

FAQ's RELATED TO FORMATION OF AD-HOC APRTMENT OWNERS' ASSOCIATION IN KOLKATA (PHASE II) HOUSING SCHEME

| SI NO. | QUESTION | ANSWER |
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| 1. | How a apartment owners association can be formed when there is no apartment owner at present? Forget about ownership, even the draw for the allotment has not been done yet. | Once the allotment letter has been issued the allottee will become the deemed owner of the DU. Moreover the Adhoc Apartment Owners Association (AOA) is being formed after conducting the draw of lots. It is being informed that the above decision has been taken in the interest of the beneficiaries in order to form the regular AOA in the early stage so that the bye laws of the AOA can be formed well in advance in order to run the complex. |
| 2. | How can a Government organization make a committee formation in such a way of 'raising hands' or 'chit' no proper voting system! I believe, we do have well established ballot system in place. | In fact the main objective of the organisation is to build the houses for the Central Govt employees and hand over the same to the allottees. The organisation is not forming the regular Apartment Owners Association rather forming an Adhoc Committee with a specific purpose to constitute the regular AOA. As the AOA being formed is of an adhoc in nature hence the simple method to constitute the same is being used instead of using the voting system. |
| 3. | How about the votes of the customers/allottees not able to attend the allotment meeting. | CGEWHO Rule-31 provide that the CGEWHO will hold a General Meeting to elect office bearers. Accordingly opportunity to be present in the General Meeting has already been given to all the beneficiaries of Kolkata-II housing scheme by intimating that be present for the draw and conduct of election / nomination process for Ad-hoc Apartment Owners' Association on 19 th & 20 th July 2014. |
| 4. | Which meeting is called a 'general body meeting'? As per your schedule, there is no general body meeting consisting of all the customers/allottees are called. | General Body Meeting means when all the members (beneficiaries) of specific type is being called for with the specific time for a meeting. The meeting can be named as General Body Meeting. In the present case as the CGEWHO has intimated to all the beneficiaries for formation of the Adhoc AOA hence the activity of CGEWHO is as per rules. |
| 5. | Please note the clause no.31.(a) in your brochure - "coinciding with or after the issue of the final call up notice, the CGEWHO will hold a General Body meeting of all the beneficiaries to elect the office bearers of the proposed Apartment Owners' Association (AOA). Why CGEWHO wants to violate such rule framed by itself in the present case OR does CGEWHO implies that the final call up notice has already been made and payments are settled. If so, why CGEWHO has not issued such letter to us before calling for the formation of AOA. | Undoubtedly, as per CGEWHO Scheme brochure, such type of Association has to be formed after issue of final call up notice. It is relevant to mention here that this rule was formed somewhere in 1991 but during one of the Governing Council meeting held on 4.6.14. Governing Council felt that instead of forming the Adhoc Association at a later stage why not such type of Committee should be formed earlier stage so that the participation of the allottees will start and they can check their DUs before completion by identifying the defects. Accordingly, for the benefit of the allottees, GC. CGEWHO directed that henceforth such type of Adhoc AOA should be formed during draw of lots instead of forming the same at a later stage. It is also relevant to mention here that CGEWHO is working under the philosophy of no profit no loss basis. Hence by constituting the Adhoc AOA at the time of draw of lots will reduce the expenditure which will be taken place when the whole exercise has to be done again. Hence, instead of raising the objection for conducting the Adhoc AOA along with draw of lots, beneficiaries should appreciate the decision/direction given by Governing Council, CGEWHO. |
| 6. | The formation of Ad-hoc AOA at this stage, when PMC and Core Committee are still functioning and demanding handing our our flat in inhabitable condition and give up absurd escalation demands, unfortunately, indicates that either CGEWHO has lost the sense of priority or it wants to dissolve the PMC/Core Committee post-haste. For some unexplainable reasons, CGEWHO prefers to constitute a highly fragmented, unrepresentative and superfluous AOA even at the cost of flouting its own rules. | There is no relation between formation of Adhoc AOA and Project Monitoring Committee/Core Committee. The scope of Adhoc AOA and PMC are totally different. Basically the adhoc AOA is being formed prior to constitution of Regular AOA so as to framing its bye laws whereas the objective of PMC are totally different. |
| 7. | We would like to know why nominations are not being sought as in other projects (notices for Mohali and Bhubaneswar are enclosed)? Why even adequate time for ballot paper posting is denied in our case? How it can be called a General Body meeting for electing Ad hoc AOA when it is distincy split into four groups? | As mentioned out in para 4 that the Governing Council herself decided that in the interest of the beneficiaries to form a Adhoc AOA during the draw of lots hence the above decision can not be compared with the other system being followed in CGEWHO. As it is an Adhoc Committee with a mandate to form a regular committee hence the ballot paper system is not considered as required. As regards General Body Meeting is concerned we have already explained in para 4 that when all the beneficiaries is being informed to meet for specific purpose the said act will constitute General Body meeting. It is also relevant to mention here that as CGEWHO has to take the representation of all type of categories of flats hence such selection can not be take place by calling all types of the beneficiaries at the same time hence it was decided to take representation of each category of the DUs in a separate meeting. |
| 8. | CGEWHO is specially doing it for the benefit of the members of Kolkata-II, will it explain why AOA is forced to take over an under construction, uninhabitable, unapproachable project and what would be its purpose? Will it not lead to rampant pilferage because AOA becomes responsible for the property after its formation but the site is utterly uninhabitable? Will the work be ever completed by CGEWHO once AOA is formed? | Action for (i) completion of the project works, (ii) obtaining Clearance Certificate from the competent authorities of Government of West Bengal (iii) Issuing Possession letters (iv) obtaining other clearance certificate NOC etc. is in advance/final stage of completion and shall be endeavored to be completed as per schedule already informed. The functionality of AOA will be only after the possession is started by CGEWHO. In the meantime all the initial formalities such as registration, formation of bye-laws opening of Act shall be done by adhoc AOA. |

