

BYE LAWS

OF

KENDRIYA VIHAR APARTMENT

OWNERS' ASSOCIATION

PHASE-II

- (h) "member" in relation to the project concerned, means a person to whom apartment or building, as the case may be, has been allotted, sold or otherwise transferred by the promoter in accordance with the provisions of the RE(R&D) Act, but does not include a person to whom such, apartment or building, as the case may be, is given on rent;
- (i) "majority" means fifty one percent of the members present in person;
- (j) "ordinary resolution" means a resolution passed with the consent of fifty one percent of the members present of the association of allottees;
- (k) "RE(R&D) Act" means the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
- (l) "reserved matters" means the list of matters, decisions in respect of which can be taken only in an extra ordinary general body meeting of the members held in accordance with these bye-laws such as :-

[a] to amend the bye-laws of association of allottees;

[b] decision regarding dissolution of the association of allottees; and

[c] matters pertaining to section-9, section-15 and section-30 of the Act and

- (m) "special resolution" means a resolution passed by members present, with two third votes in favour of resolution.

- (2) Words and expressions used in these bye-laws, but not defined herein above, but defined in the RE(R&D) Act shall have the same meaning respectively assigned to them in the Act.

3. Aims and objective of the association of allottees :-

The association of allottees is established in pursuance of the provisions of the RE(R&D) Act and the Act shall carry out the following objectives, namely :-

- (a) to ensure the entitlements of all allottees as provided under the RE(R&D) act and the rules made there under;
- (b) impose and collect the share of the common expenses from the apartment owners;
- (c) provide for maintenance, repair and replacement of common areas and facilities;

- (d) impose such restrictions in the requirements relating to use and maintenance of the apartments and the use of common areas and facilities not set forth in the declaration, as are designed to prevent unreasonable interference with the use of the respective apartment and of the common areas and facilities by the several apartment owners;
- (e) keep the financial records and book of Accounts;
- (f) retain and rent out on license, suitable portions of the common areas and facilities to non-residents for commercial purpose, if all the members agree and give written consent after obtaining the permission of the competent authority and to distribute the resulting proceeds to the apartment owners or application thereof in reduction of the common charges for maintaining the buildings or to accumulate the same for making a reserve fund, to be used for major repairs of the buildings;
- (g) designation and removal of persons employed for the maintenance, repair and replacement of the common areas and facilities;
- (h) the income and/or funds/deposit of the association of allottees, if any, shall be utilised only for the objectives of the association of allottees;
- (i) carry-out socio-cultural or recreational activities with individual/institution for the benefit of the apartment owners; and
- (j) frame procedure for the method of adopting and amending administrative rules and regulations governing the details of operation and use common areas and facilities;
- (k) frame such regulation and issue guidelines as may be required for day to day smooth management and functioning of the Apartments.

4. Membership of the association of allottees :

- (1) All allottees of the project in whose favour allotment letter has been issued by the promoter shall become members of the association of allottees and each such member shall pay fee of Rs.100/- (one hundred rupees) as entry fees towards such membership.
- (2) No person other than the allottee shall be entitled to become a member of the association of allottees.
- (3) Each member may receive a copy of the bye-laws on payment of Rs.3/- (Rupees three only) for each page.
- (4) All members shall accept and strictly adhere to these bye-laws.



- (5) Upon transfer of any apartment or building, as the case may be, in the project by an allottee by way of sale, gift, will or otherwise, the purchaser or the donee or the legatee, as the case may be, shall become a member of the association of allottees on the basis of such transfer and the transferee after becoming owner thereof shall be admitted as member of the association of allottees on payment of Rs.100/- (One hundred rupees only) as entry fees towards such membership. In addition the purchaser, shall apply for membership of the association by paying transfer fee of Rs.10,000/- (B- Type), Rs.15,000/- (C Type) and Rs.20,000/- (D Type) with membership fee of Rs.100/- as indicated above.
- (6) A member dying intestate may be substituted by his legal heirs or representatives on production of documents to the satisfaction of the Executive Committee of the association of allottees and where any legatee is a minor, he shall be represented by his legal guardian.
- (7) The legal heirs or representatives of the deceased shall succeed to the rights and liabilities of the deceased as a member of the association of allottees.
- (8) Any person entitled to become a member of the association of allottees on account of reasons mentioned in sub-clauses(5) and (6) of this clause shall sign and execute such applications, forms, agreements, etc. As are required by the promoter and the association of allottees to put such new member in pace of the outgoing member.

5. Joint allottees :

Where an apartment of a building, as the case may be, is allotted to two or more persons, the person whose name stands first in the Agreement for sale of such apartment or building, as the case may be, shall become the member of the association unless such joint allottees nominate one amongst them to be a member of association in respect of such apartment or building, as the case may be.

6. Disqualification :-

- (1) No allottee shall be entitled to vote in the election of office bearers of the association including the President, Vice-President, Secretary, Jt. Secretary or Treasurer and also shall not be eligible to contest for election to such office till arrear dues are cleared by him under the bye-laws.
- (2) No allottee shall be entitled to participate in any meeting for passing any resolution till arrear dues are cleared by him under the bye-laws.



Note : The names of allottees and the amounts in arrear shall be displayed at least 15 days before the date of meeting on the notice board at the office of the association of allottees till such time, as the arrears remain un-cleared.

(3) The General Body in its meeting shall take appropriate action including disqualification from membership against any member who violates the conditions of any of the clauses specified in these bye-laws.

(4) Where any person transfers his apartment by way of a sale, gift, exchange or in any other manner, he shall cease to be a member of the association of allottees.

7. Voting :- (1) Each allottee shall have one voting right, in case of;

(a) An individual member, himself or herself, in person;

(b) trust, by any of the Trustees, duly authorised by the other Trustees;

(c) substituted legal heirs, any member of the family who is a member of the association of allottees;

(d) joint ownership, the individual nominated to be a member of the association of allottees;

(e) a legal heir who is a minor, his or her legal guardian; and

(f) a registered company, by a director, or any other officer duly authorised by the company; and

(g) in absence of allottee, the tenant or his or her family member residing in the apartment, authorised by the allottee.

(2) Voting will be by secret ballot, or show of hands as decided by the President.

(3) Each member shall have only one vote to cast irrespective of the number of the apartments held by that member in the project.

8. Quorum : Except as otherwise provided in these bye-laws :-

(a) The presence of minimum $2/3^{\text{rd}}$ of the members shall constitute a quorum for general body meeting;

(b) The presence of minimum $3/4^{\text{th}}$ of the members shall constitute a quorum for conducting election to the Executive Committee or dissolution of the Executive Committee or removal of any elected member to any of the office of the office bearers of the association of allottees;

(c) The presence of minimum $2/3^{\text{rd}}$ members of Executive Committee shall constitute a quorum for all meetings of the Executive Committee; and

(d) The presence of minimum $2/3^{\text{rd}}$ of the members shall constitute a quorum for extra ordinary general body meeting for decision on any of the matters listed in reserved matters list.

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9. Vote to be cast in person only :-

In any meeting of the association of allottees, vote may be cast in person only.

10. First Annual General Body Meeting and election of President :

- (1) The first annual general body meeting of the association of allottees shall be held for election of President and other office bearers of the association of allottees.
- (2) The president of the association of allottees after being duly elected shall preside over the meetings at that first meeting and thereafter.
- (3) In absence of the President, the Vice President shall chair the meetings.
- (4) The annual general body meeting of the association of allottees shall be held every year within two months of the end of financial year, unless there arises any urgency for calling the emergent meeting earlier.

11. Notice of Annual General Body Meeting :

- 1) Notice of every annual general body meeting shall be given to all members at least twenty one days prior to the date of such meeting and such notice shall contain the date and time, place and agenda of the meeting.
- 2) The notice shall also be displayed on the notice board of the office of the association of allottees.
- 3) A general body meeting may be held at the request of 51% of the members of the association of allottees by furnishing fifteen days prior written notice to discuss certain emergent issues.

12. Extra-ordinary General Body Meeting :

- 1) Extra-ordinary general body meeting may be called for taking decision on any of the reserved matter.
- 2) Notice of every extra-ordinary general body meeting shall be given to all members at least (seven) 7 days prior to the date of such meeting and such notice shall contain the date, time, place and agenda of the meeting.
- 3) The notice shall also be displayed on the notice board of the office of the association of allottees.

13. Adjourned meeting : If any meeting could not be held for want of quorum, the members who are present may adjourn the meeting to a time not more than 24 hours from the time the original meeting was called and if at such meeting also, no quorum is present, then the meeting shall stand adjourned to another date, not beyond a period of one month from the date fixed for the first meeting, which may be held without quorum.

14. Minutes :

- 1) The Secretary shall cause to be entered all proceedings of meetings of the association of allottees into the minute book.
- 2) The pages of the minute books must be consecutively numbered and authenticated by the President of the association of allottees.

15. Resolution :

- 1) Agenda of the meeting shall be discussed and decision shall be taken, ordinarily, in the form of a resolution.
- 2) Agenda relating to ;
 - a) Expulsion of any member; or
 - b) Matters pertaining to common expenses budget and finance etc. shall be decided by the special resolution.
- 3) Agenda relating to ;
 - (a) to amend bye-laws of association of allottees;
 - (b) decision regarding dissolution of the association of allottees; and
 - (c) matters pertaining to section 9, section 15 and section 30 of the Act, shall be decided in an Extra-ordinary meeting.

16. Executive Committee, election and term of office:

- 1) The affairs of the association shall be managed by the Executive Committee.
- 2) The Executive Committee of the association of allottees shall consist of President, Vice President, Secretary, Jt. Secretary, Treasurer and fifteen Executive members one from each type of block, viz. B, C & D.
- 3) The members of Executive Committee shall not be entitled to any remuneration.
- 4) The term of members of the Executive Committee shall be for two years.
- 5) The members of Executive Committee shall be elected at the annual general body meeting before expiry of the term of existing Executive Committee as per procedure laid down in the memorandum of association.

Explanation : for removal doubt it is hereby clarified that the promoter(s) shall not be eligible to become members of the Executive Committee till occupancy certificate issued and possession of the apartment were delivered to the allottees.

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- 6) The first election to the office of the members of the Executive Committee shall be held with at least seven allottees or 50% of the allottees of the entire project whichever is lower as member and shall continue unless removed earlier, for a period of two years from the date of election.

17. Power and functions of the Executive Committee:

- (1) The Executive Committee shall have the following powers and functions, namely

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- a) the executive committee shall perform all the functions necessary for the management of the affairs of the association of allottees including those specifically delegated by the association of allottees :

Provided that the Executive Committee shall exercise its powers subject to the provisions of these bye-laws;

- b) the Executive Committee shall also have the powers to co-opt two persons from among the members, to assist the Executive Committee in its day-to-day activities and in such case, the persons so co-opted shall become associate members, but such associate members shall have no right to vote in the meetings of the Executive Committee.
- c) to expel a member on the recommendation of the General Body under sub-clause (3) of clause 6 of these bye-laws.
- d) to prepare the annual budget; and
- e) to implement the orders passed in the general body meeting and to do other things which are in the interest of the association of allottees.

- (2) The executive committee shall have the responsibility to carry out orders, directions or instructions of any competent authority.

18. Powers and functions of office bearers to Executive Committee:-

The following powers shall be exercise and the functions shall be performed by the office bearers, namely:-

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(I) **President :-**

- (1) The President shall preside over the meetings of the Executive Committee as well as general body meetings;
- (2) The President shall have all of the general powers and functions which are usually vested in the office of the President of an association of allottees, including, but not limited to assist in the affairs of the association of allottees.

(II) **Vice President :-**

- (a) In the absence of the President, the Vice-President shall perform the functions of the President;
- (b) In case both the President and the Vice President are absent, the Executive Committee shall appoint some other senior member of the Executive Committee to act as the President as an interim arrangement, and
- (c) The Vice President shall also perform such other functions as may be, from time to time, assigned to him by the Executive Committee.

(III) **Secretary :-**

- (a) The Secretary shall be responsible for general administration and procedural functions of the association of allottees;
- (b) The minutes of all the meetings shall be kept by the Secretary;
- (c) Notices of all meetings shall be issued under his signature;
- (d) He shall have the charge of all records and documents of association of allottees;
- (e) He shall perform all duties as directed by the Executive Committee or incidental to the office of the Secretary;
- (f) The Secretary shall be the authorised spokesperson and carry out all correspondences on behalf of the association of allottees; and
- (g) The Secretary may sue or be sued for and on behalf of the association of allottees.

(IV) **Jt. Secretary :**

- (a) In the absence of the Secretary, the Jt. Secretary shall perform the functions of the Secretary,
- (b) The Jt. Secretary shall also perform such other functions as may be, from time to time, assigned to him by the Executive Committee.



(V) **Treasurer :-**

- (a) All the financial functions and other related functions in respect of the association of allottees shall be carried out by the Treasurer;
- (b) The Treasurer shall be responsible for the funds as may be collected from the member;
- (c) He shall also keep full and accurate accounts of all receipts and disbursements in the cash books and also perform such other duties as may be directed by the Executive committee;
- (d) He shall keep not more five thousand rupees in his hand for day to day expenditure of the association of allottees and the rest amount shall be deposited in the Bank account within seven working days from the date of collection.

19. Vacancies : The vacancy in the office of any office bearer of the association of allottees by reason of death or otherwise shall be filled by a decision to be taken in the general body meeting and in case it is not possible any other elected member may be kept in charge till the election is held.

20. Removal of members of Executive Committee :- Any elected member may be removed from the office by a decision of at least 2/3rd members of the association of allottees in a general body meeting only after giving him an opportunity of being heard.

21. Organisation of meetings of Executive Committee :-

- 1) The 1st meeting of a newly elected Executive Committee shall be held within (thirty) 30 days of election at such place as may be decided by the President by the meeting at which such members were elected.
- 2) No notice shall be necessary to the newly elected members in order to convene such meeting provided a majority of the members of the Executive Committee are present.

22. Regular meetings of the Executive Committee :

- 1) Regular meetings of the Executive Committee may be held at least once in two months and not less than six times in a calendar year, on such time and place as may be decided by the President.



- 2) Notice of regular meetings of the Executive Committee shall be given to each member personally or by Email or through any electronic mode as may be decided by the association of allottees or by registered post at least seven clear days prior to the day fixed for such meeting.
- 3) The Secretary shall maintain the minutes of meetings.
- 4) The quorum of the meeting shall be more than half of the total number of members of Executive Committee.
- 5) In the absence of the quorum, the meeting shall be adjourned.

23. Special meetings of Executive Committee :

- 1) Special meetings of the Executive Committee may be called by the President with prior notice to each member of the committee given personally or by Email or through any electronic mode as may be decided by the association of allottees or by registered post and such notice shall state the date, time, place and the purpose of meeting.
- 2) The period of notice of such meeting shall be decided by the President depending upon the urgency of the matter to be discussed at such meeting.

24. Emergency meetings of the Executive Committee :

- 1) Emergency meetings of the Executive Committee may be convened by the Secretary with permission of the President by a notice for convening the meeting.
- 2) All decisions of the emergency meeting shall be ratified in a special meeting convened for the purpose within ten days of the emergency meeting, failing which the decision taken at emergency meeting shall stand void.

25. Resignation :

- 1) An elected office bearer may resign at any time by sending a letter of resignation to the President or in his absence, to the Secretary of the association of allottees and such resignation shall take effect from the date of acceptance by the Executive Committee or one month from the date of tendering resignation, whichever is earlier.
- 2) Before acceptance of the resignation, the member may withdraw the same in writing.

26. Obligation of the member :

Every member shall abide by the provisions of the bye-laws of the association of allottees and follow all resolutions or decisions of the general body, as conveyed through the Executive Committee.



27. Cessation of membership :

- (1) An elected member of the Executive Committee shall cease to be such member if he is convicted in a criminal case involving moral turpitude.
- (2) Membership of the association of allottees shall be terminated, if continuation of such member is considered to be against the interest of the association of allottees by the general body after giving him a reasonable opportunity of being heard.

28. Funds :- Funds may be raised by the association of allottees in all or any of the following ways, namely :-

- (a) By membership fees and charges collected in accordance with bye-laws; and
- (b) By contribution and donation from the allottees/other persons/institutions etc.

29. Investment : The association of allottees may deposit its funds in any Nationalised or scheduled bank.

30. Accounts :

- (1) The Treasurer shall keep proper books of accounts of all income and expenditure of the association of allottees and shall prepare income and expenditure account and balance sheet as on the 31st day of March of every financial year.
- (2) The accounts of the association of allottees shall be audited by a qualified auditor or a firm of chartered accountant to be appointed by the Executive Committee.
- (3) One or more bank account(s) in any Nationalized or scheduled banks may be opened in the name of the association of allottees.
- (4) The bank accounts shall be operated jointly by any two members from amongst the President, Secretary and the Treasurer of the association of allottees.
- (5) The audited financial statement and the report shall be opened to the inspections by any member of the association of allottees during such period of time as may be determined by the Executive Committee.

31. Publication of accounts and reports:

- (1) The financial year of the association of allottees shall be from the 1st April to the 31st March.
- (2) A copy of the last financial statement and the report of the Auditor, if any, shall be kept in a conspicuous place in the office of the association of allottees and shall be placed in the general body of the association of allottees after being approved by the Executive Committee and the copy of such financial statement and the report shall be submitted to the concerned competent authority not later than 18th day of August every year.

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32. Seal of the association of the allottees:

- (1) The association of allottees shall have a common seal which shall be in the custody of the Secretary and shall be used by the Secretary or any other person under the authority of the resolution of the Executive Committee.
- (2) A chronological record of the list of the seal used shall be maintained in a register kept for the purpose.

33. Amendment of the bye-laws:-

Subject to the approval of the competent authority, the bye-laws of the association of allottees may be amended by way of alteration, omission, insertion or addition thereto at the general body meeting by a 2/3rd of members present and voting in the general body meeting.

Col.(Dr.) S.K.Jena (Retd.)
President

S.Biswal
Treasurer

N.K.Pal
Secretary