deviating the bye-laws of the society which made me to take appropriate action in the interest of society. I discussed the same with the then incumbent body who agreed for proceeding with the legal steps for which I engaged an advocate known to me who can take immediate steps and do the needful. Accordingly, the financial part of the legal issues was entrusted to the next BOM.
4. In this regard, you may proceed with the further steps to proceed with the legal issues for which I am always prepared to co-operate in the interest of the society.

Thanking you

Yours sincerely



Pg 2 of 6

Encl 11

Cdr S Ashok Kumar,
President (Board- Pending Court Cases.)

DU 85, JVV KUKATPALLY,
Hyderabad - 500085

13 Aug 2021

To,
Shri RV Prasad,
DU No 47,
President JVVHOWA -(2017-18 & 2018-2019)

Sub: BOARD OF MEMBERS CONSTITUTED TO ADVISE PENDING COURT CASES.

Sir,

Reference Your letter dated 13 Aug 2021. Regarding unable to give reply to the Questionnaire sent by the BOMs enquiring into pending Court cases.

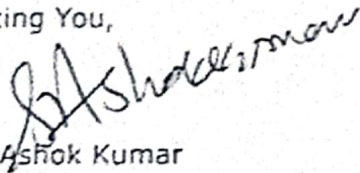
You have occupied a very important Position in the BOM as President and You have taken few decisions and record for the same are not available in the Office record.

Hence, You should find time and answer the Questionnaire which will not take more than 30 mins. Spending two slots of 15 mins a day, you can reply across each Question. You must have intention to give information.

One way could be You give a recorded statement for each question and send the recorded statement to office. We shall get it printed and send it to You for your signature.

Please give your replies on or before 15 Aug 2021.

Thanking You,



Cdr S Ashok Kumar
Board President [Cases filed in court]

Hyderabad
13th Aug 2021

Cdr S. Ashok Kumar
President (Band-pending Court Case)


Sir,

Please refer to your ltr dt. 07 Aug 2021.

I am totally pre-occupied with couple of marriages of my ~~close~~ relatives, and hospitalisation of my aunt (mother's sister), wherein my total time is devoted for some more time.

As much I ~~am~~ may not be in a position to reply to your queries before 13th Aug 2021 and it ~~may~~ ^{might} take another couple of weeks.

Thanking you and please oblige.


(S. Ashok Kumar)
JVR47

"Board Of Members"-Pending court cases-JVVHOWA-Page 1 of 3-ENCL "12"

Cdr S Ashok Kumar,
President (Board - Pending Court Cases.)

DU 85, JVV KUKATPALLY,
Hyderabad - 500085

13 Aug 2021

To,
Dr N Chalamaiah,
DU No 110,
Secretary, JVVHOWA -(2017-18 & 2018-2019)

Sub: **BOARD OF MEMBERS CONSTITUTED TO ADVISE PENDING COURT CASES.**

Sir,

REPLIES IN ITALICS RECEIVED FROM DR. N CHALAMAIAH-BELOW IN THIS LETTER.

1. This is to inform you that present BOM, JVVHOWA constituted a Board of Members to advise them on the way to go about pending court cases against DU Nos 34, 41 and 95 and other court cases of which I am The President of the Board.
2. The Board, as a part of the proceedings, enquired and inspected the premises of all the affected members.
3. In order to arrive at correct conclusions, the Board Member's seek certain clarifications from You as the same was initiated during Your tenure as The Secretary of BOM's, JVVHOWA. The clarifications required is given in a Question form and I request you to give your answers for the same to the best of your knowledge in the form itself and Where more elaboration is needed a separate sheet be attached.

The following clarifications as sought by you, in your Lr. Dt. 13th Aug.2021 are furnished below to the best of my knowledge. They may not be up to your requirement as my remembrance is poor and also the infection of COVID about 6 months back has wiped off the available memory. I am wondering how one of the present BOM members can head the sub-committee.

Sl	Questionnaire from the Committee	Reply from The Secretary BOM's JVVHOWA
1	Are you aware that AGM in its meeting dated 15 Jul 2018, approved the formation of an Additions and Alteration committee to look into the changes in front elevation / Number of floors / Plinth area of various Types of houses in our colony.	YES
2	As Secretary, BOM, Did you / Your team comprising of the Vice President, Wg Cdr Narsimhan have any discussions / exchanged letters, given any clarifications to The President and Members of A&A Committee, during the time of their functioning.	<i>Whatever they have asked we have given clarification to the best of my knowledge.</i>
3	Are You aware that the A&A Committee President submitted their Report on 25 May 2019? Have all the aspects been discussed in BOM subsequent to submission of the report?	YES
4	Are You aware that as per the Bye Laws, Chapter VII, Para 3 a) vii) - The BOM's is empowered to issue NOC for A&As or refer to a sub-committee before arriving at a decision to proceed legally?	YES
5	Are You aware that as per the Bye Laws, Chapter I, para 5 (o), a procedure to implement penal or other disciplinary action against defaulters could be taken after giving an opportunity for the member to be heard prior to be proceeding against and before any action is initiated.	YES

[Signature]

32

[Signature]

[Signature]

"Board Of Members" – Pending court cases – JVVHWA – Page 2 of 3 – ENCL "12"

6	If Yes for para 5 above, please intimate the date time and place where such an opportunity has been given to the member to be heard and Names of Board Members present during the enquiry.	<i>As most of the unauthorized works were carried out on emergent basis without heeding to the requests of President / BOM after consulting the members and also taking consent of the incoming board members has resorted to legal action through the HC. To stop the work and as the new board has not taken charge by that time the President has resorted to stay orders by HC to stop the work instead of going in for a prolonged legal battle which may not be able to stop the work.</i>
7	If No opportunity has been given for the defaulting member to be heard and represent before the Committee, can the Board conclude that all opportunities as provided in Bye Laws have not been exhausted before proceeding for legal action.	<i>There was no other go to the President as the Dwelling owners are proceeding with the work without any stop in spite of repeated requests & warnings by the President. There was a little gap between the two bodies (BOARDS) in handing over and taking over of charge which was taken advantage by these dwelling unit owners.</i>
8	In respect of the FIVE DU's 34, 35, 41, 95 & 101 have you referred regarding NOC for A&As to a sub-committee keeping in view the report of Alterations and Additions Committee report already received by BOM's?	<i>As the Sub-committee report is not yet approved by the General body it was not referred to the Sub-committee.</i>
9	Have you referred the subject of NOC to the A&A's committee for their views, in the light of their submission of the report?	<i>As the Sub-committee report is not yet approved by the General body it was not referred to the Sub-committee.</i>

10	<p>As per your Handing over note to next BOMs on Legal Cases, [not signed jointly by In coming and Out Going Board Presidents] you have made a mention of initiating a Legal Case in High Court against DU 34, 35, 41, 95 & 101.</p> <p>a) Can you confirm the date of initiations of this Legal case as no records are found in the office records and produce the same for scrutiny by the Board.</p> <p>b) Have You referred the matter to a sub-committee for their views before proceeding legally?</p> <p>c) Alternatively, did you call for an emergency Resident Owners meet for their views regarding action required to be taken [as was the case of installing a Lift for the Flats, the emergency Resident Owners meet was called].</p> <p>d) Further, as per the Bye Laws, chapter I, Para 8, a) & b) – It is prudent enough to try and exhaust all provisions within the Association to obtain Justice, failing which only shall take complaint / dispute to Outside Authorities. Please confirm the same has been followed.</p> <p>e) Further, are You aware that the Management Committee / Member of the Society in any matter relating to the affairs of the Society, may proceed with the dispute under the provisions of Arbitration & Conciliation Act, 1996 failing which an application may be made in the District court concerned, who is mandated after enquiry to refer the dispute to the Arbitrator.</p> <p>f) Have all the provisions laid in the Bye Laws provided for a dispute with a Member of the Association been all exhausted as per para b), c), d & e) above before approaching the High Court?</p>	<p><i>This is left to the clarification by the then President.</i></p>
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11	Is it not surprising that for the first time in JVVHWA history, the AGM minutes were of same date as that of AGM. Though it is not impossible, are there any specific reasons for such urgency?	<i>Whatever was the history of JVV as I was leaving to UK on the next morning of AGM. The AGM minutes were handed over to the President on the same night of the day on which General body was conducted?</i>
----	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

"Board Of Members"-Pending court cases-JVVHOWA-Page 3 of 3-ENCL "12"

12	Have you analysed each DU 34, 35, 41, 95 & 101 the violations in respect DUs with the recommendations of A&A report?	<i>The existing council was called for discussions about the cases. He has informed that it costs about Rs.200,000 for each in the H C.</i>
13	JVVHOWA had a standing counsel since 2016. Has any termination letter been given to existing counsel before approaching a different Advocate. Alternatively, has the standing Council approved by the BOMs / AGM given an undertaking that he is unable to process the case in the high Court? Please submit the same as it is not seen in the files.	<i>The existing council was called for discussions about the cases. He has informed that it costs about Rs.200,000 for each in the H C.</i>
14	Have you taken consent of AGM for change of Counsel and his terms of payment?	<i>The existing council was called for discussions about the cases. He has informed that it costs about Rs.200,000 for each in the H C.</i>
15	Has the issue of proceeding Legally against DU 34, 35, 41, 95 & 101 been discussed in BOM? If so is there any record?	<i>Due to the lack of time the matter was discussed through phone by the President with the other members of board.</i>
16	a) For proceeding legally regarding defaulters carrying out Alterations and Additions to their DU's without NOC, AGM dated 28 Jul 2019 has given an approval b) Does it mean proceeding Legally is without exhausting all the provisions laid out in the Bye Laws? c) Proceeding Legally is different from filing a writ petition in High Court	<i>It is not without exhausting the all the provisions of the Bye-Laws, but due to the belligerence of the dwelling unit owners who are executing their own plans without any Coma/Full stop.</i>
17	At the time of filing cases, a Vakalatnama is to be signed by the President / Secretary which is mandatory. Were those VakalatNamas handed over to incoming President / Secretary?	<i>We may ask the then president about the same</i>
18	Has the fee structure of newly appointed counsel been briefed to incoming President? What is the Fees structure, please spell out. There is no record on file	<i>We may ask the then president about the same</i>
19	a) What are the circumstances that led you to take such a drastic action of Writ Petition instead of Legal case in the light of approval for a Legal case. b) Has approval for lawyer for writ Petition taken in the AGM as a standing Council / Advocate of the Colony and the fee structure? c) His name and contact details has it been officially communicated to the incoming President?	<i>We may ask the then president about the same</i>

Everything explained is done only in the interest of the JVVHOWA. The cases were continued by the next Managing Boards. The present board can take a decision as per their consciences for further implementation.

Please give your replies on or before 15 Aug 2021.

Thanking You,

Cdr S Ashok Kumar
Board President [Cases filed in court]





Encl: (13) to BOM - Pending court cases JVHOWA Encl (13)
↓
1 of 3

Re: Re[2]: Re[2]: Board of Managers - Court cases - JVHOWA

Indukurijb

To: k_ashok86@hotmail.com

Cc: mail.com, JVV Office

Thu, 21 Oct at 4:05 pm

Dear Ashok kumar garu,

I am also responsible for all BOMs whichever I signed. Specifically I expressed that regarding court cases. I am not the right person on this matter

Sincerely.,
JB

From: S Ashok Kumar <k_ashok86@hotmail.com>
Sent: Thu, 21 Oct 2021 15:44:04
To: Indukurijb <indukurijb@rediffmail.com>
Cc: mail.com <jayababui@rediffmail.com>, JVV Office <jvvh72@yahoo.co.in>
Subject: Re[2]: Re[2]: Board of Managers - Court cases - JVHOWA

Dear Jaya Babu,

It is nothing to do with Duplex Houses. it is to do with finance and paying money which belongs to all of us and taking actions without exhausting all measures mentioned in the Bye Laws.

You were the secretary than. Hence, more responsible after the President. Did you approve of the actions being taken.

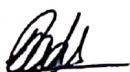
I went through the minutes of BOM's and there was no objections from you at all, which means you are in agreement.

You have not answered each of my specific Questions sent in my first mail.

You should answer each of them as known to you to fix responsibilities, else whole board members will be held responsible.

Ashok

--
Sent from Outlook Email App for Android



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Encl (13) to BOM - pending court cases JVVHOWA
2 of 3 Encl (13)

Thursday, 21 October 2021, 03:25PM +05:30 from Indukurijb indukurijb@rediffmail.com

Dear Ashok kumar garu,

I remember that It was discussed in BOM meetings. I have not involved in any court cases directly or lawyers on this matter. I don't have any knowledge on Duplex buildings related issues. I never involved on any court cases. I am not the right person on this duplex court cases matter.

Sincerely,
JB

From: S Ashok Kumar <k_ashok86@hotmail.com>
Sent: Thu, 21 Oct 2021 15:11:04
To: Indukurijb <indukurijb@rediffmail.com>
Cc: mail.com <jayababui@rediffmail.com>, JVV Office <jvvh72@yahoo.co.in>
Subject: Re[2]: Board of Managers - Court cases - JVVHOWA

Dear Jaybabu,

During your time cases were filed in respect of DU 95, contempt of Court Cases and Court cases against DU 96, Contempt Court cases against DU 34, 41 & 95.

Please confirm, you are aware of it and made payment to Advocate.

Cdr Ashok

--

Sent from Outlook Email App for Android

Thursday, 21 October 2021, 03:02PM +05:30 from Indukurijb indukurijb@rediffmail.com.

Dear Ashok kumar garu,

This is to inform you that I am not involved any court cases. I am not aware of any Duplex related documents court cases.

I never dealt with any court cases or any lawyers on court cases. Completely I don't have any idea on any court matters.

Sincerely,
Indukuri Jayababu

From: S Ashok Kumar <k_ashok86@hotmail.com>
Sent: Thu, 21 Oct 2021 14:57:51
To: "indukurijb@rediffmail.com" <indukurijb@rediffmail.com>, S Ashok Kumar <k_ashok86@hotmail.com>
Cc: "jayababui@rediffmail.com" <jayababui@rediffmail.com>, JVV Office <jvvh72@yahoo.co.in>
Subject: Board of Managers - Court cases - JVVHOWA



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Dear Jaya Babu,

You may answer in the Questionnaire and send.

Need answer to Know, when You took over from previous Board, following "very specific answers to the questions"

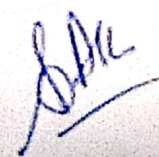
1. Were You handed over the Handing over Notes from the previous Board.
2. Was Your permission as Secretary taken by the previous Board to file Court cases on your behalf.
3. Was permission taken is YES, than was it on telephone or in writing.
4. Were You intimated the cost of breakdown of Costs for the Advocate.
5. Why did you not Object to the New Advocate when JVVHOWA had a standing Council.

Apart from the below Questionnaire, the above questions be also answered

Ashok



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Encl (1A) to BOM - Pending court cases JVHWA soft & Encl (1A)

Comments to Draft AGM Report by (Pg)
From Cdr S. Ashok Kumar TO: JUV TO: 05/09/17

Cdr S Ashok Kumar
DU No:85

DRAFT AGM MINUTES - CORRECTIONS

JVHWA MINUTES OF AGM DRAFT - CORRECTIONS THERE OF

The BOM, JVHWA,

Reference your draft Minutes of AGM, the following corrections be made:

1. Obituaries: Correct spelling Cdr VR Nikkula & Smt Madhavi Nikkula ✓ Corrected
2. APPROVAL OF MINUTES OF AGM 2018: SUBJECT WISE PARAGRAPH BE DONE. It is not a running paragraph. Further, DELETE "And also the" and in lieu add "On".
3. MAINTAINANCE CHARGES: Paragraph may please be corrected as follows:

Not corrected

As our expenditure on maintenance is far exceeding the income, thereby draining out our corpus funds. Cdr DP Kothuri, Audit Member made a Power Point presentation through the BOM, wherein the income and expenditure for maintenance charges in the colony were highlighted. Cdr DP Kothuri presented that the maintenance charges need to be enhanced to Rs 1200/- per month to overcome the expenses being met from corpus fund. It could be done in one go, if approved by AGM now or it can be done in two steps as Rs 1000/= for this financial year and Rs 1200/- from beginning of next financial year. The issue could not be resolved as much deliberations could not take place.

4. AUDIT REPORT AND BALANCE SHEET FOR 2018-19:

Partly corrected OK

After words "AGM for capital work in progress, for which the house unanimously approved" add. Cdr Ashok Kumar pointed out to the Auditors that in the schedule 13, indicating the the last three financial years statement, the Heads under "Maintenance & Water", income has been correctly transferred correctly from the previous schedule 13, while the Expenses has shown wide disparity in figures during transferring. This needs to be resolved. It is the case with previous schedules also. Auditors have indicated that this will be looked into and corrected in future, that this lapse does not occur.

OK ✓

In para - Fixed assets Register - please add - Cdr Ashok Kumar pointed out that there should be Owners of the document. It was suggested that Treasurer should be the owner of this register and should keep it upto date and presented quarterly to the Auditors and the same accepted.

New Point:

Cdr Ashok Kumar has indicated that the water bills do not indicate the present reading and past reading and difference in reading in the present sms being received. The same be incorporated. BOM's indicated that the Software maintenance person is not responding. We now intend to shift to Tally from a new vendor and the same will be incorporated in the new software.

Cdr Ashok Kumar gave an appreciation to the present board for digitizing the records of DU. The House also appreciated the effort of the Board.

Electrical Units in the Colony: BOM's updated the status of Electrical transformers and its associated unit their maintenance by TSSPDCL. The next board to pursue the subject and also include the renewal / replacement of fuse boards in the distribution boxes which have outlived their life and deteriorated. The same was agreed.

Not included in the list

(2)

Encl (14) to BOM - Pending court cases I will show safe
Encl: (16)

Comments of Ashok AGM Refd by
Cdr S. ASHOK KUMAR 19/12/16

5. Agenda points:

Report of A&A committee:

Not added

Para1: Wg Cdr JainAdd following in the end: Cdr Ashok Kumar mentioned that more than 50% Owners who participated and given their suggestions "have approved the regularization" as is the case in the present / future approvals. AGM is required to endorse the recommendations of the majority DU Owners.

Para2: Mr AchutAdd following in the end: Cdr Ashok Kumar pointed out that once the Committee's recommendation are concurred by the AGM, Bye Laws will need to be amended accordingly with the same.

Not added

Para6: Some haveAdd following at the end: Cdr Ashok Kumar pointed out that The Committee should not go beyond its purview and is well within its terms and has undertaken as per the views and opinions expressed by the majority of the DU Owners requirements. Allocation of proportioned land is as per already approved drawing for extension of flats and extension for Lift for a Multistoried building. The committee only endorsed the AGM approval already given.

Not Added

Para9: Security guards. Guards before deployment in the colony needs to be interviewed by the Security officer along with the Secretary / President as other member and copy retained in the office of their findings.

Please incorporate the necessary corrections in the draft

Thanking You

Commander S Ashok Kumar

Encl (14) to BOM - Pending court case JVVHWA 1 of 8 Encl: (14)
3
Encl (14)
AGM
2019

JALAVAYU VIHAR HOUSE OWNERS WELFARE ASSOCIATION
MINUTES OF ANNUAL GENERAL BODY MEETING HELD ON 28 JULY 2019

DRAFT AGM MINUTES Dt (28/07/2019) 07 AUG 2019

Board Members:-

CIRCULATED NOTICE BOARD ON 07 AUG 2019

1	Sri.RV Prasad	President
2	Wg Cdr (Retd)D.Narasimham	Vice President
3	Prof. N. Chalamaiah	Secretary
4	Sri.T. Sateesh	Security I/C
5	Sri. PDV Balaji	Conservancy
6	URK. Prasad	Member
7	Air Cmde. BSH Varma	Member

Comments
&
Next meeting
a note of
en

1. At the scheduled time 9.30 AM a few residents turned up. As it was not meeting the quorum, President adjourned the house for 30 minutes. The meeting is reconvened at 10.00 with 43 residents at 10 O" clock and at 10:20 AM the strength was 53. In no time after a few minutes the attendance rose to 86.
2. **OBITUARIES:** Firstly, homage was paid, by observing 2 minutes silence to the departed souls in the preceding year whose names were readout by the President.

Beloved Departed Souls	D U No	Relatives
Cdr V R Nekkula	271	Smt. Madhavi Nekkula
N.V. Nukaraju	313	Wg Cdr N V kishore Naidu
Ratnabai	46	Sri K Achyut Kumar
Srimathi Nagarajan	137	Gp Cpt Shankar Nagarajan
Sri. V. Narasimha Raju	134	VS. Rama Chandra Raju

3. Introduction of New Members:

The president introduced 29 new members and welcomed them into the JVV family.

4. Opening Remarks By The President:

President while welcoming the august gathering shared the concern and thought of breaking down of human communities and all have been the mute observers of disintegration of intimate communities. He also said, it's high time everyone of us should be prepared to take responsibility for ourselves and strengthen our social fabric. And also emphasized that everyone should be loyal simultaneously to their family, neighbourhood, profession and the nation, why not add humankind and planet Earth to that list.

He also appealed to strive for a water secure India and said our ability to manage and govern our water resources efficiently will determine the growth and prosperity of the coming generations.

The President, while welcoming the members, thanked all the residents for their wonderful co-operation and strengthening the B O M.

(4) (9)

To this Cdr Ashok Kumar said, that majority of the DU Owners, above 60% have approved, and AGM can approve it.

Encl (14) to BOM - pending court cases JVVHOWA saf. & Encl (14)

Agenda Points:

Report submitted by the additions and alterations committee.

The President, before the discussions began, thanked all the members of the committee for their detailed, meticulous and tedious work undertaken. Cdr. S Ashok Kumar (Retd) DU No 85 explained in detail, the committees' recommendations on alterations and additions, that can be permitted for both independent houses and flats.

1. Wg Cdr S K Jain DU No 113 objected to the recommendations saying A G M cannot authorise rectifications / additions already made/ being made. **In Complete***
2. Mr Achyut Kumr Du no. 46 and Wg Cdr D Narasimham vice- President D U NO 7 said as there is No provision in By-laws for alterations /additions as suggested by the committee. Cdr Ashok Kumar pointed out that once the Committee recommendations are concurred by the AGM, Bye Laws will need to be amended accordingly. ✓
3. Smt B. Mary Jecintha DU 69 pleaded for alterations to be permitted.
4. Ex CPL URK Prasad DU 240 said No set back provision is required in Group Housing and at the same time no compound walls are permitted around the houses.
5. Dr V Elia Reddy D U 241-- Setbacks were not mentioned in the report. Drawings for Setbacks not provided. If Set Backs are not adhered to, there would be congestion, crowded and looks like a slum. The beauty and fabric of the colony would vanish once and for all.
6. Some have pointed out that the committee has gone beyond their purview and questioned the legality and authenticity of allocating the proportioned land as suggested by the committee. Cdr Ashok Kumar pointed out that the committee did not go beyond its purview and is well within its terms. Cdr Ashok Kumar mentioned that previous AGMs have already approved Extension & Installation of Lift. Only to that extent the committee also recommended the proportioned land. After thorough deliberations, pro and against, unanimity could be not be arrived at and it was decided to call for an EGM exclusively before 31st October 2019 to take the final call over the Additions/ Alterations committee Report.

Points suggested by the DU owners WITH THE PERMISSION OF THE CHAIR

1. A suggestion by a member not to cut the trees obstructing electrical lines but to insulate the wires properly. **Approved** and the ensuing BOM can initiate.
2. No commercial activity in the colony: A G M **approved** to take legal action on DU owners conducting commercial activity against the By-Laws of JVVHOWA.
3. A decision to modify existing speed breakers as per the permitted stipulations in vogue: **Approved**
4. Parking of visitors / guests vehicles to be regulated: **Approved.**
5. Guidelines on Pet Dogs/ Street Dogs to be issued to avoid nuisance to the residents : **Approved**
6. Replacement of old rusted pipelines in a phased manner : **Deferred and Approved** only for repairs as and when need arises.
7. Removal of Concretisation in the common areas to encourage soil and water retention: **Approved**
8. Action against unauthorised modifications: The President requested the house to strengthen the BOM to initiate legal course against the erring DU owners to control the illegal and unauthorised modifications. Though this was approved in the AGM 2017, the menace could not be controlled and modifications are going unabated. The house approved.
9. Security guards to be replaced by young guards : **Approved**
10. A suggestion by Ex CPL URK Prasad DU 240 for change of vendor to support Tally, in getting a better service : **Approved**

Reds

38

SAR

S

Encl (14) to BOM - Pending court cases JVVHWA 2 of 8 Encl

Draft AGM Report Pg 2

the income of the house of the society is being used for the maintenance of the house. As a result, the income of the society is being used for the maintenance of the house.

Approval of minutes of AGM 2018: All the points of the AGM 2018 were discussed. The President informed that all the issues were taken care of, barring the issue of barricading the common areas, as there was stiff resistance from the neighbouring DU owners. The house approved to initiate steps again to barricade the common areas belonging to the Society. And also the issue of issuing ID cards and charges for outside players could not be taken up owing to the non-cooperation from the our own DU owners. Wg Cdr P M Rao raised the point of non availability of Internal Audit. President apologised on the issue and clarified that both the auditors Lt Col PVC Subba Rao and Cdr D P Kothuri both were unavailable due to their family priorities and hence the delay in completion of Audit. The Minutes of AGM were proposed for approval by V S Ramachandra Raju and seconded by H R Prasanth Sharma

BOM Report 2018-19: The President brought out the salient features of the works undertaken by the present BOM during July 2018 and July 2019 to the members of the house and were thoroughly deliberated. The same were circulated along with the AGM Notice and they were treated as Read.

Maintenance Charges: As our expenditure on Maintenance is far exceeding the income, thereby draining out our corpus funds, the BOM ^{by} ^{presentation} pointed out the issue. (Cdr D P Kothuri) for increase in the Maintenance charges: either in one go to Rs. 1200/- or phased manner Rs 200 this year and the remaining thereafter. The issue could not be resolved as much deliberations could not take place.

Audit Report and Balance Sheet for 2018-19: Honourable members were briefed the salient features of the Balance Sheet by the President. Regarding the issue of Rs. 1,40,000/- (donations payable), the Auditors Mr P Vishwanadh, present at the meeting clarified that it's a liability on part of the society and should be either pay back to the donors or to some Relief Organisations, the majority of the members agreed to contribute to the PM Relief Fund. Auditors wanted the approval of AGM for Capital Work in Progress, for which the house unanimously approved. Mr Gandhi Reddy proposed approval of Balance Sheet, Mr Kripakar seconded and the house approved the same unanimously.

Fixed Assets Register and Inventory Register: As advised by Auditors, BOM initiated the Inventory Register and Fixed Assets Register for future accounting and transparency in day to day operations. Cdr D P Kothuri pointed out that the same has been approved.

Approval of Resident Owners' Meeting: The copy of the resident owners' meeting held on 19/08/2018 was made available to the members along with the AGM notice and house treated that as Read and approved.

Election of new BOM and Advisory Committee: Wg Cdr V Gouripathi was requested to be the Returning Officer for which he kindly consented and the report of the election process is enclosed as Appendix B. Similarly President requested for volunteers for Advisory committee, which are placed as Appendix C to the Minutes.

At about 1 pm the house adjourned for Lunch and reassembled at 1.45 pm

Agenda Points:
Report submitted by the additions and alterations committee.

The President, before the discussions began, thanked all the members of the committee for their detailed, meticulous and tedious work undertaken. Cdr S Ashok Kumar (Retd) DU No 85 explained in detail, the committees' recommendations on alterations and additions, that can be permitted for both independent houses and flats.

Cdr S Ashok Kumar has indicated that the water bill should indicate present house number. The President indicated that the...

6
- End (14) to BOM - pending court cases Turnover 4 of 8 End

Draft AGM report Pg (4)

12. Indoor Shuttle Badminton court: The President informed that a donor has come forward to donate Rs. 10 Lakhs for this purpose provided the court is named after his demised son. A few other sports enthusiasts evinced interest in donating and Rs.15 Lakhs in all.

a) At the present shuttle court

b) The court can also be installed in and around Akash Ganga. Decision put forward to the next BOM.

13. Wg Cdr P M Rao DU No 158 and other members reported about nuisance created by outsiders using our shuttle court and other open places. Members were unanimous on regulating the outsiders. Next BOM to go about the modalities. DU Owners, who have let out their houses, are to invariably furnish particulars of the tenant to the JVV office, Under IPC section 188. This is a legal obligation on the owner. The AGM has decided to issue a circular in this regard.

5. Appointment of auditors and standing council.

The AGM has agreed on continuing the present auditors

- 1) M/S P Viswanadh & associates
Chartered accountants

(Prof.N.Chalamaiah)
Secretary

(RV. Prasad)
President

(Wg Cdr. D. Narasimham)
Vice. President

(T.Sateesh)
Security I/C

(DV. BalaJi)
Conservancy

(URK. Prasad)
Member

(Air Cmde BSH Varma)
Member

7

Encl (1A) to BOM - pending court cases JVJHOWA 7 of 8 Encl -

FINAL AGM MINUTES
JALAVAYU VIHAR HOUSE OWNERS WELFARE ASSOCIATION
MINUTES OF ANNUAL GENERAL BODY MEETING HELD ON 28 JULY 2019

Board Members:-

Dt .28/07/2019

1	Sri.RV Prasad	President
2	Wg Cdr (Retd)D.Narasimham	Vice President
3	Prof. N. Chalamaiah	Secretary
4	Sri. P Veera Babu	Treasurer
4	Sri.T. Sateesh	Security I/C
5	Sri. PDV Balaji	Conservancy
6	Sri. URK. Prasad	Member
7	Air Cmde. BSH Varma	Member

1. At the scheduled time 9.30 AM a few residents turned up. As it was not meeting the quorum, President adjourned the house for 30 minutes. The meeting is reconvened at 10.00 with 43 residents at 10 O" clock and at 10:20 AM the strength was 58. In no time after a few minutes the attendance rose to 86.
2. **OBITUARIES:** Firstly, homage was paid, by observing 2 minutes silence to the departed souls in the preceding year whose names were readout by the President.

Beloved Departed Souls	D U No	Relatives
Cdr V R Nikkula	271	Smt. Madhavi Nikkula
N.V. Nukaraju	313	Wg Cdr N V kishore Naidu
Ratnabai	46	Sri K Achyut Kumar
Srimathi Nagarajan	137	Gp Cpt Shankar Nagarajan
Sri. V. Narasimha Raju	134	VS. Rama Chandra Raju

2 minutes of silence was also observed in memory of Kargil War Heroes.

3. Introduction of New Members:

The president introduced 29 new members and welcomed them into the JVJ family and the list of new members is placed in Appendix A.

4. Opening Remarks By The President:

President while welcoming the august gathering shared the concern and thought of breaking down of human communities and all have been the mute observers of disintegration of intimate communities. He also said, it's high time everyone of us should be prepared to take responsibility for ourselves and strengthen our social fabric. And also emphasized that everyone should be loyal simultaneously to their family, neighbourhood, profession and the nation, why not add humankind and planet Earth to that list.

He also appealed to strive for a water secure India and said our ability to manage and govern our water resources efficiently will determine the growth and prosperity of the coming generations.

The President, while welcoming the members, thanked all the residents for their wonderful co- operation and strengthening the B O M.

Approval of minutes of AGM 2018: All the points of the AGM 2018 were discussed. The President informed that all the issues were take care of barring the issue of barricading the common areas, as there was stiff resistance from the neighbouring DU owners. The house approved to initiate steps again to barricade the common areas belonging to the Society. On the issue of issuing ID cards and charges for outside players could not be taken up owing to the non-cooperation from the our own DU owners. Wg Cdr P M Rao raised the point of non availability of Internal Audit. President apologised on the issue and clarified that both the auditors Lt Col PVC Subba Rao and Cdr D P Kothuri both were unavailable due to their family priorities and hence the delay in completion of Audit. The Minutes of AGM were proposed for approval by V S Ramachandra Raju and seconded by H R Prasanth Sharma.

BOM Report 2018-19: The President brought out the salient features of the works undertaken by the present BOM during July 2018 and July 2019 to the members of the house and were thoroughly deliberated. The same were circulated along with the AGM Notice and they were treated as Read.

Maintenance Charges: As our expenditure on Maintenance is far exceeding the income, thereby draining out our corpus funds, to overcome this gap, the BOM power pointed the issue (through Internal Auditor Cdr D. P Kothuri) for increase in the Maintenance charges: either in one go to Rs.1200/- or phased manner Rs.200 this year and the remaining thereafter. The issue could not be resolved as much deliberations could not take place.

Audit Report and Balance Sheet for 2018-19: Honourable members were briefed the salient features of the Balance Sheet by the President. Regarding the issue of Rs.1,40,000/- (donations payable), the Auditors Mr P Vishwanadh, present at the meeting clarified that it's a liability on part of the society and should be either pay back to the donors or to some Relief Organisations, the majority of the members agreed to contribute to the PM Relief Fund. Auditors wanted the approval of AGM for Capital Work in Progress, for which the house unanimously approved. Mr Gandhi Reddy proposed approval of Balance Sheet, Mr Kripakar seconded and the house approved the same unanimously. Cdr Ashok Kumar brought the issue of Schedule 13 in the balance sheet, wherein Expenses has shown vide disparity in figures in transferring during successive years and for which Auditors have agreed to look into and this lapse does not occur in future.

Fixed Assets Register and Inventory Register: As advised by Auditors, BOM initiated the Inventory Register and Fixed Assets Register for future accounting and transparency in day to day operations. Cdr Ashok Kumar suggested that Treasurer should be the owner of the register and should keep it updated for timely Auditors scrutiny.

Approval of Resident Owners' Meeting: The copy of the resident owners' meeting held on 19/08/2018 was made available to the members along with the AGM notice and house treated that as Read and approved.

Election of new BOM and Advisory Committee: Wg Cdr V Gouripathi was requested to be the Returning Officer for which he kindly consented and the report of the election process is enclosed as Appendix B. Similarly President requested for volunteers for Advisory committee, which are placed as Appendix C to the Minutes.

At about 1 pm the house adjourned for Lunch and reassembled at 1.45 pm.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

(4) (9)

To this Cdr Ashok Kumar said, that majority of the DU Owners above 60% have approved it, and A.G.M. can approve it

Encl (14) to BOM - pending court cases JVVHWA saf. 8 Encl (14)

Agenda Points:

Report submitted by the additions and alterations committee.

The President, before the discussions began, thanked all the members of the committee for their detailed, meticulous and tedious work undertaken. Cdr. S Ashok Kumar (Retd) DU No 85 explained in detail, the committees' recommendations on alterations and additions, that can be permitted for both independent houses and flats.

1. Wg Cdr S K Jain DU No 113 objected to the recommendations saying A G M cannot authorise rectifications / additions already made/ being made. **In Complete**
2. Mr Achyut Kumr Du no. 46 and Wg Cdr D Narasimham vice- President D U NO 7 said as there is No provision in By-laws for alterations /additions as suggested by the committee. Cdr Ashok Kumar pointed out that once the Committee recommendations are concurred by the AGM, Bye Laws will need to be amended accordingly.
3. Smt B. Mary Jecintha DU 69 pleaded for alterations to be permitted.
4. Ex CPL URK Prasad DU 240 said No set back provision is required in Group Housing and at the same time no compound walls are permitted around the houses.
5. Dr V Elia Reddy D U 241-- Setbacks were not mentioned in the report. Drawings for Setbacks not provided. If Set Backs are not adhered to, there would be congestion, crowded and looks like a slum. The beauty and fabric of the colony would vanish once and for all.
6. Some have pointed out that the committee has gone beyond their purview and questioned the legality and authenticity of allocating the proportioned land as suggested by the committee. Cdr Ashok Kumar pointed out that the committee did not go beyond its purview and is well within its terms. *Cdr Ashok Kumar mentioned that previous AGMs have already approved Extension & substitution of Lift. Only to that extent the committee also recommended the proportioned land.* After thorough deliberations, pro and against, unanimity could be not be arrived at and It was decided to call for an EGM exclusively before 31st October 2019 to take the final call over the Additions/ Alterations committee Report.

Points suggested by the DU owners WITH THE PERMISSION OF THE CHAIR

1. A suggestion by a member not to cut the trees obstructing electrical lines but to insulate the wires properly. **Approved** and the ensuing BOM can initiate.
2. No commercial activity in the colony: A G M approved to take legal action on DU owners conducting commercial activity against the By-Laws of JVVHWA.
3. A decision to modify existing speed breakers as per the permitted stipulations in vogue: **Approved**
4. Parking of visitors / guests vehicles to be regulated: **Approved.**
5. Guidelines on Pet Dogs/ Street Dogs to be issued to avoid nuisance to the residents : **Approved**
6. Replacement of old rusted pipelines in a phased manner : **Deferred and Approved** only for repairs as and when need arises.
7. Removal of Concretisation in the common areas to encourage soil and water retention: **Approved**
8. **Action against unauthorised modifications:** The President requested the house to strengthen the BOM to initiate legal course against the erring DU owners to control the illegal and unauthorised modifications. Though this was approved in the AGM 2017, the menace could not be controlled and modifications are going unabated. The house approved.
9. Security guards to be replaced by young guards : **Approved**
10. A suggestion by Ex CPL URK Prasad DU 240 for change of vendor to support Tally, in getting a better service : **Approved**

Reds

ASK

2

11. Effective security for 127 DUs (VI V, VH, IIIH,): This was proposed by Sri V S Ramachandra Raju D U 134, Seconded by Sri I Jaya Babu DU 150. A representation by 52 DU owners was given to the BOM on 23/05/2019. This is to improve the security of 127 DUs in the vicinity by erecting 3 Gates at 1) near DU No 285, 2) near DU NO 300 (Road leading to Kirana Shop) 3) near security post no 3. Only one gate remains open, the other gates to be opened as and when required. This improves the security for one third of the colony and the utilization of the security man power. The AGM expressed the view that after studying this as a Pilot Project, similar security can be improved for the remaining parts of the colony wherever possible. Wherever gates cannot be erected to close the area surveillance can be enhanced. **Approved**

12. Indoor Shuttle Badminton court: The President informed that a donor has come forward to donate Rs. 10 Lakhs for this purpose provided the court is named after his demised son. A few other sports enthusiasts evinced interest in donating and Rs.15 Lakhs in all.

- a) At the present shuttle court
- b) The court can also be installed in and around Akash Ganga. Decision put forward to the ensuing BOM.


* 13. Wg Cdr P M Rao DU No 158 and other members reported about nuisance created by outsiders using our shuttle court and other open places . Members were unanimous on regulating the outsiders. Next BOM to go about the modalities.

14. DU Owners, who have let out their houses, are to invariably furnish particulars of the tenant to the JVV office, Under IPC section 188. This is a legal obligation on the owner. The AGM has decided to issue a circular in this regard.

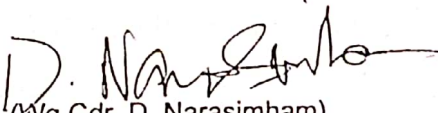
5. Appointment of auditors and standing council.

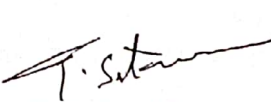
The AGM has agreed on continuing the services of the present auditors.

- 1) M/S P Viswanadh & associates Chartered accountants


(R.V. Prasad)
President


P. VEERA BABU
Treasurer


Wg Cdr. D. Narasimham
Vice. President


(T. Sateesh)
Member

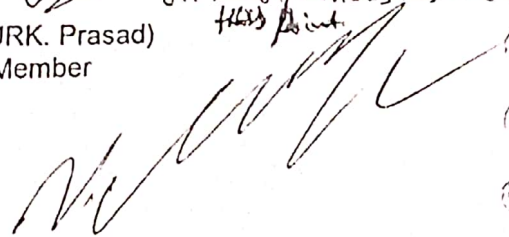

(DV. Balaji)
Member

I agree with the note of
Mr. BSH VARMA on para 13 and
also give representation
on Don't minutes regarding
this point.
(URK. Prasad)
Member

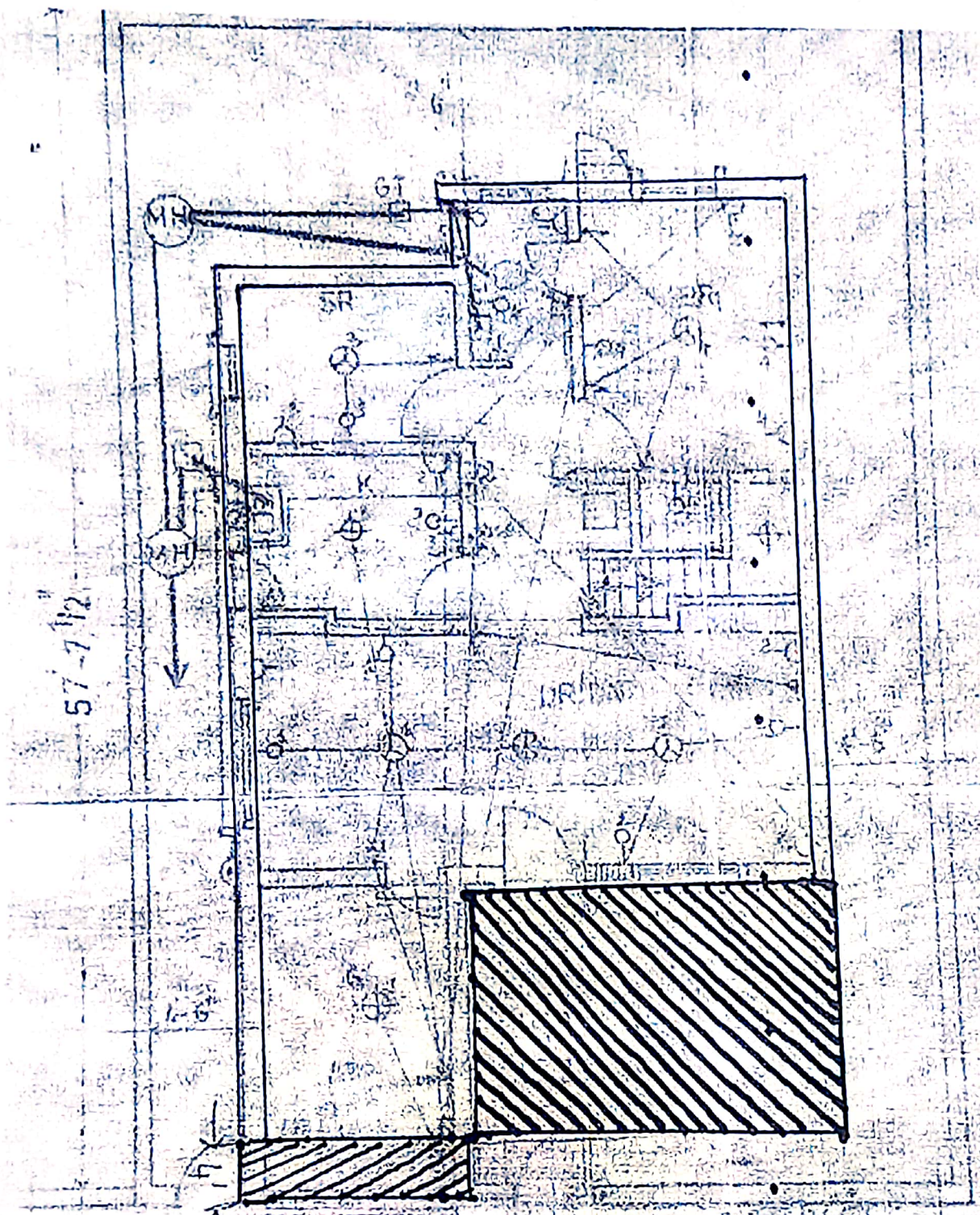
* Please refer note on pt no. 13


(Air Cdr BSH Varma)
Member

Note
It was decided that
No outsiders be allowed
to play and use our
premises. ~~Next~~ Accordingly
the para 13 be amended




(Prof. N Chalamaiyah)
Secretary

Note

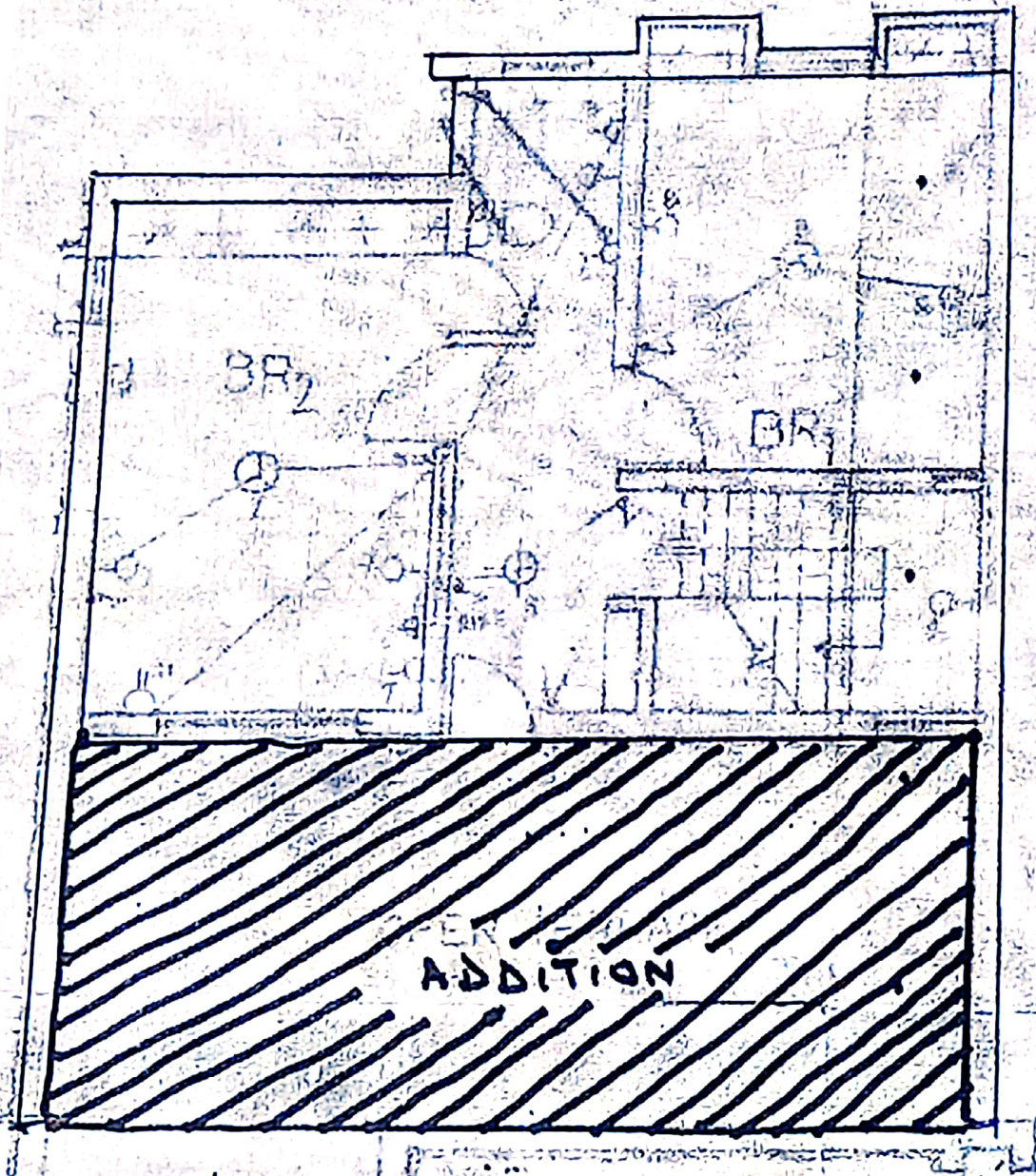


GROUND FLOOR

GROUND FLOOR PLAN

-  REMOVAL
-  ADDITION

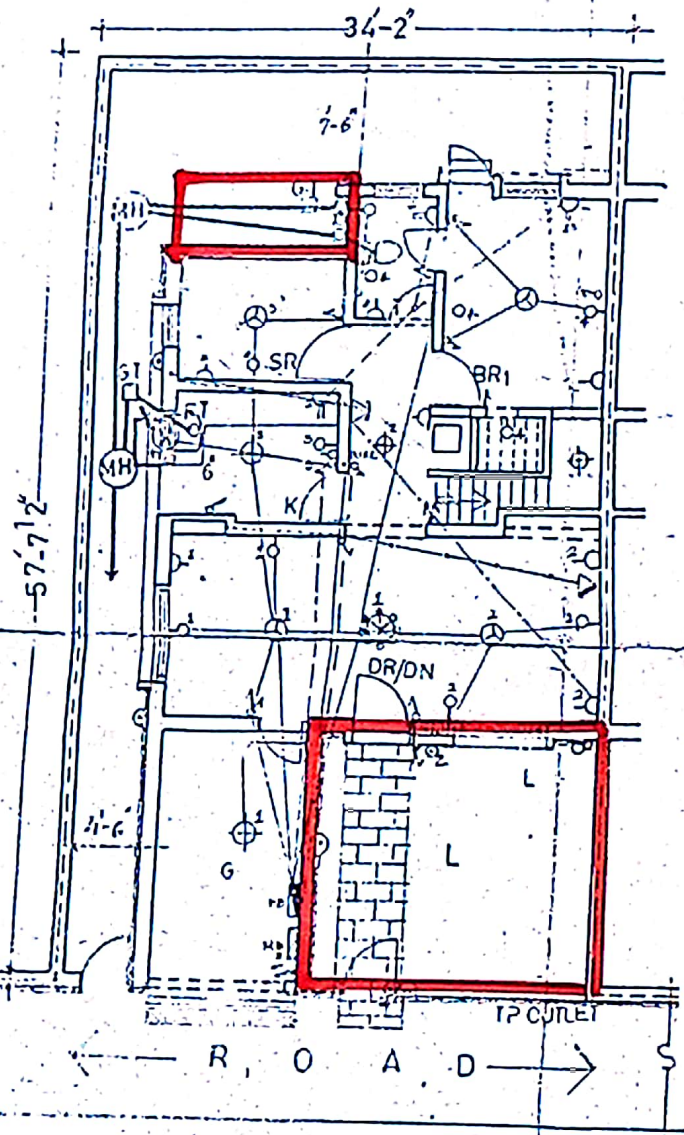
20/34



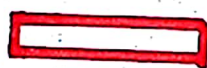
FIRST FLOOR

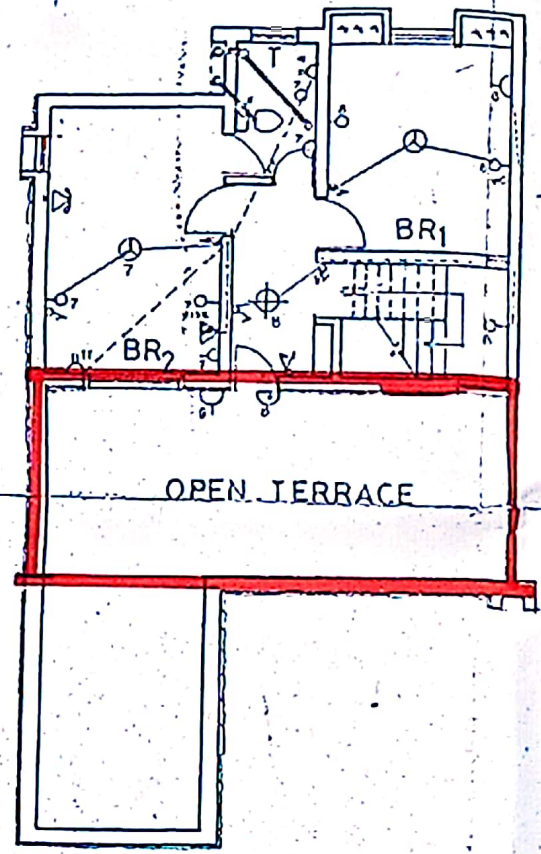
FIRST FLOOR PLAN

DU 41 ENCL - (16)



GROUND FLOOR PLAN

 Extended part
 G. Ranganathan



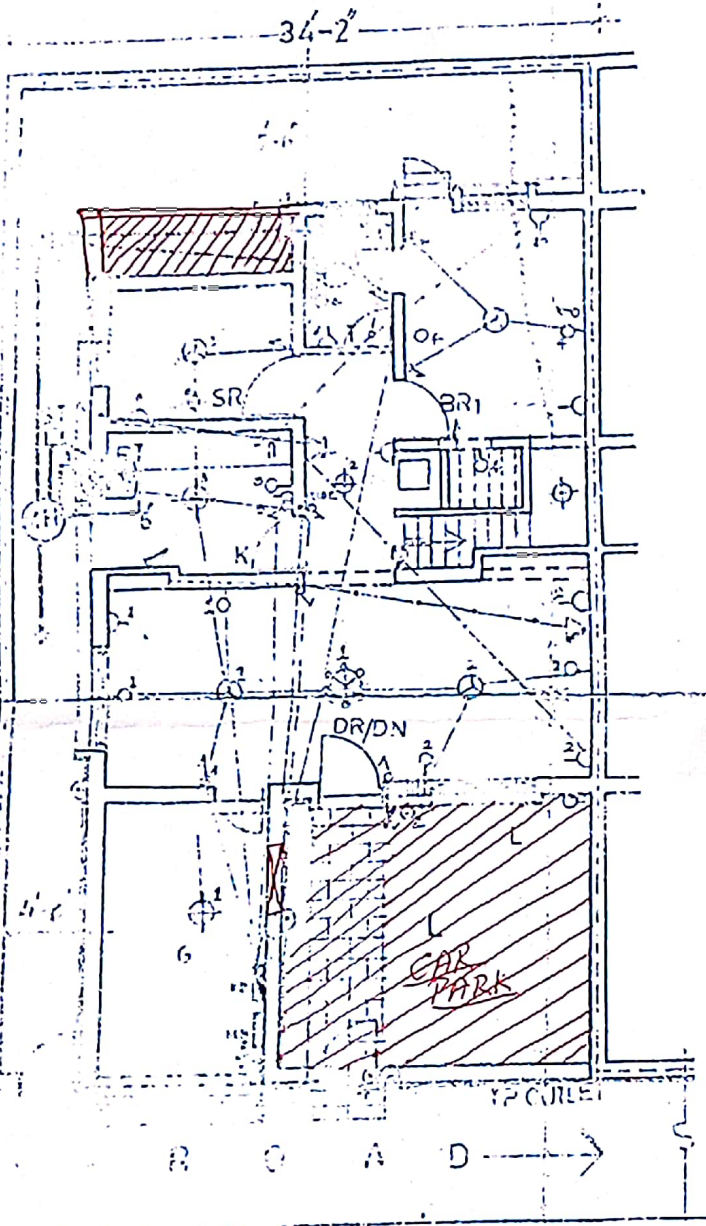
FIRST FLOOR PLAN

— LIGHT
 - - - POWER
 - - - TELE
 - - - T.V.

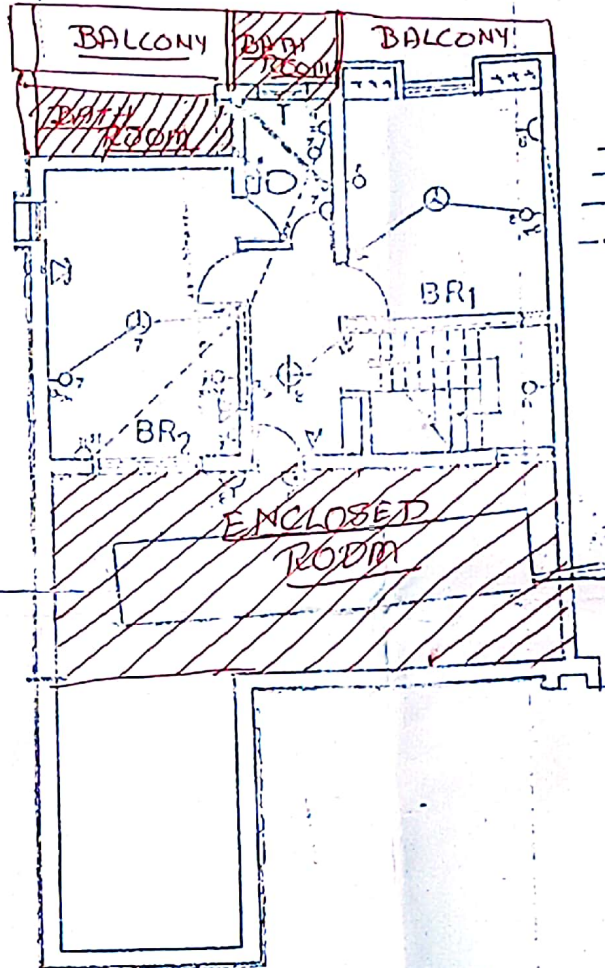
TPN 4WAYS D

LOCATION	APPROX LOA WATT	
	R	Y
GARAGE D'IN		
DR		600
K / SR		540
BR / T	540	
KIT	1000	
TOILET (G)		1000

DU NO95 - End (17)



GROUND FLOOR PLAN



FIRST FLOOR PLAN

TPN 4W

LOCATION	APPR
R	
GARAGE D/N	
DR	
K / SR	
BR/ T	540
KIT	1000
TOILET (G)	

DU 34:

- a) **Writ Petition (WP) 16418 of 2019, AFFIDAVIT** signed by the **President, JVVHOWA** on **26 Jul 2019** and filed in HC on 02 Aug 2019 against following:
- Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - GHMC Commissioner, Tank Bund Road
 - Zonal Commissioner, GHMC, Kukatpally
 - The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - DU 34 Owner
- b) **HC passed Order on 06 Aug 2019** under intimation dated 28 Aug 2019 directing the DU 34 Owner **“Not to undertake any further construction** and Respondent no iv), The Dy Commissioner (DC), Circle 14, Kukatpally, **“to ensure no further construction is made”**.
- c) CC [**Contempt Case**] no **1585 dated _ Oct 2019** was filed by JVVHOWA on DU 34 Owner. No details / copy of this case is available. [MOM of BOM’s dt 16 Oct 19=>Legal action initiated for Contempt of Court]
- d) **WP2510 of 2020** filed on 05 Feb 2020 **by the DU 34 Owner** and heard in HC on 06 Feb 2020 against the following:
- Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - GHMC Commissioner, Tank Bund Road
 - Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - Asst City Planner, GHMC, Circle 24, Kukatpally
 - RV Prasad, The President, JVVHOWA. [He was not the President in Feb 2020]
- d) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction.**
- e) **HC** subsequently issued **interim suspension of order** of Respondent No iii) on 13 Feb 2020

Chronological events: Correspondence between **DU 34 Owner** and **JVVHOWA** are as follows

- DU 34 Owner was proceeding with illegal construction against the Bye Laws and **Notice issued by JVVHOWA**, [the Petitioner] dated **22 May 2019**.
- DU 34 replied on **13 Jun 2019** stating that works being carried out are minor in nature having minimal bearing on structural strength of DU and requested to issue a NOC and he will be proceeding with the construction.
- JVVHOWA replied vide **18 Jul 2019** refusing to issue NOC for the proposed modifications.
- JVVHOWA letter dated 18 Jul 2019 States: In spite of refusing to issue NOC by JVVHOWA for Modification, DU 34 Owner continued with his proposed modifications.
- JVVHOWA has addressed a letter to DC Kukatpally [respondent no iv)] on **17 Jun 2019** to take action against the DU 34 Owner [respondent no v)] for illegal construction / modifications without obtaining NOC from JVVHOWA.
- There was no action by Respondents i) to iv) which encouraged respondent No v) to continue with modifications without obtaining NOC from the Petitioner and Respondents i) to iv).
- In view of f) above, JVVHOWA again addressed a letter dated **20 Jul 2019** referring to previous JVVHOWA letter dated 17 Jun 2019, beside telephonic follow up, requesting respondent no iv) to take action against DU’s 34 / 41 / 95 for illegal construction.
- In view of g) above, Petitioner, JVVHOWA has no efficacious alternative remedy, in filing WP in the High Court. [**Writ Petition (WP) 16418 of 2019, AFFIDAVIT** signed by the **President, JVVHOWA** on **26 Jul 2019** and filed in HC on 02 Aug 2019].

Subsequent correspondence after **Writ Petition (WP)** 16418 of 2019, **AFFIDAVIT** signed by the **President, JVVHOWA** on **26 Jul 2019** and filed in HC on 02 Aug 2019 is as follows:

Chronological events: Correspondence between **DC, GHMC, Circle 24, Kukatpally, Hyderabad** and **DU 34 Owner** are as follows:

- i) **GHMC, Hyderabad Municipal Corporation Office Of DC, Circle 24, Kukatpally** - issued **SHOW CAUSE NOTICE** to DU 34 Owner, under section 452(1) & 461(1) of HMC act 1955 **NOTICE NO: 13 / UC / W.No 24 / Cir- 24 / KZ / GHMC / 2019** dated **03 Aug 2019** served on **05 Aug 2019** which states - "You [DU 34] are un-authorizedly proceeding with additions / alterations work in existing building without obtaining any permission from GHMC" and GHMC is directing you to **stop work immediately** and to **reply within 7 days** from date of receipt of the NOTICE, failing which further action will be taken to remove / pull down Unauthorised structure and expenses thereof will be recovered from You.
- j) DU 34 Owner made a reply on **13 Aug 2019** with detailed explanation intimating DU's are about 30 yrs old having cracks on walls, seepages, doors & windows deteriorated and hence need to carryout repairs. DU 34 Owner further added that - Members of JVVHOWA have felt a need for certain Alterations & Additions to DU's and **JVVHOWA AGM held on 15 Jul 2018** passed a resolution forming a committee for the purpose. A & A's Committee report has already been submitted and explained to the BOMs on **25 May 2019** and was to be discussed and approved in AGM held on 28 Jul 2019.
- k) GHMC Kukatpally Circle 24, issued an **INTIMATION LETTER** to DU 34-Lr No 13 / UC / W.NO 123 / KP-C-24 / TPS / GHMC / 2019 dated **28 Aug 2019** and referring to:
 - i) GHMC DY Commissioner, Kukatpally **SHOW CAUSE NOTICE** to DU 34 Owner dated 03 Aug 2019, and
 - ii) referred to: **WP** filed by **JVVHOWA** in the Honourable HC by JVVHOWA - WP no 16418 of 2019 and the interim judgement dated 16 Aug 2019

Subsequent correspondence between **JVVHOWA, DU 34 Owner** and **DC GHMC, Circle no24, Kukatpally** are as follows:

- l) CC [**Contempt Case**] no 1585 dated _ Oct 2019 was filed by JVVHOWA against DU 34 Owner in High Court.
- m) JVVHOWA issued letter dated 13 Oct 2019 to DU 34 Owner regarding "Illegal and UnAuthorised Modification to DU without NOC" as - You are **still continuing with construction activities dishonouring the stay order issued by the Honourable HC of Telangana**. Continuation of construction has forced JVVHOWA to initiate **CONTEMPT OF COURT**.
- n) Respondent no iii), DC GHMC, Circle 24, Kukatpally, issued the order dated **04 Feb 2020** U/s 636 of HMC Act and repeating SI k) above "**asking the DU 34 Owner to remove the alleged unauthorised construction and deviation within a period of one day**".
- o) **WP** 2510 of 2020 filed on **05 Feb 2020** by the **DU 34 Owner** and heard in HC on 06 Feb 2020 against the following:
 - i) Principal Secretary - Telangana State, Municipal Administration & Rural Devp Dept
 - ii) GHMC Commissioner, Tank Bund Road
 - iii) Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - iv) Asst City Planner, GHMC, Circle 24, Kukatpally
 - v) RV Prasad, The President, JVVHOWA. [He was not the President in Feb 2020]
- p) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction in one day**.
- q) **HC issued interim suspension of GHMC Order on 13 Feb 2020**

There is no further correspondence subsequent to 13 Feb 2020.

“Board Of Members” – Pending court cases – JVVHOWA - Appendix “B”

DU 41:

- a) **Writ Petition (WP) 16416 of 2019, AFFIDAVIT signed by the President, JVVHOWA on 26 Jul 2019** and filed in HC on 02 Aug 2019 against following:
- i) Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - ii) GHMC Commissioner, Tank Bund Road
 - iii) Zonal Commissioner, GHMC, Kukatpally
 - iv) The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - v) DU 41 Owner
- b) **HC passed Order on 06 Aug 2019** under intimation dated 28 Aug 2019 directing the DU 41 Owner **“Not to undertake any further construction** and Respondent no iv), The Dy Commissioner (DC), Circle 14, Kukatpally, **to ensure no further construction is made”**.
- c) CC[**Contempt Case**] no **1792 dated _ Nov 2019** was filed by JVVHOWA on DU 41 Owner. No details / copy of this case is available
- c) **WP2511 of 2020** filed on 05 Feb 2020 **by the DU 41 Owner** and heard in HC on 06 Feb 2020 against the following:
- i) Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - ii) GHMC Commissioner, Tank Bund Road
 - iii) Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - iv) Asst City Planner, GHMC, Circle 24, Kukatpally
 - v) RV Prasad, The President, JVVHOWA. [He was not the President in Feb 2020]
- d) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction.**
- e) **HC subsequently issued interim suspension of order** of Respondent no iii) **on 13 Feb 2020**

Chronological events: Correspondence between **DU 41 Owner** and **JVVHOWA** are as follows:

- a) DU 41 Owner through his Authorised agent was proceeding with illegal construction against the Bye Laws and **Notice issued by JVVHOWA**, [the Petitioner] dated **20 Jul 2019**.
- b) There was no action by Respondents i) to iv) which encouraged respondent No v) to continue with modifications without obtaining NOC from the Petitioner and Respondents i) to iv).
- c) In view of b) above, JVVHOWA addressed a letter to DC, GHMC, Kukatpally dated **20 Jul 2019** beside telephonic follow up, requesting respondent no iv) to take action against DU 34 / 41 / 95 for illegal construction.
- d) In view of c) above, Petitioner, JVVHOWA has no efficacious alternative remedy, in filing WP in the High Court. [**Writ Petition (WP) 16416 of 2019, AFFIDAVIT signed by the President, JVVHOWA on 26 Jul 2019** and filed in HC on 02 Aug 2019]

Continued pg 2 [DU 41]-Appendix "B"

Subsequent correspondence after **Writ Petition (WP)** 16416 of 2019, **AFFIDAVIT** signed by the **President, JVVHWA** on **26 Jul 2019** and filed in HC on 02 Aug 2019 is as follows:

Chronological events: Correspondence between **DC, GHMC, Circle 24, Kukatpally, Hyderabad** and **DU 41 Owner** are as follows:

- e) **GHMC, Hyderabad Municipal Corporation Office Of DC, Circle 24, Kukatpally** - issued **SHOW CAUSE NOTICE** to DU 41 Owner, under section 452(1) & 461(1) of HMC act 1955 **NOTICE NO: UC / W.No 124 / Cir- 24 / KZ / GHMC / 2019** dated **03 Aug 2019** served on **05 Aug 2019** which states - "You [DU 41] are UnAuthorisedly proceeding addition / alteration work in existing building without obtaining any permission from GHMC" and GHMC is directing you to **stop work immediately** and to **reply within 7 days** from date of receipt of the NOTICE, failing which further action will be taken to remove / pull down Unauthorised structure and expenses thereof will be recovered from You.
- f) DU 41 Owner made a reply on **13 Aug 2019** with detailed explanation intimating DU's are about 30yrs old having cracks on walls, seepages, doors & windows deteriorated and hence need to carryout repairs. DU 41 Owner replied - Members of JVVHWA have felt a need for certain alterations & additions to DU's and **JVVHWAAGM held on 15 Jul 2018** passed a resolution forming a committee for the purpose. A & A's Committee report has already been submitted and explained to the BOMs on **25 May 2019** and was to be discussed and approved in AGM on 28 Jul 2019.
- g) GHMC Kukatpally Circle 24, issued an **INTIMATION LETTER** to DU 41 - Lr No 13 / UC / W.NO 123 / KP-C-24 / TPS / GHMC / 2019 dated **28 Aug 2019**, and referring to:
 - i) GHMC DY Commissioner, Kukatpally **SHOW CAUSE NOTICE** to DU Owner 41 dated 03 Aug 2019, and
 - ii) referred to: **WP** filed by **JVVHWA** in the Honourable HC WP no 16418 of 2019 and the interim judgement dated 16 Aug 2019

Subsequent correspondence between **DU 41 Owner, JVVHWA** and **DC GHMC, Circle no 24, Kukatpally** are as follows:

- h) CC[**Contempt Case**] no 1792 dated NOV 2019 was **filed by JVVHWA** against DU 41 Owner in High Court.
- i) DU 41 Owner vide letter dated 17 Sep 2019 addressed to JVVHWA requested permission to undertake internal work and not external work.
- j) 03 Oct 2019 - MOM BOM's point 5, => letter to be issued for unauthorised construction.
- k) JVVHWA issued letter dated 23 Nov 2019 to DU 41 Owner regarding "Illegal & UnAuthorised Modification to DU without NOC" as - You are **still continuing with construction activities dishonouring the stay order issued by the Honourable HC of Telangana.** Continuation of construction has forced JVVHWA to initiate **CONTEMPT OF COURT.**
- l) Respondent no iii), DC GHMC, Circle 24, Kukatpally, issued proceedings vide letter no 11 / 3 / UC / W.NO124 / TPS / C24 / GHMC / 2020 dated **04 Feb 2020** U/s 636 of HMC Act and repeating Sl g) above "**asking the DU 41 Owner to remove the alleged unauthorised construction and deviation within a period of one day**".
- m) **WP** 2511 of 2020 filed on **05 Feb 2020 by the DU 41 Owner** and heard in HC on 06 Feb 2020 against the following:
 - i) Principal Secretary - Telangana State, Muncipal Administration & Rural Devp Dept
 - ii) GHMC Commissioner, Tank Bund Road
 - iii) Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - iv) Asst City Planner, GHMC, Circle 24, Kukatpally
 - v) RV Prasad, The President, JVVHWA. [He was not the President in Feb 2020]
- n) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction in one day.**
- n) **HC issued interim suspension of GHMC Order on 13 Feb 2020**

There is no further correspondence subsequent to 13 Feb 2020.

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DU 95:

- a) **Writ Petition (WP) 18161 of 2019**, **AFFIDAVIT** signed by the **President, JVVHOWA** and filed in HC on (20) Aug 2019 and filed in HC against following:
- Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - GHMC Commissioner, Tank Bund Road
 - Zonal Commissioner, GHMC, Kukatpally
 - The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - DU 95 Owner
- b) **HC passed Order on 22 Aug 2019** under intimation dated 28 Aug 2019 directing the DU 95 Owner **"Not to undertake any further construction** and Respondent no iv) **to ensure no further construction is made"**.
- c) CC [**Contempt Case**] no **1815 dated _ Oct 2019** was filed by JVVHOWA on DU 95 Owner. No details / copy of this case is available.
- d) **WP2512 of 2020** filed on 05 Feb 2020 **by the DU 95 Owner** and heard in HC on 06 Feb 2020 against the following:
- Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept
 - GHMC Commissioner, Tank Bund Road
 - Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - Asst City Planner, GHMC, Circle 24, Kukatpally
 - RV Prasad, The President, JVVHOWA. [He was not the President in Feb 2020]
- e) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction.**
- f) **HC subsequently issued interim suspension on 13 Feb 2020**

Chronological events: Correspondence between **DU 95 Owner** and **JVVHOWA** are as follows

- DU 95 Owner requested for NOC for renovation vide letter dated 02 Dec 2018 & 18 Dec 2018.
- JVVHOWA replied to DU 95 Owner on 11 Dec 2018, 27 Dec 2018 & 17 Feb 2019 to submit Alterations in original layout drawing with NOC from neighbours.
- JVVHOWA refused to issue NOC and replied to DU 95 Owner on 29 Mar 2019 stating NOC from all neighbours has not been submitted. [MOM BOM's point – 17 Mar 2019 => no NOC to DU 95]
- DU 95 Owner was proceeding with illegal construction against the Bye Laws and **Notice** by JVVHOWA, (the Petitioner) dated 23 Jun 2019 was issued why action should not be initiated against you for violating the Bye Laws. Further, in spite of refusing to issue NOC for Modification by JVVHOWA, You (DU 95 Owner) are continuing with your proposed modifications.
- Due to no reply from DU Owner, JVVHOWA again issued a **show cause notice** dated **21 Jul 2019** to DU 95 Owner to explain **why association should not initiate action, like stoppage of essential facilities to the DU.** [**No mention of legal action**].
- DU 95 Owner replied vide letter dated 25 Jul 2019 requesting JVVHOWA to allow him finish the construction work as per his choice.
- JVVHOWA has addressed a letter to DC Kukatpally [iv) respondent] on **17 Jun 2019** to take action against the DU 95 Owner [v)th respondent] for illegal construction / modifications without obtaining JVVHOWA NOC.
- There was no action by Respondents i) to iv) which encouraged respondent No v) to continue with modifications without obtaining NOC from the Petitioner and Respondents i) to iv).
- In view of the g) above, JVVHOWA again addressed a letter to DC, GHMC, Kukatpally dated **20 Jul 2019** referring to previous JVVHOWA letter dated 17 Jun 2019, beside telephonic follow up, requesting to take action against DU 34 / 41 / 95 for illegal construction.
- In view of h) above, Petitioner, JVVHOWA has no efficacious alternative remedy, in filing WP in the High Court. [**Writ Petition (WP) 18161 of 2019**, **AFFIDAVIT** signed by the **President, JVVHOWA** and filed in HC on 20 Aug 2019. **WP** Copy **NOT AVAILABLE** on file][**BOM point no 1 dated 25th Aug 2019 after filing the case**]

Subsequent correspondence after **Writ Petition (WP)** 18161 of 2019, **AFFIDAVIT** signed by the **President, JVVHOWA** and filed in HC on 20 Aug 2019 is as follows:

Chronological events: Correspondence between **DC, GHMC, Circle 24, Kukatpally, Hyderabad** and **DU 95 Owner** are as follows:

- i) **GHMC, Hyderabad Municipal Corporation Office Of DC, Circle 24, Kukatpally** - issued **SHOW CAUSE NOTICE** to DU 95 Owner, under section 452(1) & 461(1) of HMC act 1955 **NOTICE NO: UC/W.No 24/Cir- 124/KZ/ GHMC/2019** dated **03 Aug 2019** served on 05 Aug 2019 which states - "You [DU 95] are UnAuthorisedly proceeding addition/alteration work in existing building without obtaining any permission from GHMC" and GHMC is directing you to **stop work immediately** and to **reply within 7 days** from date of receipt of the NOTICE, failing which further action will be taken to remove / pull down Unauthorised structure and expenses thereof will be recovered from You.
- j) DU 95 Owner made a reply on 13 Aug 2019 with detailed explanation intimating DU's are about 30 yrs old having cracks on walls, seepages, doors & windows deteriorated and hence need to carryout repairs. DU 95 Owner replied - Members of JVVHOWA have felt a need for certain alterations & additions to DU's and **JVVHOWAAGM held on 15 Jul 2018** passed a resolution forming a committee for the purpose. A & A's Committee report has already submitted the Report and explained to the BOMs on 25 May 2019 and was to be discussed and approved in AGM on 28 Jul 2019.
- k) GHMC Kukatpally Circle 24, issued an **INTIMATION LETTER** to DU 95 - Lr No 12/UC/ W.NO 123 / KP-C-24/TPS/GHMC/2019 dated **28 Aug 2019**, and referring to:
 - i) GHMC DY Commissioner, Kukatpally **SHOW CAUSE NOTICE** to DU 95 Owner dated 03 Aug 2019, and
 - ii) referred to: **WP** filed by **JVVHOWA** in the Honourable HC WP no 18161 of 2019 and the interim judgement dated 20 Aug 2019

Subsequent correspondence between **JVVHOWA, DU 95 Owner** and **DC GHMC, Circle no 24, Kukatpally** are as follows:

- l) CC [**Contempt Case**] no 1585 dated _ Oct 2019 was filed by JVVHOWA against DU 95 Owner in High Court.
- n) JVVHOWA issued letter dated 13 Oct 2019 to DU 95 Owner regarding "Illegal & UnAuthorised Modification to DU without NOC" as - You are **still continuing with construction activities dishonouring the stay order issued by the Honourable HC of Telangana**. Continuation of construction has forced JVVHOWA to initiate **CONTEMPT OF COURT**.
- n) Respondent no iii), DC GHMC, Circle 24, Kukatpally, issued the order vide letter No: 11/3/UC/W.No-124/TPS/C24/GHMC/2020 dated 04 Feb 2020 U/s 636 of HMC Act and repeating SI k) above "**asking the DU 95 Owner to remove the alleged unauthorised construction and deviation within a period of one day**".
- o) **WP 2512** of 2020 filed on **05 Feb 2020 by the DU 95 Owner** and heard in HC on 06 Feb 2020 against the following:
 - i) Principal Secretary - Telangana State, Muncipal Administration & Rural DevpDept
 - ii) GHMC Commissioner, Tank Bund Road
 - iii) Dy Commissioner (DC), Circle 24, Kukatpally, Hyderabad
 - iv) Asst City Planner, GHMC, Circle 24, Kukatpally
 - v) RV Prasad, The President, JVVHOWA. [He was not the President in Feb 2020]
- p) HC asked the Respondent no iii) [DC, Circle 24, Kukatpally, Hyderabad], **why the explanation submitted by the Petitioner was not considered while issuing the impugned proceedings of directing the Petitioner to remove unauthorised construction in one day**.
- q) **HC issued interim suspension of GHMC Order on 13 Feb 2020**

There is no further correspondence subsequent to 13 Feb 2020.

DU 35:

- a) **Writ Petition (WP) 28130 of 2018**, **AFFIDAVIT** signed by the **Secretary, JVVHOWA** and filed in High Court on **___ Aug 2018** against following:
- GHMC Commissioner, Tank Bund Road
 - Zonal Commissioner, GHMC, Serilingampally
 - The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - Principal Secretary – Telangana State, Municipal Administration & Rural DevpDept
 - DU 35 Owner
- b) **HC passed Order on 09 Aug 2018** under intimation dated 14 Aug 2019, **without expressing any opinion on the merits of the case**, directing third respondent – DC Circle – 14, Kukatpally, to verify representation dated 08 Mar 2018 submitted by the Petitioner and take appropriate action.
- c) CC [**Contempt Case**] no **dated 11 Sep 2018** was filed by JVVHOWA on DU 35 Owner & GHMC

Chronological events: Correspondence between **DU 35 Owner** and **JVVHOWA** are as follows

- DU 35 Owner requested for NOC for renovation vide letter dated 16 Feb 2018 [informed BOM (Petitioner) that he is carrying out some modifications].
- JVVHOWA replied to DU 35 Owner on 04 Mar 2018, Refused to allow modifications.
- DU 35 Owner replied vide letter dated 12 Mar 2018, requested for NOC for renovation.
- JVVHOWA replied to DU 35 that NOC cannot be issued as front elevation is proposed for change.
- JVVHOWA replied to DU 35 Owner on 04 Apr 2018 and 05 May 2018.
- JVVHOWA replied after a BOM's meeting on 05 Apr 2018 to DU Owner [~~referred not in file~~] granted NOC temporarily with conditions to Use TY structure for roofing instead of concrete.
- DU 35 Owner replied vide letter dated 19 May 2018 [**Requested for calling a Meeting of Residents Members - as per Bye Laws** and requested for NOC] and
- JVVHOWA replied on 27 May 2018 - Please undertake work as proposed by advisory committee. BOM's could not come to a conclusion for NOC and same will be referred to EGM / AGM. Advised not to take up any work.
- DU 35 Owner replied vide letter dated 02 Jun 2018 with Drawings and seeking NOC. He also requested to convene meeting of BOM's to express his contention in person.
- BOM's placed the request to **AGM held on 15 Jul 2018** in which it was resolved to form a Committee to give recommendations on Alterations and Additions permitted in all types of DU's.
- JVVHOWA letter dated **29 Jul 2018** informing DU 35 Owner, that he is continuing Construction activity without NOC against the Bye Laws, Chapter VII C) ii). Further, BOM's intimated that **AGM conducted on 15 Jun 2018** has constituted a Committee regarding Additions and Alterations in DU's and its terms of reference includes what action is needed to be taken against those already modified without NOC. Please do not force us to take Legal Course.
- Letter by DU 35 Owner dated **01 Aug 2018** to the Managing Committee [BOM's] has quoted following relevant Clauses of the **Bye Laws** in respect of taking **Legal** and **hasty** action.
 - Para 5 (O) of Chapter Iii) Para 8 (b) of Chapter I
 - Para 6 of Chapter IIIiv) Para 2 of Chapter IV and
 - Para 10 of Chapter IV vi) Para 3 (vi) of Chapter VII
- Letter by DU 35 Owner dated **01 Aug 2018** to the Managing Committee [BOM's] requesting:
 - None of the requests by DU Owner on above provisions have been complied with by BOM's.
 - Further, agenda point for AGM – 2018 submitted by US [DU Owner] on the issue was also not brought up by the BOM in AGM.
 - Furthermore, BOM's is not exploring all option as provided by the Bye Laws towards resolving issues of Members, but rushing to GHMC and Courts.
 - Request BOM's to issue NOC.
- CC [**Contempt Case**] No ___ was filed on **11 Sep 2018** by **JVVHOWA** on DU 35 Owner & GHMC. **CONTEMPT CASE:** Petitioner sent Legal Notice on 16 Aug 2018 for inaction by the respondents and DU 35 on their letter dated 08 Mar 2018 & WP No 28130 of 2018 on 09 Aug 18

There is no further correspondence subsequent to 09 Aug 2018.

"Board Of Members" – Pending court cases – JVVHOWA - Appendix "E"

DU 101:

- a) **Writ Petition (WP) 14483 of 2018**, filed on behalf of **JVVHOWA** in High Court on 20 Apr 2018, Registered date 23 Apr 2018 [Show cause **NOTICE** issued dated 13 Apr 2018] and listed date 29 Jul 2018 against the following:
- GHMC Commissioner, Tank Bund Road
 - Zonal Commissioner, GHMC, Serilingampally
 - The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - DU 101 Owner – Shaik Hussain Fitdos.
 - Principal Secretary – Telangana State, Municipal Administration & Rural Devp Dept.
- b) Petition is to issue direction declaring action of the Respondents Nos 1 to 3 in not taking action against illegal construction being carried out by Respondent No 4 in respect of premises bearing dwelling unit no 101 at JVV, Kukatpally.
- c) As Respondent no 5 takes the notice for and on behalf of Respondents 1 to 3, **HC passed Order on 09 May 2018**, directing issue of **Notice to Respondent No 4** within 4 weeks from today (09 May 2018) **by Respondent no 3** and to dispose of the Petitioners Representation dated 26 Dec 2017 and communicate its decision to Petitioner.

Chronological events: Correspondence between **DU 101 Owner** and **JVVHOWA** are as follows:

- d) Details of Writ petition and all correspondence between the DU Owner asking for NOC and replies by JVVHOWA are missing in the file. As per MOM BOM's dated 12 May 2018, point 1, Notice issued through HC why action is not initiated against DU 101.
- e) Notice from **JVVHOWA Advocate, Shri G Bhaskar** on **16 Aug 2018** to following:
- GHMC Commissioner, Tank Bund Road
 - Zonal Commissioner, GHMC, Serilingampally
 - The Dy Commissioner (DC), Circle 14, Kukatpally, GHMC
 - DU 101 Owner – Shaik Hussain Fitdos.
- f) Notice from **JVVHOWA Advocate** on **16 Aug 2018**- Referring to following salient points:
- My Client [JVVHOWA] made several Representations dated 26 Dec 2017 to Nos 1 to 3 to take action against Respondent No 4 for illegal construction.
 - My Client has no option to seek direction from High Court and filed WP No. 14483 / 2018 and **HC passed an interim direction** to Nos 1 to 3 to Dispose the said representation dated 26 Dec 2017 within 4 weeks from the date of receipt of the Order in accordance with the law - by High Court Order dated 29 Jul 2018.
 - My client states that inspite of receipt of the HC Order responders 1 to 3 did not initiate any action against Responder no 4 for making illegal constructions.
 - Notice is issued to Responders 1 to 3 to take necessary legal action against illegal construction being carried out by Responder 4, else my Client has no option to initiate **CONTEMPT PROCEEDINGS** against Responders 1 to 3 for Non Compliance of HC Order and will be liable for consequential incidental.
- f) **Sri SHAIK HUSSAIN FIRDOS, DU 101 Owner SOLD the DU ON 27 DEC 2018 -TO Sri PARDHU GORRIPATI – when the case is still in progress.**

There is no further correspondence subsequent to 09 Aug 2018.

"Board Of Members" – Pending court cases – JVVHOWA - Appendix "F"

DU 300:

Court case in respect of DU No 300 has been approved in an Emergency Resident Owners meet called for the purpose and was decided in the meeting to proceed Legally as the entire DU was Demolished. The details of the case is as below:

- a) **Writ Petition (WP)15151 of 2014** filed by **JVVHOWA** regarding action of the Respondents 1st& 2nd in granting building permission to the 3rd Respondent vide Permit No: 32953/DC/WZ/ Cir-14/ 2014 dated 24 Mar 2014 is arbitrary, illegal and contrary to Bye Laws of Petitioner Association and direct 3rd Respondent not to proceed with the construction.
- b) Amendment Petition **WP 21484 of 2014** [dated 23 Jun 2014], against the following:
 - i) GHMC Commissioner, Tank Bund Road
 - ii) Zonal Commissioner, GHMC, Serilingampally
 - iii) DU 300 Owner
- c) **HC heard the Petition on 02 Jul 2014.** Respondent no3 [R3] argued that the executive committee member in the BOM's have constructed G+2 Floors – [DU 240 & 217] and now 255 is modifying his DU. Why similar facility is being opposed for R3.
- d) **High Court ruled as – (i) Petition WP is Admitted and (ii) R3 [respondent no 3] would not make any further construction** for a period of 3 weeks.

Chronological events:

Correspondence between **DU 300 Owner** and **JVVHOWA** are as follows:

- a) Request from DU No 300 dated 12 Feb 2013 for NOC for carrying out internal modifications.
- b) DU owner Certificate of Undertaking dated 22 Feb 2013.
- c) JVVHOWA issued NOC on 22 Mar 2013 to Mrs M Geetha Gayatri.
- d) GHMC Permit No 32953/DC/WZ/Cir-14/2014 dated 24 Mar 2014 for G+2 Floors approval given to Respondent No 3.[DU 300].
- e) Letter from JVVHOWA No: JVV HOWA / Hyd/#300 dated 04 May 2014.
- f) Letter No JVVHOWA/HYD/#300 Dated 06 May 2014 to DC, Circle 14, regarding DEMOLITION of DU No 300 with copy to Asst City Planner, Circle 14, Kukatpally.
- g) Reply from DU Owner on 18 May 2014.
- h) Mail from DU No 299 mail to JVVHOWA dated 20 Feb 2014, for NOC to DU No 300 for **internal A&A's.**
- i) Letter No JVVHOWA/HYD/#300 Dated 24 May 2014 to Zonal Commissioner, West Zone, Serilingampally regarding - **NON ADHEARANCE TO BYE LAWS ETC AND DEMOLITION of DU No 300**in JVV, KUKATPALLY.
- j) Letter from DU 299 Owner dated 31 May 2014 regarding continued sequence to Demolition of DU 300.
- k) Letter from DU 299 Owner dated 31 May 2014 to Zonal Commissioner.
- l) **Minutes of Meeting of Resident Owners meeting on 01 Jun 2014.**
- m) Caveat filed by M Geetha Gayathri, in District Court Dt 04 Jun 2014.
- n) **Counter Affidavit filed by Respondent No 3 dated 17 Jun 2014.**
- o) HC amendment petition dated 23 Jun 2014.
- p) **Reply to Counter Affidavit filed by Respondent no 3 dated 17 Jun 2014 to additional counter dated 23 Jun 2014.**
- q) **Reply to Counter Affidavit filed by Petitioner dated 23 Jun 2014 dated 02 Jul 2014.**
- r) Letter from DU 300 Owner dated 10 Jul 2014 for permission to construct as per GHMC PERMISSION.
- s) Letter no: JVVHOWA/HYD/#300 dated 15 Jul 2014 in reply to xix) above. Requested issue of NOC as per GHMC approval. However, if You intend to construct as per Original construction, NOC may be sought.

There is no further correspondence subsequent to 09 Aug 2018.

DU 96:

No information available on file

c) **Writ Petition (WP)** _____, **AFFIDAVIT** signed by the,
JVVHOWA and filed in HC on) _____ 2019 against following

i)

HC passed Order on".

b) CC [**Contempt Case**] no.

g) **WP**

Following points taken from Minutes of the Meeting of Board of Managers

1. 18 Jul 2018 – Paid Advocate M Babu Rao. But no copy of legal notice on file.
2. 10 Sep 2019 – Point No 6, Legal notice to be issued to DU 96 for Commercial Activities in violation of Bye Laws. No copy in file
3. 16 Oct 2019 – Point No 5 – Legal notice for indulging in Commercial activity.
4. 28 Dec 2019 – Legal intimation against DU 96 for commercial activities.