

Simla House Co-operative Housing Society Ltd.
Registered No: BOM/HSG/1688 of 1969
51/B, Laxmibai Jagmohandas Marg, Mumbai – 400 026.
Email: simlahousechs@gmail.com Tel: 49719548/8591894743

MINUTES OF THE SPECIAL GENERAL BODY MEETING OF SIMLA HOUSE CO-OPERATIVE HOUSING SOCIETY LTD, HELD ON JANUARY 21, 2024, AT 11.00AM IN THE SOCIETY COMPOUND.

The meeting was scheduled to commence at 11.00am. However due to lack of quorum it was adjourned by 30 mins, to 11.30am.

92 members were present in the Meeting. Since the requisite quorum was achieved the meeting commenced at 11.30am.

The Hon. Secretary informed the members that due to traffic restriction imposed our Project Management Consultant and Legal Advisors from DSK Legal had got delayed. He then commenced the meeting and started the proceedings.

1. To read and confirm Minutes of the last Special General Body Meeting of the Society held on December 17, 2023.

The minutes were circulated to the members. Mr. Tawheed Sofia pointed out that the minutes did not capture what was actually discussed and agreed with respect to payment of fees to DSK Legal. He further elaborated that although 55 lakhs was approved, it was never agreed to bill the members for the same. The Hon. Treasurer clarified that no member was being billed any monies as of now. He also pointed out that the next instalment payable to DSK legal was on appointment of the developer. This milestone was still far away, and the Managing Committee would seek approval at the appropriate time, if and when, members would be billed for any payments related to DSK's legal fees. He also clarified that the maximum exposure as of now to the society was Rs 5 lakhs which were being paid as an advance on acceptance of their proposal to act as the Legal Advisor of the Society.

It was further pointed out that the minutes captured a point saying that DSK would only be with the Society for one year. Many members were of the opinion that DSK Legal should be with the Society till the possession of the flats in the redeveloped building/society. Mr. Viral representing DSK legal explained to the members what practically happens in the process of redevelopment, and the fact that any legal advisor to the society has no role to play once the PAAA (Permanent Alternate Accommodation Agreement) is executed between the members and the developer. He further clarified for any future unforeseen events like litigation etc, the scope of work cannot be determined 4-5 years in advance. Hence they have given their fee structure for the same. Also the one year validity is for the reason that if the Society does not appoint any developer for a period of one year from the date when bids were opened, then DSK legal cannot continue to be bound as a legal advisor for an infinite period of time.

After much deliberations and debate it was finally agreed to add the following clause in the proposal letter.

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"Notwithstanding anything contained in this proposal/scope of work, DSK Legal will represent the Society till the completion of the project/possession of the flats. Any fees payable by the Society beyond the milestone of execution of PAAA (Permanent Alternate Accommodation Agreement) would be mutually agreed between the Society and DSK Legal at the relevant time."

Post inclusion of the above, the minutes were then considered as approved unanimously.

Proposed by: Mr. Tawheed Sofia
Seconded by: Mr. Muhbeen Shaikh

2. To review and confirm the tender and tender process.

Mr. Tawheed Sofia, Mr. Tushar Dharia, Mr. Bharat Sharma and few other members pointed out that they were extremely unhappy over the way the tender documents were drafted/approved and presented to the members. Some of the issues/concerns/inconsistencies (indicative, but not exhaustive) they pointed out are enumerated below.

1. Tender documents should have been shared with members, as opposed to asking members to visit the society office to review the same.
2. Time given to review the documents was not sufficient due.
3. Only one copy was provided in the society office; hence members had to wait for a very long time to review, if there already was a member going through the same.
4. Word's and figures did not match at places.
5. # of garages mentioned is incorrect.
6. Details of structural consultant of past completed projects of bidding developers is missing. This is a very critical piece of information and should be included.
7. For a smooth review an appendix of key information/data to be made and this can be referred to in the relevant clauses. This will minimize errors and there will be consistency of information/data.
8. Plot area – whether it can increase beyond 9908 sqmts since 3 CTS nos are involved.
9. Bank Guarantee to be drafted by DSK Legal.
10. Remedy if developer does not deliver on time.
11. Use of Corpus

There were numerous other points which were discussed, at times repetitive. Mr. Viral and Mr. Sahu clarified many concerns/queries of the members. Since the discussion seemed unending, it was finally agreed as under;

1. Members will ensure that their mail ID's are provided/updated with the Society office within next 2-3 days.
2. DSK Legal / PMC / Managing Committee would once again review the draft tender documents and circulate the same to the members electronically within 10-12 days.
3. Members would review the tender documents and revert with their views/comments, if any, within 15 days.

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4. A Special General Body meeting would then be convened to discuss the revised/updated tender documents and approve the same.

Proposed by: Mr. Tushar Dharia
Seconded by: Mr. Vipul Shah.

There being no other matter, the meeting concluded with a vote of thanks to the Chair.

For Simla House Co-op. Housing Society Ltd.,


Hon. Secretary