

MINUTES OF THE VIDEO CONFERENCE HELD ON 02 JUN 2023
AWHO SSI KOCHI

1. A Video Conference (VC) chaired by Lt Gen PS Shekhawat, AVSM, SM, DG (DC&W) was held on 02 Jun 2023 at HQ AWHO with the Management Committee (MC) of Chanderkunj Army Towers Apartment Owner Association (CATAOA), from 1130h to 1230h.

2. Following attended the VC: -

(a) **AWHO.**

- (i) Maj Gen Vikal Sahni, SM, VSM (Retd), MD AWHO.
- (ii) Brig DN Bhatt, Dy MD (Tech).
- (iii) Col Subash Raina, Offg Dir (Plg).
- (iv) Lt Col S Singhal, PD SSI Kochi (from Kochi).

(b) **Management Committee, CATAOA.**

- (i) R Adm P Ashokan (Retd) - President.
- (ii) Maj Gen P Rajagopal, AVSM, VSM (Retd)- President (Designate).
- (iii) Col MS Yohannan (Retd) - Member.
- (iv) Capt Mathew George (Retd) - Secy.

Opening Remarks of DG (DC&W)

3. DG (DC&W), welcomed the members of MC present online and assured them that AWHO shall endeavour to resolve the pending issues.

4. MD AWHO then invited President, MC CATAOA to discuss the issues pertaining to the SSI Kochi project and emphasized that the VC is intended to discuss main issue of rectification of structural defects, CRZ clearance and compensation of land from KMRL.

5. R Adm P Ashokan (Retd), President MC CATAOA stated that as he is the outgoing President, he would hand over to Maj Gen P Rajagopal (Retd), President (Designate) for further proceedings. The issues discussed and directions of the DG (DC&W) are given in succeeding paragraphs.

Rectification of the Buildings

6. Maj Gen P Rajagopal (Retd) stated that only nominal progress has been made since the last meeting on 05 May 2022, except on rectification and that most points remain unresolved. With regard to rectification he said that the structural Report by BVIL was received on 15 May 2023, but the BoQ and the draft MoU for PMC has not been received. The next stage is to finalize the contract with one of the specialized agencies suggested by BVIL and commencement of repairs.



7. **Concern Over BVIL Report.** Maj Gen P Rajagopal (Retd) stated that the draft report of Tower C received in May 23 is frightening and has shaken the 264 owners. He stated that structural defects are enormous and requires lots of deliberations. The report brings out severe damage to the columns, beams and slabs due to corrosion of steel reinforcements attributed to high chloride content, probably due to use of bore well water. The other major shortcomings brought out in the report are - carbonation has reached reinforcement level of the concrete, inadequate cover to concrete members and other design deficiencies due to lack of supervision and quality control. The most damaging part is that the life of the building has been estimated just for 8 to 10 years from today and service life reduced to 28 - 30 years, post completion of rectification recommended by BVIL, from the otherwise normal 50 years. This will ascribe to a loss of about 15 years of service life of building. He stated that prices of flats in the Society have plummeted. Even tenants will leave affecting those who have taken loans. The result is that the life time savings of the owners of the order of 60 to 80 lakhs and up to 1 crore (with registration costs and interiors and so on) has simply gone down the drain. The owners are in a dilemma; they can neither stay (due to safety) nor sell (due to loss of value).

8. With the above in view he put forth his proposals which were discussed as stated in succeeding paragraphs.

9. **No Dilution of BOQ.** All rectifications should be done by one of the specialist agencies suggested by BVIL as per BVIL Report and BoQ, without any dilution to quantities and specifications prescribed under the report.

10 MD AWHO stated that structural defects rectification will be executed by a reputed agency suggested by BVIL and under supervision of BVIL.

11. **Involvement of PMC in the Rectification Contract.** The MoU for PMC and Structural Consultant should be finalized at the earliest. PMC should be involved with the finalization of contract (tech aspects only). BVIL should be made responsible for undertaking NDT testing post rectifications and on three-year basis thereafter for the balance service life, to ensure and ascertain safety of building.

12. MD AWHO stated that it is intended to get the entire rectification work executed by one of specialist agencies to be suggested by BVIL and to be supervised through BVIL as the Project Management Consultant (PMC).

13. **Warranty.** Maj Gen P Rajagopal (Retd) stated that AWHO should ensure service life of 50 years after rectifications as is normal for RCC building. It should include annual structural inspection, maintenance and strengthening every three years, if any. Hence warranty should be obtained from PMC for the balance life.

14. MD AWHO reiterated that the work will be done by a reputed agency who will specify the service life after the rectification is done. MD AWHO also clarified that five years of post-rectification warranty would be given for the rectification works akin to RERA norms. He highlighted that for every additional year of warranty the cost goes up exponentially and also pointed out that no retrofitting agency is likely to give a warranty for more than five years.

15. Maj Gen P Rajagopal (Retd) responded that this was not acceptable. Five years guarantee is acceptable for a normal building not for a building whose service life is 8 - 10 years, where there will be huge maintenance cost after the warranty period, which will have to be borne by future residents. He suggested that the building could be insured for the balance of service life of 50 years that is beyond the warranty period. If service

life cannot be restored to prescribe 50 Years, owners should be monetarily compensated for the loss of service life. He stated that CATAOA cannot accept anything less than 10 years of warranty and assurance of life of the balance 40 years with annual inspection, maintenance and strengthening, if required, every three years as per the report. This has to be done in a proper implementable manner.

16. MD AWHO stated that if the RWA can identify a reputed agency who can execute the said work and give warranty of 10 years as desired by CATAOA at a reasonable cost, then AWHO will pay the cost and get the work done through that agency. MD AWHO also stated that this aspect is subsequent to rectification works. At present we should wait for the BoQ and take a final call taking into consideration the financial implications. Tough negotiations would be undertaken with executing agency and PMC for maximum feasible period of warranty of rectification works. However, post the warranty period, the responsibility of future maintenance shall be of the RWA.

17. **Early Commencement of Repairs.** The repairs should commence at the earliest as suggested in the BVIL Reports. The date of commencement of work and PDC should be communicated at the earliest. Priority should be given to structural repair to ensure safety of buildings & its occupants. The claddings around the lift which are in very dangerous state and can fall on anyone at any time has to be addressed earliest.

18. MD AWHO stated that AWHO will be pushing hard to commence the work taking into the consideration the technicalities involved.

19. **Cathodic Protection.** Maj Gen P Rajagopal (Retd) stated that BVIL report has recommended cathodic protection to steel reinforcement. BVIL should give a full report and the qualified agencies for undertaking the job, if feasible.

20. **Retaining Wall.** Maj Gen P Rajagopal (Retd) stated that in all the earlier recommendations on retaining wall, BVIL had recommended additional wells for evacuation of water and reducing water pressure and repair from positive side after 2 years, if required. This could be included in the BoQ and work undertaken by BVIL.

21. MD AWHO stated that for all the issues that have been brought out, BVIL is the expert agency and work will be executed based on their report.

22. **Sharing of Report of CE Kochi Zone.** Maj Gen P Rajagopal (Retd) mentioned that CE Kochi Zone had visited the site on 03 Jul 21 on the directions of HQ Southern Command but his report has not been shared with CATAOA despite several requests.

23. MD AWHO stated that AWHO has not received the Report. That notwithstanding, the Report is of little consequence since BVIL is far more experienced and they have done dedicated tests for nearly two months and produced a 10,000 pages report based on physical testing rather than a visual inspection, as done by CE Kochi Zone.

24. **Summarized Directions of DG (DC&W) on Rectification of Buildings.**

(a) AWHO to ensure that structural defect rectifications are done by one of the specialist agencies recommended by BVIL and as per BVIL Report and BoQ. BVIL may also be considered for supervision and testing during structural rectification works.

(b) Repairs to commence at the earliest. The date of commencement of work and PDC should be communicated to all concerned.

- (c) Priority should be given to those aspects of structural repair which ensure safety of buildings and its occupants.

CRZ Clearance

25. The President CATAOA stated that he had interacted with the Consultant and he had stated that the Kerala Coastal Zone Management Plan 2019 (KCZMP 2019) is ready and part of CKAT land is located in Inter Tidal Waters (ITW). Hence there is a requirement to submit a representation to the Distt Collector by 12 June 23 on this aspect. The President CATAOA requested DG (DC&W) to direct AWHO accordingly.

26. MD AWHO stated that the Project had obtained all the clearances prior to handing over and there was no requirement for any further clearance. However, since the owners insisted, the Consultant was hired at a huge cost from the Project Fund. Consultant is preparing the representation and it will be filed by due date.

27. Directions of DG (DC&W). AWHO to file representation to the Collector by 12 June 2023.

KMRL Compensation

28. Maj Gen P Rajagopal (Retd) mentioned the timelines of the case. Initially from 2014 to 2017, AWHO was progressing for compensation but it could not be concluded. From 2017 to 2019 there was a proposal to exchange the land for FOB which also could not be finalized. In 2019, KMRL commenced the acquisition process and as per present indications the whole process will take another year or so. He stated that KMRL has been using our land since 2014 and they are legally bound to pay full compensation from 2014 onwards. KMRL in its counter affidavit to the KMRL case filed by RWA (in 2018) has blamed AWHO for the delay and mentioned that they will not pay any compensation, which has to be contested. While going through the record there is ample evidence that maximum delay was by KMRL including during the period of 2017 to 2019 when there was a change in proposal. The Dy Collector (KMRL) has also in his letter brought out that the delay from 2019 is due to KMRL alone.

29. Maj Gen P Rajagopal (Retd) recommended that a legal notice be served on KMRL seeking the compensation for modification to the Project which resulted in escalation of cost of the Project and rental charges for the use of land from 2014 till to date, with penal interest for the delay.

30. Dy MD (Tech) AWHO stated that the acquisition process would take more than an year and if we fight for the rental also at this stage, KMRL will link the two and delay the acquisition process and compensation thereof.

31. Maj Gen P Rajagopal (Retd) stated that acquisition process is already with the District Administration while rental compensation is separate from the former. KMRL will not pay a single penny as rental unless pressure is put on them. The then PD had taken up the case for Rs 2.64 Crore for relocation but the same was not pushed subsequently and unless we put pressure they will not pay.

32. MD AWHO stated that legal opinion on the subject case will be taken and AWHO will proceed as advised by the legal adviser.

33. Directions of DG (DC&W). MD AWHO may take legal opinion and proceed further as advised by the legal advisor.

Approach Road

34. President CATAOA confirmed that legal opinion on this aspect has been received by them from AWHO and requested AWHO to forward the questions which formed the basis for the legal opinion sent by AWHO. He added that there has been an explosion in the occupancy of the island and we need this document as a ready reference for future decision on the road. Mr Ajit is not maintaining the road now and we are suffering badly.

35. MD AWHO stated that the matter has to be resolved between the RWA and Mr Ajit. Relevant document on the subject shall be shared with RWA.

Conversion of Land Status from 'Nilam' to 'Purayidam'

36. President CATAOA brought out the background of the case. MD AWHO reiterated that AWHO will not pay for the same and owners may pay if they wish to. President CATAOA stated that it was decided by the GBM not to pay this amount but an attempt should be made to get this done free of cost. He suggested that the Army HQ could write to the state administration for the same.

37. Directions of DG (DC&W). DG (DC&W) requested President CATAOA to forward a draft letter to AWHO on the subject and MD AWHO to process the same for consideration and writing to the state administration.

Regularisation of Guest Parking

38. President CATAOA mentioned that there is a stand off on the issue. AWHO wrongly decided to sell the parking rights to 25 owners. Only five owners have surrendered. The marking on ground to create this additional slots are not in accordance with the approved plan and if there is a surprise inspection by the Municipality then RWA will be charged heavy fine. The best solution would be to amend the approved plan so that it is in consonance with the physical marking. This would entail considerable amount of money including fees to a consultant.

39. MD AWHO stated that the markings were made at the behest of the RWA. He directed the PD to assign parking slots in the existing Basketball Court and in front of the substation, which is as per the approved drawings.

40. President CATAOA requested MD AWHO to be more considerate and take a decision which does not affect the facilities already established. He added that there has been a downward revision in the percentage of Guest Parking mandated for flats and that there could be a scope for accommodating the mandated Guest Parking (as per the new rules) and the additional parking (20 Nos) given by AWHO. PD could be directed to study this aspect and get a revised plan approved by the Municipality and AWHO to pay the charges involved. He assured CATAOA assistance in this regard.

41. MD AWHO reiterated that the focus is now on rectification of works and a call can be taken after receipt of BoQ. AWHO was however not in favour of making revised plan and getting it approved, as it shall lead to numerous issues which are not desirable.

Solar Lights

42. Maj Gen P Rajagopal (Retd) brought out the background of the case and that he had sent a detailed SOC in Aug 2022. He requested DG (DC&W) to consider the case favourably since they had been saddled with a system which has never been fully functional. He added that a 'solar only system' (unlike the dual system) that we have now

can be considered. All that it requires is the fixing of composite unit comprising of panel, battery and light on the existing poles. These units are available at very affordable cost.

43. MD AWHO reiterated that all these miscellaneous points have already been discussed and closed / resolved. However, on further insisting by Maj Gen P Rajagopal (Retd) he directed PD AWHO to send a budgetary quote to AWHO for a 'solar only lighting system'. Post consideration / approval by AWHO, RWA to undertake the installation of the same at its own with no involvement of PD. Any financial support by AWHO will be only after due consideration of all aspects.

44. Directions of DG (DC&W). PD AWHO to send a budgetary quote to MD AWHO. After approval of AWHO, CATAOA to undertake the work on their own.

Dissemination of BVIL Report to Owners

45. The President brought out that the Report has only been circulated to the extent that a printed copy is kept in the office for perusal by all owners. Prior to the GBM he had disseminated an eight page brief which highlighted all the findings of the Report and the same was presented in the GBM. He said that he was under tremendous pressure from all the owners to share the Report by email and they have been accusing him of covering up the report. He added that he had sent a mail to MD AWHO seeking permission for dissemination of the report.

46. MD AWHO stated that if the report is disseminated, some allottees may use the Report to file court case. AWHO will then be left with no choice but to stop the work and the entire rectification plan would suffer. This would reverse whatever gains have been made so far and the allottees would be the biggest losers.

Closing Remarks

47. DG (DC&W) stated that this meeting through VC has happened at a very crucial time and he has been able to take stock of the issues. He requested MD AWHO to speed up the process for rectification so that the work commences at the earliest. Maj Gen P Rajagopal (Retd) once again requested DG (DC&W) to consider the Warranty issue sympathetically, which will meet the owners expectation. DG (DC&W) responded that he would examine the same after the BoQ is received by AWHO and processed by them.

48. DG (DC&W) thanked the outgoing President for his cooperation and wished all the best to the new President CATAOA. President CATAOA and Maj Gen P Rajagopal (Retd) thanked DG (C&W) for the Video Conf to review the progress in spite of his busy schedule and MD AWHO for all the assistance.

49. There being no more points the Video Conf was declared closed.

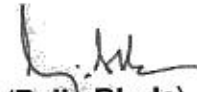
50. These Minutes are issued duly approved by the DG (DC &W).

File No: B/03020/Kochi/SSI/AWHO

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Distribution:- As on reverse.


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For MD