

**AWHO SILVER SAND ISLAND, KOCHI :MINUTES OF THE VIDEO CONFERENCE
HELD ON 10 JUN 2021**

Background

1. The project at Silver Sand Island, Kochi consists of three Towers of 26/14 storeys (with stilt and basement), Club House, Community Hall and other essential services like Sewage Treatment Plant (STP), electric supply and water supply infrastructure. The project is constructed on **172.435 Ares (Ares = 100 sqm) land**. The project commenced in **Apr 2013** and was completed in **Jul 2018** with Defect Liability Period (DLP) of contractor till **11 Jan 2020**. However, DLP against leakage / seepages is upto **10 yrs** from date of completion. Handing / taking over of DUs commenced wef **Apr 2018**. A total of **264 DUs** have been constructed. There were various issues raised repeatedly by Chanderkunj Army Towers Apartment Owner Association (CATAOA) regarding the construction, regulatory and land matters of the project. These were addressed to a large extent by MD AWHO during his visit to the project on 15 Dec 2020 (refer Minutes of Meeting with CATAOA and allottees dated 31 Dec 2020). President CATAOA vide letter No 113/CATAOA/AWHO/SSI/Thu/HTO dated 29 Apr 2021 raised certain issues in the project to the members of BOG. AG desired to hold a Video Conference (VC) with all stakeholders to resolve the issues mentioned in the letter.

Video Conference (VC)

2. A VC chaired by the AG was held on 10 Jun 2021 with the Management Committee (MC) from 1030h to 1145h. Following stake holders attended: -

(a) **Higher Management AWHO.**

- (i) Lt Gen Harsha Gupta, UYSM, AVSM, YSM, VSM, AG.
- (ii) Lt Gen Dhiraj Seth, DG DC&W.



(b) **AWHO.**

- (i) Maj Gen Vikal Sahni, SM, VSM (Retd), MD AWHO.
- (ii) Brig DN Bhatt, Dy MD (Tech).

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

- (i) Maj Gen P Rajagopal, AVSM, VSM (Retd) - President.
- (ii) Lt Col Francis CJ (Retd) - Vice President.
- (iii) Col Jayaraman P (Retd) - Member.
- (iv) Lt Col TA Anil Raj - Member.

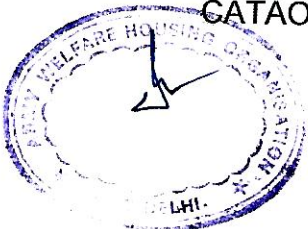
Opening Remarks of AG

3. AG, in his opening remarks, stated that all present in the VC are here with an open mind to find solutions to various issues. AG reiterated that the issues will be dealt with in a fair and objective manner for the benefit of the larger community. He then invited President, MC CATAOA to raise the issues affecting the SSI Kochi project.

4. The issues discussed, replies from MD AWHO and directions of the AG are given in succeeding paragraphs.

Structural Stability of the Buildings

5. President, CATAOA brought out that the project was handed over in 2018-19. However, cracks and seepages were noticed in the basement in 2019. The repairs were carried out by AWHO through a specialist firm M/s Fosroc India, through the contractor of the project. On insistence of CATAOA, tests to check structural stability were carried out in Oct / Nov 2020 under the aegis of AWHO through M/s Bureau Veritas (India) Pvt Limited (BVL), one of the two agencies recommended by CATAOA. CATAOA rejected BVL's first report stating that same was not acceptable due to technical deficiencies and asked AWHO to carry out additional tests. Simultaneously, CATAOA approached National Accreditation Board for Testing and Laboratories



(NABL) at whose intervention BVL agreed to do the tests again alongwith additional tests. BVL conducted the tests and submitted its report with recommendation on rectification to CATAOA, which has been forwarded to AWHO. AWHO has asked CATAOA to get the repairs done from any specialist agency under CATAOA's supervision for which AWHO shall pay the cost, which is not feasible for CATAOA. He suggested that AWHO should appoint BVL as consultant for rectification and ask them to suggest the specialist agency for executing the rectification work, being the testing agency and expert in this field. He also requested that a PD be appointed to execute the work.

6. MD stated that at the very outset he wishes to make it clear that AWHO is committed to work whole heartedly in the interest of the allottees. He reiterated his commitment given to the allottees when he visited the project in Dec 2020. MD stated that in spite of AWHO SSI Kochi Project being a non-RERA project, he had committed that the structural defect liability will be attended to by AWHO till Jun 2022. BVL report for structural audit alongwith the recommendations on remedial measures was received from CATAOA on **19 May 2021**, just three weeks ago. AWHO has analysed the report and same has been forwarded to the architect and the contractor. AWHO is in agreement with the need for undertaking remedial measures at the Risk & Cost of the Contractor and modus operandi of the same is being finalised. MD assured that BVL shall be engaged as consultants for carrying out rectification work, as suggested by CATAOA. Appointment of a suitable officer at site for rectification shall be considered. MD suggested appointment of one of the Engineer officer in the SSI as AWHO's representative for the rectification work as the CATAOA had expressed dissatisfaction with previous PD and suggested two names for supervision of repairs during the interaction with MD in Dec 2020 (Refer Para 3 (a) of Minutes of Meeting dated 31 Dec 2020). MD also solicited cooperation of the CATAOA and its members in allowing the remedial work to be carried out unhindered, particularly from residents



of First Floor and few upper floors where certain unauthorised construction has been done, due to which obstructions were created earlier.

7. President, CATAOA stated that selection of AWHO's representative should be done by AWHO itself, as the names suggested by CATAOA earlier have expressed their inability, due to personal reasons.

8. President, CATAOA requested that the agency selected must be capable to execute the work, with prior experience. It should also give warranty for the work. He assured the cooperation of society in undertaking repair work, including supervision and coordination. He however expressed his inability to intervene with residents of First Floor as it was extremely difficult for the CATAOA to get the temporary construction removed.

9. **Directions of AG.**

(a) AG directed that the remedial measures to resolve structural issues shall be taken up by AWHO. A timeframe for the same shall be prepared by AWHO in consultation with the specialist agency hired. The same shall be communicated to CATAOA, once the timeframe is finalised.

(b) AG also agreed that suitable action shall be taken to place AWHO's representative at the project site for required duration and sought the cooperation of CATAOA and all residents to allow smooth progress of work, in the overall interest of residents.

Coastal Regulatory Zone (CRZ) and Environment Clearance

10. President, CATAOA stated that Govt of Kerala has come out with CRZ Notification in Feb 2019 as per which the project needs CRZ clearance from Kerala Coastal Zone Management Authority (KCZMA). While AWHO has been assuring that all clearances are in place, the allottees of the project are not sure of the same.



He alluded to demolition of complexes in Maradu Municipality in Jan 2020, on the orders of Hon'ble Court. He added that the Town Planning authority has given conditional approval to the project with respect to compliance with CRZ. The President, CATAOA added that the consultant engaged by AWHO has already been paid approx Rs 9 lakh towards this, hence the approval from KCZMA needs to be taken being a mandatory and inescapable requirement.

11. MD AWHO stated that AWHO has got all statutory approvals for the project from planning authority, including the Occupation Certificate which has been handed over to CATAOA. AWHO project was not congruent to the Maradu Municipality as those apartments fell under CRZ-3 and mandatory clearances were not in place, leading to their demolition. That was not the case with AWHO project. Despite this, CATAOA insisted AWHO to get approval as per KCZMA based on the revised Coastal Zone Management Plan (CZMP) for Kerala, which was issued in 2019, much after completion of the AWHO project. AWHO had also sought legal opinion on this and it was clarified by the reputed lawyer that all clearances of AWHO were in order. The same was shared with CATAOA as well. However, due to the insistence of CATAOA, a consultant was hired. AG enquired if the amount had already been paid to the consultant. MD confirmed in affirmative and stated that apart from the consultant, Institute of Remote Sensing was engaged as Satellite Survey Agency for preparation of the necessary submissions to KCZMA. Same was put on hold due to the new draft CZMP under consideration in terms of CRZ 2019, as per which, AWHO project area is shown outside the No Development Zone (NDZ). AWHO was not inclined to it only to save avoidable expenditure of Rs 16 lakh from Project Fund. However, if the CATAOA insists, AWHO will obtain the CRZ Clearance.

12. Directions of AG. AG directed that AWHO should obtain CRZ Clearance through the consultant hired for the purpose.



Status of Land

13. President, CATAOA stated that as per records, the AWHO project is in 'Nilam' (paddy field) or Wet Land. This was mentioned even in the Sale Deed of his own DU. Despite assurances to the contrary, the legal documents of the land denotes it as 'Nilam'. While the AWHO land parcel has been removed from Land Data Bank of 'Nilam' land with the efforts of AWHO, the records at the concerned local authority need to be updated from 'Nilam' or Wet Land to Dry Land.
14. MD stated that AWHO has developed the project after taking all requisite approvals from Revenue Divisional Officer (RDO), Fort Kochi, Thripunithira Municipality and DC, Ernakulam, under relevant provisions showing land as dry and residential land. Thus, there was no need of conversion of land at this stage. Even RDO, Fort Kochi confirmed the same in the presence of the allottee of SSI Kochi project. MD had clarified to CATAOA during his visit in Dec 2020 that if they insist upon AWHO getting the updation done in Basic Tax Register (BTR), then any amount to be paid will have to be borne by CATAOA / allottees. However, on further insistence of CATAOA, RDO was approached, who asked for Rs 5.13 Cr to be deposited to update the BTR. Same was intimated to CATAOA to deposit the amount to RDO Fort Kochi. MD stated that the previous President CATAOA had informed that he shall take up the matter in the General Body Meeting of CATAOA and revert to AWHO, however there has been no response from CATAOA on this till date (Para 3 (h) of Minutes of Meeting dated 31 Dec 2020 refers).
15. President, CATAOA stated that the money demanded by the RDO can not be paid either by AWHO or the CATAOA. However, AWHO should take up the case with the authority to get the records amended.



16. MD stated that the land title is in AWHO's name and case will be taken up with the concerned authority for amendment of record in BTR. However, the outcome and timeframe of this cannot be specified.
17. President, CATAOA raised the issue of survey of land on handing over of assets to CATAOA.
18. MD AWHO stated that the issue of land acquisition by Kochi Metro Rail Limited (KMRL) is pending and survey can be undertaken only after that. The transfer and registration desired by CATAOA shall be done as per policy wherein the survey shall be done just prior to transfer of ownership of land to the CATAOA, on fulfilling policy requirements of AWHO. To the query of President, CATAOA about how the KMRL issue affects the survey of land, MD stated that the extent of land proposed to be transferred to KMRL through MoU is different from the extent of land to be transferred through acquisition by KMRL. This issue needs to be resolved first.
19. **Directions of AG.**
- (a) AG directed that AWHO should approach RDO again for amendment of BTR without making any additional payments. He also requested CATAOA to pitch in with their efforts to progress the case with local authorities.
- (b) On the issue of transfer of land by AWHO to CATAOA and survey of land, AG directed that it would be in order that survey is done at the time when land is to be transferred to CATAOA before handing over. He directed that the matter be put up on file by AWHO to him.

Land for KMRL

20. President, CATAOA requested that AWHO must resolve the issue with KMRL as its genesis is from subdivision of the land by then PD as UDSL to the allottees,



which included land to be transferred to KMRL. AWHO being an organisation related to Army is better poised to close the issue favourably, instead of CATAOA. He requested AWHO to make another attempt to conclude the MoU in favour of allottees.

21. MD AWHO stated that proposal for handing over land to KMRL without monetary compensation, in lieu of KMRL constructing Foot Over Bridge (FOB) and footpath through metro land was finalised, keeping the interest of allottees. CATAOA had also appreciated the proposal at that time and went ahead to obtain consent of allottees. However, a few allottees did not give their consent due to which the proposal could not be implemented. On query from MD AWHO, President, CATAOA conceded that unanimity amongst the owners could not be achieved as a few owners refused to give consent.

22. MD stated that KMRL is not inclined to the proposal at this stage and the compensation of the land taken over by KMRL will be claimed and added to the Project Fund. He reiterated that the MoU, which had favourable terms to the owners, could not be executed due to a few allottees and not KMRL, who were in favour of it at that time. President, CATAOA stated that AWHO should also approach KMRL for hiring charges for the duration the land was utilised by them.

23. **Directions of AG.** AG directed AWHO to approach KMRL for the compensation of land taken over by them and the hiring charges of the land.

Approach Road

24. President, CATAOA stated that the only approach road to the project is a private property owned by Mr BR Ajit. AWHO had entered into an agreement with Mr BR Ajit, President, Owners Association of Silver Sand Island and Society (OASIS) through an MoU. AWHO must pursue completion of balance work of approach road as per its terms. M/S Sobha Builders is another major party which has



to contribute for construction of this road. Also, proper maintenance of the road must be carried out, else the road be handed over to civil authority.

25. MD AWHO stated that the road was common to all residents of the island which includes residents of SSI Kochi amongst others. He explained that the MoU was executed in Jul 2018 with Mr BR Ajit, as President OASIS, only to meet the urgent need of revamping of road in the interest of allottees. However, the final agreement was to be decided between Mr BR Ajit and CATAOA by signing MoU on formation of CATAOA, after which balance work of this road was to be undertaken by OASIS. The construction of the road shall be taken up by OASIS for which the residents of AWHO Project have to become member of OASIS, like all other residents of the island.

26. President CATAOA stated that owners of SSI Kochi are not inclined for OASIS membership, as it is considered wasteful expenditure. The only option is to hand over the road to civil authority who shall convert it into black top road and maintain it. He suggested AWHO to take up the case with civil authorities. MD suggested that CATAOA being locally situated, should also approach local authority for taking over approach road from OASIS for development and maintenance.

27. **Directions of AG.** AG directed that AWHO should pursue the case with Mr BR Ajit, failing which AWHO should take up the case with civil authority to take over the road. Additionally, CATAOA, being the local and affected party, also to follow up the case with Mr BR Ajit as well as approach local authority to take over the road from OASIS to ensure early resolution of the issue.

Pergola Savings

28. President, CATAOA stated that Pergola was planned in original scope of work, however it was later decided not to be constructed. The allottees want complete refund of savings accrued due to non construction of Pergola. He stated that to best



of his knowledge, out of Rs 9.69 Cr savings, Rs 7.5 Cr was adjusted in Final Costing of DUs, bringing down the cost to allottees and approx Rs 1.79 Cr has been refunded to allottees. However, Rs 40.0lakh has been retained by AWHO, which should also be refunded to allottees.

29. MD clarified that cost of DUs was revised few years back from Rs 3868/-psf to Rs 3700/-psf due to savings from Pergola, thereby giving relief to the allottees totaling Rs 7.5 Cr. As per assurance given during his visit to the project, out of the balance amount, Rs 1.73 Cr has already been paid to allottees. Refund of nine allottees is pending for want of their bank account details. He mentioned that there is no opacity in the issue and details of refund was explained to allottees and uploaded on AWHO website. The balance Rs 40.0 lakh is kept in Project Fund to cater for claims of Contractor for part work done for Pergola, before the same was cancelled. Final Bill of Contractor is under consideration at AWHO. Balance amount out of Rs 40.0 lakh, if any, shall be returned to the allottees. To the query of AG if the amount of Rs 1.73 Cr has been received by the allottees, President CATAOA confirmed in affirmative.

30. **Directions of AG.** AG directed that the balance amount out of Rs 40.0 lakh if any, be returned to the allottees after settlement of Contractor's Bill.

Violation of Plans of Car Parking

31. President, CATAOA stated that Car Parking handed over to the CATAOA was not as per original plan/ sanction of local planning authority. Of the Car Parking planned, 29 Car Parking were sold as additional parking. Car Parking marked by PD in lieu of these cause hindrance to other mandatory services such as elect panels, lifts and Fire Fighting, hence were not acceptable.



32. MD AWHO admitted that it was a mistake committed by AWHO few years back, when 29 Car Parking were sold as additional parking to certain allottees, through draw of lots, as there was constant demand for these. AWHO is willing to refund the money to the allottees to whom additional parking were sold, provided they surrender the same. These Car Parking, when surrendered, will be handed over to the CATAOA. However, if the efforts do not bear fruit, AWHO is ready to pay the amount recovered from the allottees for these 29 additional parking to CATAOA. There was no other solution to this issue. MD requested President CATAOA to help in persuading the allottees to surrender additional parking sold to them.

33. President, CATAOA expressed his inability to intervene in the matter and requested that efforts must be made by AWHO to resolve the issue.

34. **Directions of AG.** AG directed that AWHO should approach the 29 allottees for surrendering their additional car parking. He also asked CATAOA to make efforts to convince the allottees to surrender their additional parking. In case allottees do not agree, AWHO shall hand over the amount collected for 29 parking sold as additional parking to the RWA.

Handing Over of Drawings

35. President, CATAOA raised the issue of certain structural drawings not being handed over.

36. MD stated that all essential drawings have been handed over to the CATAOA. He stated that CATAOA had recently been given a letter with references under which various drawings were handed over. He requested President, CATAOA to check the same with their records. However, should there be any drawing which is left over, the same shall be handed over by AWHO.



37. **Directions of AG.** AG directed CATAOA and AWHO to consult each other to resolve the matter.

STP

38. President CATAOA intimated that foul smell is emitting from STP time and again. While AWHO had rectified the problem to a large extent, the sullage of STP is being pushed back into the system. The Total Oxygen Demand (TOD) meter which has not been connected, needs to be connected by AWHO. Additionally, connections for STP treated water were to be taken to the flush tanks as per approved plans. As per clearances and approvals given for the project, the residents are expected to use the treated water from STP to flush tanks. Same is not possible w/o the provision of such connection.

39. MD clarified that STP was made fully functional and has been under the maintenance of CATAOA for past two years. He stressed that there was no foul smell from STP when he visited the project on 15 Dec 2020. Proper maintenance of sewage infrastructure by CATAOA is required to avoid intermittent smell, if any. MD added that CATAOA was asked to get all repairs done to their full satisfaction for which AWHO paid the amount asked by CATAOA post repairs of the same.

40. MD stated that the connection to flush tanks was not provided based on earlier requests from allottees, as number of them were averse to using STP treated water in their residences for flushing. He requested President CATAOA to confirm if all allottees were in agreement to this arrangement. President CATAOA stated that expecting consensus or unanimity from all residents was neither proper nor feasible. He added that the option to use connection is that of the residents, however, the provision must be made. MD informed the President CATAOA that once STP water is connected to over head tank catering for flushing water, individual allottees will have no choice but to use it, as their flush tank connections will be connected to the flushing



water over head tank. If that was acceptable, AWHO shall get the connections done from the Project Fund.

41. **Directions of AG.** Based on the request of the President Managing Committee, AG directed AWHO to provide necessary connections for treated water from STP to flush tanks. Other minor issues related to STP to be undertaken by CATAOA for which payments shall be cleared by AWHO.

Boundary Wall

42. President, CATAOA brought out that construction of boundary wall has not been completed in a small portion, due to pending KMRL issue. Same has been asked by AWHO to be done by CATAOA for which AWHO will bear the cost from Project Fund. He requested that the same be executed by AWHO as all plans and contract details are available with AWHO.

43. MD stated that construction of boundary wall towards KMRL pillars shall be undertaken once the land issue is resolved with KMRL.

44. **Directions of AG.** AG directed AWHO to undertake the construction of boundary wall after the KMRL land issue is resolved.

Closing Remarks of AG

45. AG stated that the VC has been able to address most of the issues which will be resolved in a practical timeframe. He added that while the timeframe for issues involving regulatory bodies/agencies can not be specified, those within the ambit of AWHO shall be undertaken in an early timeframe. On the issue of structural repairs in the areas of higher floors, AG desired that a suitable solution for the same be found. This might require the modifications / unauthorised construction on first floor to be removed in the interest of larger good. However, the option to hire an agency which can circumvent the necessity to remove the first floor coverings / construction for



carrying out repairs in higher floors, wherever feasible, be explored by AWHO. He thanked President, CATAOA for his valuable suggestions and requested for cooperation in resolving the issues by making a congenial environment for undertaking repairs. AG also thanked MD AWHO for his positive and forthcoming efforts.

46. President CATAO, on behalf of the allottees, thanked AG for interacting with them. He also thanked MD for his positive approach on the issues, in the interest of the allottees.

47. There being no more points, the video conference was declared closed.

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

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Dated 05 Jul 2021

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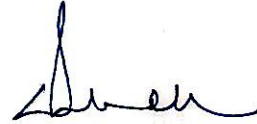
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