

Tele : 011-23017231
Email : secy04@awhosena.org

BY EMAIL

Army Welfare Housing Organisation
South Hutments, Kashmir House
Rajaji Marg, New Delhi-110011

B/03001/55/AWHO/Mysuru (Kesare)

28 November 2024

**Tundup Vihar,
Resident Welfare Association**
Mysuru (Kesare), Village - Kesare, RBI Post
Kesare - Naguvinahalli Main Road
Mysuru, Karnataka - 570003

Email : tvrwamysuru@gmail.com

(All allottees of Tundup Vihar, Mysuru)
(Through Email)

FORMATION OF TUNDUP VIHAR RESIDENT WELFARE ASSOCIATION

1. Please refer the following :-
 - (a) AWHO Master Brochure - 1987 (as amended from time to time) (Para 76).
 - (b) Real Estate (Regulation & Development) Act - 2016 (Chapter-III, Section - 11 (4) (e) and Chapter - IV Section -19 (11).
 - (c) Model Draft Bye Laws of AWHO.
 - (d) Election Notification for Conduct of Election in Tundup Vihar, Mysuru and AWHO Standing Operating Procedure (SOP) on Conduct of Elections issued vide Letter No B/03001/1/Rulling/AWHO dated 26 August 2023.
2. Army Welfare Housing Organisation (AWHO) has constructed more than 79 projects across India in the last 45 years plus. All the Societies are being effectively administered by the Resident Welfare Associations (RWA) after having being initially supported by AWHO towards formation of the RWA. AWHO Tundup Vihar, Mysuru has a total of 212 plots as of now and the handing/ taking over has been in progress since October 2023. A total of 194 plots have been handed over till date.
3. **Process for Conduct of Election in Tundup Vihar.** AWHO had initiated the process for formation of the Tundup Vihar, Resident Welfare Associations in January 2024 based on state of handing over and the progress on the registration of plots. Unfortunately, despite AWHO's best efforts, endeavour and advice, some allottees have gone ahead and formed Tundup Vihar, Resident Welfare Associations, Mysuru on 03 September 2024 and Registered it with Registrar of Societies under the Karnataka State Society Registration Act of 1960. The information of the same was received by AWHO on 25 September 2024. The RWA should have been incorporated and registered under the Karnataka State Co-operative Societies Act 1959 and **NOT** under Karnataka State Societies Registration Act 1960.

Shortcomings in the Formation of RWA.

4. **Non Participative Process.** The process though envisaged as a participative one, was undertaken by some allottees without keeping AWHO informed of its action, as also the other allottees of the project.
5. **19% Allottees Only Participated in First General Body Meeting.** It is seen from First General Body Meeting Minutes received by this office vide Tundup Vihar Resident Welfare Association, Mysuru email dated 25 September 2024, that only 42 allottees have participated in the meeting.
6. **Act for Formation of Society.** The formation of the RWA has been done under the Karnataka Society Registration Act - 1960, and **which as per Hon'ble Karnataka High Court Order in Writ Petition No 16654 of 2021, dated 21 November 2022 is unacceptable**, since the Act does not permit any collection of funds etc toward the running of the society and formation of Housing Associations is not recognised under the Act or relevant clauses of RERA Act which stipulates formation of RWA under local laws in force.
7. **Violation of RERA Clauses and AWHO Rules/ Procedures.** It is also observed that the under mentioned office bearers of the Society are in violation of AWHO Rules/ Procedures, as also relevant clauses of RERA Act :-
 - (a) President - Colonel Ashok Kumar (Retd), (Owner of Plot No F-DP6-040 has not registered his plot as on date).
 - (b) Secretary - Shri Abhishak Singh, S/o Lt Colonel AP Singh (Retd), (Co-owner of Plot No F-DP6-226 is not an entitled category as per AWHO rules and is therefore not eligible to be an office bearer).
8. There has been an unusual urgency on behalf of few allottees to register the RWA and commence functioning without on boarding balance allottees and AWHO. This is against the principle of transparency.

Recommended Way Ahead


9. In order to ensure that Tundup Vihar Resident Welfare Association functions effectively, it is essential that minimum 50% allottees, if not all, participate in the process. AWHO as ever remains ready to help its allottees in establishing and eventually managing the RWA.
10. There is an urgent need for the formed RWA and balance allottees to review the Act under which the RWA has been established and based on pragmatic legal advice, process the case again, if required.
11. Bedrock of any successful RWA is commitment, discipline and transparency. It is requested that same be adhered to and a meeting be called of all/ maximum allottees to build consensus on the Way Ahead. AWHO represented by Project Director, Mysuru should also be invited to the same, and adequate notice be given to all concerned.
12. The issue of office bearers being disqualified from holding office also needs to be examined and necessary correction done, so as to ensure sanctity of procedures and existing rules.

13. Balance issues currently being highlighted by the allottees will be discussed and resolved with the RWA, once RWA formation formalities/ anomalies are resolved.

Conclusion

14. **AWHO therefore does not recognize the Tundup Vihar RWA** as already incorporated in violation of AWHO's approval, RERA and Karnataka State Co-operative Societies Act 1959 as it shall be detrimental to the cause of the allottees of Tundup Vihar, despite the steps already taken. It is therefore recommended that a joint 'Way Ahead' as recommended in preceding paragraphs be adopted to minimize further turbulence and animosity in a newly established AWHO project.

15. However, it is highlighted that at this juncture, if allottees do not come together to resolve the issues, then AWHO will be constrained to pull out of the project and hand over asset to the RWA as currently established.


Colonel
Secretary
for Managing Director

Copy to:-

Project Director
Army Welfare Housing Organisation
Mysuru (Kesare), Village - Kesare, RBI Post
Kesare - Naguvinahalli Main Road
Mysuru, Karnataka - 570003

Email : awho.mysuru@gmail.com

Deputy Registrar (By Registered Post)
Co-Operative Society and
Registrar of Public Office Building,
New Sayyaji Rao Road
Mysore - 570024
Karnataka

NOO

PS to Dy MD (Tech)

PS to Dy MD (Adm)

} For info of Dy MD pl.

Plg Sec

Mktg Sec

- You are requested to send mail to all allottees of Tundup Vihar, Mysuru Kesare on their regd Email IDs and upload the same on AWHO website. This has apvl of the competent auth.