



MINUTES OF FIRST GENERAL MEETING WITH RWA
04 Aug 2019, Brisk Lumbini Club

MOM/Queries: -

General

1. **List of Attendees attached.**
2. The meeting with flat owners of Brisk Lumbini Terrace Homes (BLTH) was requested by the newly registered RWA, with the intention of formally informing all other members of formation of RWA and decide the next steps, viz., including other flat owners into the Association and conduct of Election for Board of managers.
3. The President and Vice President of the current RWA, which consists of 9 members, informed the members present on details of RWA, like date of formal registration (24th July 2019), the members who were part of the RWA, the regulations under which the RWA has been registered, viz., Haryana Apartment Ownership Act 1983 and Haryana Registration and Regulation of Societies Act 2012, and amendment thereof.
4. On question on process of RWA formation, it was clarified that the entire process was followed as per the existing rules and the next steps of people joining the Association, payment of membership fees, conduct of election etc is also planned as per the relevant rules and Acts.
5. **Background of RWA.** The members of RWA gave a detailed background on why there was a need to create the RWA. The fact was that an earlier team was declared as RWA, which was not registered.



The residents were in distress for more than 2 years on account of daily power cuts (more than 4-6 hours), fluctuations in power, limited KW to apartments etc. Since they could not take this suffering any further, starting Feb 2018, they started approaching various Government authorities like DTP(P), DHBVN, DC, CM Window etc for help in getting Permanent Electricity Connection (PEC). They also travelled several times to Chandigarh to meet CMD HBVN for PEC. However, there was little acceptance in all these Govt offices, and the question of "where is your RWA or why is the RWA not following up", etc was often posed by these Government officials. They were often advised to complain about the RWA instead of coming individually, since RWA is the empowered body to take up such issues. However, when these individuals approached the Registrar of societies and sought details of registered RWA through RTI, they were informed that no RWA exists or ever existed before for Brisk Lumbini Terrace Homes. It's at this point, these select set of residents decided to take up the mantle and legally form the first RWA. This was done just to have a legal body to represent the owners at various forums and offices mentioned above. The process began in Oct 2018 (Society Name approval application) and completed on 24th July 2019 (Registration of RWA)

6. RWA also discussed the way forward, since the PEC has been achieved. The options discussed were, whether to continue paying maintenance at Rs 2/- per square feet and take up the matter with M/s BIDPL and M/s FCFML legally, or to have an approach to clear all dues till 31st July 2019 and have new rates of maintenance applicable going forward, as well as have RWA raise the Maintenance Bill and collect the payment into RWA account.



The two options were put to views of people and by way of "strength of hands", majority voted for the second option. However, the pre-condition to second option was agreement from builder on "Bill via RWA" and reduced maintenance charges.

7. It was suggested that account for 3 years be audited, but the general opinion was that it would be a futile exercise. However, Mr Tiwari was asked to share the expenditure details from Jan 2019 till July 2019, and through a group of people (committee) or via members of RWA, the same would be evaluated/audited and the rate of maintenance charge arrived at. Since cost of running diesel contributed significantly towards the maintenance cost, having PEC will reduce this cost almost altogether.
8. The RWA indicated that among other things, getting PAN number and opening of RWA bank account is paramount.
9. The members of RWA repeatedly insisted and requested all others to join the RWA at the earliest so that all decisions concerning BLTH can be taken inclusively.
10. Membership for (form X) was also made available to all present, and requested to submit the filled form along with a cheque of Rs 1100/- as a one-time membership fee.
11. A brief of questions raised and answers provided by the RWA is as below



Specific Queries and Response

12.Question 1 : Status of the existing RWA body, how many people are residing or not residing?

Answer: **All members are currently residing in BLTH.**

13.Question 2: Residents requested to see Bye Laws?

Answer: **Byelaws will be shared as per process. These Bye laws were made by the first set of members and are fair, impartial and as per the Haryana Apartment Ownership Act and HRRS 2012. However, if there is a scope for its change, the same is permitted as per the HRRS2012 Act and rules. The same can be reviewed by and taken up as part of GBM**

14.Question 3: Completion and handover by builder?

Answer: **The process of handover from builder has still not been initiated. Relevant pre-requisite like Completion Certificate etc, among other will need to be facilitated by Builder before RWA can be handed over the Society. Ideally, the elected RWA will be involved in complete take over. The current aim is to only manage the Maintenance through RWA which will reduce the monthly maintenance expenditure and bring transparency. Till date the existing Maintenance Agency has never shared the accounts and hence the actual monthly expenditure and collection are unknown to any member of RWA.**



15.Question 4: Is there any deadline of electing new members of RWA. Will it be given on written by when re-election will happen?

Answer: This depends how soon people join the Association. The process will be initiated upon a reasonable number of people becoming members of Association by signing the Form X (Membership Form) and by paying the membership fee of Rs 1100/-. The decision will then be taken, as per the relevant rules in this regard.

16.Question 5: Can tenants become members of RWA?

Answer: Only Owners can be members of RWA

17.Question 5: Why has builder expressed his reservation on accepting the current RWA?

Answer: The builder was involved at every stage while the RWA was being formed. Multiple formal emails have been sent at various stages and telecommunication also conducted. The Byelaws were also shared with the builder for his perusal. So, this reservation just one night before the meeting was not explainable. In order to clear the matter, Mr V.N. Tiwari DGM, BIDPL was requested to be part of the meeting, which he obliged to. Upon request from RWA members, he responded that the concern of builder is related to pending maintenance amount from large number of owners. He further confirmed in the meeting that as of now builder has no objections with the new RWA, till such time his concerns are addressed amicably.



18.Question 6: Why RWA formed suddenly after PEC?

Answer: RWA was not formed suddenly. The process began more than 6 months ago with several making of documents, visits happened. Approval process took almost 3 months. On 24th July RWA was approved and it was a mere co-incidence that on that same day we got PEC. Kindly refer to para 5 in General section

19.Question 7: Transparency of RWA as where will all information be provided.

Answer: RWA will communicate through Noticeboard, Email and on official website. RWA indicated that there would not be any official What's app group for RWA matters.

20.Question 8: Is NOC given by the builder?

Answer: Deed of Declaration as Land Proof was uploaded as part of Name Approval and RWA registration. The documents needed for registration include Copy of Resolution for the formation of Society/ Memorandum of Society/ Bye-laws of the Society/ Land Proof (or NOC) from owner/ List of Members of the society along with full address. All these were uploaded as per required procedure.

21. Question 9: Audit of all accounts by RWA?

Answer: RWA was not into existence until 24th July.



Hence to audit the accounts for last 3 years will not only be time consuming, its success would depend on hiring the right professional and extent of cooperation from BIDPL/FCFML in making the account details available etc. Hence, for the time being and in order to arrive at reduced maintenance rate, which is the immediate need, it would make sense to review the expenditure for the past 6 months and not delve into past details. Mr V. N. Tiwari agreed to share such expenditure details for the purpose of audit/evaluation.

22.Question 10: Has RWA created a bank account and PAN?

Answer: It is one of the needs of the hour and we are currently under the process of creating the same.

23.Question 11: Meeting with builder to reduce maintenance cost?

Answer: RWA will have discussions with builder and revert back on this.

Suggestion by few residents: Maintenance charges to be reduced however the standard of living should not be compromised. There is a need to improve the existing facility and infrastructure.

Answer: All owners were once again requested to become members of RWA, so that such decisions can be taken collectively. However, the majority were in agreement with the suggestion, that at the cost of reducing maintenance we should not compromise on the quality of services within the society