NOTICE FOR

EXTRA ORDINARY GENERAL MEETING

ON

IST MARCH, 2020, AT 11.00 AM

AT BANQUET HALL, THE RETREAT

OF OWNERS OF "STLVER OAK ESTATE"



Date: 20th February 2020

Dear Owners of Silver Oak Estate

Please find attached herewith the Notice for the forthcoming Extra-Ordinary General Body Meeting of the owners on 1st March 2020, Sunday at 11.00 AM in Silver Oak Estate, Banquet Hall.

The said Notice also brief on various items of agenda that will be placed in the meeting before the owners for their discussion and passing of resolutions, if agreed by the house.

We hope such briefing will help to understand the current situations in some cases, objectives of placing before owners as an item of agenda and the benefits associated with it. We are also hopeful that this will save the precious time of house and will give more room for discussion amongst the owners.

Our sincere thanks to all the previous committee(s) and its members who have kept so many documents/mails/minutes of the various meetings in the public domain while sharing the same to the owners at various points of the time. Without those informations, we might not have been able to prepare such an exhaustive agenda.

Dear Owners, if any reference has been quoted in the attached Notice of any individual/committee(s), the same has done only for explaining to the owners, because we believe that these can just be a way of their working style or overlook at their end and which may be not intentional. Our promary objective is to streamline the Resident Welfare Association ('RWA') practices including maintenance of its financial and non-financial records.

We would request the owners/residents not to the discuss or comments, after the getting the copy of the Noice along with Agenda, in various social platform like WhatsApp/Telegram/Facebook and wait untill we, all meet on 1st March 2020. All suggestion are welcome in the Owner's Meeting.

We, as a committee, representing 500+ Owners of Silver Oak Estate, having 1200+ residents have tried to bring to our best to the knowledge of the owners what we thought best for our society where we all stay.

Thanking you,

With Regards SOE Resident Working Committee 2020

Note:

- We request the participation of one Owner or its representative from each flat to attend the meeting so as to accommodate other owners also. This will help in the bigger participation of the all the co-owners of Silver Oak Esate.
- 2. Owners are requested to bring their Copy of the Complete Set of Notice, Agenda, other explanatory notes and attachement delivered to their Flat or mailed to them in their EmailD available with the JLL, the Property Management Team.



Notice is hereby given that the Extra-Ordinary General Body Meeting of the Owners of Silver Oak Estate will be held on Sunday, 1st March 2020 at 11.00 a.m. At the Banquet Hall at Silver Oak Estate, Rajarhat Kolkata – 700136 to consider the following items of agenda:

- 1. Welcome Address by the President.
- 2. To confirm the Minutes of the previous general body meeting dated 05.01.2020
- 3. **Open Items with Builder/Developer** as on date and discussion amongst owners, if required and agreed by the house.

Measures for Society' Functioning Development

- 4. **Registration of Silver Oak Estate Property** under the West Bengal Apartment Ownership Act, 1972 ('WBAOA')
- 5. *Formation of Society Rules* sync with the bye-laws of West Bengal Apartment Ownership Bye-Laws, 1974 as an interim measures
- 6. Our Society/SOE to *follow/refer Provisions and Rules of WBAOA till SOE not registered* under it or have its own Society Rules & Bye-Laws as an interim measures
- 7. Formation of Society Grievance Cell for Silver Oak Estate Residents/Owners
- 8. Creation of Separate WhatsApp Group of Owners of SOE only
- 9. Adaptation and Implementation of House Rules for our society
- 10. Implementation of ADDA, an Apartment Management and Society Accounting Software

Measures to regularize the existing practices

- 11. *Formalizing Handing over Taking Over* from previous committee(s) or its members
- 12. Ownership of Existing Google Group used for mass communication with SOE Owners/Residents
- 13. *Circulation of Statement Accounts* of SOE Residents Welfare Fund and Income and Expenditure of various *Festival Accounts*

CAM Related

- 14. *Authorization from owner's* for approval of CAM Charges by committee.
- 15. Discussion on Common Area Maintenance ('CAM') Charges
- 16. Realization of CAM Charges/Reimbursement of Electricity Charges, Measures to be taken. Is there any role of committee?

Some Burning Issues in SOE

- 17. Increasing of Stray Dog's population in SOE, a threat to the Kids and Other Residents/Visitors
- 18. Discussion on Usage of Landscape Garden
- 19. Demarcation of Pet Area & Pigeon Area

Contd.....2



Others

- 20. Discussion on Increase in No of Committee Members from Existing15 to 24
- 21. Circulation of Festival Event Calendar for 2020-2021
- 22. Fixation of *Annual Festival Subscription* for celebration of festivals by the residents of *SOE for 2020-*2021
- 23. Discussion on B2B or B2C WhatsApp Group amongst the owners/residents for mutual benefit
- 24. Any other matter with the permission of the Chair

All the owners are requested to attend the meeting.

Best Regards

SOE Residents Working Committee 2020

Note1: The meeting shall start at 11:00 AM sharp. If within fifteen minutes, quorum is not present, the meeting shall stand adjourned for half an hour from 11:15 AM to 11:45 AM. The adjourned meeting shall take place at 11:45 AM on the same date and venue. **In the adjourned meeting, no quorum is necessary.**

Note2: Following is the process on how the minutes of General Body Meeting of Owners will be recorded and circulated among the members and how it will gets approved.

- 1. Secretary of the committee will records and drafts the minutes of the Meeting.
- 2. Within 10-15 days, Convener will circulate the Draft Minutes to all the owners via print, email, regular mail i.e. Google Group or any other convenient way i.e. WhatsApp/Telegram/Facebook etc.
- From the date of circulation, within 10 days, owners can revert back to the Convener in the society's Gmail ID committee.soeowners@gmail.com with their objections or points if anything missing in the Minutes of Meeting. No objection or missing points will be entertained if communicated via WhatsApp/Telegram/Facebook.
- 4. Final Minutes will be circulated within 30 days from the date of the meeting.
- 5. In the next Owner's Meeting, the minutes will be presented but not required to read out in front of the members as the same has been widely circulated within the relevant time after the meeting date.
- 6. HOUSE gives its approval to the minutes of previous Meeting and President will sign the minutes on behalf of the HOUSE and not in the individual capacity.

Note3: The said Notice contain Explanatory Statement and various annexures on various items of Agenda and Resolution to be placed before the owners in the proposed meeting



Annexure "A"

Dated: 5th Jan, 2020 Synopsis of Annual General Meeting & SOERWC 2020 Elections

- 1) Finances related to SOE Residents Welfare Association account and expenses pertaining to various festivals celebrated along with provisions for future festivals were discussed in details.
- 2) The bank account of SOE Residents Welfare Association is linked with the Association's PAN CARD and the PAN Cards of 4 members of 2019 SOERWC have been used as KYC. For financial year closing with all TDS filed, the onus of handling the bank account until 31st March 2020, will remain with SOERWC 2019. However, the expenses & account withdrawals/deposits will be solely under discretion of the new SOERWC 2020 and all account transactions will be as per SOERWC 2020 discretion. At the end of the financial year, with proper closure of all tax liabilities and removal of existing PAN Cards as KYC, the account will be handed over to SOERWC 2020.
- 3) To bring a parity between the SOERWC period of working and the financial year, it has been decided that henceforth, all SOERWCs will be formed in April and will continue till March of the next year. Though SOERWC 2020 has been formed in January, but will continue till March 2021 for proper closure of all bank account formalities and TDS submissions. The next Committee Elections will be held in April 2021.
- 4) Though the Election Commissioners had accepted the nominations from 6 candidates in General Category and 2 candidates in Tower Representative Category, out of finally submitted 13 nominations, the Owners attending the Annual General Meeting raised a quorum and have decided to accept all the 13 candidates, who had nominated themselves, as SOERWC 2020. The Owners forming SOERWC 2020 are:
- 1. Ajay Kumar Bhalotia (1044)
- 2. Amit Kedia (6011)
- 3. Anup Mukherjee (1016)
- 4. Jiban Krishna Ghosh (1035)
- 5. Milesh Kumar (6042)
- 6. Mukesh Kumar Bagaria (7028)
- 7. Pradip Kumar Basu (6082)
- 8. Rakesh Agarwal (4071)
- 9. Ravindra Kumar Sarraf (2051)
- **10.** Saket Kumar Bairoliya (1043)
- 11. Sandeep Kumar Lath (7064)
- 12. Sumit Agarwal (7025)
- 13. Vinod Drolia (7052)

The Owners attending the AGM have also authorised the New SOERWC 2020 to fill up the vacancy of the remaining 2 members, if they feel necessary, as per their sole discretion.



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

2. To confirm the Minutes of the previous general body meeting dated 05.01.2020

No separate minutes for the meeting dated 05th January 2020 has been prepared. A "Synopsis of Annual General Meeting & SOERWC 2020 Elections" has been prepared by the SOE Resident Working Committee 2019, which has been enclosed as **Annexure "A**".

If the house decide, the same will be read out in the house.

3. Open Items with Builder/Developer as on date and discussion amongst owners, if required and agreed by the house.

In our Complex the **Builder/Developer** M/s Simplex Salarpuria Dwelling LLP ('SSDL') who has developed this Silver Oak Estate Residential Complex ('SOE') is **playing under various roles**. **One Role** as a "Builder/Developers", who had developed the project, where the owners will find that the developers has not fulfilled some of his commitments to the buyers of their flats. **Second Role** is as a "Service Provider" where he had collected "Club Membership Fees" of Rs 75000/- per flat for providing the Club Facility and other amenities to all their flat buyers. The Retreat: Exclusive Residents' Club with a plethora of fine amenities, like Multipart Banquet, Private Mini Theatre, Swimming Pool, a Jacuzzi, Billiards or Pool, Gym has been promised by the Developer to all of us. Third and final role he is playing as a "Maintenance Agency" for upkeep and maintenance of our Complex, where SSDL is collecting Common Area Maintenance (CAM) Charges from all the flat owners.

The committee has listed various items/issues where **SSDL** has failed on all the three roles to all the owners of SOE. The same is attached in "<u>Annexure "B".</u>

4. Registration of Silver Oak Estate Property under the West Bengal Apartment Ownership Act, 1972 ('WBAOA')

Under the current law, to take control of the maintenance of the any Residential or Commercial or Residential cum Commercial, the owners of such property have to get the Property Registered under the WBAOA. This is one of the reason that the **owners of SOE does not have the control of the maintenance** of their own complex and SSDL, the builder is still taking decisions on the maintenance related issues of our complex. The role of the **committee is to act** only as a **bridge** between the issues faced by the owners on maintenance side/construction related defects and communicating the same to the builder and follow up of the same, if not resolved. Uptill 2018, the consent of all the owners of the property was required for such registration under WBAOA, which has been done away by the State Government after receiving various representation from Housing Complex/Society. We are of the opinion that some owners feel that Registration of Individual Flat is a pre-requisite condition for registration of our complex under WBAOA. For clearing the doubt of the members, the committee is reproducing two important provision of the WBAOA Act.

Section 2: Application of the Act— This Act shall apply to every property having residential units or both residential and commercial units, and the sole owner or all the owners or majority of the owners of every such property shall submit the same, within such period as may be prescribed, to the provisions of this Act by duly executing and registering a declaration setting out the particulars referred to in section 10.

Section 3(ia) "owner", in relation to any property or part thereof or apartment, includes

(i) any person owning such property or part thereof or apartment, or

(ii) any person deemed to be owning such property or part thereof or apartment, or

(iii) any promoter, or

(iv) a lessee of such property or part thereof or apartment, where the lease is for a period of thirty years or more:

Provided that any person who has executed an **agreement for purchase** or for taking lease for a period of thirty years or more, of any property or part thereof or apartment or has paid the consideration or part thereof, shall be deemed to be owning such property or part thereof or apartment **even though the document for purchase or lease of such property or part thereof or apartment has not been registered;**



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If you will go through the above provisions, you will understand that promotor i.e SSDL, in our complex is only the owner of their unsold flats, and it is we the owners of SOE Complex only who can apply for such registration of our co-owned complex/society.

The advantages of such registration as per us are:

1. Legal Status: Without any legal status, the committee and owners collectively lack their voice at various forums.

2. Fighting with the developer as a consumer for non fulfilment of their commitments to the home buyers.

3. Cost Saving: Current GST Law exempt Resident Welfare Association (RWA) charging GST if the monthly maintenance charges does not exceed Rs 7500/- per flat. Some of you might aware that most of our services are outsourced and attract GST@18% baring a few services/goods which may attract other rates. But still there are certain Non-GST items e.g. Electricity Charges , Generator Fuel, Staff Salaries etc. which is been used for Common Maintenance which is recovered from us by SSDL in the form of monthly CAM Charges.

As per the CAM Audit Report done by SOERWC 2019 committee, the Total Electricity was Rs 59 lakhs (net of reimbursement) and with the GST Exemption after we form the RWA under the WBAOA, the saving will be approx. Rs 9-10 lakhs. The same is also been reflected in the **CAM Audit Report of P Bhimrajka & Company, Chartered Accountants**, the copy of the same must have been shared by the SOERWC 2019 committee to all the owners.

To get the legal status and get the benefit of lower outgo on CAM, as explained above, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** the Committee be and is hereby authorized to take all necessary steps, collect details/documents and other details from the owners of the society for registration of Silver Oak Estate under the West Bengal Apartment Ownership Act, 1972."

5. Formation of Society Rules sync with the bye-laws of West Bengal Apartment Ownership Bye-Laws, 1974 as an interim measures

Our society is a 4 years old Society and by this time any society gets a separate and distinct identity and get a Legal Status. It is the high time that we should formulate and adopt some Rules and Regulation which is in pen and paper. We have Bank Account and PAN Card. But we do not have any written rules, which sometimes creates an environment of mistrust amongst the owners, a point of discussion on some complex related issues and also raise a question on the responsibility, accountability and authority of the Committee or its members. The Society Rules should be formulated, keeping in mind that the Builder, SSDL is only an Interim Agency responsible for maintenance of the Silver Oak Estate, issuing cheque on our behalf etc. If the These Rules can be drafted by the committee, will be sent to all the owners for their suggestion/feedback and comment and after that the final rules can be placed before the owners for their approval in subsequent owner's meeting.

To do the same, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** the Committee be and is hereby authorized to frame the Draft Society Rules and Bye-Laws, circulate to the owners for their suggestion/feedback and comment and place the final version in the meeting of Owner's for their approval and adaptation."

"FURTHER RESOLVED THAT the due care should be taken by Committee to ensure that the Society Rules and Bye-Laws should in accordance and within the frame work of the West Bengal Apartment Ownership Bye-Laws, 1974 and West Bengal Apartment Ownership Act, 1972 so that migration will be smooth once the society is registered as a RWA under the WBAOA.



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6. Our Society/SOE to follow/refer Provisions & Rules of WBAOA till SOE is not registered under it or have its own Society Rules & Bye-Laws as an interim measures

Often it is found that an owner(s) is been deprived of its right as an owner. Such owners are also sometimes not aware of its duties and obligation as an owner. Similar issues arises when it come with the Resident Working Committee in SOE called as Board of Managers under WBAOA. All such issues can be resolved if our society will have its own Rules & Bye-Laws and that is possible only when the same is in writing. The solution for all this issue lies in the West Bengal Apartment Ownership Bye-Laws, 1974, which is otherwise going to be applicable to all of us, once our society will be registered under the WBAOA. The **committee recommend to its owners** to adopt the existing Bye-Laws notified under WBAOA till the time our Society is not registered under WBAOA or our Society does not have Rules and Regulation sync with the WBAOA.

7. Formation of Society Grievance Cell for Silver Oak Estate Residents/Owners

The Word Panchayat is not new to all of us, where some respectable members of the society take the decisions in case of any dispute/grievance arise amongst residents staying in that Village/Gram. Our society also need such type of arrangement to settle any such disputes/grievance.

In the larger interest of the society, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** a Society Grievance Cell shall be formed consisting of 5 (Five) Senior Residents of Silver Oak Estate. This Cell will be empowered to intervene in any such matter of dispute/grievance brought before them by any of the residents/ owners and such dispute/ grievance amongst the residents/owners are detrimental in the interest of SOE and disturbing the peace and tranquility of the society."

"FURTHER RESOLVED THAT that the Society Grievance Cell shall not be dissolved and any casual vacancy caused due to any reasons can be filled up by the Other Cell Members in consultation with the Officer Bearer of the Committee."

8. Creation of Separate WhatsApp Group of Owners of SOE only.

Most of the owners are aware that presently we are having three communication channels i.e. WhatsApp/Telegram and OneSOE Google Group. At present the two WhatsApp Groups namely Silver Oak **Resident** and **IMP@Discussion WhatsApp** Group is the **only effective group** for communicating by committee on various decision taken by them in their own meeting or in Open House, when called for Festival Celebration or in General Meeting, when called for owners of our society.

However we are of the opinion that these two group **give updates to only 175+ flat owners only**. The committee is unable to reach to the remaining 350 + flat owners. The IMP Discussion@OneSOE was created in June-2016, Silver Oak Resident created on Feb-2017. These groups were created by then owners, when Tower 1-4, were handed over by the builder in their first phase. Our society population have grown but we have restricted ourself within "2" WhatsApp Group only. Not only than 100+ members are common in both the existing WhatsApp groups. Inspite of creating another WhatsApp Group, we asked owners/residents to join Telegram, in case they want updates on SOE related matters/issues. Most of us will agree that Telegram is not popular and widely used like we use WhatsApp now-a-days. The Telegram Group in the name of "IMP Discussion@SOE" have 197 members, out of which more than 80% are also in other 2 WhatsApp Groups. This **Committee took the** initiative to create another WhatsApp Group to **accommodate other owners and residents** of society and **as on date** we have added **225+ members**, where we are of the opinion that as at **least 175+ owners** were not in any of the existing two WhatsApp Groups of the Society. So we are now connect with 350+ owners and **still not connected with the remaining 150+** owners in the WhatsApp Group.



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But will the creation of 3rd WhatsApp named as SOE Discussion Group-3 will be sufficient? The answers should be "**NO**". We need to create more groups, may be another 2-3 Groups (Limit of 1 Grp is 257 contact no's), if we want to connect to all the residents/owners of our SOE society. Any committee is ready to listen to all the residents on society related issues, but when a collective decision is to be taken based on the feedback of owners, such decisions cannot be taken with the feedback of these residents/discussion groups. So we need have an **Independent WhatsApp Group of owners only.**

These 3 WhatsApp Group and other more such groups created in future may be used by the committee for communicated SOE Related Matters to its owners/residents. But for decision based on owner's discussion, the same will be done in the newly created Owner's WhatsApp Group Only.

To make the collective decisions more effective, the committee proposes to its owners to consider and, if thought fit, to pass the following resolutions with or without modification(s):

"**RESOLVED THAT** two (2) Separate WhatsApp Group will be created for OWNERS only, whereas one mobile number from each flat will be included in such WhatsApp Group. The said group will be created with the Admin right only to the Convener and the President of the Current Working Committee and the Secretary, Treasurer of the Current Working Committee and President and Convener of the Previous Working Committee will the members of these two WhatsApp Groups, to update on any matters relating to their tenure."

"FURTHER RESOLEVD THAT Owner's Group 1 will consist of Owners of Tower 1, 2, 3 and Tower 4 till 5th Floor and Group 2 will consist of Owners of Tower 4 from 6th floor onwards, and owners of Tower 5, 6 and 7."

"FURTHER RESOLEVD THAT committee is authorized to take all necessary steps to collect the owner's details from the builder/JLL/owner to ensure that owners of all such flat can be included in the said WhatsApp Group(s)."

We also propose to have a One Registered Email ID of all the flat owners, where such flat owner apart from sharing his WhatsApp Number will also share their Email ID, which will be associated with the respective flat. Such data may also be used, if we decide to implement ADDA, an Apartment Management and Society Accounting Software.

9. Adaptation and Implementation Various House Rules for our society

Every society needs to work under certain terms and conditions in order to maintain a healthy environment in their surroundings. These terms and conditions, commonly known as House Rules needs to be approved by the owners of any society to run the society and all the happening smoothly. In past JLL have requested other previous committee(s) to get the same approved from the owners and also provided them Draft copy of Such Rules to get the same approved from the owner. But such house rules not yet been placed before the owners till date. These House Rules are in three parts 1) Club House Rules 2) Fit out Guidelines & 3) Residents Manual.

For this, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** the Committee be and is hereby authorized to Draft the Various House Rules in consultation with the JLL, the Facility Management Team and forward the same to the owners for their suggestion/feedback and comment and place the final version of such rules before the meeting of Owner's for their approval and its adaptation in Silver Oak Estate."



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"FURTHER RESOLVED THAT due care should be taken to ensure that the these house rules shall be incorporated in Society Rules and Bye-Laws which will be adopted under the West Bengal Apartment Ownership Act, 1972 so that migration to the same will be smooth after the society is registered as RWA under the WBAOA"

10. Implementation of ADDA, an Apartment Management and Society Accounting Software

The ADDA Apps helps in connecting with neighbors, Discussion, Polls, Bill payment Option, Lodging Maintenance request, Manage Tenants, Help in Authorizing Visitors through Mobile App, Pre-authorizing Guest, Booking of Common Facilities, Update on Activities, Events, Helps in finding Domestic Help, View their Profile, see their review by other flat owners, their attendance and come with many more such benefits. With the increase of the number of population in our complex, a time has come, where we need to go for some App Based Solution for the society, which is not costing much to us when we compare the benefit coming out of it.

For this the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** the Committee be and is hereby authorized to call for the demonstration of the ADDA Software in our society and if find useful by the owners/residents of the society, the same can be implemented in Silver Oak Estate."

11. Formalizing Handing Over Taking Over from previous committee(s) or its members

As communicated by us on 05.02.2020 to the Residents/Owners, in Handing Over-Taking Over exercise, the new committee got **Minute Books**, **Original CAM Audit Report done by Bhimrajka & Co and some loose papers** from the previous committee.

Point 2 of Synopsis of Annual General Meeting dt 05.01.2020 of SOERWC2019 is reproduced below: "The bank account of SOE Residents Welfare Association is linked with the Association's PAN CARD and the PAN Cards of 4 members of 2019 SOERWC have been used as KYC. For financial year closing with all TDS filed, the onus of handling the bank account until 31st March 2020, will remain with SOERWC 2019. However, the expenses & account withdrawals/deposits will be solely under discretion of the new SOERWC 2020 and all account transactions will be as per SOERWC 2020 discretion. At the end of the financial year, with proper closure of all tax liabilities and removal of existing PAN Cards as KYC, the account will be handed over to SOERWC 2020."

Point 4 of Minutes dt 17.02.2019 of SOERWC2019 is reproduced below:

"In the case **Audited Statement of Accounts** are not received from erstwhile committee within 24th February 2019, the same will be communicated to Residents over social media – WAP, OneSOE Mail and FB Page. Once the Audited statement is received, the same will be displayed in front of the residents in the Open House."

Like every society our society is also perpetual in nature. We are not in sync with the idea handling of the Bank Accounts till financial year closing by the past office bearers, because if that be case than all office bearer/director etc. in case of society or organization or company etc., have to keep such person(s) as an authorized signatory in spite of the fact that they are no more associated in the Executive Committee/Board of Directors and not responsible for taking any decisions. Linking of PAN of Authorized Signatory of any society with the associated Bank Account is a routine Statutory Compliance.

We are of the opinion that onus of responsibility or explanations for any transaction/information on any committee members for any society is only restricted for the period for which they were associated. Like linking of PAN of Signatory tax filing is also a routine compliance and it can be well taken care by the current working committee. While any new committee is made responsible with the unfinished agenda/items by the previous committee, have to answer or intervene on the regular maintenance and other related issues coming in front of them, there is not point keeping these future agenda/items of Tax Filing etc. under the domain or made the responsibility of the previous committee.

Explanatory Statement to SOE Agenda for 01.03.2020



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

For its **smooth compliances in future**, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** any previous committee/its members should hand over the Accounting Data (both hard and soft copy), Vouchers with related supporting, Cheque Book and other records/documents in their possession to the new committee within 7 days from the date of constitution of new committee and ensure inclusion of Name(s) of the Office Bearers of new working committee in the Bank Accounts of the Society."

"FURTHER RESOLVED THAT the statutory compliance related to the society matter will be handled by the current committee as and when the same is due and seek all the help it needed to do the same from any of the previous committee(s) or its member(s)."

12. Ownership of Existing Google Group used for mass communication with SOE Owners/Residents

The OneSOE Google group was created by one of the Committee members Mr. Tarak Layek by using his Email ID. This committee when asked Mr. Layek to handover the Full Control of the Google Group by adding the new created Gmail ID <u>committee.soeowners@gmail.com</u> as owner of the group, he clearly refused and replied the following:-.

The reason was that OneSOE Google Group is <u>not owned by Committee</u> and cannot be part of handover/takeover process from previous committee. Once 2019 Committee came elected, they requested Tarak and couple of non-committee people to add about 450+ owners contact mail ID and created a google group, which has equal right of posting and received mails of all members. This google group is a podium for all Owners and cannot be the Committee's property"

The following is the extracts of minutes of meeting dt 11.01.2019 of SOERWC 2019

"The SOE Owners google group is being re-created (<u>OneSOE@googlegroups.com</u> adding owners form all the seven towers, to provide a wider communication platform for owners. It will be usable and ready for mailing by 31st January 2019"

The Welcome page of the OneSOE Google Group Displays:

"Welcome to SilverOak Estate Community. The group is created by Elected Representatives of SOE 2019 working committee, as the earlier existing "Silver-Oak-estate-residents" groups has been deactivated or does not include all residents/owners of SilverOak.

This is an initiative to facilitate single platform of email communication between all SOE residents/owners"

For avoid any such dispute in future, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** the Existing Google Group <u>OneSOE@googlegroup.com</u> will always be under the control of the current working committee and the Email id associated with this google group with the committee's Gmail ID i.e. <u>committee.soeowners@gmail.com</u> and under no circumstances any moderator or owner should block the mail of any owners/residents.

"FURTHER RESOLVED THAT to avoid misuse of its ownership right, the E-Mail of the Current Committee Convener and Convener of Previous Committee will be added as Moderator in the above Google Group. Such role will changed to Member, once they will leave their respective positions."

"FURTHER RESOLVED THAT apart owner's Email ID, Emails IDs of family members and their relatives as well as of tenants may be added to this communication channel to reach to the larger residents our society."

"FURTHER RESOLVED THAT, any social communication channels, where the committee is responsible for sharing any SOE Related updates is the property of the Society, irrespective of who created that, shall under the control of the Current Working Committee.



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13. Circulation of Statement of Accounts of SOE Resident Welfare Fund and Income and Expenditure of various Festival Accounts

The owners and residents are paying Annual Festive Contribution to celebrate various festival in our society and need to know about the financial health of the Welfare Fund and use the same for various festivals. The Statement of Income & Expenditure done for celebrating Durgapuja, Kali Puja and Christmas in 2019 and New Year celebrated in 2020 is **not made available to owners/residents** who have contributed for such festivals. Such non submission of festivals accounts may lead to lack of trust and confidence amongs the owners/residents of our society.

For built such trust and confidence, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"RESOLVED THAT till the time Apartment Owner's Association not formed, the committee have to publish the Monthly Cash Flow Statement within 10th of the next month of the Resident Welfare Fund consist mainly of the Annual Festive Contribution in various communication channel detailing various receipt from Owners/Residents as Festival Contribution well as from Outsiders on account of various Sponsorship (Cash & Non Cash), Promotions and year marked contribution for specific festivals and their related expenses."

"FURTHER RESOLVED THAT Statement of Income and Expenditure of each festival should be published within 30 days from the end of such festival or can be attached with the Cash Flow Statement of the month in which such 30 days expired."

14. Authorization from owner's for approval of CAM Charges by the committee

As you all aware that Maintenance of the Our Society is presently been handled by SSDL, the developer cum Interim Agency for maintenance of SOE complex. Owner are well aware that committee has no role in passing of the Bills, Voucher & Expenses and it is done at the sole discretion of Builder, SSDL. As a committee, it is been well established fact that we are bridge between the owners and the developers and whenever we find any maintenance work not been carried by JLL, the current Facility Management Service, ('FMS'), the committee intervene to pressurize the FMS to get work done on time .The committee always intervene when the JLL is not been able get the work done because of lack of approval by the Builder.

However after it has been brought to our knowledge that apart from being the bridge, the previous committee had played the role of authorizer/final approving authority for all such expenses with effect from 1st June, 2019 which is not brought in to the owner's knowledge and such authorization by any committee, in our opinion, is tantamount to bind all the 500+ owners, whom they are representing in the eye of the builder. As such authorization cannot be undone and whether the present committee have to continue the same practice of the authorization of such expenses as without authorisation from committee builder will not release any fund on maintenance account.

If the answer of the house is "YES", than to avoid any such question on the authority of the committee and its action by any of the owner(s) of the society in future, the committee proposes to its owners to consider and, if thought fit, to pass the following resolutions with or without modification(s):

"**RESOLVED THAT** committee be and is hereby authorized to approve all the Common Area Maintenance Related (CAM) Expenses for onward payment by the Builder till the formation of the Resident Welfare Association (RWA) under the West Bengal Apartment Ownership Act, 1972."

"FURTHER RESOLVED THAT the committee has to present before the owners a copy of the Budget received by the them by the builder within a period of 30 days after due diligence of various CAM related expenses considered in such budget forwarded by the builder for approval."



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

15. Discussion on Common Area Maintenance ('CAM') Charges

The following are some of the extract of the minutes of previous SOE Resident Working Committee(s) As per **MOM dt 28.08.2018**, "With lot of persuasion by members, Mr. Amit Sarda has agreed to maintain the CAM charge @Rs.2.25 till October 2018. Builder will once again the review it in November. But according to them the rate would be @Rs. 2.50 as the expenses are touching @Rs.2.64 with the projected estimate given by them

As per **MOM dt 24.11.2018**, "In view of collection of cam charge from additional area of new towers, committee suggested builder to continue the "CAM rate @Rs.2.25/-" till March '19, though in the last meeting, builder was asserting to enhance the CAM charge to @ Rs.2.50 from November 2018 on the basis of projected expenses. Aditya accepted this suggestion to the review on the actual figures on expenses. This review will be done in January 2019"

As per **MOM dt 26.05.2019:** "Developer has proposed budget for 2019-20 through JLL, which has been put under hold till a decision is not arrived with the Audit Report of 2018-19 CAM expenses, with the Developers. Expected Developer meeting should occur within June 2019."

As approved by the house, the CAM audit was done for the financial year 2018-2019 and the same was forwarded to SSDL on 1st June 2019. The reply from the Builder for the same is attached in <u>Annexure "C</u>".

The committee have done working on the CAM Audit Report dt 29.05.2019 done by M/s P Bhimrajka & Company and its observation and our working on various issues raised in such report is enclosed in <u>Annexure "D"</u>, where owner's will find that CAM Rate/sft including the Club Area as per **Working-1 comes** to Rs 2.39 per sft and excluding the Club Area as per **Working-2 comes Rs 2.46 per sft**, which is the present contention of the Builder's, that "NO CAM CHARGES" payable for "CLUB AREA".

The committee concur with one of the issue raised by the SOERWC2019 that while calculating CAM Charges per sft, Area of the Club should also be included. Rather it should also include Area of other facilities associated with the Club. And instead of sharing the proportionate cost from the total CAM Charges, they should contribute in the CAM Revenue like all of us.

Our opinion is based on three points:

(1) Like we all are the owners of Individual Flat and co-owners of the Proportionate Common Area, the builder is also the Owner of Club & Other Related Facilities e.g. Gym, Swimming Pool and co-owner other Proportionate Common Area

(2) CAM is to be paid by all the co-owners, once they are touching any services or element included in the CAM, whether or not such services are used or utilized by any of the co-owner. Some of the example are CAM from Vacant Flat. CAM from the owners of Ground Floor, who rarely uses the Lift.

(3) The Club Services is been available to all the person by making payment of the Club & Other Facility charges whether they stay in our society or not, meaning thereby that the same is run as a Commercial Establishment by SSDL.

The committee is enclosing some of the extract taken from General Term & Conditions (GTC) signed by all the Buyers of Flat at the time of Signing of Agreement for Sale with the Builder. The same is enclosed as **Annexure "E"**. Owners are requested to go through the same so that a conclusive decision on this issue can be taken and we can take up the matter futher with the Builder.

Copy of the Budget for the current financial year 2019-2020 sent by the builder for committee's approval on 22nd May 2019 is enclosed for information to the members as **Annexure "F"**.

No resolution for this is been proposed and it is left to the discussion, opinion and judicious decision the owners considering all the facts presented before the owners.



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

16. Realization of CAM Charges/Reimbursement of Electricity Charges, Measures to be taken. Is there any role of committee?

It was been seen that there happens at **various point of time** that the essential services are been stopped by the various vendor due to **non-payment of their outstanding dues**. While asking for the reason from the SSDL, the interim nodal agency for the maintenance of the complex, the only answer to such query is: Ask the committee, we can't fund from project. While this committee so far as working as a bridge between owner and builder. But those were the day, when the builder was been asked to take care of issues of owners, which were mainly due to some construction related defect. Now a time has come when our society is full grown up. All the towers are been handed over to the owners and people started living. Now "WE" all suffers when SOME of US don't pay their share of CAM Charges.

To ensure that our society should suffer due to non-payment of some owners, the committee proposes to its owners to consider and, if thought fit, to pass the following resolution with or without modification(s):

"**RESOLVED THAT** in addition to the Property Management Team and the Builder, the committee be and is hereby authorized to take necessary steps i.e. Personal Interaction, Individual Email from Committee ID, Personal visit, if require to such owner's for realization of the CAM Charges for proper maintenance of the Society."

"FURTHER RESOLVED THAT till the time no owner's association is been formed, the Committee will publish the List of Such owners, whose outstanding is more that Rs 10,000/- at the end of the every month and circulated/post the same in all the Society Communication Channels (Email & WhatsApp/Telegram). In case the reason for non-payment is due to some maintenance related issue or constructed related issue, the same will be escalated by the committee at appropriate level."

17. Increasing of Stray Dog's population in SOE, a threat to the Kid's and Other Residents/Visitors

Various residents have objection that JLL/the committee does not take steps on the increase of Stray Dog population in SOE. The only scientific method to humanely **reduce stray dog** populations is mass spay and neuters, commonly known as **animal** birth control (ABC). Through ABC programs, all the **dogs** within a community or region are sterilized and then released back to **their** territories.

No resolution for this is been proposed and left to the discussion, opinion and judicious decision the owners. After getting the opinion of house, necessary steps including approaching to the appropriate authority for this will be taken.

18. Discussion on Usage of Landscape Garden

Our Landscaped garden which some of us started calling as a Play Ground is in a **very bad shape**. The situation of the Garden will deteriorate further if no necessary steps is been taken by the owners. Recently JLL decided to close the Garden for maintenance purpose for a period of 15 days for basic maintenance. Later on they came with the conclusion that such basic maintenance will not bring back the garden to its original glory. For that we need to refurnish the Garden with additional soil and Fresh Grass, where a cost of Rs 6-7 lacs is involved. The **quotation** for the same is sent by JLL to the builder. If it is approved by the builder then it will come to the **owners for their approval.** But the work can only be started only it is been approved by the owners and the garden has to be closed for uses.

No resolution for this is been proposed and left to the discussion, opinion and judicious decision the owners. The owners have to decide how to use this piece of land, as a Landscape Garden or as a Play Ground. In case the house want to pass any resolution on this, the same may be taken into record.



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

19. Demarcation of Pet Area & Pigeon Area

Presently residents of the society feed the Pigeons at the place of their choice. We would request the owners to decide on dedicated Pigeon Area where the residents can feed to such Pigeon. This will not only help the Pigeons but to the residents also who are facing trouble in their morning walk/while driving. We as the committee propose such as place near the existing Thrash Area for both Pet & Pigeon.

No resolution for this is been proposed and left to the discussion, opinion and judicious decision the owners.

20. Discussion on Increase in No of Committee Members from Existing 15 to 24

The present working committee strength is 15 members. The **15** members committee is **not sufficient to take care of various issues** come before them on a day-to-day basis.

Rule 5 (2) of the **West Bengal Apartment Ownership Bye-Laws, 19**74 mandates: "The number of Managers of a Board shall be equal to one-third of the number of the apartment owners of the property concerned but in no case it shall be less than three or more than **twenty-four**."

We also propose to have a discussion on the house to implement the same with small modification which we feel will have bigger participation of the owners.

- A. 6 (Six) Members from Sr Citizens (above 60 years of age)
- B. 6 (Six) Members from Female Members of the Society
- C. 12 (Twelve) Members from General Category

We also propose to have a discussion on the house not to dissolve the entire working committee every year and instead **1/3rd of the committee members will be retire every year**. Though such members will be eligible for nominating themselves for Election to be done to fill the vacancy caused by the retirement along with other interested owner. We hope this measure will have a benefit to our society to by getting hand-in-hand experience of the existing committee member by the new committee members and ease the communication gap while two difference committees have to deal with same person/organization on the same issues.

No resolution for this is been proposed and left to the discussion, opinion and judicious decision the owners on these two measures.

21. Circulation of Festival Event Calendar for 2020-2021

The committee does not foresee any changes in the existing festivals. Calendar for 2020-2021 will be shared to the Owners/Residents in due course of time.

22. Fixation of Annual Festival Subscription for celebration of festivals by the residents of SOE for 2020-2021

Due to **unavailability of the accounts** of some of the previous calender year's festivals, the committee is unable to propose the Annual Subscription for the year 2020-2021 for various festivals that is to be celebration by the SOE residents. Such subscription is collected towards cost of organising festivals in our complex. Such Festival Budget is prepared based on the previous festival actuals and future estimates.

We recommend that such budget should be prepared keeping in mind the amount that has to be spent on organising the festival and cost of fooding, which is to be provided to SOE Residents as **complimentary in nature** by whatever name called be it a Snacks/Lunch/Dinner/Bhog/Prasad. The Cost of Paid Coupon will be collected on near to actual figure at the time of collecting amount for such paid Coupons.

Most of owners will agree that taken extra contribution for festival for future subsidy on paid Coupon is not a healthy society practice.



(The ITEM NO mentioned here represents ITEM No of AGENDA in the NOTICE)

23. Discussion on B2B or B2C WhatsApp Group amongst the owners/residents for mutual benefit

Lot of times is found that some members/residents of WhatsApp Group object to the post done by other members /residents as such post is not related to SOE. The same be a forwarded message for general knowledge or may be to promote some business/profession.

No resolution for this is been proposed and left to the discussion, opinion and judicious decision the owners to decide whether or not our society can go for creation of separate WhatsApp Group.

24. Any other matters, with the permission of the Chair

Best Regards

SOE Residents Working Committee 2020

Open Items with Builder/Developer as on date

The SOERWC 2020 committees have categories various issues relating to our SOE Complex after going through various minutes amongst previous committee(s), personal feedback from residents/owners, feedback via social platform, minutes with JLL/Builder at various point of time. Some of them are listed below, if case if owner/residents feels that some items have skipped our attention, please feel free to share with us.

Category 1: Open items of SOE Owners with SSDL, the Developers as Consumer/Buyer of the Flat Health Related

- 1. *Fully functional* Sewerage Treatment Plant ('STP')
- 2. Ventilation System, Exhaust and Ladder for both STP
- 3. *Permanent shifting of Trash Room* from back of Tower-5 to near DG by making Pakka Room for Such Trash.
- 4. Permanent *Solution for Water accumulation* near entrance main gate.

Safety Related

- 5. Completion of road beyond Tower 6/Tower 7 (Connectivity)
- 6. Beautification & Waste Removal in front of *Complex Main Gate.*
- 7. Repairing various *Damps and Damages* due to Construction Flaws
- 8. Completion of *Boundary Wall Construction* for the entire Project
- 9. *Dismantling of Barricade* just opposite the Main Gate for easy entry and exit of vehicles of Silver Oak Estate
- 10. Liaison with PWD Department for removal *Permanent Structure* of Bus Stop near Main Gate & Opposite Main Gate
- 11. Solution for New Goomties/Hawkers coming up near the Main Gate
- 12. Provision of *3 Tier Security System* as promised in the Brochure to the Flat Owner

Builder's Commitment/Construction & Project Defect Related

- 13. T6/T7 water tank *Automation*
- 14. Mandir Construction
- 15. Painting in All Tower's stair case wall area
- 16. Provision of *Play Lawn, Alfresco Dining* as promised in the Brochure.
- 17. *Tiles Laying* in all basement in front of lift with proper ventilation
- 18. Permanent Solution of Drainage till Main Gate
- 19. Provision for *Bar-B-Zone* at convenient place.
- 20. Solution for Low Light/poor visibility in Parking Lot
- 21. Installation of proper Signage of Parking Numbers in Basement
- 22. *Permanent Solution of Low Land* from Road till the Main Gate
- 23. Installation of *Twin Calling Switch* in some of the towers lift.
- 24. AC Water Ducting of all the flats to Rain Water Pipe
- 25. *Cleaning of Concealed Pipelines* of the all flat, wherever the problem persist.
- 26. Removing Defective Colouring in all the towers caused due to various dumps and seepage
- 27. Water Supply Automation for Filing up of the tank and controlling of water overflow
- 28. *Cleaning patches in Basement* due to cement and other building materials including lift areas.
- 29. Provision for *Rain Water Harvesting*
- 30. Charging point in basement/other suitable areas for Electric Car Charging

Open Items with Builder/Developer as on date

Owners' related

- 31. *Mutation of Flats* of Interested owners.
- 32. Payment of Municipal Taxes collected from the Flat Owners
- 33. Pending Registration of the property of the Interested SOE Owners
- 34. Registration of SOE Complex under West Bengal Apartment Ownership Act, 1972.

Category 2: Open items of SOE Owners with SSDL, Developers as User

- 1. Renovation of GYM facilities
- 2. Renovation of *Club House* (Outer Wall & Banquet AC) including Kitchen and taps
- 3. Proper *Exhaust System* in Kitchens, Bathrooms in the Club House
- 4. Fully functionality of *Steam Bath*
- 5. Renovation of *Reading Room*
- 6. Provision of Deck & Chairs in Swimming pool
- 7. *Provision of Locker* in swimming pool
- 8. Fully functional *Mini Theatre* with proper audit system and remodeling of existing seating arrange to make more spaces

Category 3: Open items of SOE Owners s with SSDL, Developers as <u>Interim Agency presently</u> <u>responsible for SOE Complex Maintenance</u>

CAM Related

- Audited Statement of Income and Expenditure of Common Area Maintenance Account for the year ended 31st March 2017, 31st March 2018 and 31st March 2019 along with SOE Owner's related assets and liabilities in SSDL books of accounts e.g. Security Deposits from Owners, CAM Receivables, Deposits along with Accruals, Cash & Bank Balances and Vendor Payables.
- Transfer of CAM Charges (@2.00/2.25) relating to Club House Area, which is approx. 30,000 sft (Subject to verification) from the Owner's CAM Account to Builder's Account since Jun-2016.
- 3. Transfer of **Annual Maintenance Cost of all Capex Cost** collected from flat owners e.g. STP (Sewerage Treatment Plant) paid to the Maintenance Agencies from Owner's CAM Account since 2016-2017 till the same is fully commissioned and made usable to the Society.
- 4. **Sharing of Monthly MIS** with Owners with regards to CAM Account till the maintenance is not handed over to the Owner's Association.
- 5. *Sharing of Suspense Ledger* on regular basis due to lack to Owner' details and to be adjusted from CAM Outstanding.
- 6. Steps taken by the Builder/JLL for realization of *CAM Outstanding*.
- 7. *Issuance of Credit Note* of Additional Differential CAM @ 0.25 paisa per sq. ft. per month raised on the owners of Tower 5, 6 & 7 for nine month period Aug-2018 till Apr-2019
- 8. Updated Member Database of the owner's and tenant to be maintained.
- 9. CAM bill to contain *name of the minimum two co-owners name*, if more than 2, instead of ORS, which is the present system in place along with *Email ID and Mobile No.*

Open Items with Builder/Developer as on date

Maintenance Related

- 10. Inclusion of newly installed **14 Nos of CCTVs in Tower's Lift under AMC** after the expiry of the warranty period.
- 11. Sharing with the owners *quarterly updated status for ALL AMC* details/AMC In-forced and **renewal** requirement for the next quarter.
- 12. *Timely payment of SOE staffs/Vendors* for uninterrupted services.
- 13. *Solutions for highly iron in water* causing cistern water leakage in commode.
- 14. *Deep Cleaning/washing of entire Driveway* from Mud Patches due to Project's Vehicle Movement.
- 15. *Booster Pump* servicing for all the towers.
- 16. *Installation/Repairing of Light* in the Ground floor in and around SOE Complex and Landscape Garden
- 17. Replacement of Damaged Tiles and Marbles of Common Area including Walking Passage
- 18. Repairs and replacement of *Damages Sitting Stones* in Landscape Garden Area
- 19. Fixation of *Open Sewerage Tiles* in the Entire Basement Area

Other measures

- 20. Signage for Speed Limit, No Parking and No Smoking, Parking No Direction, Assembly Point
- 21. Issuance of *New Car Stickers* with more visibility, affixing of RIFD Tag and automation of the same with the Boom Barrier
- 22. Provision for Dustbin near All basement lifts
- 23. *Fixation of Dustbin* of Open Areas for avoiding mis-handling from dog.
- 24. *Installation of Fixe Line Phones* in all the 7 Towers & in the office of Property Management Team.

Space has been intentionally left blank

Annexure "C"



SILVEROAK ESTATE APARTMENT OWNERS ASSOCIATION < committee.soeowners@gmail.com>

RE: Audited CAM / 2018-19 / Silver Oak Estate

1 message

ADITYA SADANI <aditya@salarpuriagroup.biz> Wed, Jun 12, 2019 at 12:17 PM Reply-To: ADITYA SADANI <aditya@salarpuriagroup.biz> To: Committee <committee@silveroakestate.com> Cc: Amit Sarda <amitsarda7@gmail.com>, APURVA SALARPURIA <apurva@salarpuriagroup.biz>,

rajiv@simplexinfrastructures.com, ASHISH DAS <ashishdas@salarpuriagroup.biz>, pm@silveroakestate.com, abdul.majid@ap.jll.com

1. Total area calculation(avg) should be 6,56,922 sq.ft.(as Tower 5,6 7 CAM started from Aug'18). Also club area not to be included while calculating CAM.

2. STP maintenance charges should be included in the last FY CAM as the system was handed over by OEM vendor after soft commissioned but due to unavailability of desired load the same was not in running condition and the DLP period was also over. Currently the desired load is available and the system will be started. Hence to keep the system in running condition the same has to be taken under AMC.

3. As regards Excess GST i.e output over input, please be informed that after setting of INPUT GST with OUTPUT GST balance has to be deposited with Government of India(GST department).

4. Boom Barrier AMC does not fall under club.

5. Also they have not consider interest paid on account of shortfall in CAM though they have consider interest earned on CAM from customers.

6. Laundry space is comes under Club House area, hence any income under such shall not be reflected in CAM.

7. Considering above CAM charges for 18-19 comes to Rs 2.47/-sq ft instead of Rs 1.88 /-sq ft as mentioned in report.

You are once again requested to arrange a meeting between myself and Bhimrajka ji first.

Regards

Aditya

From: Committee [mailto:committee@silveroakestate.com]
Sent: 12 June, 2019 10:46 AM
To: ADITYA SADANI
Cc: Amit Sarda; apurva@salarpuriagroup.biz; rajiv@simplexinfrastructures.com; ashishdas@salarpuriagroup.biz; pm@silveroakestate.com; abdul.majid@ap.jll.com; committee@silveroakestate.com
Subject: Re: Audited CAM / 2018-19 / Silver Oak Estate

Dear Aditya,

We have shared the signed & finalised Audit report.

Kindly share your views on that and please highlight the specific points which you want to discuss with Mr Bhimrajka.

This will help him to prepare himself and would save everyone's time.

As far as time of the meeting is concerned please confirm the time of Mr Apurva Salarpuria or Mr Amit Sarda. We will try to accommodate ourselves as per their convenience.

We are also awaiting your feedback on the issues highlighted in our last meeting on 18th May, 2019, held in SOE premises.

Regards.

Sandipan Bhattacharya,

(Conveynor - SOE Residents Working Committee),

Mob: +919830593492

On 11-Jun-2019, at 10:23 AM, ADITYA SADANI aditya@salarpuriagroup.biz wrote:

Dear Committee,

Please let me know when to sit with Mr bhimrajka.

Regards

Aditya

From: Committee [mailto:committee@silveroakestate.com]
Sent: 01 June, 2019 3:00 PM
To: ADITYA SADANI
Cc: rajiv@simplexinfrastructures.com; APURVA SALARPURIA; Amit Sarda; ASHISH DAS; pm@silveroakestate.com; support@silveroakestate.com; abdul.majid@ap.jll.com
Subject: Re: Audited CAM / 2018-19 / Silver Oak Estate

Dear Aditya,

Yes, we would like to sit with you and Mr.Amit Sarda, along with our Auditor.

Please confirm Mr.Sarda's availability.

Regards,

Sandipan Bhattacharya,

(Conveynor - SOE Residents Working Committee),

Mob: +919830593492

On 01-Jun-2019, at 2:44 PM, ADITYA SADANI <aditya@salarpuriagroup.biz> wrote:

You are requested to arrange a meeting between committee, mr bhimrajka and myself.

Regards

Aditya

From: Committee <committee@silveroakestate.com>
Sent: Saturday, June 1, 2019 2:41:34 PM
To: rajiv@simplexinfrastructures.com; APURVA SALARPURIA; Amit Sarda
Cc: ADITYA SADANI; ASHISH DAS; pm@silveroakestate.com;
support@silveroakestate.com; abdul.majid@ap.jll.com;
committee@silveroakestate.com
Subject: Audited CAM / 2018-19 / Silver Oak Estate

Dated: 1st June, 2019

The Director(s),

Salarpuria Simplex Dwellings LLP,

3rd Floor, 7 - Chittaranjan Avenue,

Kolkata 700072 (West Bengal, IN)

Kind Attention: M/s Rajiv Mundra, Amit Sarda, Apurva Salarpuria

Dear Sir(s),

Re: Audited CAM as per actual expenses for Silver Oak Estate / 2018-19

This mail is the covering note for audited statement of 2018-19 actual expenses incurred for Common Area Maintenance (CAM) of Silver Oak Estate (Kalipark, Rajarjat Main Road, Kolkata 700136), audited by Mr.Prakash Bhimrajka (CA) at your office between 1st May 2019 to 15th May 2019.

The CAM (actual) is adjudged to be Rs.1.88p per square feet against the claimed & collected Rs.2.25p per square feet from Owners, during financial year 2018-19.

We request you to kindly make yourselves available for a detailed discussion on the way forward and compensation to Owners, within 15 days of receipt of this mail.

A hard copy of the audit report of CAM 2018-19 for Silver Oak Estate, has been submitted to your office for your records and further perusal.

In anticipation of your earnest and soonest possible response,

Warm regards,

Sandipan Bhattacharya,

(Conveynor - SOE Residents Working Committee),

Mob: +919830593492

					Annexure "D"
			Working 1	Working 2	
	Refer No of	As per CAM Audit	Working-1	Working-2	
Particulars of Items	SSDL/ Builder	Club Area Included	Club Area Included	Club Area Excluded	
/Descripttion	Mail dt 12.06.2019	Disputed Item Excluded	Disputed Item Not Excluded	Disputed Item Not Excluded	
	12.00.2015	Total CAM Area T1-T7	Weighted CAM	Weighted CAM	
Expenses as per CAM Audit		2,09,69,438	2,09,69,438	2,09,69,438	
Report of Bhimrajka & Co					
Less: Disputed Expenses: STP	2	(6,19,136)	0	0	
Maintenance Expenses, Refer					
Our Note 1 & SSDL Note 2					
Less: Disputed Expenses: Net	3	(8,74,158)	0	0	
GST Liability (Output-Input),					
Refer Note 2 and SSDL Note 3					
Add: Interest received from	5	0	11,725	11,725	
customers on CAM Refer SSDL Note 5					
Add: Laundry space Rent	6	0	71,000	71,000	
received, Refer SSDL Note 6					
		1,94,76,144	2,10,52,163	2,10,52,163	
Less: Other Income (Note 3)		(16,27,121)	(16,27,121)	(16,27,121)	
		1,78,49,023	1,94,25,042	1,94,25,042	
		_,. 0, 0, 320	-,-,,,5+2	_,; .,_;,0,1	
Weighted Average Cf Ft /D-f	1	7,91,421	6,77,180	6,57,104	
Weighted Average Sf Ft (Refer		22.55	28.69	29.56	
Calculation made below)		1.88	2.39	2.46	

Note1 : Deduction of Net GST Liability payable by SSDL from the CAM Cost is totally unreasonable as the same is to paid by the Builder while dischaging his GST Liability, The said GST Liability may be paid by SSDL either from their Input Credit from Project or by making Payment via Cash Ledger.

Note2: Deduction of STP Maintenance Expenses from CAM can not be a ground as SSDL/Builder debited a sum of Rs 1.94 lacs in FY 2016-2017, Rs 5.82 in FY 2017-2018 and continued to to be paid by the Builder in FY 2019-2020 as the same is authorised by SOERWC 2019 Committee on behalf of all the SOE Owners.

Note3: Other income consist of Loundry Rent, Electricity Charges reimbursement, Fit out charges and Interest on CAM from Owners

Calculation of Weighted	CAM South for the year	019 2010 as TE TZ Uar	ded ever on Avg 2018		
Calculation of weighted	T1 to T4	T5 to T7	Total Area Without Club	Notional Club Area	Total Area With Club
Apr	4,28,161	-	4,28,161	20,076	4,48,237
May	4,28,161	-	4,28,161	20,076	4,48,237
Jun	4,28,161	-	4,28,161	20,076	4,48,237
lul	4,28,161	-	4,28,161	20,076	4,48,237
Aug	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Sep	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Oct	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Nov	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Dec	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Jan	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Feb	4,28,161	3,43,415	7,71,576	20,076	7,91,652
Mar	4,28,161	3,43,415	7,71,576	20,076	7,91,652
	51,37,932	27,47,320	78,85,252	2,40,912	81,26,164
Average Annual			6,57,104		6,77,180

EXRACTS TAKEN FROM GENERAL TERM & CONDITIONS (GTC) OF AGREEMENT FOR SALE, SIGNED BY THE FLAT BUYERS/OWNERS

2.6 Common Areas:-

The description of the Common Areas of the Project are given in the **SECOND SCHEDULE** below which may be changed solely as per discretion of DEVELOPER without prior notice. The areas mentioned in Level I shall always remain in absolute possession and control of the Developer and the Allottee shall not have any right over and in respect of the same. The said areas excepting the Club may be made over by the Developer to the Holding Organisation as and when the Developer shall so decide in its absolute discretion.

The Allottee shall have undivided proportionate variable impartible right to use in respect of the areas mentioned in Level II.

2.7 **Amenities:**-

The description of the tentative amenities and/or facilities in the Residential Segment are as given in the **SECOND SCHEDULE** below which may be changed solely as per discretion of DEVELOPER without prior notice. The amenities mentioned in Level I shall always remain in absolute possession and control of the Developer and the Allottee shall not have any right over and in respect of the same. The said amenities excepting the Club may be made over by the Developer to the Holding Organisation as and when the Developer shall so decide in its absolute discretion.

The Allottee shall have undivided proportionate variable impartible right of user in respect of the amenities mentioned in Level II.

2.8 **<u>The Club</u>:-**

- a) A Club shall be set up within the Complex which may have the recreational facilities tentatively like Air-conditioned Home Theatre with surround sound; Community Halls, Children's Play area; Kids Corner; Kids Computer with education kits; Barbe-cue; reading room; modern swimming pool and baby pool; Changing Room and Shower; Health Club having well equipped gym, steam, and yoga; equipped indoor children play zone; Cafeteria; sporting arrangement comprising indoor game facilities. The said facilities may be varied at the sole discretion of DEVELOPER.
- b) The said Club will be for the use of the Allottees and/or any person occupying the flat through the Allottee or any person other than flat owner who is admitted as a member of the club. The user of the club shall be subject to such terms and conditions and rules and regulations to be formulated in that regard by the Developer or its nominee and also subject to making payment of the admission charges and monthly subscription charges which may be levied and/or imposed by the Developer or its nominee from time to time as per the rules of the club that would be framed by DEVELOPER.
- c) The **ownership of the Club** shall always remain with the Developer. The Allottees shall not have any right and title to the same. The Club will be run **professionally** or as decided by DEVELOPER.
- e) All members will be required to abide by the rules and regulations to be framed from time to time.
- f) It is expected that the facilities at the club will be operational together with the completion of the project.
- g) The membership would create a right to use the club facilities subject to payment of charges and observance of regulations. No right or lien of any nature whatsoever will be created in favour of members or the respective Allottees, in respect of the assets of the Club.

EXRACTS TAKEN FROM GENERAL TERM & CONDITIONS (GTC) OF AGREEMENT FOR SALE, SIGNED BY THE FLAT BUYERS/OWNERS

- h) There will be no restriction upon the Developer or its nominee in admitting any person/persons who is/are not an Allottee / Allottees as its member or give to **anyone the right of user of the Club** and/or its facilities on such terms as the Developer or its nominee may decide.
- i) Any person residing with the Allottee may be given the facility to become additional member to the extent and on the terms prescribed by the Developer or its nominee.
- 3.6 **COMMON PURPOSES** shall include the purpose of upkeep, management, maintenance, administration and protection of various respective common parts and the purposes of regulating mutual rights and obligations responsibilities and liabilities of the Developer and/or occupants of the respective units/flats and all other purposes or matters in which Associations, Holding Organisation and occupants have common interest relating to Tower/s Building/s and/or the Complex.
- 3.15 **SERVICE INSTALLATIONS** shall comprise sewers, drains, channels, pipes, water courses, gutters, main wires, cables, conduits, aerials, tanks, and soak ways and any other apparatus for the supply of water, electricity, gas, telephone or television signals or for the disposal of foul or surface water.

<u>THE SECOND SCHEDULE ABOVE REFERRED TO</u> (Common Parts, Portions and amenities)

1.1 LEVEL 1: Those which are common to all the segments and are collectively called the "Service Zone" and includes the following:

- 1.1.1 Sewerage treatment Plant
- 1.1.2 Water Filter Plant
- 1.1.3 Common generators, its installation and its allied accessories and room for operation of elevators, lighting of the common areas, pumps and common utilities and Towers.
- 1.1.4 Electric Sub-Station
- 1.1.5 Plant for recycling water for car washing, if any
- 1.1.6 Garbage Disposal System
- 1.1.8 Roads, installations, signage and security arrangements not exclusive to any individual building.
- **1.1.9** Boundary walls of the premises including outer side of the walls of the building and main gates.
- 1.1.10 Well lit decorative walk-ways
- 1.1.11 Management/Maintenance Office
- 1.1.12 Round the Clock Security arrangements with CCTV and intercom
- 1.1.13 Landscaped Garden, water bodies and fountains
- 1.1.14 Children Park
- 1.1.15 Separate area for elderly people.
- 1.1.16 Gas Bank for supply of domestic Gas, if any and Gas Pipeline (if any)
- 1.1.17 Fences, hedges boundary walls and gates of the Residential Complex.
- 1.1.18 Shades and other construction
- 1.1.19 Jogging Track
- 1.1.20 Rain water harvesting area
- 1.1.21 Visitors Parking space, if any
- 1.1.22 Dedicated communication system for telephone
- 1.1.23 Such other equipments, machinery or facilities as be determined by the Developer from time to time of any particular segment as for the use of any group of persons owning Units in any of the Towers as the Developer decides.

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1.2 The Developer shall hold the Service Zone in trust for the benefit of the Owners of all the segments of the entire project present and future. The common expenses for these shall be borne by the owners of all the segments.

2.1 LEVEL II : Those which are common to all owners in a Tower or Towers and includes the following:

- 2.1.1 The foundation columns beams support corridors lobbies stairs stairways landings entrances exits and pathways.
- 2.1.2 Drains and sewers from the Tower to the Municipal Duct.
- 2.1.3 Water sewerage and drainage connection pipes from the Flats/Units to drains and sewers common to the premises.
- 2.1.4 Toilets and bathrooms for use of durwans, drivers, maintenance staff of the Tower.
- 2.1.5 The durwans & maintenance staff rest room with electrical wiring switches and points fittings and fixtures as allocated by the Developer.
- 2.1.6 Tube well, water pump, overhead tanks and underground water reservoirs water pipes and other common plumbing installations and spaces required thereto.
- 2.1.7 Transformer, electrical wiring meters, fittings and fixtures for lighting the staircase lobby and other common areas (excluding those as are installed for any particular Flat) and spaces required therefor.
- 2.1.8 Windows/doors/grills and other fittings of the common area of the Tower.
- 2.1.9 Fire Fighting Equipment and Extinguishers and Protection

system

- 2.1.10 Lifts and their accessories installations and spaces required therefor.
- 2.1.11 The Entrance lobby and the lobbies on each of its floors and the staircases from the ground floor up to the terrace and also to the basement and the ultimate roof of the Tower.
- 2.1.12 Cable connection
- 2.1.13 The ultimate Roof for common use
- 2.1.14 Such other common parts areas equipments installations fixtures fittings and open space in or about the said Tower and/or the building as are necessary for passage to or use and occupancy of the Flats.
- 3. Unless otherwise indicated herein and in addition to these mentioned in Levels 1 and 2 the common portions like land underneath (to be demarcated by the Architect), lighting equipments, gates, trees bushes, decorations e.g. sculptures etc. pipes, ducts and cables situate within the Tower whether over or under the land of the service zone shall be deemed to be common to the Owners of all the segments. Similarly those in any particular tower shall be deemed to be the Common Part only of that tower. The allottee shall have only right of use and shall not have any ownership right.
- 4. The Developer reserves the right to alter the above scheme or any of the items mentioned in Clauses 1.1 or 2.1, if so advised by its Architects and/or Advocates for better and effective management and maintenance and otherwise equitable to the Owners of any segment or part thereof.

Annexure "F"

Budget Vs Expense- Silver Oak Estate (April'19-Mar'20)			
Particulars	Rs.		
Total Manpower & Monthly Recurring Cost (April'19 to Mar' 20)	1,04,41,096.00		
Total Electricity (April'19 to Mar' 20)- Budgeted	76,49,577.37		
Total Extra Expenses (April'19 to Mar' 20): - Budgeted	44,41,706.17		
Total Fuel Cost	2,74,960.00		
Total Spare Cost(Electrical spares/ luminaries & lamps /New Energy			
Meters others, Electricity Charges	7,88,170.00		
Total AMC cost	19,37,379.67		
Lift & Fire NOC/license renewal	14,41,196.50		
Unavoidable / Breakdown Charges	1,11,150.50		
Building Insurance	As Actual		
<u>Total Budgeted Figure</u>	2,25,32,379.54		
FACILITY MANAGEMENT TEAM COST	No of Staff	Annual	
		Budgeted	
M & E Services(8 hrs. shift)			
Electrician cum DG Operator	4 (round the clock)	6,96,936.00	
Plumbers + WTP Operator	4 plumber (round the clock) + 1 WTP Operator	8,71,170.00	
HVAC Operator	NA		
Lift Marshal. Rescuer support	01 (01 shift)	1,74,234.00	
Fire Technician under AMC	Round the clock manpower		
Tools and Tackles		18,000.00	
Total		17,60,340.00	
Security and Safety			
Security Supervisor	2	3,07,200.00	
Gun Man	1	1,98,000.00	
Security Guards (Lady and Men)	28	41,17,000.00	
Total		46,22,200.00	
Housekeeping & Office Support(9 hrs. shift)			
Housekeeping Supervisor	1	1,69,560.00	
Tower 1-5- 5 HK Staff ; Tower6-7- 3 HK staff; 3 HK staff f or Basement			
and External Periphery; 3 HK Staff for Common Servant Toilet Cleaning	14	19,88,448.00	
Total		21,58,008.00	
Pest Control		2 20 000 00	
General Pest & Rodent Control	NA	2,20,800.00	
Total		2,20,800.00	
Housekeeping Equipment & Consumables			
Housekeeping Machinery		1,14,000.00	
Housekeeping Chemicals & Consumables with common area toilet no of 7 towers	At Actual	1,08,000.00	
Garbage Disposal (with proper disposal vendor's support)		1,98,000.00	
Total		4,20,000.00	

Annexure "F"

Budget Vs Expense- Silver Oak Estate (April'19-Mar'20)			
Particulars	Rs.		
Horticulture			
Gardening Supervision charges		83,808.00	
Gardener salary	5	7,60,140.00	
Consumables & Rental	At Actual	1,99,800.00	
Total		10,43,748.00	
Site Petty Cash			
Site petty cash expenses	NA	2,16,000.00	
Wi-Fi Exp and other IT expenses	NA		
Total		2,16,000.00	
Total Monthly Recurring Cost			
AMC Cost			
Monthly AMC Cost	NA	19,37,379.67	
Total		19,37,379.67	
Electricity Cost		-	
Monthly Electricity Cost	NA	76,49,577.37	
Total		76,49,577.37	
Fuel and Other Consumables		-	
Fuel and Other Consumables	NA	2,74,960.00	
Total		2,74,960.00	
Other Spares/Consumables		-	
Monthly Spares/consumables Cost	NA	7,88,170.00	
Resident Welfare Exp	NA	-	
Total		7,88,170.00	
License, Breakdown,etc		-	
License, Breakdown & Servicing	NA	14,41,196.50	
Total		14,41,196.50	
Total		2,25,32,379.54	
Note : - Tax as applicable.			

Total Area- 771800	7,71,800
Average per sft per month	2.43
Monthly CAM Cost	18,77,698

Si	Silver Oak Estate : Budget for FY 2019-20 - (Technical - Common Area)				
Sl. No.	System Name	Туре	TOTAL		
TOWER	-1 TO 7 COMMON AREA BUDGET for F	FY : 2019-20			
1	Manpower deploym				
1.1	Electrician / MST	4 (round the clock)	6,96,936.00		
1.2	Plumbers cum WTP/pump operator	5 (round the clock)	8,71,170.00		
1.3	Lift Marshal/operator	01 (01 shift-General)	1,74,234.00		
1.4	Fire Technician	Round the clock manpower	5,22,702.00		
1.5	Tools and Tackles (E&M)	Hiring basis under manpower WO	18,000.00		
1.6	STP operator	Round the clock manpower	6,48,000.00		
	TOTAL		29,31,042		
	PER SQ. FT	. (Paise)			
2	End & Consumable	og (Doller hogig)			
2 2.1	Fuel & Consumable HSD fuel for 3 nos DG		84.000.00		
2.1	HSD for Fire Engine	1200 Lit per annum 10 Lit per month	84,000.00 8,160		
2.2	Lubricant / Grease	Lumpsum	3,000		
2.3	Distilled water	Lumpsum	1,000		
2.5	Salt for softener	2400 Kg per month	1,72,800		
2.6	Taflon tape	15 Pcs per month	3,600		
2.7	Insulation tape	15 pcs per month	2,400		
	TOTAL		2,74,960		
	PER SQ. FT	. (Paise)			
3	License+ Breakdov		15.000		
3.1	Lift license renewal Fire NOC renewal	14 nos lifts (as per requirement) one time per year (ADHOC)	<u>15,000</u> 72,000		
3.3	Others (Other licenses)	as per requirement	50,000		
3.4	Breakdown - CSS	Breakdown maintenance	90,000		
	TOTAL	I	2,27,000		
	PER SQ. FT. (Paise)				
4	Monthly Spares / consuma	ables Cost (Technical)			
4.1	Electrical items (switch-socket, wire, cables etc.)	Lumpsum	60,000		
	Plumbing items (PVC, UPVC pipe,	Lumpsum			
4.2	solvent, valve etc.) Mechanical / electromechanical items	Lumpsum (Majority for lifts)	72,000 36,000		
4.5	Pump-motor spares, starters, contactors		50,000		
4.4	etc	Lumpsum	54,500		
4.5	Lights & lighting spares	Lumpsum	3,84,670		
4.6	Battery (DG / UPS / LIFT)	As per site requirement	1,81,000		
	TOTAL		7,88,170		
	PER SQ. FT	(Paise)			
-					
5 5.1	Overhauling / Servicin	ng cost (Technical) One time per year	2,44,740		
5.1	WTP Overhauling WTP Pumps servicing	As per requirement	2,44,740		
5.3	DG sannual ervicing	One time per year	84,000		
5.4	Fire Extinguisher Refilling Cost	One time per year (ADHOC)	50,000		
5.5	Rainwater harvesting servicing	One time before monsoon	30,000		
5.6	STP Sump pumps servicing	8 nos pump	78,800		
5.7	Earth Pits Maintenance	Half yearly	2,000		
5.8	Tank cleaning	One time per year	39,000		
5.9	AC Servicing	As per requirement	12,000		
5.10	Louver repairing	As per requirement	36,000		

Si	Silver Oak Estate : Budget for FY 2019-20 - (Technical - Common Area)			
Sl. No.	System Name	Туре	TOTAL	
TOWER	-1 TO 7 COMMON AREA BUDGET for F	'Y : 2019-20		
5.11	Civil reneiring	A a non noaninoment	24,000	
5.12	Civil repairing Booster pump servicing	As per requirement As per requirement	24,000	
5.12	Basement sump pump repairing	As per requirement	1,44,000	
5.13	Sewage line cleaning & repairing	As per requirement	30,000	
5.15	Drain pit cleaning	As per requirement	18,000	
	Autochangeover/ATS/MCCB/Contactor/			
5.16	relay etc. repairing / replacement	As per requirement	72,000	
5.17	Fire engine servicing / repairing	As per requirement	12,000	
5.18	Poles, pergola, pit covers etc painting	As per requirement	30,000	
5.19	Miscellaneous technical repairing	As per requirement	10.00.105	
	TOTAL PER SQ. FT		12,02,197	
		• (1 4150)		
6	AMC Cost (T	echnical)		
6.1	STP water testing	as per WO	7,500	
6.1 6.2	WTD water testing	Half yearly basis	8,000	
6.3	WTP water testing WTP AMC	Non comprehensive type	25,000	
6.4	Lift AMC	As per existing WO	12,01,963	
		Based on quotation for 3 nos 500Kva		
6.5	DG AMC	DG with Sync panel	1,60,000	
6.6	Fire Fighting and Detection System AMC	Based on quotation (Non- Comprehensive)	3,00,000	
6.7	Intercom & CCTV	As per site requirement. (Approx cost)	1,04,167	
6.8	Pump motors (Excl. booster pumps)	Approx cost (Based on last year quote- Non comprehensive)	1,20,000	
6.9	Solar street light AMC	As per existing WO rate	10,750	
	TOTAL		19,37,380	
	PER SQ. FT	. (Paise)		
7	Electricity	7 Cost		
7.1	TOWER 1	Cust	4,68,000	
7.1	TOWER 2		4,32,000	
7.3	TOWER 3		3,78,000	
7.4	TOWER 4	ADHOC average based on last year	5,78,340	
7.5	TOWER 5	consumption. WBSEB bill raised in	5,76,000	
7.6	TOWER 6	quarterly basis. Actual consumption	4,32,000	
7.7	TOWER 7	may vary due to any	6,30,000	
7.8 7.9	Fire cum STP PHE	upgradation/alteration/additional load.	3,96,000	
7.9	MCC 1		<u>26,16,480</u> 7,64,757	
7.10	MCC 2		2,70,000	
1.12	MCC 3		1,08,000	
	TOTAL		76,49,577	
	PER SQ. FT	. (Paise)		
	GRAND TOTAL (A+	-B+C+D+E+F+G)	1,50,10,326	
	GRAND TOTAL (in	Lacs - monthly)	150.10	
	INR PER SQ. FT. FOR TOW		19.45	