

**DRAFT MINUTES OF THE 79TH AGM OF THE TCHS
HELD ON SATURDAY, THE 26TH MARCH 2022 AT 6PM**

As there was no quorum at 6 pm. the meeting was adjourned and commenced at 6.30 pm. There were 41 members, with Mr Mahesh Kalyanpur in the Chair.

Mr Mahesh Kalyanpur welcomed all Members and requested Dr Prakash Mavinkurve the Honorary Secretary for the year ending March 2021, to read the Notice of the meeting and to start the proceedings.

Dr Mavinkurve, speaking on behalf of the current Hon Secretary Mr Shivdutt Halady, expressed happiness that a physical Annual General meeting of the Society was being held after two years. He then read the Notice and Agenda as follows

1. Confirmation of the Draft Minutes of the 78th AGM held on 28 March 2021 and of the Special Body Meeting held on 5 September 2021, both already circulated to the members
2. Adoption of the annual report, audited balance sheet, and income and expenditure account for the cooperative year ended 31 March 2021 duly audited by the statutory auditors.
3. Appointment of internal auditor for the year 21-22
4. Appointment of statutory auditors for the year 21-22
5. Appointment of Society architect for the year 22-23.
6. Appointment of grievance cell for the year 22-23
7. Update on Structural repairs
8. Sub-tenancy or renting out charges for non-compliance of Society rules
9. Update from the redevelopment subcommittee and approval of costs.
10. Review and ratification of changes in the parking policy.
11. Approval of cost of CCTV updating
 - a) To consider any matters specifically requiring decisions, concurrence or sanction of the general body meeting of the Society by virtue of the provisions in the act rules and bylaws of the Society as disposal of any business that may be brought before the general body in the AGM by any member with seven days prior notice in writing in conformity with the bylaws.

By order,
The Managing Committee
s/d Mr Shiv Dutt Halady, Hon secretary

Mr. Kalyanpur then gave a brief on what had happened in the last two years, when physical meetings weren't held. He said that during the three Virtual meetings, there was larger participation and interaction, as outstation Members could also participate. Unfortunately, he said, those norms of virtual meetings were there only during Covid restrictions and now physical meetings are again mandatory. The last SGM which was held for declaration of the results of the election also had to be taken in a physical format.

It is also mandatory for meetings to discuss redevelopment to be physical. Quorum for the Special General Body Meeting convened for redevelopment of buildings of the Co-operative Housing Society will be 2/3 of the total members of the Society. If quorum is not formed, meeting will be adjourned and reconvened within a month with 7 days' notice. If there is no quorum for the adjourned meeting, it will be deemed that members are not interested in redevelopment and the meeting will be cancelled and shall not be placed before the Special General Body for next 3 months.

Mr Kalyanpur requested all the members present to also inform other members to attend such general body meetings physically without fail. During the year it was noticed that though Bombay was affected a lot because of Covid, thankfully in Talmakiwadi there were not those many cases, for which he thanked all the building volunteers on behalf of the Managing Committee. The volunteers had done a great job in coordinating with all the residents to ensure that they didn't face any difficulties, provisions were made for vegetables, groceries eatables etc. There was bonding, and a spirit of coordination & cooperation between the residents which now needs to be taken to a higher level, he said.

Another good thing which happened during this period was the resolution of the electric supply problem faced by residents of Bldgs 15 & 17 due to worn out and damaged underground electrical lines at many places. The matter had been taken up with BEST who then replaced the wiring and put up a new junction box outside Udyog. Now the entire electric supply for building number 15, 16 and 17 is supplied from the new junction box. The residents of the three buildings had to face some problems for those few days as they could not put on their AC, but now the problem has been resolved.

The Society also received timely help from MLA Shri Mangal Prabhat Lodha and ex Corporator Arun Dudhwadkar who used to send their teams to sanitise the buildings whenever requested. This had to be done because initially when the pandemic broke out BMC had taken the responsibility of sanitising the buildings, but subsequently when the cases increased, they put the entire onus on the Society residents and the Managing Committee. Mr Kalyanpur expressed his gratitude and thanks to them.

He then listed certain actions taken based on the decisions arrived at in the last SGM as listed in the Annual Report.

- a) **Shop number 2-6A which was earlier rented out to Sashitals.** Ashwin Sashital, a family member had raised a claim and the General Body had said that TCHS should give him the option to go in for a leave and license agreement. When offered the same he had declined that so as per the General Body resolution the Society took possession of the shop. Presently the shop is used for storage of items for the structural repairs that are going on. If the General Body is okay, the Managing Committee would like to float a tender for renting out the premises on a leave and license basis so that TCHS gets some monthly income. till such time the redevelopment takes place. This would preferably be only 11 months or 33 month lease and not a long-term contract.

- b) With regard to the **Popular Ambulance Association** also, in the last SGM members were informed that PAA has surrendered the premises and the GB had directed the Managing Committee to give the right of first refusal to KSA at a rent of 7500 per month. That agreement had also been signed effective October 2021
- c) **Structural repairs:** Mr Kalyanpur informed members that SV Construction was awarded the contract by the General Body and work had started. Painting of buildings 1, 1A and 2 would commence one after the other very soon. The breakage of 3-5 building had started and the internal plastering was in progress. After 3-5, 4-6 will also be taken up. A bar chart had been circulated along with the annual report. As per that schedule two or three buildings would be taken up at a time.
- d) On the legal matters, Mr Kalyanpur said that two cases, basically family disputes where Society was made a party to the cases, had been settled out of Court and the matter was closed. In the case of Mirjankars, the last hearing was on 31st of January 2022 and the new date would be informed. He added that there are other disputes where Society has been made a party –
1. Rohit Kulkarni versus Devdutt Kulkarni. As per the Bylaws the Managing Committee had transferred the Membership to the nominee (Devdutt). The other brother registered a complaint with the Registrar, and the Registrar gave directions that the nominee has to be made a provisional member. This was complied with Mr Rohit then sent a legal notice to TCHS saying that he should be made 50% member. He was told clearly that 50% provision is not there in any of the Society or Model bylaws and that he will have to submit a family settlement or a Court Order.
 2. Mrs Ranjani Mallapur (2/22 & 2/23) This is also a family dispute. Earlier Suresh and late Jaipal Mallapur used to pay the rent on behalf of their aunt Ms Ranjani Mallapur, member of the society. Subsequently Ms. Ranjani Mallapur, restrained the Society in writing, from collecting rent from them. Subsequently she defaulted on payments and continues to do so. The Society has sent a legal notice to her.
 3. The defamation case between Mr Praveen Kadle and few members of the Society, where the Society is made a party. Here also there was no hearing due to Covid.

Mr Kalyanpur informed members that as per the earlier General Body directions legal notices have been sent to Ranjani Mallapur, Vanita Gangolli, Leena Gangolli, and Anjali Gangolli, for recovery of dues. No replies have been received from any of them

Last year there was the Election to the Managing Committee as per the directions received from the registrar. There were some changes in the Cooperative Society rules for Societies with less than 250 members. A returning officer Dinesh Naik was appointed from the panel of the returning officers, a list of members was published and the election process was conducted by him. Thankfully, he said, there was no election as the number of vacancies and the number of nominations received was the same. but there was an expenditure of Rs 43,200. He expressed happiness as the new committee has some youngsters like Parag Nagarkatti & Anant Nadkarni. Shivdutt Halady, Smt. Seema Pathak and Dattu Sharma who was the Chairman of the Redevelopment Committee have all joined a Managing Committee after few years gap so it's a good combination of experienced and new & active members. He welcomed all these new members to the

Committee and hoped to see many more youngsters coming up on the Managing Committee in future. He drew attention of the members to the garden where the childrens' play area has been redesigned, and a trampoline installed thanks to MLA Shri Mangal Prabhat Lodha

Mr Bipin Nadkarni (Associate Member 17/18), urged Chairman to explain what can happen if there are no Members willing to join the Committee. Mr Kalyanpur explained that as per the revised guidelines issued by the Government, 12 members need to be on the Managing Committee of which 2 are women and 2 from SC ST OBC,. for a tenure of five years If there are no SC ST members, their vacancies cant be filled. The TCHS Managing Committee therefore has only 10 members. If anyone resigns midway, cooption is not allowed, and a fresh election supervised by the Registrar's office is mandatory, at the Society's cost. Even if there is no election, the process itself costs Rs 43000 or so depending on the number of members There is a minimum of 9 nominations required, failing which the Registrar can appoint an Administrator who will take all decisions, but will have to be paid monthly salary by the Society. Members will have no control. This has happened in the Gamdevi Saraswat Colony for last three years, he said.

Mr Kalyanpur said that as the work load is increasing with Structural repairs, redevelopment planning etc, Dr Prakash Mavinkurve was appointed as a Functional Director and Paritosh Divgi was appointed as a Technical Director. The provision for these posts were approved in the 2014 AGM by the General Body.

He clarified that all Committee members work in an Honorary capacity, and are not paid.

The Minutes of the last AGM circulated earlier were then put to vote.

Proposed by Ashok Maskeri
Seconded by Dilip Sashital

Approved unanimously

Chairman then took the next item on the agenda:

2, Adoption of the annual report, audited balance sheet, and income expenditure statement for the cooperative year ended 31 March 2021 duly audited by the statutory auditor, which were circulated to all the members

Chairman informed the members that the audit report was clean, the only comment being the adoption of the Model By-laws which as everyone was aware of, the Society is privileged to have restrictive membership as per the Supreme Court guidelines. Some new clauses have been added when the last amendment was done. These rules which have been amended by the Maharashtra government have not been incorporated in the Model Bye-laws yet. Once the Model Bye-Laws are amended, we will have to do an amendment to our existing Bye-Laws, and the new rules will be incorporated. So going forward all those relevant rules which are favourable to the Society and which everyone in the General Body feels should be adopted, will be adopted. The provision of Provisional

Membership is not there in the model bye-laws but is incorporated in the rule so this law will have to come up and the rules adopted. Provisional membership clause has been adopted by all Societies like Santa Cruz Society. There is a gazette notification of March 2019 so it is mandatory for all registered cooperative housing Society to adopt it.

Mr Kalyanpur then requested the members to go through the notification which was circulated to the members.

Mr Rajaram Pandit 3-5/20 added that on the death of a member, the nominee will become a provisional member without taking any NOC from anybody will not have any right to nominate, he will not get title, neither can he sell the property. He said there are three ways to become permanent member

1. If a Will is made, but it has to be probated
2. If a Will is not made one has to approach the court and get a succession certificate
3. Family arrangement where one can make a family arrangement deed in the Registrar's office, if there are more than one legal heir.

He asked if a family arrangement can have two beneficiaries. Chairman replied that the concept of joint membership has been introduced recently in the notification. However, TCHS bye-laws does not have provision of Joint Membership hence only one name can appear on a share certificate.

There was a prolonged debate and Mr Pandit suggested that Society should take legal opinion.

Chairman clarified that whatever information he had given was based on the feedback received during the discussion with Mr Dinesh Naik who conducts training on behalf of the Registrar office in all the Societies and had conducted a training for the Managing Committee. He had specifically said that the second name cannot be there on the share certificate and that the family has to decide in whose name the tenement would be. So presently and also all these years, when someone is filling up the nomination form saying they have two children & 50% should go to each of 2 children , they were asked to decide among themselves in whose name the flat has to be transferred and then they used to inform the Society. This is in line with what Dinesh Naik said.

Chairman added that TCHS is arranging a training for the members of the Society by Dinesh Naik

Resolved in the 79th AGM on 26th of March that annual report audited balance sheet and income expenditure statement for the cooperative year ended 31 March 2021 duly audited by the statutory auditors be taken as read and adopted

Proposed by Shri Bipin Nadkarni
Seconded by Shri Gautam Mavinkurve

3. Appointment of internal auditor for the year 2021- 22

Mr Rajaram Pandit accepted the request to continue as the internal auditor for financial year 2021-22 Chairman said Mr Raja Ram Pandit had done a good job though he had Covid twice, he was hospitalized. Even then he completed the internal audit of the Society

Proposed by Shri Dattu Sharma

Seconded by Smt. Anuradha Kulkarni

4. Appointment of statutory auditors for the year 2021-22

Chairman proposed M/s. Jain Chaudhary & Co as statutory auditors saying that they are empaneled on the list published by the Department of Cooperation, Government of Maharashtra

Resolved in the 79th AGM held on 26th March that M/s. Jain Chaudhary and Co be appointed as statutory auditor for the year 2021=22

Proposed by Shri Dilip Sashital

Seconded by Dr Suneela Mavinkurve

5. Appointment of Society architect

It was proposed to continue with Shri Sujay Nadkarni as the Society architect for the year 2021-22

Proposed by Smt. Seema Pathak

Seconded by Shri Bipin Nadkarni

6. Appointment of grievance cell

It was decided to continue with the same team as existing grievance committee

7. Update on the Structural Repairs

Chairman Kalyanpur said a Bar Chart was circulated along with the Annual Report giving details of the proposed activities. He said if anyone has any complaint with regard to their structural item not being repaired they should contact Paritosh or any of the other four members on the Repairs committee like Ashwin, Gulwadi, Seema Pathak, Parag Nagarkatti and Vidula Nadkarni who are exclusively looking after the structural repairs. He requested members to avoid any interaction directly with the contractor or the Structural engineer. He added that the SV Engineers are doing a reasonably good job, but there are some areas, as on the ground floor of Bldg No 2, 1A etc where the damage is more than expected and scope of work is increased. So far the cost is within the contingency which was planned but in case the cost goes up General Body will be appraised and necessary approvals will be taken He clarified that leakages are being taken care of. Only thing is whenever what is not there in the scope of the work like which has been done internally because of some leakage, the plastering has been done internally, then the Society won't do the painting and finishing, It will be the members responsibility. The external painting will be taken care of by the Society, internal painting will have to be taken care of by the members.

Regarding painting he explained that last General Body had approved distemper or cement based paint. Later on it was brought to our notice that these companies have discontinued the cement based paint and it was decided to go for the acrylic paint. The slight difference in cost is being covered by sourcing the paint through smaller companies where GST is not applicable thus saving 18%. The acrylic paint will have a 5 years warranty from the manufacturer of the paint.

8. Non Compliance and charges for non-compliance of the Society rules

Chairman said that many people give their houses on rent but do not comply with statutory requirement and rules regarding agreement and Police Verification.

There have been instances where the member has called up saying the tenant be allowed to stay and the documents will follow. within 15 days. This becomes a compliance issue because as per the police guidelines the Society should not allow any outsider to stay in the Society till they get an NOC from them. Members need to follow the guidelines to avoid any untoward incidents in the Society. He said the Society will now onwards strictly not allow sub tenants to stay until the proper documentation is done. The Society has printed forms, giving detailed instructions.

Mr Sharma agreed with the Chairman and suggested that Police should be informed if any defaulters are there. Dr Mavinkurve interjected saying that as a rule, Society will just not allow anyone without documents.

Chairman said the same rules will also apply to renewals. A reminder will be sent before the renewal date. Those abroad can do the agreement on line or appoint POAs.

9. Chairman suggested that the discussions on Redevelopment (Point 9) be held after the other Agenda points are done

10. Review of parking policy Chairman said as per the existing parking policy members are charged Rs 500 pm for one car and Rs 1000/- pm for second car. For building number 16 who are our tenants, as per the parking policy, only one vehicle is allowed @ Rs 500/-. There was a request that a second vehicle should also be allowed maybe at an extra charge. The Managing Committee proposed that the second vehicle be allowed subject to availability of space and parking charges of Rs.3000/-. The justification for the difference in charges for them and members is that they don't have land ownership whereas members have. Rent control act doesn't mention parking at all. This Rs 3000/- is also a deterrent. Members felt that 3000/- is high and suggested Rs 1500/-pm as a fee.

There was reference to Mr Suresh Mallapur not being charged parking charges. Chairman explained that in an earlier AGM, Mr Shyam Balsekar had brought out that since the case is sub-judice, TCHS shouldn't charge them and all members present had supported that. The Managing Committee can only go by General Body directions. There are also legal issues involved here.

Mr Vishnu Pai said TCHS should take a legal opinion to see if rent can be recovered and kept in a separate FD till the case is disposed off. As they are in Wadi for such a long time, a concessional rate of Rs 2000/- pm can be levied.

Rajesh Pathak suggested that on the receipt it can be written that this is only for parking.

Mr Halady said that TCHS will get an opinion on whether TCHS can take parking charges from a non member, how it can be receipted without jeopardising

Dr Mavinkurve agreed with Mr Pai and suggested that TCHS should charge them say at a concessional rate of 2000/- pm. Mr Kalyanpur said if concession is given, then it should be charged retrospectively. In any case, he said legal opinion will be taken.

11. Installation of CCTV : Chairman said our CCTV cameras are old, and during Str. repairs, the wiring is also getting spoilt. Estimates for replacing the old system comes to about Rs.300,000/- He requested the GB to give an approval for this amount, so that the Managing Committee doesn't have to wait for another AGM for it and can implement the installations soon after the building repairs are over.

He further said, as per existing bye-laws, the Managing Committee has to take approval from General Body for expenditure above Rs 1 Lakh. As costs are rising, he requested the General Body to increase it to Rs 3 Lakhs. so that The Managing Committee can go ahead with jobs costing more than one lakh. He assured that all these costs will be reported time to time. It was suggested by Mr Dattu Sharma that considering the costs and requirements, Rs Five Lakhs should be approved if the General Body feels that is the appropriate amount. Rs 5,00,000/- was finally agreed upon and sanctioned.

Update on Redevelopment:

Chairman requested Mr Dattu Sharma, chairman of the Redevelopment Committee to update members.

Mr Dattu Sharma said for most members, it is a very very emotional issue. Everybody feels that these buildings are 82 years old and it's time that before any mishap occurs it is better that we go for redevelopment and come up with possibly better amenities. He gave a brief history of the cooperative movement and the vision of our elders, due to which we are now having a freehold land and sitting on 'a gold mine'. Each member is proportionate owner of whatever that we have today. He said between 1915 and 1965 there were 'Amchi' Societies in almost every suburb of Mumbai, and most have come up through self-development. He said he is himself an advocate of self-redevelopment and pointed out some major issues which the subcommittee came across during discussions with the PMCs which were approached for feasibility. He pointed out three main ways in which Redevelopment can take place.

- a) Self-redevelopment - It necessarily means that the Society take the onus of redevelopment start to finish and rehabilitating everybody in the permanent new accommodation. A project management consultant PMC needs to be appointed to get feasibility report and to be a liaison agency between the Society and various agencies.
- b) Through a developer or builder, which means the Society will appoint a developer. There will still be a PMC in between, basically a liaison agency between the Society and builder. A liaison agency PMC or Architect mediator is inevitable as per the development control rules (DCR) that are published by BMC which is in a way good for the Society
- c) Development management control (DMC)

Self redevelopment is the most desirable because the entire property and profits would come to the Society, but the main hurdle is funding, getting good lawyers, professional people handling whatever the PMCs say. The amount required can go up to Rs 500 Crores.

Funding difficulties start with the Banks themselves. The funds are required for rehabilitating displaced residents, getting various permissions from different agencies, interest payments at every step.

Another problem more specific to Wadi is the different sizes of tenements, renovations by tenants, legal cases over property, nominations etc etc. Question commonly asked is how much extra area is likely to be given to every member, Going through various agreements 27% is a likely figure.

Having met various PMCs, he said, the Sub committee has finally zeroed in on Ms Sumedha Gore. Her report is awaited after which further action will be taken and an SGM will have to be called to present the feasibility report and figures. It is mandatory to have 70% representation at this SGM.

There was partly a delay in the working of the Sub committee as the care-taker Managing Committee could not sanction funds for the PMCs.

Mr. Ajit Bhat (Member) who is a member of the sub committee strongly suggested that independent reports from 3 PMCs / Architects should be obtained to have independent perspectives from different experts for which we need to spend for seeking reports from 2 more experts. He suggested to the General body that an amount of Rs.10 lakh be approved towards this cost.

Mr Sharma then requested the Gen Body to extend the duration of the Sub-committee further for 6 months or till the next AGM where the Sub committee will be in a position to submit their report first to the Managing Committee and then to the General body.

As there were no other points the Chairman announced the meeting closed.

Dr Prakash Mavinkurve ended the meeting with a vote of thanks to the chair, all attendees, KSA and the caterers.#

Shivdutt Halady
Hon. Secretary