

Lotus Arena Buyers Association

Minutes of 7th Annual General Body Meeting

Venue : Ritvan Banquet Hall, Main Road, Hanuman Vihar, Barola, Sector 49 Noida.

Date : 10.11.2024 Time : 11.30 p.m.

Dear Honorable Members

The Meeting Started at 11.30 am as scheduled, but due to incomplete Quorum, it was adjourned and re commenced at 12.30 pm. Total 104 LABA members attended the Meeting. Meeting was Chaired by Mr. Vishwanath Sharma.

AGENDA ITEMS

1. Welcome Address by Chairman.

2. Address by Secretary :

Hon. Secretary Mr. Alok Jain read out his report which covered the various happenings and initiatives taken during last one year. Followings are the key highlights mentioned:

- I. Membership increased to 781
- II. CIRP initiated in both projects, Resolution Plans approved by COC of both projects and filed with Hon'ble NCLT for approval by Hon'ble AA.
 - a. Resolution Plans of Arena Superstructures Pvt Ltd approved by COC was adjudicated by Hon'ble AA on 19.07.23. Subsequently SFC ACRE, Dhankalash, Noida Authority filed petitions/appeal in NCLAT against the approval of Resolution Plan of Purvanchal Projects Pvt Ltd. After brief hearing Hon'ble NCLAT passed an interim order on 25.07.23 allowing SRA to implement the Resolution Plan. Other aspects are in hearing at NCLAT.
 - b. However, Noida Authority Declined to REVALIDATE approval of Project Plan which had expired in 2019. Hence Purvanchal Projects Pvt filed WRIT No.6041 of 2024 and another WRIT petition No.8447 of 2024 was filed by LABA in March'2024 in Allahabad HC. Both the petitions are in final stage with Next Date of hearing Scheduled on 11.11.2024.
 - c. In case of PISPL CIRP progressed and COC Approved Resolution Plan submitted by Purvanchal Projects Private Limited ("Purvanchal") in 13th CoC Meeting held on 07.01.2022. And Resolution Plan approved by COC was filed with Hon'ble Adjudicating Authority/NCLT Bench III on 18.1.22 for Approval. Subsequently at the request of LABA, RP filed petition for transfer of Piyush IT Solutions Pvt Ltd matters from Bench III to PB which was approved in Sept'23 and subsequently in terms of order dated 30.04.24 of Hon'ble Chairman NCLT the matter was transferred to Bench II. Since then the matters are under hearing with Bench II. During the last few months hearing has progressed well and the petitions are in final stage with Next Date of hearing Scheduled on 02.12.2024

3. Confirm and Approve minutes of the previous AGM held on 29.10.23
Secretary Mr,Alok Jain read out the minutes of the last AGM held on 29.10.23
He said that that he has Circulated the minutes amongst all members.
The same was approved Unanimously.
4. Audited balance sheet of the Lotus Arena Buyers Association as at 31st March 2024, audited Income & Expenses for the year ended on that date were placed before the general body.
The Financial Statements were received, considered and approved unanimously,
5. Waiver of Collection of Annual Subscription for Current FY 2024-25 from Existing members:
 - Issue was discussed in details,
 - Majority were of the opinion that since we already have corpus created through voluntary contributions by LABA members which is considered adequate for the time being, we should waive Annual Subscription from existing members for FY 2024-25.
 - Participants expressed their willingness to contribute further as and when need of fund arises in futue.
 - After brief deliberations it was unanimously approved to waive Annual Subscription from existing members for FY 2024-25.
6. Re-appointment of M/S Maheshwari Agrawal & Associates , CA , as auditors for finalization of Books of Accounts for current FY 2024-25 was approved unanimously.
7. Discuss any other matters with the permission of the chair

Following Queries were raised by participants:

- a. Several participants wanted to know the present status of our ongoing cases in Allahabad HC (Arena Superstructures Pvt Ltd).
Mr.Vishwanath Sharma President and Mr Kulpreet Singh Kochar Vice President explained to them in detail about on going proceeding in Allahabad HC. Mr Sharma informed that there are 9 identical petitions filed against NA in HC. Hon'ble HC has clubbed them in single group. Argument by Counsels of petitioners including our counsels is over. Now argument by counsels of NA is going on. Then written briefs will be submitted. We can expect the conclusion within next 2-3 months.
Mr Sharma further informed that:
 - i. even if Judgment of Hon'ble HC is pronounced in our favour there is every possibility that NA may file review petition and thereafter Appeal in SC.
 - ii. If matter goes to SC, we may require substantial financial backup to engage Sr Counsels in SC which will cost Rs.10-15 lacs per hearing.

Hence members should be mentally prepared to support by addition financial contributions to fund legal fight.

At this most of the participants showed their wiliness to contribute further in case of need. However issue of Legal Cost not paid by more than 50% of the homebuyers was raised by several participants. And they wanted compulsory legal cost contribution of all homebuyers since:

- i. every homebuyer will ultimately reap the benefit of successful legal fight and
- ii. individual legal fight would cost individual homebuyers several lacs.

Since Legal Cost contribution for collective fight Rs.25000 / Rs.30000 is meagre amount as compared to our financial stake, it should be made compulsory for every homebuyer.

However team LABA expressed their opinion against forceful/compulsory contribution. We shall again request all homebuyers for financial contribution when our fight reaches SC.

- b. Few members from Piyus IT Solutions Pvt Ltd wanted to know reason for abnormal delay in approval of Resolution Plan for PISPL whereas Resolution Plan for Arena Superstructures Pvt Ltd has already been approved.

Mr Vishwanath Sharma explained that since both the matters were in two different Benches hence we cannot expect simultaneous decision for both. However, after transfer of PISPL matters to Bench II, regular hearing is taking place. Mr, Alok Jain further explained that since 6 homebuyers who had failed to file their claims in time, had filed petitions in NCLT for admission of their claims, Hon'ble NCLT directed SRA and RP to examine their cases in the light of Judgement pronounced by Hon'ble SC in February'24. Further Hon'ble SC has in it's judgement past in the case of 12.2.24 categorised Noida Authority as Secured Creditor. Hence NCLT has instructed RP and SRA to rework the claim of Noida Authority in light of SC Judgement and submit Addendum on 02,12.24.

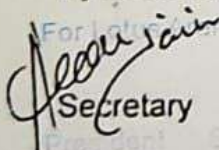
- c. At this few homebuyer wanted to know impact of categorisation of NA as Secured creditor and resultantly approval of higher eligibility claim on Homebuyers.

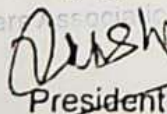
Mr Vishwanath Sharma explained that since Resolution plan encompasses "No Cost Escalation" clause, we donot expect such impact.

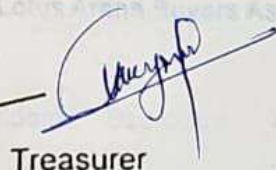
8. Vote of Thanks:

Since there was no other issue for discussion, Mr. Raman Sood thanked to all members who participated in the meeting.

By Order of the Managing Committee


Secretary


President


Treasurer