

Pacific Golf Apartment Owners Association

Registered under amended Societies Registration Act 1860

Registration No. UK06069082020004566

Bye-Laws

(उपनियम)



1. APPROVED & ADOPTED BY GENERAL BODY THROUGH
A Special General Body Meeting held on 29th November 2020
2. AMENDED & RESTATED BY THE GENERAL BODY THROUGH
Annual General Body Meeting held on 27th September 2023

***Pacific Golf Estate
Kulhan, Sahastradhara Road
Dehradun - 248001***

PREFACE - AMENDEMENT

Byelaws are a set of instructions and rules for a Society to function. They come into effect once a welfare Association is formed by at least a minimum number of residents as per the extant law, and are universally applicable to everyone. Based on the structure, requirements and membership, there are various permutations and combinations in bye-laws that a Society can adopt at the time of registration and submit to the Registrar. Though the Bylaws are expansive, still they do not always have the solution or workaround for every unforeseen circumstances. As it evolves, the welfare Association of the residents has the right to amend its bylaws as per provisions of the law.

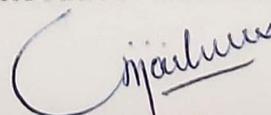
A society can amend its bye-laws when a pre-existing bye-law fails to meet its current situation or need adequately.

In the present case,

- When the **Pacific Golf Apartment Owners Association (PGAOA)** was registered in August 2020, only the blocks A, B, C, D, E and G were completed and fairly inhabited. The blocks E and F were under construction. Hence the General Body of PGOA, in a Special General Body Meeting (SGBM) held on 29th November 2020, adopted the Bylaws without including the blocks E and F. The General Body of PGOA had suggested to include blocks E & F as and when inhabited and deemed fit by the then General Body of PGOA for inclusion. Now, most of the flats in Blocks E and F are occupied. Therefore, the present General Body of PGOA desired unanimously that it is prudent to include Blocks E and F in the Bylaws of PGOA, for the benefit of residents of these blocks.
- With the inclusion of Blocks E & F, the work load will increase, especially for the Secretary, PGOA. Therefore, the General Body of PGOA desired unanimously, that a post of Joint Secretary needs to be included in the Executive Committee of Pacific Golf Apartment Owners Association.

The General Body of PGOA in its Annual General Body Meeting (AGBM) held on 27th September 2023 at Pacific Golf Estate, Dehradun; has resolved, approved and adopted the following amendments in the relevant and associated Sections, Sub-sections and Clauses of Bylaws of PGOA:

1. Inclusion of Block - E and Block - F in the "Bylaws" of PGOA.
2. Inclusion of post of Joint Secretary in the Executive Committee of PGOA.



FOREWORD

A Bye-Laws Committee was duly constituted by the members of General Body of 'Pacific Golf Apartment Owners Association' (PGAOA) in a General Body meeting held at the car parking of B7 (-1 level) on 27th September 2020.

The mandate given was to frame the Bye-Laws of "Pacific Golf Apartment Owners Association", tailored for the welfare and improvement of quality of life of the residents of Pacific Golf Estate (PGE), Dehradun. It was also conveyed to the Committee that since all the objects of the PGAOA shall be fully charitable and non-commercial, therefore one of the cardinal principles while framing the Bye-Laws would be to promote uniformity, cohesiveness, harmony, solidarity and good relations amongst the residents.

The Bye-Laws Committee consisted of following members of PGAOA:

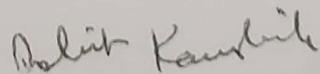
1. **Commandant N. N. Mishra (Retd.) CRPF, PPMG, PMG, PMMS**
(Head of the Bye-Laws Committee, PGAOA)
2. **Dr O. P. Arora, Professor (English Literature, University of Delhi)**
3. **Colonel Sanjay Kapoor (Retd.)**
4. **Anand Prakash, Ex Group General Manager, ONGC**
5. **Naresh Sharma, Business (Real Estate)**
6. **Ankush Jain, Scientist 'C', NIC, MeitY, GOI**
7. **Capt Ranjan Kumar (Coordinator, Bye-Laws Committee and Secretary, PGAOA)**

The Committee held six rounds of meetings on 03rd, 10th, 18th, 21st, 24th and 27th of October 2020. During finalization of Bye-Laws, the Committee consulted Model Bye-Laws of Apartment Ownership Acts of several states including Delhi, Haryana, Uttar Pradesh, Maharashtra etc., the amended Societies Registration Act, relevant Government Guidelines for residential apartments, memorandum of Association submitted by PGAOA to the Registrar of the Societies Uttarakhand, maintenance Agreement and sale Deed executed with Builder/Developer and several other related documents. All of them were referred, considered, deliberated and discussed by the Committee before structuring and finalizing the Bye-Laws.

This "Bye-Laws of PGAOA" as written and finalized by the Bye-Laws Committee was recommended and submitted to the Executive Committee of "Pacific Golf Apartment Owners Association" on 27th October 2020 for further action. The Executive Committee, PGAOA subsequently held a meeting with Bye-Laws Committee on 01st November 2020 and deliberated on the recommended Bye-Laws followed by its acceptance.

The Bye-Laws have now been approved and adopted by the General Body of PGAOA through Special General Body Meeting held on 29th November 2020.

29.11.2020
Dehradun


President, Executive Committee
Pacific Golf Apartment Owners Association

References:

1. Model Bye-Laws of The Delhi Apartment Ownership Act, 1986
2. Model Bye-Laws of The Haryana Apartment Ownership Act, 1983
3. Model Bye-Laws of The Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010
4. Model Bye-Laws of The Maharashtra Apartment Ownership Act, 1970
5. Model Bye-Laws of Karnataka Societies Registration Act, 1970
6. Maintenance Agreement of Pacific Golf Estate, Dehradun
7. Sale Deed with Developer of Pacific Golf Estate, Dehradun
8. "SOP for Society" Circular on SocietyConnect dated 12.02.2020. : 'Instructions Board for PGE Residents and Visitors'.
9. Application (आवेदन पत्र), Memorandum of Association (स्मृति पत्र), Affidavit (शपथ पत्र), Rules (नियमावली) and Proposal & Resolution (प्रस्ताव एवं संकल्प) submitted in the office of Registrar of Societies, Dehradun during Registration of "Pacific Golf Apartment Owners Association".
10. "Guidelines-with respect to Pet & Street Dogs, and their Care Givers, and for Residents' Welfare Associations and Apartment Owner Associations" by Animal Welfare Board of India, dated 26 Feb 2015.
11. Information from internet.
12. Six rounds of discussions by the Bye-Laws Committee members of PGOA dated 03rd, 10th, 18th, 21st, 24th and 27th October 2020.
13. Discussions during meeting of Bye-Laws Committee with Executive Committee on 01st November 2020.
14. Discussions during Special General Body Meeting (GBM) held on 29th November 2020 for approval and adoption of Bye-Laws.

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**CHAPTER I
PRELIMINARY**

1. Short Title (संक्षिप्त नाम):

These Bye-Laws may be called the 'Bye-Laws of the Pacific Golf Apartment Owners Association'.

2. Application (प्रयोज्य):

(a). The provisions of these Bye-Laws apply to:

(i). Every apartment of Pacific Golf Estate, Dehradun.

(ii). For the apartments mentioned above at 'Section-2, Sub-section (a), Clause (i)'; all present or future owners, tenants, future tenants, or their employees, or any other persons that might use the facilities of Pacific Golf Estate in any manner.

(b). For the purpose of these Bye-Laws, the acquisition or rental or taking leave license of the family units of Pacific Golf Estate, Dehradun, will signify that these Bye-Laws are accepted, ratified and will be complied with in all respects.

3. Extent or Area of Operation (संचालन का क्षेत्र अथवा विस्तार):

Entire Uttarakhand for the administration of the affairs in relation to apartments and the property appertaining thereto, and for the management of Common areas and facilities.

4. Definitions (परिभाषाएं) :

In these Bye-Laws, unless the context otherwise requires:

- (a). 'Act (अधिनियम)' means Societies Registration Act, 1860 of Uttarakhand, as amended from time to time.
- (b). 'Society' or 'Association' means "Pacific Golf Apartment Owners Association", a charitable, non-commercial and non-profitable Residents' Welfare Society formed as an association of all the apartment owners of Pacific Golf Estate, Dehradun, and registered under Societies Registration Act, 1860 at Dehradun, Uttarakhand.
- (c). 'Owners' or 'Apartment Owners' means the person owning an apartment in Pacific Golf Estate, Dehradun.
- (d). 'Member (सदस्य)' means 'Owners or 'Apartment Owners registered with Pacific Golf Apartment Owners Association.
- (e). 'Resident' means Owners, Tenants or any legal occupant residing within the residential Unit/flat.

- (f). **'Executive Committee'** means a Governing Board of members all of whom shall be owners of the apartment(s) in Pacific Golf Estate, Dehradun.
- (g). **'Majority'** of members mean those members holding more than 50 (Fifty) percent of votes out of the total members with voting rights present and taking part in voting.
- (h). **'Complex'** means the premises of Pacific Golf Estate, Dehradun
- (i). **'Building'** means the buildings A, B, C, D, E, F and G located at Pacific Golf Estate, Dehradun and includes the land and Facilities forming part thereof.
- (j). **'Unit'** means a dwelling family apartment in Pacific Golf Estate, Dehradun.
- (k). **'Common area'** means all the spaces along with Facilities within the premises but outside the residential units / apartments.
- (l). **'Registrar'** means the Registrar under the provisions of the amended Societies Registration Act, 1860 of Uttarakhand.
- (m). **'Paper'** means all or any items mentioned in the provisions of the Bye-laws.

5. **Objects of the Society / Association:**

(a). Charitable (पूत), Non-Commercial (अव्यवसायिक) and Non-Profit (नाम निरपेक्ष):

- (i). All objects of the Society/Association shall be fully charitable and non-commercial as per Sections 1 and 20 of Society Registration Act, 1860 and shall not indulge in Unions, Trade Unions, Political or organizational activities.
- (ii). The Society/Association shall not work with profit motive and shall work for literary, scientific or charitable objectives described in the Memorandum of Association of the Society/Association.

(b). Executive (कार्यपालिका सम्बन्धी):

- (iii). To be and to act as the Association of Apartment owners of the building called Pacific Golf Estate, Dehradun.
- (iv). To frame rules with the approval of the General Body meeting of the association and after consulting the Competent Authority.
- (v). The association shall not act beyond the scope of its objects without duly amending the provisions of these Bye-Laws for the purpose.
- (vi). Except or otherwise specifically provided in the Bye-Laws of the Society/Association, all activities of the Society/Association shall need ratification by the General Body of the Society/Association.

(c). Financial (वित्त सम्बन्धी):

- (vii). To raise funds for achieving the objects of the Society.

(viii). To advance with the consent of the apartment owners, any short-term loan to any apartment owners in case of any emergent necessity and to provide for the repayment thereof in lump sum or in instalments.

(d). Welfare (लोक-कल्याण):

- (ix). To work for keeping the place neat and clean and pollution free and do all the work for upbringing of the Society.
- (x). To work for the welfare and improvement of quality of life of the members of association in particular and residents of Pacific Golf Estate, Dehradun in general.
- (xi). To promote harmony, solidarity and good relations amongst the members and residents.
- (xii). To extend help to Senior Citizens in need residing in Pacific Golf Estate to the maximum extent possible.
- (xiii). To do all things necessary or otherwise provide for their welfare expedient for the attainment of the objects specified in these Bye-Laws.

(e). Social (सामाजिक):

- (xiv). To establish and carry on, on its own accord or jointly with individuals or institutions, educational, physical, Social and recreational activities for the benefit of the apartment owners.
- (xv). To sponsor or organize or support the social activities, conferences, seminars, meetings for the advancement of Society's objectives.
- (xvi). To communicate with various organizations, departments and industrial bodies for their participation in the advancement of Society's objectives.
- (xvii). To seek co-operation with other individuals, institutions or Societies for furthering the objectives of the Society on such terms and conditions as may be mutually agreed upon.

6. Membership of the Society:

(a). Types of Membership:

The Society shall consist of **05 (five) different categories of members** as under:

(i). Active Member (सक्रिय सदस्य):

- All persons who have purchased apartments in the Building and executed a (Sale) deed of apartment and **whose name stands first in case of Joint ownership** may be admitted as **Active Member** of Pacific Golf Apartment Owners Association, after registration.
- He / She is the first point of contact for the Society.
- Pays the Society charges in time.

- Active members have the voting rights and may contest for a post in the Executive Committee.

(ii). **Associate Member (सम्बद्ध सदस्य):**

- In case of Joint ownership, all the co-owners of the apartment and **whose name appears subsequently after the original member's name** in the executed (Sale) deed of the apartment may be admitted as **Associate Member** of Pacific Golf Apartment Owners Association, after registration.
- Registration of the co-owner(s) with the Society is necessary condition for getting Associate membership.
- Associate membership ceases to exist upon the death or resignation of the Active Member.
- An Associate Member may exercise all the voting rights and contest elections for a post in the Executive Committee in place of Active Member, provided he/she furnishes a No Objection Certificate (NOC) from the Active Member (Owner) and all other Associate Members (Co-owners), if any in a format as prescribed by the Society.
- In all cases, the principle of one Unit (Apartment) one vote shall be followed.

(iii). **Nominal Member (नामिक सदस्य):**

- Any person **who does not hold the right, title and interest in the property** individually or jointly may be admitted as Nominal Member of Pacific Golf Apartment Owners Association, after registration.
- The Nominal members can be **Sublette, tenants, Licensee, licensed caretakers (such as agents) or occupying the flat on behalf of the Firm, Company or any other Body Corporate.**
- The Nominal Members may not necessarily attend General Body Meetings. They have non-voting rights and therefore cannot vote or stand for elections and do not have a say in the workings of the Executive Committee.
- They only have the right to occupy the Unit and live in the Society by following the Bye-Laws and are treated as the rightful residents of the Society.

(iv). **Institutional Member (संस्थागत सदस्य):**

- **Any institution (Corporate or Social or Charitable) having interest in the Society by owning residential units** in its name may be admitted as Institutional member of "Pacific Golf Apartment Owners Association"

subject to the approval of Executive Committee and ratification by General Body of the Society.

- Institutional members shall not have any voting rights and therefore cannot vote or stand for elections and do not have a say in the workings of the Executive Committee.
- They only have the right that their representatives with families or employees with families live in the Society by following the Bye-Laws and are treated as the rightful residents of the Society.

(v). **Honorary Member (मानद सदस्य):**

- A person though not having any residential or title rights in Building, but **possessing a high degree of specialization** including architects, engineers, finance experts, housing experts, legal experts etc. whose association is deemed to be beneficial to the Society or who has rendered services of outstanding merit to the Society or who is a distinguished citizen of India or any other Country may be admitted after obtaining consent of the individual, as Honorary Member of Pacific Golf Apartment Owners Association, subject to approval of the Executive Committee and subsequent ratification by General Body of the Society.
- The Honorary Members shall be entitled to attend the meetings and contribute to the deliberations but shall have no right to vote.
- The number of Honorary Members in the Society is limited to not more than 02 (Two) at any point of time.

(b). **Eligibility for Membership:**

In order to be admitted as member of the Society, the person

- Must be 18 years of age on the date of admission.
- Should subscribe to the aims and objects of the Society.
- Assures to abide by the Bye-Laws of the Society.
- Must have deposited the admission fee and annual subscription fee and must not be in arrears of payment of such fee as on the date of Annual General Body Meeting for continuing as a member.
- Assures to pay requisite subscriptions of the Society well in time.
- Must not be an insolvent and of unsound mind; and
- Must not have been convicted of an offence involving moral turpitude involving imprisonment of one year or more.

(c). **Subscription (अभिदान):**

- The registration fee for admission and annual subscription for membership of the Society shall be as under:

S/N	Type of Membership	One time Registration Fee (Rs)	Annual Subscription Fee (Rs)
i	Active member	200	800
ii	Associate Member	Nil	Nil
iii	Nominal Member	200	Nil
iv	Institutional Member	500	10000*
v	Honorary Member	Nil	Nil

*For Corporate Houses only, as part of CSR activities.

- (ii). The annual subscription of a member shall be financial year wise and therefore payment shall become due as on the 01st of April every year, which may be paid latest by the 30th of June of such year.
- (iii). In case of registering with Society during the running financial year, the annual subscription will be charged on pro rata basis for the remaining months of the running financial year @ Rs 100/- (Rs Hundred only) per month.
- (iv). The registration and Annual subscription fee are non-refundable.
- (v). The annual fee shall cover, but not limited to, all office expenses, legal & allied expenses and salary of office staff if any.

(d). Admission Procedure:

Membership of "Pacific Golf Apartment Owners Association" may be taken up by submitting the membership forms as prescribed by the Society along with the requisite fees, photos and documents.

(e). Identity Card for every Member:

- (i). Every person admitted as a member will be issued an identity card containing his / her photograph, brief particulars and membership type, duly signed by the individual member and the Secretary / President of the Society.
- (ii). The process of issuing cards to members of the Society shall begin, once the strength of members of the Society crosses 500 (Five Hundred).

(f). Cessation (अन्त/विराम) of Membership

Any person admitted as a member shall cease to be a member of the Society in the following events, subject to approval by Executive Committee and subsequently ratified by General Body of the Society:

(i). Administrative Reasons:

- Upon submission of resignation (त्यागपत्र) and acceptance by the Executive Committee of the Society.
- On being irregular (अनियमित)

- If the whereabouts of the member are not known for longer period (लंबे समय के लिए अनुपस्थित).
- Have been found of immorality, theft, mischief, gambling or convicted by any court of law (न्यायालय द्वारा दंडित होने पर).
- Upon his/her acting contrary to the aims and objectives of the Society (संस्था विरोधी कार्य करने पर).
- Attracts any of the penal provisions contained in Societies Registration Act, 1860 of Uttarakhand.
- Upon indictment and directions for removal by the competent authority including District Registrar/ Registrar /Registrar General of Societies.
- An Honorary member shall cease to be a member of the Society, if the Executive Committee, decides so by passing a resolution in this behalf.
- On expulsion from membership of the Society.

(ii). Financial Reasons:

- Has defaulted persistently in paying his / her dues to the Society continuously for three months.
- On being adjudged as an insolvent (दिवालिया) or legally disabled from continuing as member.
- Upon such member being found guilty of a financial misappropriation of the funds of the society.

(iii). Medical Reasons:

- On being medically unfit (मेडिकली अनफिट).
- On death of the member (मृत्यु हो जाने पर).

(iv). Other Reasons:

- Upon sale of Unit and on leaving the area of Society.
- On cessation of right / title and interest as a member in the property of the Society by way of legal attachment or sale.

(g). Expulsion of a Member:

- (i). A member may be expelled from the membership of the Society, with the approval of General Body of the Society, if such a member:
- Has persistently failed to pay charges due to the Society.
 - Has willfully deceived the Society by giving false information.
 - Has used his/her flat for immoral purpose or misused it for illegal purpose habitually.
 - Has furnished false information or omitted to furnish the material information during registration with the Society.
 - Has been in the habit of committing breaches of any provisions of the Bye-Laws of the Society, which in the opinion of the Executive

Committee, are of serious nature. This means that for such acts against the Bye-Laws or the rules and regulations of the Society or for unruly conduct or on doing any such act which is not in the knowledge of the Society but due to which the Society may likely or has to face any Social, Criminal, Legal or Economical problems.

- (ii). Reasons regarding the termination shall be communicated to the member concerned at his / her last known address as per the record of the Society.
- (iii). No member of the Society, who has been expelled from its membership, shall be eligible for re-admission to membership in the Society, until expiry of the period of one year from the date of expulsion,
- (iv). On recommendations of the meetings of the General Body of the Society, the expelled member may be re-admitted to its membership, as a special case.

(h).Appeal and Readmission of Members:

A member whose membership has been terminated by the Society can file an appeal with the President of the Executive Committee of the Society giving full clarification for the reason for which his / her membership has been terminated. The matter shall be put before the Executive Committee of the Society and if the Executive Committee is satisfied with the clarification given by the member, he /she can be readmitted as a member of the Society. Provided that at the time of the re-admission of the member, he / she has to clear his / her entire dues from the date he / she defaulted including the period during which his / her membership remained terminated.

(i). Register of Members:

A Register of Members will be maintained and Executive Committee shall enter therein the particulars of admission or removal of members within 15 (Fifteen) days of the admission or removal or the cessation of membership as the case may be in such manner & form as prescribed under the Societies Registration Act, 1860 of Uttarakhand.

(j). Rights and Privileges of Members

- (i). **Right to inspect Books and Records:** Every member of the Society shall have the right to inspect the Books of Accounts, Books containing the minutes of proceedings of the General Body and Executive Committee and Register of Members of the Society on any working day during office hours by giving a notice of seven days.
- (ii). **Right to Vote:** Every Active Member or Associate Member (subject to Section-6(a)(ii) of this Bye-Law), shall have a right to cast his/her vote at

the elections of the Society provided such member is not a defaulter in payment of any dues of the Society including the annual subscription for a period of three months beyond the due date.

- (iii). **Right to Contest:** Every Active Member or Associate Member (subject to Section-6(a)(ii) of this Bye-Law), shall have a right to contest for the office of Executive Committee at the elections of the Society, provided such member is not a defaulter in payment of any dues of the Society including the annual subscription for a period of three months beyond the due date.
- (iv). **Right to Occupy the Unit (Flat):** Active and Associate members whose name appears in the executed (Sale) deed shall have the right to occupy the flat. A Nominal member may have a right to occupy the flat with the consent of the Active member and permission of the Society.
- (v). **Right to other privileges:** As per the provisions of the Bye-Laws, members of the Society shall be entitled to all the privileges, amenities and facilities available and provided by the Society. A member is entitled to attend all the functions organized by the Society.

(k). Responsibilities and Liabilities of Members

- (i). All the members of the Society shall be bound by the rules and regulation of the Society as contained in its Bye-Laws and amended or drafted from time to time.
 - (ii). Every member shall inform the Society about any change in his/her address, which shall be duly recorded in the register of members of the Society and which the Society may use for communicating with the member whenever required.
 - (iii). In addition to the subscription, the members may also be required to pay other charges if required, to be decided by the Executive Committee from time to time for carrying out social and other activities.
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CHAPTER II
VOTING, QUORUM, PROXIES AND COMMUNICATION

7. Voting (मतदान):

- (a). Voting shall be on the basis of one Unit (Apartment) one vote.
- (b). Voting shall be conducted by show of hands or secret ballot.
- (c). Only Active members can cast their votes.
- (d). An Associate Member may be allowed to cast vote in place of the Active Member, provided he/she furnishes a No Objection Certificate (NOC) from the Active Member (Owner) and all other Associate Members (Co-owners), if any. In all cases, the principle of one Unit (Apartment) one vote shall be followed.

8. Quorum (गणपूर्ति):

(a). Criteria (मानदंड):

Except or otherwise specifically provided in the Bye-Laws of the Society, the presence in person of 67 (Sixty Seven) percent of Society's total member strength shall constitute a quorum.

(b). In case of insufficient Quorum:

Unless the context otherwise requires in these Bye-Laws, if any meeting can't be held for want of the quorum at the scheduled date and time, the members with voting rights who are present, may adjourn the meeting to a later ½ hour (half an hour) on the same day and at the same place, as may have been specified in the notice calling such meeting of the Society. The members present in the adjourned meeting, subject to a minimum of 20 (Twenty) members with voting rights, shall form the quorum for the adjourned meeting and the business which might have been transacted at the original meeting may be transacted without further notice. In that case, condition of the quorum would deem to have been fulfilled.

9. Votes to be cast:

(a). In Person:

Votes will be cast in person by default.

(b). Postal Ballot:

In case the eligible member, being infirm or not in the town on the date of polling, is not able to cast the vote in person, then he / she may cast the vote through postal ballot as per the procedures laid down in the Bye-Laws.

Any postal ballot received from the member after the office hours and after the date of polling will not be valid. Envelopes of such postal ballots shall be opened under supervision of Returning officer, only at the time of counting of votes.

(c). **Proxy (परोक्षी):**

Voting by proxy shall not be allowed.

10. **Communication with members - Digital only:**

(a). All kinds of communications with the registered members of the Society shall be made through digital means like email (registered with the Society) or Social media only. In line with the Government Policy as eco-friendly measure, hard copies will not be provided.

(b). However, a hard copy may be put on the Notice Board near Reception in the Club House located in Block 'A' of Pacific Golf Society premises.

CHAPTER III
GENERAL BODY OF THE SOCIETY

11. Definition:

- (a). Every person registered as a member (of any category) of the Society shall be a member of the General Body (साधारण सभा) of the Society.
- (b). Such members may take part in deliberations during General Body Meetings (GBMs) and put forth their views considering the interest of the welfare of the Society members.
- (c). However, only the members with voting rights can take part in the voting process, unless he / she are in arrears of payment of any dues of the Society including the Annual subscription.

12. Powers, Duties and Functions of General Body

The General Body of the Society shall have the following powers:

(a). Welfare:

- (i). To follow up with the Developer and/or its representatives and/or Govt. authorities in all matters pertaining to Safety and Security, structural safety and quality, water and electric supply, sewerage and drains, their maintenance and repair, parks and lawns, Sports arena, Golf Course, Club house facilities, roads and their upkeep and general cleanliness of the locality and its neighbourhood.
- (ii). To undertake or encourage or participate in activities for the welfare of the residents and the neighbourhood and also to undertake charitable activities,
- (iii). To monitor and take steps for effective working of the Swimming Pool, Sports arena, Parks, Kid area and facilities in the Club House as it may deem fit.

(b). Executive:

- (iv). To guide the Society in determining and fulfilling its aims and objects.
- (v). To amend the Bye-Laws of Pacific Golf Apartment Owners Association as per the provisions of the extant law and the constantly evolving circumstances and requirements.
- (vi). The final authority of the Society shall vest in its General Body meeting, summoned in such manner as is specified in these Bye-Laws.
- (vii). A simple majority shall decide all other questions before the General Body.

- (viii). To consider any business brought forward by the Executive Committee. Such business shall be determined to be decided or turned down by simple majority after voting.
- (ix). To decide policy matters such as change of name of the Society, amendment in the Memorandum of Association and the Byelaws of the Society, approval for disposal of moveable & immovable assets of the Society etc. and all such other acts as may be required under the extant laws of Uttarakhand.
- (x). To accord approval for entering into all contracts by the Executive Committee on behalf of the Society and to settle terms thereof through a Committee of members with experience in the respective fields.
- (xi). To constitute an Advisory Committee for complex issues faced by the Society and decide the power and functions of such Advisory Committee.
- (xii). To appoint, suspend, remove or discharge of all officers, advisors, managers, accountants, servants and the employees of every description and fix their duties and remuneration and require them to give securities, if necessary.
- (xiii). To hear and deal with complaints for redressal, and if required refer to an Advisory Committee.
- (xiv). To consider affiliation of the Society as member of the Housing federation of the District and other institutions and pay sums, from time to time, payable by it, under the Bye-Laws of the respective organizations as referred above.
- (xv). To show cause notice or remove any member from the Executive Committee and according approval to the continuation of a person appointed as a member of the Executive Committee against a casual vacancy and if required to co-opt additional Executive Committee members.
- (xvi). To consider any other matter to be brought in the meeting with the permission of the Chair, except those requiring proper notice.

(c). Financial:

- (xvii). To monitor and regulate the finance of the Society and arrange for the maintenance of proper account books and records and their safe custody.
- (xviii). To approve selection of a scheduled Bank for depositing the funds of the Society in a Saving / Current account and / or in fixed or Term Deposits from time to time as it may deem fit.
- (xix). To sanction limit of the funds for working and capital expenses.
- (xx). To take steps for the recovery of the sums due to the Society.

(xxi). To appoint an internal auditor of the Society for the year, if necessary and fix his/her remuneration.

(d). Membership:

(xxii). To lay down or revise the rate of subscription to be paid by the members of the Society.

(xxiii). To show cause notice or terminate membership of a member if he/she is responsible of doing any act which is against the Bye-Laws of the Society or for unruly behavior or on doing such act which is not in the knowledge of the Society but due to which the Society may likely or has to face any Social, Criminal, Legal or Economical problems.

(e). Elections:

(xxiv). To elect the office bearers and other members of the Executive Committee and issue such directives to them as it may be considered necessary in the interest of the welfare of the Society members.

13. Advisory Committee (परामर्शदात्री समिति):

The General Body may constitute an Advisory Committee from amongst its members, preferably Senior Citizens to resolve complex issues that the Society may face at times. The formation and powers of such committee shall be as decided by the General Body.

14. Meetings (अधिवेशन) of the General Body

(a). General:

(i). The final authority of the Society shall vest in its General Body Meetings (GBMs), summoned in such manner as is specified in these Bye-Laws.

(ii). The President of the Executive Committee of the Society shall preside over all GBMs of the Society, provided that if the President is absent or if present and is unwilling to preside, then the Vice-President of the Society may preside over it.

In case Vice-President is also absent or if present and is unwilling to preside, then the meeting will be adjourned for 15 (Fifteen) days so as to meet again on the 15th (fifteenth) day at the same time and at the same venue. If at such adjourned General Body meetings, President and Vice President are again absent or if present but unwilling to preside, the remaining Executive members shall elect a new President and Vice President from among themselves and conduct the original business of the GBM as notified earlier.

- (iii). No proxy or a holder of power of attorney or letter of authority shall be eligible to attend a GBM of the Society on behalf of any member of the Society.
- (iv). At the GBMs of the Society, every member with voting rights shall have one vote only. In case of tie or equality of votes, the President of the meeting shall have in addition a casting vote.
- (v). Unless otherwise specifically provided under the Bye-Laws of the Society, all questions at a General Body meeting of the Society shall be decided by a simple majority of those present and voting at the meeting.
- (vi). No resolution can be brought at a GBM of the Society, cancelling its previous resolution, unless 6 clear months have expired, after passing of the previous resolution.

(b). Place of Meetings of General Body:

Meetings of the General Body of the Society shall be held at a suitable place convenient to the owners as from time to time to be fixed by the Executive Committee of the Society.

(c). Notice for Meetings of General Body:

(i). Responsibility for issue of Notice:

The notice for convening the meetings shall be issued by the Secretary of the Executive Committee of the Society. On his / her inability to issue the notice, due to any reason, the President shall issue it.

(ii). Contents of the Notice:

A clear Notice will be given with the following details:

- Date
- Time
- Venue
- Agenda of the business to be transacted
- Any other specific information, if required

(iii). Recipients of Notice:

Notice will be given,

- To the registered members of the General Body as per the updated list available with the Executive Committee
- To the office of the Registrar of the Societies.
- If required, a copy of such 'Notice' will also be endorsed to the affiliated Housing Federation / Institution concerned.

(iv). Mode of issuing Notice:

- The 'Notice' will be given through digital means like email (registered with the Society) or Social media only. In line with the Government Policy as eco-friendly measure, hard copies will not be provided.
- However, a hard copy may be put on the Notice Board near Reception in the Club House located in Block 'A' of Pacific Golf Society premises.

(d). Annual General Body Meeting (AGBM - साधारण सभा का वार्षिक अधिवेशन) and General Body Meetings (GBMs - साधारण सभा का अधिवेशन):**(i). Periodicity of GBMs and AGBMs:**

- Annual General Body Meeting or AGBM will be held *once in a year*, on or before 30th Sept of each year i.e. within six months of the close of the Financial Year.
- General Body Meetings (GBMs) may be called anytime of the year and any number of times, as per the requirement.

(ii). Advance Notice Period:

- AGBMs and GBMs will be convened with a clear Notice of at least 15 (Fifteen) days before the scheduled date of the proposed meeting.
- A reminder 'Notice' will also be given by the Executive Committee one day prior to the scheduled date of the proposed meeting.

(iii). Method of finalizing of Agenda for General Body Meetings:

- The agenda for the General Body Meetings shall be finalized by the Executive Committee after considering the viewpoints and suggestions from all the members of the General Body.
- In view of this, Executive Committee shall notify and seek suggestions from all members of the General Body, at least 30 (Thirty) days before the scheduled date of proposed meeting. The members will have to provide suggestions within 07 (Seven) days of such notification, so that the agenda can be finalized by the Executive Committee and Notice for the meeting promulgated in time. After finalization of agenda, AGBMs and GBMs will be convened with a clear Notice of at least 15 (Fifteen) days before the scheduled date of the proposed meeting.

(iv). Quorum (गणपूर्ति) for Meetings:

- The quorum for the AGBMs / GBMs will consist of the presence in person, of at least of 30 (Thirty) percent of Society's member strength with voting rights.

- If any meeting can't be held for want of the quorum at the scheduled date and time, the members with voting rights who are present, may adjourn the General Body meeting:
 - To a later ½ hour (half an hour) on the same day and at the same place, as may have been specified in the notice calling the General Body meeting of the Society, or
 - To a subsequent date not earlier than 07 (Seven) days and not later than 30 (Thirty) days.
 - At such adjourned meetings (AGBMs / GBMs), the members present in the adjourned meeting, subject to a minimum of 20 (Twenty) members with voting rights, shall form the quorum for the adjourned meeting, and the business on the agenda of the original General Body which might have been transacted at the original meeting may be transacted without further notice. In that case, condition of the quorum would deem to have been fulfilled.

(v). Transaction of Business by GBMs and AGBMs:

- **Executive:**
 - To read the minutes of the last AGBM and the SGBMs, if any and to note the action taken thereon.
 - To consider any other matters, specifically requiring decisions, concurrence or sanction of the general body meeting of the society, by virtue of the provisions the Bye-Laws of the Society.
 - To consider any important communications received from the Registering Authority, the Statutory Auditor, Government, Collector, Local or any other competent authority;
 - To consider any other matter with the permission of the Chair, excepting those requiring proper notice, after the regular agenda is over and which are permitted under the provisions of the Bye-Laws.
- **Financial:**
 - To receive from Executive Committee, the report on the preceding year's working, together with the statement of Accounts showing the
 - income and expenditure during the preceding financial year and the balance sheet as at the close of the preceding financial year.
 - To consider audit memorandum, if received from the Statutory Auditor, for the previous financial year or years, along with the audit rectification report of the Executive Committee thereon.

- To appoint an auditor, for the Statutory Audit, from the panel maintained by the Registrar's office.
 - **Elections:**
 - To declare the result of the election to the Executive Committee, if election to the Committee has taken place prior to the Annual General Body Meeting of the Society.
 - At such meetings Executive Committee may also be elected if due, by ballot of the members with voting rights in accordance with provisions of the Bye-Law.
- (e). **Special General Body Meeting (SGBM - साधारण सभा विशेष अधिवेशन):**
- (i). **Periodicity (आवधिकता) and who can call SGBMs:**
- A Special General Body Meeting or SGBM of the Society may be called *at any time*, at the instance of the
- President or
 - By the decision of the majority of the Executive Committee or
 - From the Registering Authority or
 - From the Housing Federation, to which the Society is affiliated.
- (ii). **Advance Notice Period:**
- SGBMs will be convened with a clear Notice of at least **07 (Seven) days** before the scheduled date of the proposed meeting. In case of an emergency, the SGBMs may be called even at a shorter notice, if the Executive Committee unanimously decides to call a SGBM at a shorter notice.
 - A reminder 'Notice' will also be given by the Executive Committee one day prior to the scheduled date of the proposed meeting.
- (iii). **Quorum (गणपूर्ति) for Meetings:**
- The quorum for the AGBMs / GBMs will consist of the presence in person, of at least of **30 (Thirty) percent** of **Society's member strength with voting rights**.
 - If any meeting can't be held for want of the quorum at the scheduled date and time, the members with voting rights who are present, may adjourn the General Body meeting:
 - To a later ½ hour (half an hour) on the same day and at the same place, as may have been specified in the notice calling the General Body meeting of the Society, **or**
 - To a subsequent date not earlier than **07 (Seven) days** and not later than **30 (Thirty) days**.

- At such adjourned meetings (SGBMs), the members present in the adjourned meeting, subject to a minimum of 20 (Twenty) members with voting rights, shall form the quorum for the adjourned meeting, and the business on the agenda of the original General Body which might have been transacted at the original meeting may be transacted without further notice. In that case, condition of the quorum would deem to have been fulfilled.

(iv). **Transaction of Business by SGBMs:**

The meeting so convened shall not transact any business, other than that mentioned in the notice of the meeting.

(f). **Special Residents' Meeting (SRM - विशेष आवासी बैठक):**

(i). **Purpose:**

In case residents feel that an important issue requiring immediate attention needs to be addressed urgently, then a 'Special Residents' Meeting' or SRM may be called in response to the requisition signed by at least 30 (Thirty) percent of the members of the Society's total member strength with voting rights.

(ii). **Advance Notice Period:**

- Such meetings shall be called by Executive Committee within and not more than **03 (Three) days** of the receipt of the written requisition.
- If required, a reminder 'Notice' will also be given by the Executive Committee one day prior to the scheduled date of the proposed meeting.

(iii). **Quorum for Meeting:**

In this case, it is mandatory that at least 67 (Sixty Seven) percent of the members signing such application must be present in person for deliberations in the meeting thus called.

If there is no such quorum at the scheduled time and the date of the said SRM, the meeting shall be adjourned for another ½ hour (Half hour) on the same day and at the same place, as may have been specified in the notice calling the SRM.

If still within half an hour after the time appointed for, the requisite quorum is not present, the gathering shall be dissolved and no meeting will be held.

(g). **Order of Business:**

(i). The order of business at all meetings shall be as follows:

- Roll Call with signature of the members present in person
- Reading minutes of the preceding meeting

- Reports of Office Bearers
 - Reports of Competent Authority/Registrar or nay officer authorized by them
 - Report of Executive Committee and other Committees, if any
 - Unfinished / New Business, if any
- (ii). If all the business on the agenda of the GBMs of the Society cannot be transacted on the day on which the General Body Meeting is held, the meeting shall be postponed to any other suitable date, not later than 30 days from the date of the meeting, as may be decided by the members present at the meeting.

(h). Procedure for Documentation of Meetings:

- (i). The Executive Committee shall finalise the draft minutes of every GBM of the Society within 15 (Fifteen) days of the date of the meeting and circulate the draft minutes amongst all the members with voting rights of the Society.
- (ii). Such members of the Society may communicate to the Secretary of the Executive Committee, their observations, if any, on the draft minutes, within 15 days of the date of the circulation.
- (iii). The Executive Committee, at its subsequent Executive Committee meeting, shall prepare the final minutes of the GBM after taking into consideration the observations, if any, made by the members on the draft minutes and cause them to be recorded in the minutes book (bound or loose leaves) maintained separately, by the Secretary of the Society or any other person authorized in that behalf.
- (iv). Such minutes will be signed by the President and / or the person chairing the meeting and the Secretary of the Executive Committee.
- (v). The preparation of Final signed Minutes by the Executive Committee shall not take more than 45 days from the date of original meeting held.
- (vi). The final minutes along with the 'Action Taken Report' (ATR) on the issues in the minutes shall be presented by the Executive Committee in the next General Body meeting (GBM).
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CHAPTER IV
EXECUTIVE COMMITTEE OF THE SOCIETY

15. Definition:

- (a). The management of affairs of the Society shall vest in a Board of Governing Body called Executive Committee (प्रबन्धकारिणी समिति).
- (b). All the members of the Executive Committee of the Society shall not be entitled to remuneration of any kind, for rendering service to the Society.

16. Strength and Composition:

The strength of Executive Committee of the Society shall consist of *12 (Twelve)* members and shall consist of:

- (a). **President : One**
- (b). **Vice President : One**
- (c). **Secretary : One**
- (d). **Joint Secretary : One**
- (e). **Treasurer : One**
- (f). **Executive Members: *Seven*** (where each one of them representing their respective Blocks A, B, C, D, E, F and G of Pacific Golf Estate, Dehradun).
- (g). **Deputy Secretary** : In order to share the additional load of Secretary and Joint Secretary, the Executive Committee may co-opt one of the Executive member as Deputy Secretary.

17. Proportional Representation of Blocks in Executive Committee:

If the General Body of the Society feels at any point of time, and is of the view that in order to have an even distribution of work load on Executive members representing the Blocks, there should be a proportional representation of Blocks based on the number of flats in each block, then the number of Executive members representing the Blocks may be increased to more than *07 (Seven)* on pro rata basis of the number of flats in each Block, through a resolution in a General Body meeting (GBM).

18. Arm's Length Principle for Executive Committee members:

No member of the Executive Committee of the Society shall have any interest, directly or indirectly,

- (i). In any contract made with the Society.
- (ii). In any property sold or purchased by the Society.
- (iii). In any other transaction of the Society.

19. Terms of Office of Executive Committee:

- (a). The ordinary term of the Executive Committee will be 02 (Two) years from the date of assuming office. The elections will be held in such a way before the date of termination of the office, that the newly elected Executive Committee assumes the office around the same date. The members of the Executive Committee shall continue to hold office until their successors have been elected and hold their first meeting for assuming the office.
- (b). In case, elections do not take place after two years, for any valid reason whatsoever, the term of the incumbent office bearers may be extended by the General Body in a GBM for a maximum period of one year thereafter.

20. General Elections of Executive Committee

(a). **Periodicity:**

General Election of **ALL** the members of the Executive Committee shall be held once in 02 (Two) years, in accordance with the extant Election Regulations for Societies.

(b). **Maximum tenure for existing Executive members:**

The members of the Executive Committee shall be eligible to contest for elections **ONLY** for 02 (Two) consecutive (क्रमागत / लगातार) terms i.e. total 04 (Four) consecutive years.

(c). **Polling Day:**

The elections shall be held on the same day, of the General Body meeting called for.

(d). **Notice for Elections:**

- (i). The Executive Committee will declare the Schedule of the Election and appoint the Returning Officer for conduct of the elections. The Executive Committee will also notify / display a list of members of General Body entitled to vote at least **45 (Forty Five) days** (or as decided by the General Body in its meeting) prior to the holding of the General Body Meeting for conduct of the elections. Any objection to the list of members of the Society entitled to vote shall be decided by the Returning officer in consultation with the incumbent office-bearers of the Society. However, the decision of the Returning officer shall be final in the event of any difference of opinion.
- (ii). The Executive Committee shall then send notices by email or any digital media, at least **30 (Thirty) days** (or as decided by the General Body in its meeting) prior to the holding of elections; to all the members with

voting rights; conveying the date, time & the manner. The notice shall also contain a Postal Ballot form, for use by the members, if required.

- (iii). The information w.r.t. holding of elections for the Executive Committee and Office bearers shall also be sent to Registrar of Societies, Uttarakhand to appoint an observer, if he/she so desires.

(e). Schedule of Elections:

The election schedule may be notified in the following format or as decided by the General Body in its meeting:

S/N	Events	Date	Time	Mode of Communication (Digital media, Notice Board, etc)	Place (Society Office, etc)
1	Date of declaration of election programme.				
2	Providing and Filing/submission of nominations for candidature.				
3	Date of publication of list of nominations for candidature received				
4	Date of scrutiny of nominations for candidature received				
5	Date of publication of list of valid nominations for candidature after scrutiny				
6	Date by which candidature may be withdrawn.				
7	Date of publication of final list of contesting Panels and contestants thereupon.				
8	Date, Time and Place of General Body Meeting in which the poll shall be taken or declaration of un-contested election.				
9	Date, Time and Place for counting of Votes (if required)				
10	Date of Declaration of results of Voting				

(f). Adopted System for Elections:

As resolved and approved by the General Body, following system has been adopted for General elections to the Executive Committee:

- (i). With the objective of smooth functioning of Executive Committee, contestants shall come together and form different Panels / Groups to contest the elections.
- (ii). Each full Panel shall consist of *12 (Twelve)* contesting members and the voting will be done for the Panels only and not the contesting individuals.
- (iii). The elections shall be contested collectively by *12 (Twelve)* members of each Panel for the posts of *05 (Five)* Principal office bearers (President, Vice President, Secretary, *Joint Secretary* and Treasurer) and *07 (Seven)* Executive members (where each one of them shall represent their respective Blocks A, B, C, D, E, F and G of Pacific Golf Estate, Dehradun).
- (iv). Nominations shall be filed by full Panels consisting of *12 (Twelve)* members each.
- (v). The Panel getting highest number of votes shall be declared winner by the Returning officer.
- (vi). The cardinal principle while forming a Panel shall be that the willing contestants from variety of fields and experience shall come together and form a Panel. Formation of any Panel based on sect, caste, region, bias or any divisive ideology shall be discouraged.

(g). **Filing of Nominations:**

The Returning Officer shall, thereafter, invite nominations to be filed within the period of nomination, if any, for election of the *12 (Twelve)* members of the Executive Committee.

(h). **Procedure for Elections:**

The method of voting and election shall be as under:

- (i) The elections will be conducted during General Body Meeting (GBM) held on the date, time and venue of elections.
- (ii) Members of the General Body of the Society shall vote for the contesting Panels only (i.e. for all the contesting individuals of a Panel) and not the individual contestants.
- (iii) After closing hours on the date of the poll, the returning officer will declare the winning Panel for constituting the Executive Committee of the Society.

(i). **Method of Voting:**

(1). **In Person:**

Votes will be cast in person by default.

(ii). Postal Ballot:

- In case the eligible member, is not in the town on the date of polling or infirm, and is not able to cast the vote in person, then he / she may cast the vote through postal ballot, as per the notice sent to them by email or any digital media.
- Members wishing to use Postal Ballot shall request in advance with reasons, by email, to the Secretary of the Executive Committee of the Society within 07 (Seven) days of the issue of the Notice for election.
- The Secretary shall place such requests in the Executive Committee meeting within 03 (Three) days after the deadline (as decided by the Executive Committee) and inform the concerned members about the decision of the Executive Committee within 04 (Four) days of the decision of the Executive Committee.
- On approval of Executive Committee, members may download, print the postal ballot form, complete it and send it to the office of the Society by post or courier. Postage/Courier charges will be borne by the member. The envelopes containing completed postal ballot forms may also be deposited through a messenger under proper receipt at the Society office.
- The postal ballots should reach Society office not later the close of working hours of the polling date. If the ballots are received thereafter they shall be deemed to be not received and invalid.
- Envelopes of such postal ballots shall be opened under supervision of Returning officer, at the time of counting of votes only.
- The Returning officer shall maintain a record for all the postal ballots received, including the status whether normal, defaced or mutilated and sign such record.
- The Returning officer shall return all the postal ballot papers and other papers relating to postal ballot to the new Executive Committee as soon as possible so as to preserve them, till a resolution is given effect to.

(iii). Proxy (परोक्षी):

Voting by proxy shall not be allowed.

(j). Insufficient representation in Executive Committee after Elections:

If for any reason, there is inadequate representation of members in the Executive Committee, the General Body at its next meeting shall fill in the respective vacancies from among the consenting members by majority voting.

On the failure of the General Body meeting to select the required number of

members to constitute the Executive Committee, the elected members of the Executive Committee shall be competent to fill in the same by co-option in the Executive Committee meeting whether they form the quorum or not, notwithstanding the provision of the Bye-Laws regarding the quorum for such meetings. The Period of office of the co-opted member of the Executive Committee shall be coterminous with tenure of office of the Executive Committee.

(k). Intimation to the Office of the Registrar:

- (i). A list of the elected office-bearers and other Executive members of the Executive Committee, duly signed by the Returning Officer, will be filed with Registrar of Societies, Uttarakhand within 30 (Thirty) days, who shall accord his approval of the same upon his satisfaction.
- (ii). In a general election of members of the Executive Committee of the Society, on the election of two-thirds or more number of members and such number of members having been elected, but the committee has for whatever reason, not been so far constituted then; the returning officer or any other officer or authority conducting such election shall within 07 (seven) days after the declaration of results of the election of such members, forward their names together with their permanent address to the Registrar of Societies of Uttarakhand; and then, the Executive Committee of the Society shall be deemed to be duly constituted. In determining two-thirds of the number of members, a fraction shall be ignored.

(l). Handing / Taking over:

- (i). The first meeting of the newly elected and outgoing Executive Committee shall be held within 15 (Fifteen) days from the date of declaration of election results for handing/taking over charge of the office of Executive Committee.
- (ii). The Secretary of the outgoing Executive Committee shall issue notice of the first meeting of the newly elected Committee and the outgoing Committee; to the members thereof. On failure of the Secretary of the outgoing Committee to convene the said meeting, the President of the outgoing Committee shall call it. On the failure of both, the Registering Authority may call such a meeting.
- (iii). All records of the Society shall be kept at its premises, convenient to the Secretary, with the approval of the Executive Committee of the Society.
- (iv). When the new Committee is elected, the Secretary of the outgoing Committee shall prepare the list of papers and property of the Society in

his / her custody and hand over the charge thereof to the outgoing President. The word "paper" used in this bye-law and any other bye-law shall mean all or any items mentioned in the provisions of Bye-Laws.

- (v). The retiring President shall hand over the charge of the office of the Executive Committee and all papers and property of the Society, in his possession to the President of the new Committee.

21. Meetings (बैठक / सभा) of Executive Committee

(a). Notice for Meetings:

- (i). The Secretary of the Society shall give 03 (Three) days' clear notice of every such meeting of the Executive Committee to all the members of the Executive Committee, personally or digitally by email/Social media.
- (ii). The notice shall state the date, time and place of the meeting and the business to be transacted there at, in consultation with the President of the Society.
- (iii). Where the Secretary of the Society fails to issue such a notice and agenda of any meeting of the Committee, the President of the Society shall issue it. If the President and the Secretary of the Society fail to issue such a notice with agenda of any meeting of the Committee, the majority of the remaining Executive members may call such a meeting.

(b). Regular Meetings:

- (i). Regular meetings shall be held at least every quarter in a Financial year.
- (ii). The meetings of the Executive Committee will be held at such time and such place as may be determined from time to time by a majority of Executive Committee members.

(c). Special Meetings:

- (i). In case of urgency/emergency, the Executive Committee may meet at shorter notice, wherever so required, with the consent of at least fifty percent of its members.
- (ii). The notice for such meetings may be given by the President or Secretary personally to each other or in any reasonable manner as deemed fit by the Executive Committee members.
- (iii). Because of urgency/emergency, the Executive Committee may place the resolution and get the same passed by the Executive Committee members. However the same be placed in the next General Body Meeting (GBM) for ratification by the General Body of the Society.

(d). Procedure for Meetings:

- (i). The President of the Executive Committee shall preside over all the meetings of the Committee, provided that if at any meeting of the Committee, he is absent, those members of the Committee present shall elect one of them to chair and preside over the meeting, for that occasion.
- (ii). Every member of the Committee shall have one vote. However, in case of equality of votes, the President of the meeting will have in addition a casting vote. All decisions shall be taken by majority of votes. Voting may be by raising of hands or secret ballot.

(e). Waiver (अधित्याग) of Notice:

Before any meeting of the Executive Committee, any Committee member may in writing give waiver notice of such meeting, and such waiver shall be deemed equivalent to the giving of such notice.

(f). Quorum (गणपूर्ति) for Meetings:

- (i). The quorum of the meetings of the Executive Committee shall be at least 67 (Sixty Seven) percent of the total members of the Executive Committee.
- (ii). In case quorum is not present, the meeting shall be adjourned to another date for which a proper notice shall be issued to all Executive members under proper acknowledgement. The members present in the adjourned meeting, subject to a minimum of 04 (Four) members, shall form the quorum for the adjourned meeting and the business which might have been transacted at the original meeting may be transacted without further notice. In that case, condition of the quorum would deem to have been fulfilled.

(g). Documentation (प्रलेखन) of Meetings:

- (i). The Secretary of the Executive Committee shall attend every meeting of the Committee and record its minutes, signed by the Secretary and / or President/Chairman of the meeting and place the same for confirmation before the next meeting of the Executive Committee.
- (ii). In the absence of the Secretary of the Executive Committee, the President of the Executive Committee shall make alternate arrangements for recording minutes of the meeting.
- (iii). In case the President and/ or the Secretary do not attend the meeting, these will be prepared by one of the remaining Executive members and signed by all members present in such meeting, before putting for confirmation in the next meeting of the Executive Committee.

- (iv). The minutes of every meeting of the Executive Committee will invariably be placed for confirmation in the succeeding meeting of the Executive Committee.

22. Powers (प्राधिकार), Duties (कर्तव्य) and Functions (प्रकार्य) of Executive Committee:

- (a). The Executive Committee shall perform all functions, as are necessary and proper for achievement and furtherance of the objectives of the Society.
- (b). In the context mentioned above, the Executive Committee shall have powers and duties necessary for managing the affairs of the Society, as imposed by the Bye-Laws or by any resolution of the Society.
- (c). Subject to the direction given or regulation made by a meeting of the General Body of the Society, the Committee shall exercise all powers, expressly conferred on it and discharge all functions and duties entrusted to it as mentioned hereunder:

(i). Welfare:

- To liaison with all agencies involved in the affairs of Pacific Golf Estate, Dehradun for redressing the problems of the residents and improving the lifestyle as a whole.
- To follow up with the Developer and/or its representatives and/or Govt. authorities in all matters pertaining to Safety and Security, structural safety and quality, water and electric supply, sewerage and drains, their maintenance and repair, parks and lawns, Sports arena, Golf Course, Club house facilities, roads and their upkeep and general cleanliness of the locality and its neighbourhood.
- To interact with Maintenance Agency, on all issues which are in the collective interest of the complex and its residents.
- To help in maintenance of facilities and up gradations particularly to make the complex more environmentally friendly.
- To coordinate that the Community level social, recreational and cultural activities are conducted in an organized fashion.

(ii). Executive:

- To make plans for achieving the objectives of the Society.
- To consider and decide any matter in line with achieving the aims & objectives of the Society and shall work in the best interest of the Society.
- To take steps to maintain the property of the Society in good condition.

- To make, sign and execute all such documents and instruments as may be proper or necessary for carrying on the affairs of the Society.
- To endeavour to have all residents observe a conduct code that is conducive to a good and healthy community living.
- To make efforts in retaining the look and feel of the project by restraining any resident from altering the façade or modifications to the structure, including painting of balconies in any different colour, installation of TV dishes, or sheds/window grills etc. that are not allowed by the builder.
- To be responsible for all the legal and statutory clearances pertaining to the Complex being in place and duly renewed.
- To devise a social system including imposition of fines, legal recourse like terminating the tenancy of a tenant, or police assistance to enforce the below:
 - No commercial activities being conducted by any resident as per Government rules and regulations.
 - Payment of the dues to any vendor giving direct service to the residents e.g. cable TV, piped LPG or telecom provider.
 - Payment of electricity consumption charges as per prepaid meters.
 - Observance of scooter and car parking discipline by all residents.
 - Correct use of the common services and facilities so as to preserve (ambience of the Society).
 - No undue hindrance or disturbance is caused to non-participating residents in any common celebration or event.
 - The pet owners abide by the norms of social and community living and pose no threat or offence to other residents.
- To insure the structure of the said building against fire, earthquake, riots and civil commotion etc. under Fire & Special Perils Policy on behalf of all the owners.
- The Executive Committee may constitute various Sub-Committees, as and when necessary from time to time, from among the members of the Society, with such powers and duties as it deems fit by Executive Committee for the purpose commensurate with objectives. Formation of such committees shall be ratified in the next General Body Meeting (GBM).
- To invite in their meetings (GBMs and Executive Committee meetings), not more than 02 (Two) specialists/experts who may be non-members

of the Society, and whose presence with the deliberations is considered useful.

- To consider and decide the applications for various purposes received by the Society.
- To authorise a member of the Committee to attest any document to which the seal of the Society is affixed.
- To ensure that nominations and revocations thereof are recorded in the minutes of the meetings of the Committee.
- To hold Annual General Body Meeting (AGBM) as per the provisions of this Bye-Law and ensure that all matters required to be considered at the Meeting are kept on the agenda.
- To call a Special General Body Meeting (SGBM) as and when required.
- To maintain minutes of the meeting in a minutes book.
- To fill the vacancies of the Executive Committee as per the provisions of this Bye-Law.
- To consider resignation of a member of the Executive Committee and other ad-hoc Committees as and when required.
- To take action on cases of cessation of all types of membership of General Body of the Society.
- To take the decision on the complaint application in the Executive Committee meeting and inform the concerned member of its decision accordingly.
- To suggest in the GBMs regarding the rates of penalties for breaches of Bye-Laws and to issue show cause notices.
- To ensure that the Society is affiliated to Housing Federation or any relevant institution and its subscription is regularly paid.
- To make available papers of the Society for perusal if asked for by the members
- To appoint/retain/remove officers, clerks, servants, technicians or any regular or part-time employee of the Society or any regular or part time service providers and determine their duties, responsibilities etc. for managing and functioning of the secretarial, accounting and other functions of the Society in a seamless manner, and to regulate their terms and conditions of employment including remuneration or endowments and obtain securities from such paid employees of the Society. Such actions will be ratified in General Body Meeting (GBM).

- To enter into agreements with Service providers on behalf of the Society.
- To arrange for the publication in any manner Society journal, documents as may be considered fit in the furtherance of its objectives.

(iii). Financial:

- To prepare Annual Budget to achieve the objectives of the Society and get it passed in General Body Meeting (GBM).
- To raise, invest and manage funds in the best interests of the Society, subject to the overall control and directions of the General Body of the Society.
- To receive money and other movable property for and on behalf of the Society, subject to Govt regulations.
- To accept donations or grants, contributions, charges and endowments on such terms and conditions as the Committee may deem proper.
- To issue receipts of the money received and signed by Treasurer.
- To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned.
- The members of the Executive Committee shall be jointly and severally liable for making good any loss, which the Society may suffer on account of their negligence or omission to perform any of the duties and functions cast on them under Societies Registration Act of Uttarakhand or any extant rules of the Govt.
- To review the position of recovery of the charges due to the Society from the members and to initiate action against defaulting members including charging of interest on defaulted charges of the Society.
- To fix the Society charges from time to time with the approval of General body in GBMs.

(iv). Elections:

- To arrange for election of a new Executive Committee prior to the expiry of the period of the existing committee and ensure that after elections the new Committee is duly constituted.

23. Financial Responsibilities (वित्तीय उत्तरदायित्व) of Executive Committee:

- (a). Audit of income-expenditure account shall be carried out every year through a recognized Chartered accountant / Auditor.

- (b). Every year, the Executive Committee shall submit the list of Executive Committee members, Income-Expenditure account and Balance sheet in the office of the Deputy Registrar, as per the Govt guidelines.
- (c). The Executive Committee shall open and operate a Bank Account in the nearest scheduled Bank or Post Office and shall be operated upon and all acquittances and discharges shall be signed by the Secretary jointly with President or Treasurer. After the account is opened, it should be informed to that effect to the Registrar of Societies, Uttarakhand within 15 (Fifteen) days.

24. Financial Limits for expenditure (व्यय) by Executive Committee:

- (a). The **Treasurer** shall pass all petty contingent vouchers up to Rs 5000/- (Rs Five Thousand only) in accordance with the provision of the funds allocated in the Budget.
- (b). The **President or Secretary and Treasurer** collectively may sanction expenditure beyond Rs 5000/- (Rs Five Thousand only) and up to Rs 25000/- (Rs Twenty Five Thousand only), to meet the contingent expenditure of essential nature, in accordance with the provisions of the funds allocated in the Budget; subject to the ratification by 67 (Sixty Seven) percent members of the Executive Committee in the next meeting.
- (c). Any expenditure beyond Rs 25000/- will require the **prior approval of the Executive Committee** 67 (Sixty Seven) percent members of the Executive Committee in the meeting.
- (d). The Treasurer shall keep Rs 5000/- (Rs Five Thousand only) as imprest money in cash with him.

25. Formation of Sub Committees (उपसमितियाँ):

The Executive Committee may constitute various Sub-Committees, as and when necessary from time to time, from among the members of the Society, with such powers and duties as it deems fit by Executive Committee for the purpose commensurate with objectives. Formation of such committees shall be ratified in the next General Body Meeting (GBM).

26. Appeals (पुनर्विचार):

All the appeals against the decision of the Executive Committee shall be preferred to the General Body of the Society. The appeal shall be given to the Secretary in writing and the same shall be placed before the General Body. The decision of the General Body shall be final and will be communicated to the member concerned in writing.

27. Filling of any Casual Vacancy (अनियत रिक्ति) In the Executive Committee:

(a). Mode of Filling:

Any vacancy arising on account of resignation, death or disqualification or removal of any member of the Executive Committee or for any other reason, may be filled-up by the Executive Committee from amongst the members of the General Body on ad-hoc basis, by vote of the majority of the remaining Executive Committee members, even though they may constitute less than a quorum.

(b). Role of General Body:

Each person so elected shall be a member until a successor is elected at the next General body meeting (GBM). Such ad-hoc member of the Executive Committee shall cease to be a member of the Executive Committee on the date of the next GBM, if his/her appointment is not approved in the GBM by a majority vote for the balance term of the Governing Body.

28. Powers, Duties and Functions of Executive members

(a). President (अध्यक्ष):

- (i) The President of the Society shall have the power of overall superintendence, control and guidance in respect of general administration and management of the affairs of the Society, with the assistance of Vice-President, Secretary, Treasurer and other Executive Members of the Society.
- (ii) The President shall be responsible as Chief Executive for execution of the decisions of the Executive Committee or the General Body of the Society.
- (iii) In case of any emergency, the President of the Society may be competent to exercise any of the powers of the Executive Committee. However, while doing so he/she shall record the reasons there of in writing. Any decision, so taken by the President of the Society shall, be got ratified in the next meeting of the Executive Committee.
- (iv) The President of the Society has the following duties and functions, but not limited to, as under:
 - To preside over all the meetings of the General Body and Executive Committee and regulate the proceedings of such meetings. To allow or disallow discussion on any matter which is not included in the agenda.
 - To cast the vote in case of a tie in Executive Committee meetings and GBMs.
 - To do all such acts, deeds and things as may be authorized by the General Body and the Executive Committee from time to time.

- To ensure proper & transparent functioning of the Society/ Executive Committee.
- To ensure strict compliance of the provisions of the Bye-Laws as per the Societies Registration Act, Uttarakhand and the rules made thereunder.
- To supervise and guide the overall activities/achievement of aims & objectives of the Society.
- To take care of moveable / immoveable properties of the Society.

(b). Vice President (उपाध्यक्ष):

- (i) To assist the President in carrying out his/her duties.
- (ii) In absence of the President, to act and perform all such duties on behalf of the President and exercise all the powers of the President.
- (iii) To perform all such other such duties, as may from time to time assigned by the Executive Committee.

(c). Secretary (सचिव):

- (i) Secretary of the Society is the main executive, overall in charge of the administration for execution of all the programs of the Society.
- (ii) The Secretary of the Society has the following duties and functions, but not limited to, as under:

• **Executive:**

- To conduct, organize supervise and manage all the affairs of the Society and do all such acts and perform all such duties for the working of the Society as may be assigned by the President / Executive Committee.
- To mitigate the problems/hardship of residents subject to the Societies Registration Act, Uttarakhand and the Bye-Laws of the Society.
- To exercise general supervision over the employees, contractors etc of the Society.
- To help and assist the President in looking after the complete affairs of the Society in attaining aims & objects of the Society.
- To inspect the property of the Society under directions of Executive Committee/General Body.
- To issue all notices and Bulletins of the Society from time to time.
- To prepare annual report of the Society and place it before the Executive Committee along with audited annual accounts of the

Society for approval, and to place the same before the General Body in the Annual General Body Meeting (AGBM).

- To ensure timely filing of all statutory returns/documents in the office of the Registrar of Societies, Uttarakhand and such other authorities as may be prescribed under the Societies Registration Act applicable in the state of Uttarakhand and the rules made thereunder.
- To produce records of the Society before different authorities concerned with the working of the Society with the consent of the President.
- To be the custodian for safe custody of common seal of the Society and affix the same, wherever required, as per the authorization of the Executive Committee.
- To conduct correspondence on behalf of the Society/ Executive Committee and to sign letters and papers on its behalf and to ensure that all statutory registers and records are properly kept and maintained.
- To deal with the applications for various purposes received by the Society.
- To bring breaches of the Bye-Laws by the members to their notices under instructions from the committee.
- To place the complaint application with facts, before the Executive Committee, in the next meeting.
- To act as the overall in charge of the administration and execution of all the programmes of the Society/including financial affairs on behalf of the Executive Committee including creation of posts fixation of salaries/ remuneration/ allowances etc. make appointments/ engagement of staff, make purchases and do all other such things as may be necessary in the furtherance of the aims & objects of the Society in accordance with the delegations by the Executive Committee from time to time and where no such delegation is specifically made, in consultation with the President of Society.
- To discharge such other functions also as directed under Societies Registration Act, Uttarakhand, Bye-Laws of the Society, directions of the Executive Committee and the General Body meetings, not expressly mentioned hereinabove.

- **Financial:**
 - To maintain and keep up to date the account books, register and other records mentioned in the Bye-Laws, unless otherwise decided by the Executive Committee, and safely preserve such records of the Society / Executive Body.
 - To prepare Annual budget of the Society.
 - To prepare income and expenditure accounts of the Society in the required manner and get it audited from a Chartered Accountant/Auditor.
 - To prepare the audit rectification reports in respect of audit memos received from the Statutory and Internal Auditors.
 - To prepare and issue demand notices/bills for payment of the society's charges.
 - To bring cases of defaults in payment of the Society's charges to the notice of the Committee.
- **Membership:**
 - To receive, scrutinize and place applications for membership of the Society before the Executive Committee and to enter the name of the members, if approved, in the register of members under his/her initials and to intimate the members about the same.
 - To deal with cases of resignation and cessation membership and also with cases of expulsion of members.
 - To keep a register of the members with their addresses, date of admission and all other matters pertaining to the Society.
- **Meetings:**
 - To convene meetings of the General Body / Executive Committee with the consent of the President and serve proper notices and agenda as prescribed under these Bye-Laws.
 - To attend all the meetings of the General Body and the Executive Committee and assist the President in conducting the meetings.
 - To record proceedings of all the meetings as per the provisions of the Bye-Laws and get ratified the actions taken in the next respective meeting.
- **Elections:**
 - To prepare before announcing of the date of election, the list of all the members eligible to vote, duly updated and to place it before the Executive Committee.

- To call the first meeting of the newly elected Executive Committee and the outgoing Executive Committee.
- To prepare the list of papers and property of the Society in his/her custody and hand over the charge thereof to the outgoing President.

(d). Joint Secretary (संयुक्त सचिव):

- (iv) To assist Secretary in carrying out his/her duties.
- (v) In absence of the Secretary, to act and perform all such duties on behalf of the Secretary and exercise all the powers of the Secretary.
- (vi) To perform all such other such duties, as may from time to time assigned by the Executive Committee.

(e). Treasurer (कोषाध्यक्ष):

- (i) The Treasurer shall be responsible for Society funds and Securities and shall also keep full and accurate accounts of all receipts and disbursements in the Book of Accounts.
- (ii) The Treasurer shall keep Rs 5000/- (Rs Five Thousand only) as imprest money in cash with him.
- (iii) The Treasurer shall pass all petty contingent vouchers up to Rs 5000/- (Rs Five Thousand only) in accordance with the provision of the funds allocated in the Budget.
- (iv) The President or Secretary and Treasurer collectively may sanction expenditure beyond Rs 5000/- (Rs Five Thousand only) and up to Rs 25000/- (Rs Twenty Five Thousand only), to meet the contingent expenditure of essential nature, in accordance with the provisions of the funds allocated in the Budget; subject to the ratification by 67 (Sixty Seven) percent members of the Executive Committee in the next meeting.
- (v) Any expenditure beyond Rs 25000/- will require the prior approval of the Executive Committee with 67 (Sixty Seven) percent members of the Executive Committee in the meeting.
- (vi) The Treasurer of the Society has the following duties and functions, but not limited to, as under:
 - **Bank Related:**
 - To operate the bank Account as per the provisions of the Bye-Laws of the Society.
 - **Accounts Book keeping:**
 - To keep accounts of all financial transactions of the Society and of all the sums of money received and spent by the Society and

maintain records of receipts and expenses relating to such matters, and of assets, credits and liabilities.

- To act as the overall custodian of all the Books of accounts of the Society, financial statements, receipt books expense vouchers bank pass books & cheque books, cash etc.

- **Audit of Accounts (लेखा संपरीक्षा):**

- To get the accounts of the Society audited by the chartered accountant appointed by the Executive Committee at the close of the Financial year every year.
- To submit to the Executive Committee through Secretary, the audited Annual accounts of the Society, at least one month prior to the date of Annual General Body Meeting (AGBM).

- **General:**

- To assist the President and Secretary in financial matters of the Society.

(f). Executive Members representing individual residential Blocks:

(i) The size of a mini-township of Pacific Golf Estate has rendered the role of such Executive Members extremely important, as they are the vital link between Building residents and the Society.

(ii) Such Executive Members representing respective buildings have following duties and functions, but not limited to, as under:

- Such members shall be responsible for the welfare of residents of their respective buildings.
- They will be responsible and help Executive Committee in collection of funds, if required, for any contributory social / cultural / educational activity, from members of respective buildings for achieving the objectives of the Society.
- They will suggest to Executive Committee / Society for betterment of the living conditions and mitigation of hardships being faced by residents of their building.
- They will liaise and coordinate between the respective Building residents and the Executive Committee / Society.
- They will help in the working of Executive Committee.
- They will keep the President/Secretary/Executive Body informed and apprise them of any developments in terms of Safety, Security and welfare of the residents of such Buildings.

29. Cessation (अन्त/विराम) of Membership of Executive Committee

An Executive member of the Executive Committee shall cease to be an office-bearer or executive member as per the provisions of the Bye-Laws for members of General Body.:

(a). Resignation of Executive Members:

- (i). A member of the Executive Committee may, by a letter, addressed to the President of the Society, resign his/her membership of the Committee. The resignation shall be effective from the date it is accepted by the Committee or on expiry of the period of one month from the date of receipt of the letter of resignation by the President or the Secretary of the Society, whichever is earlier.
- (ii). The President of the Society may resign his office as President by a letter addressed to the Secretary of the Society.
- (iii). The Secretary or Treasurer of the Society may resign his/her office as Secretary or Treasurer by a letter addressed to the President of the Society.
- (iv). President/Secretary/Treasurer's resignation will be effective only after its acceptance and handing over the charge to the newly elected President/Secretary/Treasurer, as the case may be.
- (v). The Executive Committee may accept the resignation of the office of the President/Secretary/Treasurer only after it is satisfied that the President or as the case may be the Secretary or Treasurer of the Society has brought up to date the work entrusted to him/her and has produced the entire papers and property of the Society, in his possession, before the Executive Committee.
- (vi). In case entire Executive Committee intends to resign, the resignations of the Committee shall be placed before the General Body and such resignations shall be effective from the date of acceptance of such resignations by the General Body. The Committee shall continue in office till alternate arrangement is made for the management of the Society.

(b). Removal of Executive Members

- (i). At any regular interval of GBM or any SGBM duly called, anyone or more of the Executive members or the Executive Committee may be removed with or without cause (no-confidence) by a majority of members with voting rights of General Body and a successor may, then and there, be elected to fill the vacancy created.
- (ii). Any Executive member whose removal has been proposed by the General Body members shall be given an opportunity to be heard in the meeting.

30. Redressal of Complaints (उपलंभ निवारण):

- Any Member/Members of General Body may submit their complaint application to any of the Executive member of the Society, in writing, giving thereby the details of the complaint.
- After receipt of such complaint application, the Executive Committee shall take decision thereof, in the next Executive Committee Meeting. Such decision shall be communicated to the concerned member, within 15 days thereafter.
- If the Member/Members are not satisfied by the decision of the Executive Committee, or does not receive any communication from the Executive Committee within 15 days, then he / she / they may make complaint to the Advisory Committee constituted by the General Body of the Society.
- If the concerned member is not even satisfied with the decision given by such Advisory Committee, then as per the nature of the complaint, the complainant member may act as per Societies registration Act, Uttarakhand.

31. Maintenance of Society Registers:

- (a). It shall be the responsibility of the Secretary of the Society to maintain and keep up to date the account books, registers and other records mentioned under the Bye-Laws
- (b). The Society shall maintain separate files, but not limited to, for the following items:

(i). Membership:

- Membership Register with List and details of Members
- The Personnel / Staff Ledger.
- Directory of members with the updated details of members and the residents.
- Applications for memberships.
- Letters of resignation of membership
- Cases of expulsion of members.

(ii). Welfare:

- Register maintaining suggestions from General Body members and progress thereupon.
- Complaint from members and correspondence thereof.

(iii). Elections:

- Papers pertaining to the election to the Executive Committee.

(iv). Meetings:

- Proceedings Register for Minutes of Meetings (MOMs) of the Executive Committee of the Society.

- Proceedings Register for Minutes of Meetings (MOMs) of the General Body of the Society.
- Notices & Agenda Register for meetings of the General body of the Society.

(v). **General:**

- Stock Register for Furniture, Fixtures, Office Equipments and consumables of the Society.
- The Register of Library Books and manuals.
- Separate files for
 - Correspondence with members.
 - Correspondence with Developer/Builder/Maintenance Agencies.
 - Correspondence with the Registering Authority.
 - Correspondence with other Govt Agencies.
 - Correspondence on Govt levies.
- Agreements, Contract deeds with papers connected thereto.
- Application for registration of the Society, the copy of the Bye-Laws and amendments thereto.
- A certificate of registration fully framed.
- Executive Committee's Annual reports on the working of the Society.
- The Society shall also maintain separate files relating to other subjects not expressly indicated above.

32. Common Seal

The Society will have a Common Seal which shall be kept in safe custody of the Secretary and shall be affixed wherever it is required in accordance with the authorization by the Executive Committee.

CHAPTER V
MANAGEMENT OF ASSETS AND FUNDS OF SOCIETY

33. Funds (निधि):

- (a) Funds may be raised by the Society in all or any of the following ways:
- (i) Receipts on account of membership registration fee, annual subscription, special contribution, interest, consultation fees, donations, gift, grants-in-aid, etc. All such income of the Society shall be utilized for the attainment of the aims and objectives of the Society.
 - (ii) By way of receiving and collection any gift subscription and donation either in cash or kind or acquire funds and property moveable or immovable by lawful means and to spend and utilize the same for the fulfillment of all or anyone of the aims and objects of the society.
 - (iii) To sell, transfer, mortgage, hypothecate, pledge, assign, gift or raise loan from Financial institutions and settle or otherwise dispose off or charge the properties of the Society either moveable or immovable for the purpose of attaining the aims and objectives of the Society.
 - (iv) To seek and accept financial assistance from government, NGO's, foundation, banks, business houses and such other organization for undertaking development projects and to fulfill the aims and objects of the Society. In case of any grant / aid received from State Govt, Central Govt or abroad, the same shall be informed to the office of the Deputy Registrar and same shall be mentioned in income-expenditure account.
 - (v) In case of receiving Funds / aids received from abroad, the Society shall register under FCRA or as per extant Govt regulations.
 - (vi) The Society may also raise funds through interest -free short term loans from its members or from scheduled banks on interest. Loan from the scheduled banks on interest will be taken only for purchase of creation of capital assets and not for meeting any recurring revenue expenditure under any circumstances.
- (b) All the income earning from moveable or immovable properties of the Society shall be solely utilized and applied towards the promotion of aims and objects only as set forth in the Bye-Laws.
- (c) No portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus, profits and interest of any manner whatsoever be - to the present or past member of the Society or any person claiming through any or more of the present or past members.
- (d) All assets and funds will belong to the Society and vest in the Society.

34. Investments (निवेश):

The Society may invest or deposit funds in the modes specified under the provision of Income Tax act 1961 for the Societies, such as:

- (a). In Central Co-operative Bank or in State Co-operative Bank; or
- (b). In any of the Securities specified in Section 20 of the Indian trust Act 1882; or
- (c). In any Co-operative bank other than referred to in clause (a) above or in any Banking Company approved for this purpose by the Society.

35. Financial year of the Society:

The Financial Year of the Society shall be from 01st day of April to 31st day of March. The Accounts of the Society shall be closed by 31st March of every year.

36. Annual Budget of the Society:

The Executive Committee will prepare and approve an annual budget of the Society on the basis of its estimated income and the Capital & Revenue expenditure during the first quarter of the financial year and shall also place a copy thereof before the General Body in its Annual General Meeting for information.

37. Bank Account:

To open and operate a Bank Account in the nearest scheduled Bank or Post Office and shall be operated upon and all acquittances and discharges shall be signed by the Secretary jointly with President or Treasurer. After the account is opened, it should be informed to that effect to the Registrar of Societies, Uttarakhand within 15 (Fifteen) days.

In unavoidable circumstances, the operation of Bank accounts of the Society may also be jointly operated by such member/office bearers as may be decided by the Executive Committee body from time to time.

38. Financial Transactions:

All major receipts and payments of the Society shall be made through Bank Instruments (i.e. DD/Pay Order/Cheques/Bank Transfer/RTGS etc) including all receipts towards the membership registration Fees and the annual subscriptions from the members. However, the Executive Committee may determine the limits of financial transactions which may be conducted in cash in certain other cases.

39. Accounts of the Society:

- (a). The Treasurer of the Society will be responsible for keeping and maintaining proper Books of accounts i.e. cash book, ledger etc, as required under the Income Tax laws and /or any other authority including the Institute of Chartered Accountants of India at its registered office with respect to all sums of money received and expended by the Society and the assets and liabilities of the Society.
- (b). The Secretary of the Executive Committee shall present the audited financial statement in the Annual General Body Meeting (AGBM) on or before 30th September of each year i.e. within six months of the close of the Financial Year, containing:
 - (i). Profit and Loss Account
 - (ii). Receipts and Expenditure of the previous Financial year
 - (iii). Assets and liabilities of the Society.
- (c). The Annual accounts of the Society will be signed by the President and Secretary / Treasurer of the Executive Committee.
- (d). The audited financial statement shall be open to the inspection of any member of the Association during office hours and a copy shall be submitted to the Competent Authority within 15 days of the Annual General Body Meeting (AGBM).

40. Audit of Accounts (लेखा संपरीक्षा):

- (a) The Executive Committee will appoint a chartered accountant, who shall not be a member of the Executive Committee or family member of any member of Executive Committee, for auditing the account and filing of income tax return of the society for a suitable remuneration as may be determined by the Executive Committee.
- (b) The Secretary of the Society shall produce or cause to be produced all the books, registers, records before the internal auditor and the statutory auditor, in the office of the Society or where the records are normally kept and furnish such information as may be required by him for the conduct of the audit of the accounts of the Society.
- (c) On receipt of the audit reports from the statutory and internal Auditors, the Secretary of the Society shall prepare draft audit rectification reports on the objections raised and suggestions made and place the same before the meeting of the Executive Committee, held next after the date of the receipt of the audit reports, for its approval.

(d) Further action on the audit rectification report shall be taken as provided under the Societies Registration Act, Uttarakhand or extant Govt regulations.

41. Maintenance of Account Registers / Files of the Society:

The Society shall maintain the following books of accounts, records and the registers.

- (a). The Cash Book.
 - (b). The General Ledger.
 - (c). File for expense vouchers.
 - (d). Receipts book: Counterfoils of receipts or carbon copies of receipts issued by the Society.
 - (e). Bill Book: Counterfoils of bills or carbon copies of bills for the Society's charges.
 - (f). File for Periodical statements of accounts prepared by the Society.
 - (g). File for Annual Budget.
 - (h). File for Audit memos received from the Statutory Auditors, with rectification reports thereon.
 - (i). File for Audit Rectification
 - (j). File for Audit reports received from Internal Auditors, with recertification reports thereon.
 - (k). The Investment Register.
 - (l). The Loan Register (if loan is raised).
 - (m). Any other as and when required.
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CHAPTER VI
CODE OF CONDUCT FOR APARTMENT OWNERS / RESIDENTS

The code of conduct is equally applicable and enforceable against all Owners and occupiers, tenants / employees of the Owner, and/or subsequent Allotment /Space buyers of the flat.

This is because the obligations go along with the flat for all intents and purposes.

42. Use as Residential units:

- (a). All the Units shall be utilized for residential purposes only.
- (b). The Owner / resident should ensure that the flat or any part thereof is not used for any purpose from which a nuisance can arise to other residents or for any illegal / commercial or immoral purpose.
- (c). Owners residing are not allowed to rent their flats for any commercial use, as this may create trouble to other Society members.
- (d). All the Owners / residents including tenants / occupants and their domestic help, if any, are obliged to maintain at all times a wholesome family environment in the complex.

43. Bachelor Accommodation with certain conditions:

- (a). Residence to students, is not allowed in the Society
- (b). Bachelors whether owners or tenants shall follow the code of conduct and all norms of the Society and help in maintaining peace and harmony among residents within the Society.
- (c). The flat owners shall be responsible for the conduct of bachelors within the Society.

44. Assisting Senior Citizens (वरिष्ठ नागरिक):

It is the duty of all the Owners/residents and the neighbours in particular to render all help to the old and infirm Senior citizens requiring assistance of any kind.

45. No personal use of Common areas and Facilities:

- (a). The Owner / resident shall not place or cause to be placed in the public utility spaces like but not limited to, front door, lobbies, vestibules, stairways, open spaces, elevators, roofs and other areas of facilities of a similar nature, both common and restricted, flower pots, any furniture, cooler, packages or objects of any kind.

- (b). No member can occupy the area near their front doors, corridors, passage for their personal usage.
- (c). The Owner / resident shall ensure that no wood work / interior work are carried out in common area.
- (d). Such areas shall be used for no other purpose than for normal transit through them.
- (e). Under no circumstances, vehicles will be allowed to be parked in the Common Area or elsewhere in the complex.
- (f). If the Owner / resident keeps his/her private belongings in such common spaces, it will be considered as encroachment of these spaces and in such circumstances, Society / Maintenance Agency shall be at liberty to impose penalty to such owner / resident as it may deem fit.
- (g). Upon failure to remove private belongings from such common spaces areas even after repeated reminders and intimation by Society / Maintenance Agency and using the parking space for purposes other than parking of car/two wheeler, (then) Society / Maintenance Agency shall be entitled to remove such things and cost incurred in such removal shall be recovered from the Owner / resident.
- (h). The domestic staff is prohibited from using the common areas for recreation, assembly or sitting unless accompanied by the residents.

46. Compensating for Damages in Common Area and/or to Facilities:

- (a). Do not misuse / damage common facilities and amenities and instruct the family, domestic help and visitors accordingly.
- (b). Penalties are applied against the damage caused while shifting the household goods in lifts, corridors, garden area etc by any member/resident of the Society.
- (c). The Owner / resident shall solely be responsible for any loss or damage to any supply lines, main fuses, meters whether caused maliciously or through culpable negligence or default on the part of the User and has to pay for the damages as determined by the Company and / or Society.
- (d). The Owner / resident shall reimburse to the Society for any expenditure incurred in repairing or replacing and common area and facilities damaged due to his/her fault.

47. Proper Use of Elevators / Lifts:

- (a). Operate lifts gently to avoid frequent breakdown and inconvenience to residents.

- (b). Do not overload lift beyond its capacity.
- (c). Give priority to people to exit from the lift than board the lift.
- (d). The Owner / resident shall use the elevators for transportation purpose only and refrain from defacing or soiling the interiors of the elevators.
- (e). The Owner / resident and tradesmen are required to utilize exclusively the Freight or Service elevators for transporting packages, merchandise or any other objects to avoid discomfort or wellbeing of passengers of the elevators meant for transportation of owners, residents and guests.
- (f). For loading and unloading of very heavy / construction materials, lifts should not be used.
- (g). The lift should not be used for taking out the pets.

48. Restricted use of Club House, Swimming pool, Golf and other Sports facilities:

- (a). The facilities of club house, swimming pool, Golf and other sports facilities are strictly for use of owners / residents and their families only, who have paid membership fee at the time of purchase of the residential units/flats.
- (b). Tenants who want to use such facilities have to pay to the Society a fixed amount per month for availing irrespective of all or any part of the facilities of club house and sports by them and their families. This amount shall be decided and reviewed by the Society from time to time.
- (c). *Payment of such charges by the tenants shall be effective only after the management of maintenance is taken over by the Society from the Builder/Developer, as RWA (Residents' Welfare Association).*
- (d). The Owner / resident / tenants and their families shall follow the decorum and decency while using such common facilities.

49. Car / Vehicle Parking Guidelines:

(a). Parking of Car / vehicles in allotted space only:

- (i). The Owner / resident shall park his/her vehicle in the designated parking space only. Under no circumstances, vehicles will be allowed to be parked in the Common Area or elsewhere in the complex.
- (ii). If any resident or resident's visitor do not park their vehicle at the designated place, a penalty of Rs 500/- (Rs Five Hundred) will be imposed by Maintenance Agency.
- (iii). Park the vehicle in a proper manner, so that it won't create problem for others. Do not park the vehicle in front of to the lift's exit, main gate or at a place blocking general access to other vehicles. All Owners/residents

are expected to ensure that their vehicles or Taxies are not parked in the main drive-way except for drop and pick-up facility of the passengers.

- (iv). The guard on duty is empowered to regulate the parking and everyone is expected to pay heed to his/her instructions.
- (v). The Owner / resident shall not keep car in more than the parking slot allotted to him in the complex i.e. no use of additional car parking space, than allotted.
- (vi). Depending on availability, the Society may temporarily allow parking of vehicles of residents in empty parking space @ Rs 1000/- (Rs One Thousand only) per month per vehicle per parking space.

(b). Not to Use Car parking for other purposes:

- (i). If Owner / resident uses his car parking area for any other purposes or parks his car at visitors parking or in any street of the project or keeps his private belongings like cooler, drums, flower pots etc. it will be considered as encroachment of these spaces and in such circumstances, Society / Maintenance Agency shall be at liberty to impose penalty to such owner / resident as it may deem fit.
- (ii). Even after repeated reminders and intimation by Society / Maintenance Agency and using the parking space for purposes other than parking of car/scooter, (then) Society / Maintenance Agency shall be entitled to remove such things and cost incurred in such removal shall be recovered from the owner / resident.

50. Safety & Security of residents and property within the Complex

(a). Visit of Guests etc:

- (i). If possible, always inform the Security in advance about the expected visitor (Guest, Courier etc) for safety.
- (ii). In case of overnight stay, please inform accordingly, so that the vehicle can be parked properly.

(b). Vehicle stickers:

Make sure that the "Entry Sticker" is pasted on the vehicle registered with Security of the Complex.

(c). Driving within the Complex:

While driving inside the the complex maintain a speed limit of the vehicle at 15 km/ hr for safety concern.

(d). Entry of Vendors etc.

- (i). Salesmen, vendors or any sellers are not allowed to enter the premises.

(ii). Calling of scrap dealer or 'kabariwala' to the flat/floor should be under monitoring of Security personnel.

(e). Verification of maid / Domestic Servant:

The Owner / resident shall provide details to the Security office, so that the verification formalities of domestic servant / maid with the local police station can be taken up and completed as per the Laws, rules and instructions of the police and or any law enforcement agency.

(f). Taking the material out of the Society by vendor / maid etc:

The Owners / residents have to make a slip with proper description, if any maid servant/ vendor is being allowed to take any item of Owners / residents, out of the premises.

(g). No plants on window or Balcony parapet:

Do not put the plants on the windows, Balcony parapets as it can create risk/problems for people staying in lower floors or kids playing in the Society premises.

(h). Dogs and Pets:

Pets are lovely animals and they do have the right to live. Moreover, the duty to show compassion to all living creatures is a fundamental duty cast by Article 51A(g) of the Constitution upon all citizens of the country; and the law of the land protects the rights of non-humans. In view of this; the Animal Welfare Board of India has issued guidelines for Pet Owners and Apartment Owners Associations. The Board also recommends to and advises all pet owning residents to accept reasonable and lawful requests to participate in solutions aimed at peaceful community living.

(i). Guidelines for Pet Owners:

- **Nuisance:** Pet owners are advised to ensure that their pets are not a source of nuisance to others.
- **Barking:** Pet owners are advised to make every effort to keep their dogs quiet, particularly during night hours.
- **Vaccination:** Pet owners are advised to ensure that their pets are healthy, and clean. Adequate health care and regular vaccinations need to be ensured.
- **Walking of Pets in Parks / Common areas:** Pet owners are advised to follow the timings, acceptable to all residents, when pets can be walked without inconvenience to other residents. These timings may be fixed by majority in a General Body meeting.
- **Scoop the Poop:** Pet owners, or other care-givers or dog walkers they entrust their pets to, are advised either to clean up when the pet

defecates in public / community premises. Such behavior may generate positivity, and greater acceptability of the pet dogs. Such civic sense is the need of the hour and it is also a courtesy to other users of public spaces.

- **Leashing:** Pet owners are advised to and must leash their pets in all common areas. Leashing of dogs assures passerby that they are safe and makes them more comfortable when walking in the vicinity of an owner with his / her pet dog on leash. Leashing also ensures the safety of the pet from being run over by vehicles on the drive ways, or worse still, being the cause of accidents.
- **Use of Muzzle:** Pet owners are to decide the use of muzzle. Please do remember, the law already provides for penalties for negligent pet owners, which the aggrieved parties can avail of.
- **Follow the Local / Municipal / other Laws:** It is mandatory for the pet owners to follow such laws.

(ii). Guidelines for other Residents:

- **Ban on Pet owners:** If the residents or occupiers that have pets are not violating any municipal or other laws, it is not permissible for Society to object to their having pets as companions.
- **Size of pets:** Residents and occupiers cannot insist that 'small sized' dogs are acceptable, and 'large sized' dogs are not.
- **Negligence of Pet owners:** Please do remember, the law already provides for penalties for negligent pet owners, which the aggrieved parties can avail of. In such case, a FIR may be filed with the Police which may take action under Section 289 in the Indian Penal code which has the provision of punishment as six months of imprisonment to such negligent pet owners.

(i). Menace of other stray Animals (Monkeys, Stray Dogs, Pigeons etc)

(i). General:

- Stray animals are protected under the Prevention of Cruelty to Animals Act, 1960, and Rules enacted under Section 38 of the Act, particularly the Animal Birth Control (Dogs) Rules, 2001 which makes it illegal for an individual, Residents 'Association or Estate Management to remove or relocate dogs.
- There are many people who feed stray and ownerless animals and birds. Some dispose off their leftover food in this manner, others compassionately prepare food for them. The feeding should be in

areas designated identified by Animal Welfare Board of India (AWBI) in consultation with Residents' Association or Municipal Corporation.

- However, this should not impinge upon the rights of others. Redressal of residents' grievances should first be attempted through a process of dialogue with the Local Animal Welfare Committee. If the resolution could not be achieved, the issue is to be brought to the notice of the Animal Welfare Board of India (AWBI) through Residents' Association for expeditious resolution.

(ii). **Guidelines of Animal Welfare Board of India (AWBI):**

Animal Welfare Board of India has issued guidelines. Some relevant ones are as under:

- **No Feeding:** Resident care givers are advised not to feed street dogs/monkeys close to residences of their own. They are also advised to avoid feeding such animals and birds immediately to areas in which children play, or people take walks or that are otherwise crowded. Moreover, feeding must not be done in a manner that contributes to littering, or dirtying any feeding site. Resident care givers are advised to clean up feeding sites after feeding is over.
- **Sterilization:** Resident care givers are also advised to participate in sterilization, and yearly vaccination too, since they win the trust of the dogs through feeding them. They are also advised to provide, or to assist Animal Welfare Organizations (AWOs) in providing health care to them. Resident care givers are also advised to keep sterilization and vaccination status of the dogs they are feeding and caring for, updated and readily accessible. Sharing the same with Society shall generate positivity, and greater acceptability.
- **Defecation:** Resident care givers though cannot control the defecation habits of strays. However, they are advised to participate in other solutions for maintaining cleanliness.

51. **Maintaining Ambience of the Complex:**

(a). **General:**

- All Owner / resident shall acknowledge and appreciate the significance for a well-planned, systematic and orderly development of the entire Complex of Society and in maintaining the uniformity, beauty, sanctity and ambience of the Society.
- If the Owner / resident fails to maintain the ambience of the Society, then Society / Maintenance Agency shall act accordingly to maintain ambience at the cost and risk of the Owner.

- Hence, the Owner / resident shall exercise strict compliance of the rules & regulations or the guidelines in this regard, as framed by Society / Maintenance Agency from time to time, and shall not do anything which will adversely affect the ambience, beauty, sanctity and uniformity of the Complex in general and the following in particular:

(b). No painting of external wall and balcony of the Flat:

- (i). The Owner / resident shall not carry out any painting / white wash of exterior walls or the outside and inner wall of balcony which is visible from outside. An endeavour to paint exterior wall or balcony wall will spoil the look and beauty of the complex.
- (ii). It is for the Society / Maintenance Agency to take up bulk / collective painting / white wash of exterior walls or the outside and inner wall of balcony which is visible from outside, on reviewing the status after four to five years.

(c). No fixing of grill on the external wall and balcony of the Flat without approval of the design:

Before, fixing any grill on the external wall or on the balcony of the Unit / Flat, the Owner / resident shall get the approval of the design of the grill from the Society / Maintenance Agency.

(d). No installation of electrical firing, air-conditioner etc. on the exterior of the building:

No owner / resident shall install wiring for electrical or telephone installation, television antenna, machines or air-conditioning units etc. on the exterior of the Building.

(e). No fixing of antenna / dish antenna:

The Owner / resident shall not fix any antenna or dish antenna anywhere outside his unit.

(f). No Hanging of Garments etc. from facades:

- (i). No resident shall hang garments, rugs etc from the windows, balconies or from any of the facades.
- (ii). No water dripping clothes should be hung in the Balcony or don't throw water outside the Balcony while Pooja/Jal Abhishek or drain out the water of split AC properly as it will spoil the walls of the Building and also cause inconvenience to the residents staying below on lower floors.

(g). No dusting of rugs on exterior of building:

No resident shall dust rugs, mats etc from the windows/Balcony or to clean rugs, mats etc. by beating on the exterior part of the Building.

- (h). **No fixing or display of signboards or advertisements on the flat:**
No resident shall post any advertisement or poster of any kind in or on the building / flat, except as authorized by Society.
- (i). **No Noise within the Society:**
- (i). **Noise due to Playing music etc:**
- The residents shall exercise extreme care about making noise or the use of musical instruments, radios, televisions, amplifiers etc that may disturb other residents.
 - Don't blow horn, avoid screaming & shouting inside the complex.
- (ii). **Noise due to Renovation / Refurbishing etc:**
Any renovation/ refurbishing/ wood work/ shifting etc inside house should be carried out strictly between 0900 AM a to 0530 PM to avoid inconvenience to Senior Citizens, kids, ladies/ other residents who stay at home.
- (iii). **Noise due to honking:**
Vehicle users should drive slowly, carefully and refrain from unnecessary honking within the premises.
- (j). **No consumption of Alcohol etc in Common areas:**
Drinking alcohol, smoking in lobbies, passage and common area is not allowed. Such irresponsible acts shall attract penalty, as deemed fit by the Society.
- (k). **Maintaining Hygiene in the Complex:**
Spitting inside the premises including lifts and staircases is strictly prohibited.
- (l). **Maintenance of Garden:**
Do not pluck flowers / plants from the Garden area.
- (m). **Nameplates on front door of the Unit:**
The Owner / resident shall be permitted to install the name plate.
- (n). **Conservation of water and Electricity:**
- (i). Every flat owner/resident should ensure that all water taps/ unused electricity are closed/ switched off before going out of the flat.
- (ii). Wastage and over usage of water is not allowed. Flat Owners / residents will be considered responsible for this act and they have to pay the penalty costs for the same.
- (o). **Managing Garbage (अपशिष्ट/कचरा/कूड़ा प्रबंधन):**
- (i). Household garbage should not be kept outside the unit or in any common area, as it attracts stray animals. Garbage should be either handed over to the collecting maintenance team in person or be properly tied and disposed off in the bins provided at designated place.

- (ii). Don't throw garbage, waste papers or plastic bags in drainage pipe and toilet, to avoid blockage.
- (iii). Don't throw garbage or other refuse outside from your window or balcony in the premises and stairways, corridors etc.

(p). **Functions / Cultural Events within the Complex:**

- (i). In case of any function, Radios/TVs and other musical instruments should always be tuned low and no loud music allowed after 10 pm. The music for the purpose of function can only be played with the prior permission of the Society.
- (ii). Do not use Terrace/Porch for programs/Functions without written permission from Society, if permitted clean the premises after use.
- (iii). After using the any hall or open area for any event or function, it should be cleaned and no damages should be caused. If any damage is caused, strict action against the Owner / resident will be taken.

(q). **Domestic Staff:**

The domestic staff is prohibited from using the common areas for recreation, assembly or sitting unless accompanied by the residents.

52. **Charitable Activities (पूत गतिविधियाँ):**

With the objective of welfare of residents, the residents are encouraged by the Society to conduct programmes for charity on health, sports, creative subjects, socio-cultural, educational, recreational etc, for the benefit of residents and their families.

53. **Commercial Activities (व्यावसायिक गतिविधियाँ):**

- (a). Any non-charitable business which involves purchase and sale of goods with a profit motive will be broadly considered as Commercial activity. However, as against commercial activity, a profession is a vocation or occupation requiring special - usually advanced education / skill and intellectual capacity and involves predominantly mental or intellectual efforts rather than physical or manual. Thus, the professions and services such as Healthcare (Doctors, Yoga etc), Legal (Lawyers, CAs), educational (Tuition classes) architects, etc do not come under commercial activity.
- (b). Each and every Owner has already committed through Section 31 of the Sale deed which reads as under:

"The Vendee/s shall use the Flat/Premises or any part thereof or permit the same to be used only for the purpose of residence and shall not use the said

Flat for any purpose other than for residence except with the written permission of the Vendors or the organization when formed."

This implies that Pacific Golf Estate is strictly a residential complex.

- (c). Thus, for reason above and also for security and safety of other residents, the Society, in principle, does not allow / encourage any Commercial activity that involves any movement of people or storage of goods in the residence.
- (d). There is no specific provision for conversion of the use of flat from residential to commercial.
- (e). Residents indulging in such activities like services by resident advocates, chartered accountants, lawyers, doctors as well as Tiffin Services/Take aways etc., Boutique/Tailoring, Beauty Salon, sale of household goods and other merchandise, educational coaching/Tuition, dance/Yoga classes or for that matter any occupation for profit from the precincts of individual flats of the complex may need license / permission / sanctions from different concerned departments of the Government, and therefore, in case of any commercial activity from the individual residential flats, it is the responsibility of the respective Owner / resident to seek such license / permission / sanction from the concerned Government authorities like FSSAI (Food Safety and Standard Authority of India) License, Health/Trade License, Eating House License, Certificate of Environmental Clearance, Shop & Establishment License (as the customers shall be visiting the flat), Business operation License, Seller's permit, Home Occupation permit, Fire and Safety etc., as the case may be and as per the extant Government regulations.
- (f). Besides, such activities may also attract provisions of Income tax Act.
- (g). In case of any Government imposed penal action, the concerned Owner / resident shall be held responsible. Society shall not be responsible in any case.
- (h). To sum up, any commercial activity being carried out from individual Units/flats shall be at the sole risk and responsibility of the Owner / resident only.

54. Play and Games:

- (a). Outsiders (other than the Guests of the residents) are not allowed to play or use any play facility within the Complex.
- (b). Playing is allowed only in the specified play area of the complex. Games should be played only on the respective/designated grounds.
- (c). No children are allowed to play in the lobby area. In case of any property damage by the kids, respective person or parents shall be responsible.

55. Maintenance and Repairs:**(a). Own Flat:**

- (i). Every Owner / resident must ensure that all maintenance and repair work is carried out within his/her unit and not in the common area.
- (ii). The Owner / resident shall ensure that the renovation/ refurbishing/ wood work or any interior work within the flat shall not cause any nuisance to others and further he /she will not carry out these kind of jobs in common area.
- (iii). Construction debris should be removed immediately or on daily basis.
- (iv). All the repairs of internal installations of the unit such as water, light, power, gas, sewage, telephone, air-conditioners, sanitary installations, doors, windows, lamps all other accessories etc shall be at the expense of apartment owner concerned.
- (v). An Owner / resident shall not carry any structural modification or alteration or installations located therein, in his/her Unit without notifying the Society in writing. The Society shall have the obligation to answer within 30 (Thirty) days and failure to do so shall be deemed that there is 'No Objection' to the proposed modification, alteration or installation.
- (vi). The Owner / resident / contractor getting any work done would be required to keep an interest free refundable deposit as security with the Society / maintenance agency, as fixed by the Society from time to time. Cost of repairing the damages to the lift(s), stairs, corridors or any part of or any item in the common area due to negligence would be deducted from the Security amount and balance refunded once the work is over.

(b). Neighbours' Flats:

- (i). The Owner / resident has to make his/her flat available to the maintenance staff from inside of his/her flat, for the requisite repairs to resolve the problem causing some inconvenience to the residents of adjacent flat(s).
- (ii). In such cases, the Owner / resident of the flat shall also bear the expenditure on material, if the same is used for his/her flat exclusively.

56. Right to Entry:

- (a). The Owner / resident shall permit other members of the Society or their representatives when so required to enter his/her Unit for the use of performing installation and/or alteration and/or repairs to the electrical or

mechanical services, provided that requests for entry are made in advance and that such entry is at a time convenient to the Owner / resident.

- (b). In case of emergency, the Owner / resident shall grant the right of entry to the representative of Society or any other person authorized by the Society whether the Owner / resident is present at the time or not.

57. Cooperation with staff of Society / Security / Maintenance Agency:

- (a). Maintenance staff, Security Guards are appointed and instructed to maintain discipline and to help the residents.
- (b). The Owner / resident shall cooperate and not confront with the representatives of the Society and Maintenance Agency or any of its staff in the situation of violation of guidelines for maintaining the ambience of the complex.
- (c). The Owner / resident shall always co-operate with the Security personnel deployed at the entrance or elsewhere in the complex and will not offend if the Security personnel asks for his/her identity.

58. Letting out of Flat on Rent / Lease:

- (a). The owner shall inform Society / Maintenance Agency, in writing, if he /she intends to let out the flat. The Owner shall also submit the requisite documents like rental document /Registered 'Leave and License' agreement, tenant's bio data, identity proofs etc., Police verification and Application from the Licensee/caretaker on prior basis.
- (b). Services to the tenant shall resume only after receiving such written request along with other necessary information from the owner of the flat.
- (c). Owners residing are not allowed to rent their flats for any commercial purpose or use, as this may create trouble to other Society members.
- (d). However, the flats may be given to Corporate bodies for their employees on leave and license basis.
- (e). An amount of Rs 2500/- (Rs Two Thousand Five Hundred only) as 'Move-in charges' shall be levied from the tenant by the Society. These charges would be fixed by the Society from time to time.
- (f). In case of foreign nationals as tenants, the necessary clearance from respective Government authorities like MHA, MEA, Local authorities etc as the case may be, shall be provided to the Society by the Owner/tenant, before renting the flat.

59. Sale, Transfer and/or Assignment of Flats by Owner:

- (a). Any sale or purchase of units shall be affected through the Society only. The Society shall issue NOC after the Owner clears and make payments of the entire bills to Society / Maintenance Agency on account of maintenance and other charges prior to sale and/or transfer of the Unit.
- (b). The Owner shall inform Society; the name, addresses and other particulars of the new Allotment/Space buyer and/or assignee of the said Unit (Flat).

60. Financial

(a). Maintenance Charges (अनुसंधान शुल्क):

- (i). All the Owner / resident have to pay for maintenance and services in the Society, by due date, to Society or to Developer or its assignee or to Maintenance Agency as per the extant agreements and rules.
- (ii). The Owner has to make arrangement for payment of monthly maintenance and other charges from the date Maintenance Agency/Society starts maintaining the complex, irrespective of the fact whether or not the Unit (Flat) was occupied or remained vacant.
- (iii). Owner shall be at liberty to enter into any agreement and/or arrangement with its tenants or licensees with regard to payment of maintenance and other charges.
- (iv). Society / Maintenance Agency shall recognize only the owner as the person liable or responsible for payment of maintenance and all other charges.

(b). Capital Repairs:

If at any point of time, the expenditure incurred on account of repair of Capital equipments / replacement / additions and outside re-paintings etc. is in excess of amount lying in Capital Fund, the Owner has to bear the proportionate cost of excess expenditure.

61. Miscellaneous:

(a). Piped Gas Supply:

- (i). In case of piped gas supply in future, the flat Owner has to pay any deposits/fees/charges for bulk supply of gas as may be imposed by gas supplying company from time to time.
- (ii). Billing for such gas supply will be by gas supplying company. Owner / resident will be bound by terms and condition of gas supplying company for such gas supply and charges as may be applicable.

(b). **Statutory Approvals / Permissions / Sanctions / Payments:**

In case of individual flats, if required, the Owner and cowners shall approach the requisite authority for any such approvals/renewals/ tax payments.

CHAPTER VII
OTHER MISCELLANEOUS MATTERS

62. Exclusions (अपवर्जन) from the Employment of the Society:

The Society shall follow the principle of arm's length:

- (a). No member of the Society shall be in full-time or part-time employment of the Society.
- (b). No dependent or family member or close relative of the office-bearers and members of the Executive Committee shall be engaged as an employee of the Society during its term;
- (c). Every office-bearer and member of the Executive Committee shall make a declaration in case any person in the employment of the Society is his close relative.

63. Legal Action (विधिक कार्यवाही):

The Society may sue or be sued in the name of the President of the Society. Also Executive Body may authorize any member to sue on behalf of Society by a special resolution.

64. Affiliation (संबद्धीकरण) /Amalgamation (एकीकरण) of the Society:

The Society may affiliate / amalgamate itself with any other Society established with the identical aims and objects or allow any other Society to affiliate/ amalgamate with itself by a Special Resolution passed in a General Body Meeting (GBM).

65. Amendments (संशोधन) in the Memorandum of Association, Byelaws, etc:

- (a). Any amendment in the Memorandum of Association and Byelaws or change of Name amalgamation or division of the Society will be done after passing a special.
- (b). Copy of such special resolution for amendment, approved by General Body shall be submitted under Section 4A of amended Societies Registration Act, 1860; in the office of the Registrar of the Societies within 30 days with the request for registration.
- (c). Such amendments shall only be recognized and effective after the issue of notice for amendment by the office of the Registrar of the Societies.

66. Dissolution (विघटन) of the Society:

- (a). The dissolution of the Society and its assets & properties shall be carried out as per Sections 13 and 14 of amended Societies Registration Act, 1860.
- (b). The Society may resolve to dissolve or wind itself in accordance with the provisions contained in the Societies Registration Act, Uttarakhand and the rules there under in case it becomes difficult to carry on with the operations of the Society, or it becomes insolvent or for any other pressing and unavoidable reasons.
- (c). In the event of dissolution of the Society, the Assets remaining as on date of dissolution shall under no circumstances be distributed among the members of the Executive Committee or the General Body of the Society.
- (d). Its assets and properties shall be first used to liquidate any liabilities and the left-over properties / assets, if any, and the remaining shall be considered for transfer to any other Charitable Society/Association established with identical aims and objects or to the District Collector for use thereof in the general public interest.

WE, THE EXECUTIVE COMMITTEE MEMBERS OF 'PACIFIC GOLF APARTMENT OWNERS ASSOCIATION', WHOSE NAMES AND ADDRESSES ARE DECLARED HEREUNDER, CERTIFY THE ABOVE TO BE THE TRUE COPY OF THE BYE-LAWS AS ON 29.11.2020:

S/N	Designation	Name	Father/ Husband Name	Address at PGE	Occupation	Signature
1	President	Rohit Kaushik	S P Kaushik	B7-003	Business	Rohit Kaushik
2	Vice President	Col Sanjay Kapoor	Late G C Kapoor	B3-304	Retired	Sanjay Kapoor
3	Secretary	Capt. Ranjan Kumar	Col (Late) Shyam Kumar	A 307	Marine Consultant	Ranjan Kumar
4	Treasurer	Ms Anu Jain	Ankush Jain (Spouse)	C2-802	Legal Advisor	Anu Jain
5	Member	Saurabh Rawat	Subhash Chandra Rawat	C5-802	Business	Saurabh Rawat
6	Member	Anurag Jain	Nand Kishor Jain	A-417	Business	Temporarily abroad
7	Member	Naresh Sharma	Kapil Dev Sharma	D3-405	Business	Naresh Sharma
8	Member	Ms Charul Sharma	Harsh Sharma (Spouse)	D1-102	Financial Advisor	Charul Sharma
9	Member	Manoj Gusain	Ganga Singh Gusain	D2-002	Business	Manoj Gusain