



PRAKASH DEEP FLAT OWNERS WELFARE SOCIETY (REGD.)

11TH FLOOR, PRAKASHDEEP BUILDING NO.7, TOLSTOY MARG, NEW DELHI-110001.

MINUTES OF MEETING

Location : RWA Office, 11th Floor, Prakash Deep Building, New Delhi.
Date : 24th May 2025
Time : 03:30pm to 05:30pm
Mr. Ashok Kr. Jain - President
Mr. Ravi Sharma - Vice President
Mr. Lokesh Kumar - Secretary
Mr. D K Devesh - Treasurer
Mr. Kailash Chandra Sharma - Executive Member
Mr. Sunil Ambardar - Executive Member
Mrs. Bindya Agarwal - Executive Member (Absent)

Discussion Points & Decisions.

1. Discussion on FM Tender.
 - The committee has decided to defer this issue to the next committee meeting. Although this suggestion of committee is opposed by Mr. D. K. Devesh- Treasurer & Mr. Sunil Ambardar- Executive Member.
2. Negotiation meeting with interested bidders for replacement of old rusted/damaged GI pipe lines used for Raw & soft Water supply, committee need to take the decision towards awarding purchase cum work order to the lowest and qualified bidder.
 - Due to non-availability of bidders, this point has been deferred to next committee meeting.
3. Decision to be taken for replacement of Hyundai lift's Traction machine.
 - Committee took decision for replacement of one traction machine in old elevator and another elevator will be replaced with new elevator with the increasing size of 13 passengers. Committee would like to evaluate cost of new elevator through quotation may receive from renowned manufacturers like KONE, OTIS, THYSSENKRUPP, SCHINDLER, HYUNDAI,



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etc. and will take decision accordingly. The same shall be discussed in next committee meeting.

4. Discussion to set the modes and manner for appointment of CA & Auditor.
 - Deferred to forthcoming Annual General Meeting for member's discussion.
5. Replacement of 02 nos. old computers (Accounts & FM) with latest configuration along with original window and MS Office.
 - Committee agreed to replace 8 years old computers and approved 2 nos. new branded computers like HP, Dell etc. for Accounts and FM desk (latest version processor with minimum configuration i.e. Intel i5-12th /13th Gen, Licensed window-11 Pro operating system, 16GB Memory, 512GB SSD, 2TB hard disk for extra storage and original MS Office with renowned anti-virus software). Committee asked FM to collect the quotation from the market for member's review and approval.
6. 3rd Party Insurance to be renewed w.e.f. 2nd June 2025.
 - Committee approved the same insurance company i.e. IFFCO TOKIO for renewal of 3rd party insurance in favor of Prakash Deep Flat Owners Welfare Society.
7. Discussion on letter received from Mr. D. K. Devesh.
 - The Committee has decided to discuss this issue before General Body Meeting proposed to be held in the month of August, 2025 and further decided to annex letter of Mr. D. K. Devesh with this MOM for record. However, this decision is opposed by Mr. D. K. Devesh- Treasurer & Mr. Sunil Ambardar- Executive Member.

Handwritten signature: Rajaini

Handwritten signature: JPR

Handwritten signature: B. K. Devesh

Handwritten signature: Sunil Ambardar

Handwritten signature: J. K. Devesh



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8. Replacement of 08 nos. 12volt/12Ah sealed batteries for KONE make elevators. These batteries are used for ARD/ERD system fitted with elevators to auto rescue of passengers, incase power failure.

- Committee discussed and considering the importance of the devise and asked FM to go ahead with lowest quote of Rs. 13040/- after buy-back of old battery. However, few members have put suggestion and seeking that in future, committee should explore the possibility as how to increase battery life from 1 year to 3 years minimum or any other solution to provide uninterrupted power supply during power failure to avoid every year battery replacement expenditure, hence they ask FM to check with Original Equipment Manufacturer (OEM) Company for any solution on this point.

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ANNEX

Dated:- 16.05.2025

To

The Secretary
Prakash Deep Flat Owners Welfare Society (Reg.)
11, Floor, Prakash Deep Building
New Delhi

Subject : Non-payment of Minimum wages and non-deposit of PF/EPF/ESI of the employees working for the society.

Dear Sir,

The undersigned being Treasurer of the society, has been assigned the responsibility of looking into the finances and necessary legal compliances of the society. In pursuance of the responsibility assigned, it is the duty of the undersigned to bring the mismanagement and the illegality committed by Astha Facility Pvt Ltd and Facility Manager to the notice of the committee

1. Contractual Payments

That Astha Facilities Pvt Ltd has been providing men power and other facilities to the society as per contract of year 2019. The society is paying approx. Rs. 8,10,000/- per month (excluding GST) to the Company. The miscellaneous expenses of Rs. 66,000/- is included in the contract. Thus, the effective payment for 31 men power is to the extent of Rs.7,44,000/- against the total area of 108000 sq. ft. Therefore, per sq. ft. rate of Rs.6.88/- is being paid by the society to the Astha Facility since 2019 excluding GST and other expenses.

2. Non-Compliance with Labour Laws

That, under the last contract of 2019, the Astha Facilities had undertaken to pay minimum wages to all the employees as per Delhi Government notification and to comply with statutory deduction (PF/ EPF/ESI) of all the staffs. The contract of 2019 also stated that Astha Facility will file compliance report of statutory deduction and proof of payment of all the 31 employees as per notified minimum wage before the issuance of next month payment. which means that before issuance of monthly cheque, it is a duty of Astha Facility to give complete compliance of all labour law and same be endorsed by the facility manager before preparing the cheque of next month payment.

3. Discovery of Gross Non-Compliance

The undersigned after becoming treasurer had sought report of compliance of Astha Facility several times from the Facility manager and ultimately was provided with the same, in the month of December 2025. The detail of chart of total 31 persons was provided, wherein it is shocking that except three persons namely facility manager, accountant and building supervisor, none of the staffs have been paid as per minimum wage. Further, shocking revelation was that PF/EPF/ESI has not been paid for six Employees namely 1. Mr. Suraj, Mr. 2. Suttam Tyagi, 3. Mr. Prakash Singh, 4. Mr. Pradeep, 5. Mr. Kuldeep, 6. Mr. Mano, despite the fact that they have been working as housekeeping staff in our building.

4. Legal Responsibility of the Society

That, as per The Code of Wages Act 2019, our society is “principal employer” for the 31 Employees, even though they have been engaged through contract with facility Company. It is settled law that in case of default of non-compliance of minimum wages or non-deposit of PF/EPF/ESI, the society is liable for all default as principal employer.

5. Role and Responsibilities of the Facility Manager

That, it is matter of fact that neither the facility company has informed the committee regarding this gross illegality nor the facility manager has brought it to our notice. The role of facility manager is to run the society office as per law and under direction of the committee. In contrary, the facility manager had endorsed every month payment of Astha Facility by keeping all noncompliance hidden and recommended payment of the bill of company as if all compliance has been achieved.

6. Tender Process and Comparative Quotations

Considering the situation, the undersigned had alarmed the committee in December 2024. It was thereby decided that a facility company would be appointed which would comply with all laws of land including labour law. Accordingly, invitation was called through newspaper publication and four quotations were received, wherein, Astha Facility has also participated and stood forth. The minimum quotation rate received was at the rate of Rs.6.90 per sq. ft. with compliance of Minimum Wage prevailing as on 31.3.2025. Thus, it is clear that the Astha Facilities has been charging an exorbitant rate of Rs. 6.88 per sq. ft. since 2019 without compliance of Minimum Wage and other labour law. The company has on one hand taken payment from the society on the basis of minimum wages but has not paid the same to its staff. It is needless to mention here that the minimum wage act in 2019 was much less than the existing rate of 2025 and yet there was no compliance. The rates of all facility company have been received and scheduled to be tabled on the next monthly meeting.

7. Failure of the Chartered Accountant and Auditor

That, it is also interesting to point out here that the CA and Auditor, who have been managing and auditing our accounts from last ten years have also failed to bring forth the malpractice in its audit report.

In view of above referred contentions, it is evident that the Astha Facility Pvt.Ltd. as well as facility manager have acted hands in gloves and deliberately with malafide intention have not brought the non-compliance of Minimum Wage and non-payment of PF/EPF/ESI to the committee. The non deposit of PF/EPF/ESI and default of minimum wages are punishable offence under the law and in that eventuality members of the committee would be in problem. The facility manager has acted as an agent of Astha Facility by keeping the interest of society aside, such act of facility manager and Facility Company is liable for criminal/ civil prosecution.

Therefore, I would request the committee to consider following suggestion for the better interest of the society:

- a) Issue show cause notice to Ashta Facility seeking complete disclosure of 31 persons employed, amount paid, PF/ EPF/ESI deduction alongwith other statutory compliance from 2019 till April 2025.
- b) Issue show cause notice to facility manager for non-communication of non-compliance of labour law to the committee as well as making wrong recommendation for monthly payment to the facility company.
- c) Issue legal notice to the Astha Facility for recovery of payment, which are not paid to the employee working for the society and further such amount be paid to all the concerned employees.
- d) Debar the Astha facility for future tender process/ contract.
- e) Finalise Tender process in the next monthly meeting and award to new Facility Company as per law.
- f) Seek clarification from CA and Auditor for not highlighting such gross illegalities.

Thanking You



D. K. DEVESH
(Treasure)