

MINUTES OF MEETING

of Members of BriskLumbini Apartment Resident Welfare Association

Date 26 January 2020 at 10:00 a.m.
Venue Club House of Brisk Lumbini Terrace Homes, Sector 109, Gurgaon
Agenda To discuss the developments since the last meeting held on 01 Dec 2019, update on developments in respect of DTP meeting held on 23 Jan 2020 and decide the next course of action by the RWA.
Attendance Attendance sheet attached.

1. Presentation of maintenance charges and profiteering by the builder

Cdr. Sushil Kumar, Vice president of the RWA, made a presentation on LED screen showing

- (a) Existing Lumbini Cost Sheet shared by BIDPL which included 32 security guards and 45 other maintenance staff. Total of 77.
- (b) Proposed Cost sheet which suggested total strength to be reduced to 22 Security and 24-26 other staff. Total of 48.
- (c) A summary of Action Taken Report (ATR) dated 23 Jan 2020 prepared by the DTP in response to the CM Window complaint CMOFF/N/2019/133139 dated 27 Nov 2019 made by the president of the RWA.

The ATR by the DTP stated:

- i. Since RWA has been formed but handover of maintenance, IFMS, etc. has not been done by the builder to the RWA, it was decided among both the parties that the builder will hand over the Maintenance, NOC, AMCs, operations manual, etc. to the RWA from 01 Nov 2019 and the builder will be liable for collection of previous dues of period up to 31 Oct 2019.
- ii. It was agreed by everyone present in the meeting that the builder will complete official and legal process of Handover, which will include transfer of IFMS, etc by 31 March 2020, as directed by District Registrar of Societies, Gurgaon.
- iii. The Builder agreed to transfer the Single point Electricity connection from builder to the RWA in consultation with DHBVN.

This means that the Builder will be responsible on collection and payment of electricity bills to DHBVN till such time as the PEC connection is in the name of BIDPL.

2. Information about meeting in the DTP office

The Members were informed about the meeting at DTP office. Mr. V.N Tiwari, BIDPL representative to DTP office for the meeting stated this about the conditions of handover.

- a. Refund of money which was spent by builder for diesel generator, to which DTP officer told him that it is BIDPL matter as you got OC you have to provide residents electricity and that cost you cannot transfer to BLARWA.
- b. Payment by residents for cost of plot provided by the builder for the substation to

DHBVN. DTP Officer told them Plot's cost cannot be transferred to residents as per DGTCP directive/ Government rule.

- c. Mr. Tiwari explained that in their letter to DTP, the builder has proposed handover through a committee formed by BIDPL, but DTP officer told him, the present RWA is the government recognized body and BIDPL does not have the authority to challenge the registered RWA (*"DTP- Who are you to put any pre-condition, Election will take place when time permits after handover and on directive of District Registrar"*).
- d. Mr. V. N. Tiwari finally objected to handover, under the pretext that there is pending maintenance amount to be collected from some owners, though he clarified that this amount pertains to those flat owners who are non-residents. On this the DTP officer clearly directed that nonpayment of electricity or maintenance bills or pending dues cannot be an excuse to delay transfer of maintenance to RWA for ever, and it's been over 3.5 years now. The officer on this point clarified that builder needs to take responsibility for maintenance (and dues collection) until 31 Oct 2019 and RWA will be responsible starting 01 Nov 2020. Officer clearly told them for unconditional handover to RWA starting 01 Nov 2020.

3. HERC regulations reg. responsibility of builder for "Single point connection"

Vice president of the RWA explained the HERC regulations regarding responsibility of a builder having "Single point connection" in his name. An extract of HERC Orders are given below, but the essence is that as the builder has "Single Point Connection", it is BIDPL's responsibility to ensure collection and deposit of amount to DHBVN in such a manner that PEC / Govt. supply to those who continue to pay their electricity bills is not discontinued on account of non-payment of dues to DHBVN by BIDPL.

- a. # 4 of 2018- *That even otherwise, the developer to whom single point supply has been granted by the distribution licensee gets elevated to the status of distribution licensee."*.. accordingly governed by regulations framed by the Commission and under the aegis of Electricity Act 2003.
- b. # 57 of 2017- *GHS / Employer / Developer / RWA shall provide meters for measuring electricity consumption of licensee's supply for all the residents, for common facilities/services and other non-domestic loads, etc. They will also be responsible for all liabilities & obligations including individual metering, billing, and collection of charges from individual users and payment of energy bills for Single Point Supply connection to the Distribution Licensee.*
- c. # 26 and # 38 of 2018- Common Area Electricity to be charged via Maintenance Bill.
- d. # 4 of 2018- *HERC (Single Point Supply to Employers' Colonies, Group Housing Societies and Residential or Commercial cum Residential Complexes of Developers) Regulations, 2013.*

(As the connection is in name of the Developer, this clause will be applicable to RWA only after "Single Point Connection" is transferred in the name of RWA.)

4. Proposed way ahead

- (a) Formally get hold of AMC/NOC/Building Plans/Firefighting layout drawings from BIDPL.

- (b) Take over major inventory - WTP/STP/Ventilations, etc.
- (c) Secure Maintenance staff immediately for short term.
- (d) Invite as many tenders for AMC (from OEMs), Security and Maintenance Staff.
- (e) RWA to announce collection of Maintenance Bills into RWA account w.e.f Nov 2019.
- (f) RWA to open an account in HDFC/ICICI/other bank which has sub-ledger/payment gateway etc - it will come at a charge, but accounting is easy.
- (g) Maintenance Rate will be fixed at 2.50 and the RWA will raise Maintenance Bills.
- (h) Owners to pay their maintenance to RWA account ONLY.
- (i) In case we face a situation of incomplete or under collection, in the first month
 - *Either reduce services, or*
 - *Collect ad hoc advance @ one rupee per Sq Foot. This advance will get adjusted when payment is received from the defaulters.*

5. Proposed Methodology to ensure Timely Payment of Maintenance Bills

- a. 1 Month Delay
 - i. Collective effort to convince owner to pay
 - ii. Reminders - Emails/SMS/WhatsApp messages
 - iii. 18% Interest on delayed payment
- b. More than 1 Month delay
 - i. Collective effort to convince owner to pay
 - ii. Non Legal Notice
 - iii. 18% Interest on delayed payment
- c. More than 2 Month Delay
 - i. Legal Notice
 - ii. 18% Interest on delayed payment
 - iii. File civil suit for recovery

6. Need to build corpus fund

The need to build corpus for future was discussed and there was a consensus among those present that we need to find ways to build corpus to handle future requirement, mere IFMS may not be sufficient enough.

7. Methodology of diesel money collection via maintenance bill

It was discussed that we need to define the process of adjusting this as the DG electricity bill will also come from Radius (smart meters supplier) and the DG electricity bill has to be charged as per consumption in each flat. Interim collection of ad hoc amount for diesel was proposed and discussed. The option of running 500 kVA DG set and its expenses vs. hiring a smaller DG set of about 200 kVA and its expenses were debated.

The process of diesel collection from petrol pump also needs to be detailed out. Since BIDPL

will remove its drums and its vehicle. How will we transport the diesel to society? Stock keeping, etc. needs to be detailed.

8. We need to pay 11 kVA line maintenance charges to Experion society. Experion team has informed that whenever there is a fault in the 11 kVA supply line, Brisk was supposed to its share of repair expenses, but has not paid in last 2-3 occasions. One of the RWA members met the Experion team and gave verbal assurance that such repair expenses in future will be shared by us. On this assurance, Experion restored power on 26 Jan 2020.

9. Discussion on Legal cases

Some residents had received a wrong and misguided impression that the High Court case may result in cancellation of the OC. It was clarified that the HC case was by individuals primarily for getting PEC when the RWA did not even exist. Hence the RWA has no role in this case. Details of BIDPL letter dated 29 June 2018 to DTP, complaining against DHBVN for non-provisioning of PEC was also explained in this context. HERC, GST and DoD are unavoidable. Some residents suggested that GST must be handled individually, it being a matter between individual and FCFML. Some claimed that since they have signed DoA, they cannot challenge the DoD. On this, the Flat Owners were clarified that RWA is a registered body which cannot ignore illegal actions like legal infirmities in the DoD and illegal collection of GST once it comes to their notice. Hence the RWA was bound to initiate action. However, those unwilling to be part of a court case reg. GST will be excluded if a legal case is filed by the RWA for GST.

10. Leakage in Basement

Residents were informed about discussion on leakage in basement in DTP office. The RWA president has already requested DTP to visit Lumbini regarding leakage in basement. DTP visit is expected in next week. This is a serious matter as it may impact the structural strength and life of building, thus, it will need to be addressed by builder.

11. Method of Communication

It was discussed that instead of WhatsApp communication should be done through mail.

12. Formation of Committees

Volunteers are needed for following mandatory committees.

- a. Purchase and diesel management- To evaluate all purchases, including diesel.
 - b. Finance - Advice on invoicing, GST, advance, ad hoc collection, opening of smart bank account, etc.
 - c. Maintenance and Housekeeping-For supervision of housekeeping and maintenance work (plumbing, electrical work, gardening & cleaning).
 - d. Sports & Cultural - Gymnasium and other aspects.
13. It was informed that most of the above points had also been discussed during an informal meeting of the flat owners on 25 January 2020 in central garden of Brisk Lumbini.

14. Resolutions passed at the GBM

The following resolutions were passed at the General Body Meeting of the Members of the

RWA on 26 January 2020.

(1) Maintenance Rate, Diesel, Ad hoc collection

- a. Maintenance to be collected at the rate of Rs.2.60 per sq foot per month as many members may delay payment. Additional amount to be collected for emergency / Diesel expenses over and above the maintenance amount. If needed, interim arrangement by loaning from existing RWA account was also agreed to for diesel and other emergency expenditure.
- b. Maintenance bill collection starting 01 Nov 2019 to be done via RWA. RWA to prepare the bills for 01 Nov. 2019 to 31 Jan. 2020 immediately and then for Feb. and March 2020. As the RWA does not have any maintenance fund, all owners to be urged to kindly pay the first bill by 07 Feb 2020 and the second by 28 Feb 2020.
- c. Review the above rate after a few months. In the case of default in payment from some owners, additional amount may be charged as advance or buffer amount, which will be adjusted when the delayed payments are received.
- d. The RWA would need to consider EPCA/ MoEF & CC / GRAP directive, which do not permit running of DG in housing societies till 15 Mar 2020, other than for lifts. This is how BIDPL was operating since 15 Nov 2019.

(2) Immediate action by RWA to ensure service continuity till March 2020

- a. Engage as many existing maintenance staff to continue society maintenance.
- b. Engage with builder to take over the critical documents - AMCs, NOCs, Drawings, Inventory list, Fire Fighting fittings, etc.
- c. Directly engage security guards, maintenance and other staff if needed.

(3) Owners to volunteer for various Committees

This is in line with best practices in all good societies and is also in accordance with the content of Society Bye laws.

(4) Handling of Legal Cases by RWA

- a. Update on best case scenario on various legal cases. In order to avoid jeopardizing the interest of association, it was decided that detailed information cannot be shared to all, however, the progress to the extent feasible must be shared.
- b. Legal cases by RWA for HERC and DoD correction (once again write to BIDPL as first option for issue resolution, legal route to be exercised in case of no response or unsatisfactory response from builder).
- c. Legal case for GST will be taken up individually. However, if majority wants RWA to represent them, the case will be taken up collectively by RWA on behalf of those who agree.

Thereupon the meeting concluded with vote of thanks to all.

President of RWA