

**MINUTES OF THE 85<sup>TH</sup> ANNUAL GENERAL BODY MEETING HELD ON SUNDAY, 17<sup>TH</sup> SEPTEMBER 2017. 10.30 A.M. AT THE GROUND FLOOR BANQUET HALL.**

The President Mr. Sanjay Devnani welcomed and greeted the members present and chaired the meeting. In view of insufficient quorum, the President declared the meeting adjourned to 11.00 a.m. in terms of notice dated 14<sup>th</sup> August 2017. The President then at 11.00 a.m. called the meeting to order wherein 323 members were present.

The President requested all the members to stand up for the National Anthem. He then requested the members to observe two minutes silence to pay homage to the departed members who left us recently.

The President informed the House that we are very proud of our member, Kewal Handa, who has been promoted as the Chairman of Union Bank of India. This is a matter of great pride for Khar Gymkhana as we all are a part of a big family. He requested Mr. Kewal Handa to come on the dias and said, he deserved a huge round of applause. He said that Khar Gymkhana has been banking with Union Bank since several years. He said that he would like to add on this that our member Mr. Sunil Chaturvedi who heads the branch in Khar, who is a sportsperson, a cricketer from Khar Gymkhana is currently is a match referee for IPL cricket matches. He said that when Mr. Sunil wanted to meet the Chairman of Union Bank, Mr. Handa, said," no, I don't want him to come here, instead, I'll personally go to Khar Branch and meet him there as that will be the right way to honour him." The President said that Mr. Handa's gesture shows his humility.

The President said that the meeting should start now. He said that once Mr. Sanjay Devnani holds the mike he never leaves it. It is a strategy that he adopts in the AGM. He requested all the members to keep their phones on silent mode and requested members, not to interrupt when someone is speaking.

The President Mr. Sanjay Devnani said that during his tenure he had a very smooth sailing and thanked all the members, for all their co-operation and expected the same in future. He once again said," we are one great big family, we have unitedly achieved a lot. People have always extended a helping hand towards us. Right from the time he took over as President of Khar Gymkhana, when they got a Notice from the Collector, people poured in to offer their help. We are indebted to all those peoples' help, for what they did for Khar Gymkhana. Unfortunately the Government machinery, the way they work also is based on may be sometimes complaints and we were able to at least get that Collectors Order which

had cancelled our lease. The Trustees were actually making arrangements to move. They were in fact looking for an alternate place to keep the assets. Luckily for us even though the Tehsildar came here for Panchanama of all our assets including these nice lights, we were able to get a favourable order from the Additional Commissioner and the High Court also said that they cannot take over unless we are not heard in the High Court. After getting the favourable order from the Additional Commissioner we are here where we stand right now. Now we are fighting for our lease extension and several people, Trustees, Ministers, beurocrats, and members are out of the way helping us. We are currently waiting for our lease extension. Hopefully we should get it very soon. Last time when our lease expired in 2000, we got it renewed in 2007 for 15 years which is a policy and now in 2015 when our lease has expired, hopefully we should get it by 2017 with the work put in by our Trustees. The President asked the House what happens to our Gymkhana with 10000 members. We are such a strong community; we always talk about 30000 people as a family. We can achieve all our goals if we are united. All are well aware that politicians of Maharashtra look at every pocket of 30000 people with a special interest. If we are divided they enjoy at our cost. If we all are united no one can ever disturb Khar Gymkhana. The President requested the House that we all should be united in whatever we do. We may have difference of opinion amongst us. But we must sort them out within the four walls of the Gymkhana and not let it percolate outside. He said why are letters sent across different forums? Why are complaints made in different forums? This is done by very few people but why are these done. They should realize that a family together can grow a hundred fold or thousand fold. One black sheep coming in and disturbing the family and there are lots of people who want this family to be disturbed at all times because, only then they can control us. If we are strongly united, we can control them. Why should anyone frequently visit Mantralaya or beuracrats or ministers? If we are united, they will come here to give us our Lease extension. He said that all associations have internal politics, malpractice in elections etc etc. The President said he has heard so many stories in the past and thankfully we don't have that. We have changed that and do it in a fair manner. In the last two years we did not have any disputes why have it at election time, for what, if there is a complaint do it at that time, write it, give it in writing, sitting in the office, he is accessible, all five days of the week. He said, he was there for two hours daily and some Office Bearers came at different timings. Why only because of elections things become suddenly so bad in Khar Gymkhana. Khar Gymkhana has become a hot topic of discussion because of social media. Unfortunately that is a forum so easy to use not realizing that you are washing dirty linen in public. You may have multitudes of

complaints against us, but don't forget the advantages you enjoy here. Khar Gymkhana needs a transparent working system, at the outset. Even though people outside may criticize Khar Gymkhana, we know that so many people sitting in the audience for the AGM are ready to raise the name and standard of Khar Gymkhana. Why does this conflict arise only during election time? Citing an example of a club in Calcutta where he had visited, they had a policy of no elections there. And one corporate person came in where they had 150 years of legacy where the Vice-President would automatically take over, without elections. Why can't we adopt a similar system? Now, whoever wins with the AGM, let there be no more elections after that? Then our home will be as clean as always, we won't be fighting cases from outside and we won't be mudslinging at each other.

The President said, despite doing so many things in the last two years people also come up saying **Kya kar liya tumne**? The President said, "we were unopposed and one thing I did at least for the last two years, I ensured that there were no fights amidst members." So many brickbats in the last one month, which wasn't heard of in the last twenty three months made me think and speak like that. So many allegations on everyone saying **sab aise hi hai**. Anyone sitting in an office where there are Office Bearers, Trustees it is so easy to fling a word **sab aise hai** and the fact is that everyone was together at one time, so when someone says sab aise hai they were part of that sab at one time. Because of differences now, **Wo sab aise hai, hum to nikal gaye**. Why? He said may be some one can device a lovely solution and the AGM approves where there are no elections.

The President moving forward said all our achievements are taken with a pinch of salt by all the members. He appealed to all to carry forward all the good projects that are running currently in addition to the future projects that are in the pipeline. He said that, he as a parent, along with his son, who is a National level swimmer, and many such children and parents have to struggle a lot to participate in various sports activities. Khar Gymkhana encourages all sports. He said children don't lack training, but they need financial backing. They are unable to pursue sports as a career because of lack of funding. Many sports persons were forced to quit sports and take up jobs due to secured salary. Khar Gymkhana should build a corpus for children participating in various sports. We have allotted a meagre amount of Rs, 30 lakh for sports this year. He said, our five children, if properly trained, and monetarily supported, can become eligible to contest for the 2024 Olympics. The infrastructure is available from Khar Gymkhana, what they need is the financial backing, stability whereby they can pursue their dreams and our dreams with them. Khar

Gymkhana will be so proud. We have a record of few people from our Gymkhana contesting for Olympics. A four year Olympian going from Khar Gymkhana and remember Asif was one of them who was in the late eighties and prior to them one hockey player, Mr. Puran Singh who was an Olympian somewhere in 1952-60 and we have a crowd of 10-12 players currently who can contest for Olympics in the future.

The President said that he would like to end his speech soon this time as lot of people wanted to start on the Agenda. He thanked all for giving him an opportunity to speak. He said jokingly that a lot of people want him to move out of the chair.

The President then thanked Khar Gymkhana, Office Bearers, Trustees, Staff of Khar Gymkhana and Members. He said that people respected him not because he was Sanjay Devnani, instead they respected him as the President of Khar Gymkhana. He said that he has done full justice to the President's chair although there were people who felt that he would be a misfit for the post. He thanked everyone for the love and affection they showered on him.

He then asked the Hon.General Secretary, Mr. Rajesh Gursahani to proceed with the Agenda.

Mr. Rajesh Gursahani then read out the first point of the Agenda item.

***1. To confirm the Minutes of the Eighty Fourth Annual General Meeting held on 25.09.2016.***

Mr. Shyam Karmarkar, Mem.No. K-133- L, said that he has a point of order on the draft minutes; they cannot be confirmed unless there is change in these clauses. On page number 7 of the draft minutes, on page number four of last years Annual Report 2015-2016, Mr. Vivek Devnani moved an amendment to Rule 83(iv) and Rule 91(iii), However in this minutes along with these rules amendments to Rule 91(iii) Rule 98(i) and Rule 100 were recorded which is totally incorrect, it was neither proposed nor discussed. This is the first time I am finding that clauses and rules which were not discussed are shown as minutes passed. According to him wrong minutes are circulated and members have been misguided. Now Mr. Vivek Devnani again moves amendment in the current year in the year 2016-2015 on page 5 of the Annual report, Rule no. 91(iii) and Rule no. 98(i) and Rule 100. Firstly if there is already amendment to this rule what is the necessity to move the resolution again? The height of mistake is that this specific clause Rule no. 99 which reads Departmental elections shall be held between 15<sup>th</sup> of April and 31<sup>st</sup>

of May every year and shall be managed by the respective Sub-Committees. As long as this rule is not amended all his amendments are in vain and he requested the President to withdraw the additional clauses wrongly inserted into the Draft Minutes and the next Managing Committee should examine for the violation of the Constitution whether Rule 126 can be applied to the Office Bearers. He believes it is a criminal offence because something that was not discussed was inserted in the minutes. He told the President that he is the authority and can give his ruling.

The President Mr. Sanjay Devnani said that let us stick to the Draft Minutes, suggestion to the next Managing Committee was unwanted for. Since we are on the discussion of the draft minutes please let us stick only to the draft minutes. Why are we drifting away to other matters?

Mr. Shyam Karmarkar said that he had given a letter on 30<sup>th</sup> May 2017 on the same subject which he has got acknowledgment from the Office and the Secretaries have not yet replied to me. He said that there is a specific clause that if the Secretaries do not reply within 30 days, this clause should be excluded.

The President said he has his point.

Mr. Nanik Kukreja, Mem.No. K-95-L referring to the minutes, page 11 said that the President was reading Indian Trust Act 1982. What is charitable purpose? There is no mention of this topic in Indian Trust Act 1982 and if he is wrong he asked to correct him and show him.

The President replied that we are not discussing the points so let's remember that this is about confirmation of minutes and not the discussion of the Agenda item. This particular agenda item is confirmation of minutes. You cannot ask questions on that where it has been mentioned. If questioned it should have been questioned in the last AGM. Was this not said in the AGM? Yes it was said in that AGM so it has been recorded in the minutes. That's all we are discussing here. We should not get into a discussion whether it is part of the Act or not or to prove it today.

Mr. Gaurav Kapadia, Mem.No. K-245-L said that all the minutes which have been noted here are verbatim or they have been edited.

The President answered that minutes are minutes, verbatim are transcriptions. So in every meeting no one has ever done transcriptions. It says minutes of the 84<sup>th</sup> Annual General Meeting, so these are minutes.

Mr. Nitin Gadekar – Mem.No. G-34-L said that he has been listening to him whether it is verbatim or transcriptions. He said that last year he had said very specifically and he was allowed to say that the Gymkhana is taking two stands on the Income tax saying that we are a charitable institution and on the other hand the Charity Commissioner saying that we are not a charitable institution. It has not been included in the minutes what he had said last year so please include that in the minutes.

The President replied that the minutes which we have over here, but if Mr. Nitin Gadekar has said specifically it would come under a transcription but if the House so permits we can go over it again and the point could be put across.

Mr. Gulab Rannee Mem. No. R-69-L, said that whatever suggestions are now made should be recorded and included in the draft minutes and then be circulated.

Mr. V.R. Iyer, Mem. No. I-12-L said to cut the matter short whatever objections have come from Mr. Gaurav Kapadia, Mr. Nitin Gadekar should incorporate in the minutes and then confirm the minutes. The General Body has nothing to do with it because at the last AGM whatever they have spoken and not recorded, record it and confirm the minutes.

The President said that as Mr. Rannee and Mr. Iyer said the same if found valid will be incorporated in the final minutes. He said that if exclusions, additions, insertions if found to be valid will be done.

***The above minutes was proposed by Mr. Madhukant Acharya and seconded by Dr. Gul Batheja.***

## ***2. To consider any business arising out of the Minutes.***

Mr. M.K. Acharya, Mem.No. A-58-L said that he had written a letter to the Secretaries and read it out as the members would understand the background. Budget 2017-18 and 2018-19 and consolidated Balance sheet of 2018 and asked the members to refer to the draft minutes of 25<sup>th</sup> September 2016 on page 3 regarding presentation of Budget by the President for two years in the AGM of 2015. He asked the President to present the Budget in September 2017 for the last two years. It was a contention. How will the members know what you are trying or planning financially for the Gymkhana. Everyone has a right to know what is happening financially in the Gymkhana and so the budget had to be presented. He congratulated the present Managing Committee that they have

already acted on it and it should be carried out for years subsequently. He said that the timing of sending the Notice was received in time. He said that everything was received in time. This is a very good departure and we should not diverse the Notice from the Agenda. The second part is the consolidated balance sheet. Earlier we were just making conclusions or adding the accounts and the Managing Committee the accounts which they were presenting their parts of accounts and the Trustees who were presenting their parts of accounts which were not consolidated. But this time for the first time they have given the consolidated balance sheet so we know the complete picture of the Gymkhana. He said that the health of the Gymkhana is excellent today. The total consolidated accounts of Gymkhana is showing 91 crores out of which Rs. 67 crores is the fixed deposits that is 2/3<sup>rd</sup> of your Balance Sheet and requested everyone to appreciate. He asked the members to please accept everything as it is. He asked the President to explain the Budget to the members in a manner which everyone understands despite him having a copy of the Budget. Every year it must become a tradition that the President must present the Budget and take the approval of the House.

The President said it is about Khar Gymkhana and not about him or the Managing Committee. He asked the members to applaud for the strong balance of Rs. 67 crores and not to applaud him.

**3. To receive and adopt the Annual Report and audited Statements of Accounts, duly audited for the year 31<sup>st</sup> March 2017.**

Mr. Shyam Shroff, Mem.No.S-14-L, said it is a point of order. He said he wants just to make a brief statement that in your Annual Report, page no. 1, you have the Trustees name given 1,2, 3, 4, unfortunately his name is missing there, it should have been there. It is a statement, you can record, he does not need any answer right here. He further said that he had written so many letters to the committee because there was some letter received from the Trustees dated 21<sup>st</sup> February 2017 and the Managing Committee has unanimously concurred with the Trustees that they have to come to a conclusion that he has deemed to have vacated his office of Trusteeship. He said that he only asked for the inspection of that letter which was never given to him. So he said he wants it to be recorded that despite so many requests from him he never got the inspection of that letter.

Mr. Kewal Handa, Mem.No. H-42-L thanked the President for his kind words and feels humble in front of the House. He complimented the Managing Committee for the good work done by them. He said if one sees the improvement in the tennis courts in which he plays the turf club especially the efforts of Mr. Manu Dadlani for taking over the Gymkhana and the Municipal corporation work would have actually cut off the tennis courts.

He further said that he liked what the President said about changing the way of holding the elections in Khar Gymkhana. There are different modules available now of how different associations have graduated into these different modules, groupism to individual merits where people come and participate continuously and selflessly in the affairs of Khar Gymkhana.

In the Annual report he said he has certain comments. We need to be very careful in making statements in our reports because people come here as volunteers and spend their own time, efforts and give their best to the Gymkhana but they are selectively talking about themselves and defaming them by mentioning under the Stewardship of Mr. Shyam Shroff, under the Stewardship of Mr. Ashok Mohanani there have been losses. This is not fair. He said the Hon.Treasurer should avoid making such statements in the Annual report and should move away from such selective targeting of certain leaders, since all have made selfless contributions to the Gymkhana. These types of things we should move out completely and be fair to everybody. The other thing is that a lot of important matters, issues have been raised but there is no solution to it. He said he would like to bring three examples such as there is a fraud of 1 crore eighteen lakhs, there is Ernst and Young report no conclusion and there is also a report on the audit of the food and canteen that is being served. He believed that the report is very serious, there is lot of contamination in the food but we are just accepting it the way it is. He requested that whoever comes as a President must solve these matters. Members want to know what the final solution is. Another issue is Mr. Shyam Shroff's issue of Trusteeship, to bring an end to it and not to bring these issues again and again in the AGM. He said we need to have good and quality food where our own health and the health of our children and grandchildren are concerned. We have to look after the cash and operational affairs of Gymkhana. He had reported some matters to the Past President Mr. Ashok Mohanani and he was very happy that some of the matters like the general subscription were increased. He had controlled the matters like electricity which needs to be

managed. Today we are in profits but let's not flitter and give away the profits.

The President thanked Mr. Kewal Handa for his great suggestions. Some of the things that Mr. Kewal Handa mentioned the President pointed out that the Budget which has to be shown here is not audited; it is made with the help of our Staff. May be there will be a time when we will have professionals like you to guide us and put your signature on it so everyone is bound by it. He said we come in on 1<sup>st</sup> October and already six months have passed for that year and may be there is someone else who comes for another six months so there are two people heading the institution during the same financial year so whether that budget is adhered to not adhered to and since it is not signed and taken responsibility of anyone so this is what we have in mind. That is regarding the budget of the coming year, six months are already over. We can't send it for any discussion. It is just a vision or a statement which we make. This is the first time we have presented the Budget may be we will evolve into a better system and then we can ask to be a part of Annual Report also.

The President said regarding Mr. Shyam Shroff's Trusteeship these are contentious matters and all these contentious matters are kept alive. No body wants a closure. He said that 2015 and 2016 he has chaired the AGM and now 2017 is the third year he is chairing the AGM. Neither the Managing Committee/AGM has any authority/power to discuss about the Trusteeships. Our Trust Deed is very clear and three years in a row he has maintained that, hopefully it does not change.

The President said regarding the reports there is only one report which is pending still about the liquor which he mentioned in the Open House that certain individuals pushed that report to the E.O.W. and the E.O.W. has pushed it back to Khar Police Station. He said that the report is just going around. The liquor report was the Managing committee agenda item where the audit was asked for and it was given to Ernst & Young. The matter is under investigation by the Police. We are no one to decide the outcome or speak about it as of now.

Mr. Nitin Ghadiyar, Mem.No. G-156-L said that we have been bombarded with information for how the Gymkhana has made profit for the first time of Rs. 1 crore three lakhs. It has come in the Open House, Kruti Magazine all in violation of electoral code of conduct

that exists and he insisted that Mr. Joglekar, Mr. Acharya and other people come up with a proper electoral code of conduct. The very fact of the matter that we have shown a profit of Rs. 1 crore 3 lacs and right now he said that there is no provision made. He complimented the President Mr. Sanjay Devnani for being the Innovator of the year and one thing he has innovated remarkably well is misinforming auditors and the Members of this house on the state of the financial health of the Gymkhana. There is no provision and therefore we need a big four audit rather than comment on Ernst and Young credibility and when we come to the auditors item he will suggest that we go for a big four audit. He said that there is Rs. 94 lakhs at the minimum which is a tax liability which is not provided for. There is gratuity of Rs. 20-22 lakhs and accumulated gratuity of Rs. 137 lakhs, and we talk about staff interest which again has not been provided for. If you take into account these two we have not made a profit. We have made a loss this year and we talk about making profits and we get audited reports of accounts presented in that mode. This kind of misinformation should be avoided, we should have a bit of transparency, we should follow good accounting practices and not show profit when none exists and what is worst is that in violation of electoral code of conduct we go on discouraging previous Management start announcing these profits and give ourselves credit which we ought to give ourselves discredit. He said that he does not disagree that the financial health of Gymkhana is good but if it was managed by a bit more of financial discipline and integrity, it would have been better.

The President Mr. Sanjay Devnani said to answer Mr. Nitin Ghadiyar's compliment in flavoured words for reminding him for being the Innovator of the year, this is a forum where indirectly it has been mentioned that the Balance Sheet has been coloured up and he has innovated that system. The Balance Sheet is audited, there is a check and balance system being placed. We have great people like Mr. Tolu Devnani, Hon. Treasurer, the Accounts Manager, Mr. Satish Sawant, we have checks, internal/external audit. All statements were made after the audit report was signed. As far of sending of the Balance Sheet and the Annual Report as of last year or year before last and apologized for that because earlier we sent only notices and it was said that the Balance Sheet had to be sent 21 days ago. He said that he changed the system and the members have received the report along with the balance sheet 27 days before. So please do not trivialize such a serious forum by saying that the President has innovated to make a Balance Sheet. It is the

AGM of Khar Gymkhana. Mr. Amit Damania has been helping a lot in the accounts process and he will point out the queries/statements which were made by Mr. Ghadiyar.

Mr. Amit Damania, Mem.no. D-15-P said that he was lucky to do a little service to Gymkhana. Along with him Mr. Acharya and a few others were called while finalizing the accounts by the Management to look into the accounts. Mr. Amit Mazumdar also was kind enough to come. As per the provisions for Gratuity the provisions has been done since the last 8-9 years by the person whom we have appointed. The contention that gratuity is not provided is wrong. Secondly as far as profit or income is concerned same accounting standards are there, internal auditors are there, statutory auditors are there, all check mates are there, there is no fudging of accounts as far as we have seen. Mr. Acharya, Mr. Amit Muzumdar along with him went through the accounts and asked a lot of questions and according to him they are purely allegations to say that it is a fudged account. He as a professional would never make such a statement. The same accounting practice has been practiced for last 7-8 years. If the Institute of Chartered Accounts changes their practice Gymkhana will also change. The auditor has not put any remark of any fudging of accounts so where is the question of a colourful balance sheet.

The President Mr. Sanjay Devnani said that he would like to point out to the House how we achieved this. We curtailed electricity bills by Rs. 64.44 lacs. What did we do, we did not shut anything. For e.g. new air-conditioners were installed in the Gymnasium. Since the air-conditioners were very old and new air-conditioners were installed in the Gymnasium the electricity bill for the first month reduced by 16 lakhs. By doing this 70-80% of the AC's cost was almost recovered. We put up an exhaust system in the Table tennis hall so that the air-conditioners were not on at all times, for e.g. two people playing and 40 tonnes AC was on. People coming at 6'oclock in the morning and 40 tonnes AC gets on. One more department was the card room that if there are 10-12 people they will sit in the inner room and only that air-conditioner would be on. That was the innovation what we did. Certain security personnel were reduced and our Hon.General Secretary, Mr. Bharat Ghanshani came up with a great idea and appointed staff on contract on lesser rate since guard board rates are expensive. We were able to reduce the losses by Rs. 17.50 lakhs. This made a difference of Rs. 82 lakhs. We did get an increase in fees due to the year before last AGM which was Rs. 46 lacs in subscription fees and also the reservations of all the

Halls. He further said that we lost on bank interest on fixed deposits. We lost Rs. 38 lacs on fixed deposits. This is how the profit of Rs. 1 crore was achieved comparing balance sheet of all previous years.

Mr. Acharya said just on the matter of the Balance Sheet when any member speaks please speak with responsibility because when the Balance Sheet is signed by the External Auditors you are questioning him and his reputation and licenses on line. So when C.A. Gandhi has signed the Balance Sheet there cannot be any member here who can challenge his Balance Sheet. He said that assumed liability does not necessitate provision in the balance sheet and do you think that the Income tax department is so sweet and so naïve that they will not put a finger on if we tamper with the accounts. The Income tax department is like a horse. They will detect things which we cannot detect. Let us not try to malign the Balance sheet because you are putting a lot of people into doubt. He said that that Balance sheet be accepted and raise a point if someone has a valid doubt.

The President said that people here instead of discussing the Balance sheet they are actually coming up here and making statements. The President said that no one has raised any queries on the Balance Sheet because everyone who has come on this agenda item has spoken something else.

Mr. Shyam Karmarkar, Mem No.K-133-L said as far as the accounts are concerned he has two or three observations. He said that if you go to Page no. 57 of the Annual Report, note no. 7 it reads no provision for tax has been made in these Accounts since the Khar Gymkhana is of the opinion that it is not liable to pay any Income tax on its income which is exempt/non-taxable. He said to say this is patently wrong because Gymkhana is paying, without litigation, crores of rupees tax so how can one say that the Khar Gymkhana Income is not taxable and exempt. He further said that he has received the statement from the Accounts Manager of Khar Gymkhana that up to 2009-2010 assessments are completely done and taxes paid i.e. 12 lakhs payment has been made, how can Gymkhana say income is not taxable. Further the Accounts Manager has given a statement that 2010-2011 and 2011-2013 there was a demand of Rs. 6 crores 19 lacs against which Gymkhana has already paid Rs. 4 crores 46 lacs so can one say that the Gymkhana income is tax free or exempt. He said this is a patently wrong statement and he is going to write to the Institute of Internal Auditors as well as the External Auditors because he said that he

should educate himself that if the Income of Gymkhana is exempt or not taxable then why Gymkhana/Managing Committee/Office Bearers are paying the taxes, there is something wrong, some anomalies are there. He further said as far as these accounts are concerned that balance amount which is payable is Rs. 1 crore 73 lakhs, 6 crores 19 lakhs minus 4 crores 46 lakhs, even though Gymkhana is in appeal some sort of disclosure as a contingent liability is a must. Regarding gratuity what Mr. Damania pointed out was that the liability is Rs. 1 crores 37 lakhs today and it is to be funded, just making provision is not good, every corporate body/NGO are not only providing but funding the liability so when the money is needed it is easily available in the funds. He pointed out Gratuity liability of page 56 of the Annual Report which reads Employee Retirement benefits- Khar Gymkhana's contribution paid/payable during the year to Provident Fund; Pension Fund etc. are charged to Income and Expenditure Account. A provision for Gratuity has been made as on 31.03.2016 to which he said we are talking of accounts of 31.03.2017 and Gymkhana is making provision one year before. He said when he checked with the Accountant current year provision is Rs. 26 lakhs and asked the President to enlighten on that. He further said that when the assessment is over which is not disputed, right now whatever TDS or Advance tax paid in the books of accounts TDS prior to 2009-2010 which is not disputed is showing Rs. 76 lakhs as is due from department but is not going to come because it is written off to income and expenditure, this Rs. 76 lakhs has to be written off and if you do not want to provide, at least make a contingent statement that there is a contingent liability and regarding the profits the profit is coming only because of the subscription, members are paying through their nose to which the President asked him not to give speech here and only stick to the accounts. Mr.Karmarkar pointed out that in the year 2014-2015 Rs. 1 crore 40 lakhs general subscription and current year general subscription is Rs. 3 crores 89 lakhs that means Rs. 2 crores 50 lakhs has been charged to the members and if this is the case profit should have been Rs. 3 crores 50 lakhs but you are showing profit of Rs. 1 crore, Rs. 2 crores 50 lakhs have been eaten up. Lastly he said that if Gymkhana is paying fees on guest fees, and royalty and because of royalty prices of food and liquor items have been increased by the contractors. If these prices are reduced by 25-30% members will get benefit and Gymkhana will not pay taxes.

The President told Mr. Shyam Karmarkar, eaten away by whom, which he did not mention. He further said that Khar Gymkhana still is appealing and said that during the year 2009-2010 there was a new rule that Khar Gymkhana should be taxed. Not only Khar Gymkhana but all the clubs are appealing against that. Khar Gymkhana has paid because you have said that how are we claiming that we are not tax liable but we are paying taxes, we have always maintained that only when an order comes in, we pay under objection, so your statement is under protest. Khar Gymkhana still maintains the view that we are tax free. He requested Mr. Amit Damania to explain couple of other points that Mr. Shyam Karmarkar raised.

Mr. Amit Damania, Mem.No. D-15-P said that first of all his learned friend Mr. Shyam Karmarkar who is also a C.A. like him comes and says that the profits are eaten away. It is unfortunate that he has been a past Hon. Treasurer of the Gymkhana, being an educated and highly qualified person making an allegation that profits have been eaten away in other words he is implicating other Chartered Accountants. The President asked Mr. Damania to please stick to the point to which Mr. Damania said that he too is a part of the Managing Committee. The President asked the members of the House to please stick to the Accounts as colourful statements are unwanted in the AGM. He said it is very easy to throw allegations and said please avoid any allegation on anyone. The President said that if anyone has any objection write about it.

Mr. Damania said coming to the next point of Mr. Shyam Karmarkar why is Khar Gymkhana paying taxes or TDS. TDS is compulsory because the other party is cutting it, there is no other option. Second is the tax on self-assessment. The Income tax department since 2009 has been issuing orders against all clubs which are against the club; they are not allowing the income tax exemption for various reasons including CCI, Otters and MIG clubs. We have already appealed against this. In one of the years the High Court of Mumbai have given decision in our favour, we are awaiting, that does not mean that we have to make provisions. The Management after consulting top most consultants and if things come in our favour why should we make a provision. But on the other hand when there is a demand, the Income tax department does not and within 60 days if we are forced to pay it, we will get it back. Like the TDS of the earlier years there is TDS when Mr. Shyam Karmarkar himself was the Hon.Treasurer which is still pending and the Government is not giving it to us because there are demands in other years, so

government will not release that money. So, on one hand you are saying right out the TDS but it is our due to write it off. Why should we write it off? We have not given those dues of 2005-2006 when Mr. Karmarkar was the Treasurer because there is a demand for 2015 so they are keeping that on hold so why should we provide. As far as the point of gratuity is concerned it is a typographical error which Mr. Karmarkar pointed out and we will have it set right.

The President said that in this budget for the coming year a profit of Rs. 62 lakhs is expected after giving all the benefits that we are passing on now, the expenses expected are Rs. 13 crores 8 lakhs and the income is Rs. 13 crores 70 lakhs. This is the estimated budget for the year 2017-2018.

***The accounts were adopted and proposed by Mr. V.R. Iyer and seconded by Mr. Ramesh Sahjiwani.***

**4. To elect a President and 12 members of the Managing Committee.**

The Hon.General Secretary informed the House that all the members are aware that the elections are to be held on Sunday, 24<sup>th</sup> September 2017 from 8.00 a.m. to 7.00 p.m.

**5. To elect a Trustee, if not nominated by the Trustees, under Rule 82.**

Mr. Anshi Gursahani has been nominated as Managing Trustee for the years 2017-2019 by the Trustees.

**6. To appoint Auditors and fix their remuneration.**

M/s. C.A. Gandhi & Co. has been appointed as Auditors for the year 2017-2019 on the same remuneration as last year which is Rs. 3 lakhs with one dissent of Mr. Nitin Ghadiyar who wanted appointment of Ernst & Young. The President said that since we have not got any proposal from M/s. Ernst & Young M/s. C.A. Gandhi & Co., has been appointed.

***The same was proposed by Mr. Madhukant Acharya and seconded by Mr. Kishore Malani.***

**7. To consider any resolutions of the Managing Committee.**

For the year 2017-2018, all ordinary members be given a 20% rebate on

the general subscription of (Rs. 3600/- or Rs. 3000/-) as applicable.

The general subscription for the following members should be as follows w.e.f.1<sup>st</sup> April 2018.

- i) General subscription for Ordinary Members less than 60 years Rs. 200/- per month or Rs. 2400/- yearly.
- ii) General subscription for members above the age of 60 Rs. 175/- per month or Rs. 2100/- yearly.
- iii) General subscription for members above the age of 70 Rs. 150/- per month or Rs. 1800/- yearly.
- iv) General subscription for members above the age of 80 years no general subscription

The President Mr. Sanjay Devnani read out the Managing Committee resolution for the year 2017-2018, all ordinary members be given 20% rebate on the general subscription of (Rs. 3600/- or Rs. 3000/-) as applicable.

The general subscription for the following members should be as follows w.e.f. 1<sup>st</sup> April 2018.

- i) General subscription for Ordinary Members less than 60 years Rs. 200/- per month or Rs. 2400/- yearly.
- ii) General subscription for members above the age of 60 Rs. 175/- per month or Rs. 2100/- yearly.
- iii) General subscription for members above the age of 70 Rs. 150/- per month or Rs. 1800/- yearly.
- iv) General subscription for members above the age of 80 years no general subscription.

The President said that his view was that we should give 50% rebate but said he leaves it to the House to decide.

Mr. Madhukant Acharya said, as far as the subscription is concerned it should be taken very seriously. He said next year

if we make a loss what will you do. He said to be very prudent with the subscriptions because that is the only anchor of the Gymkhana which comes month after month, year after year. He said that since we have made a profit it is good you are suggesting 20% rebate but 50% is definitely not acceptable. He said you can give 20% now and next year if Gymkhana makes profit the percentage of rebate can be increased.

Mr. Pawan Arora, Mem.No. A-60-L appreciated the feelings of the Managing Committee in bringing up this resolution and recommended the rebate should be 50%. He said the object of the Gymkhana is to serve the members and not to make profits.

Mr. Nikhil Makhija, Mem.No. M-160-O said that next year the Government is planning to renew the lease of the clubs because the Maharashtra Government is deciding to waive off the loan of the farmers so we should also think about it when we are talking about the subscriptions. The President told Mr. Nikhil Makhija that the lease will be handed by the Trustees.

Mr. Rajeev Jain, Mem.No. J-69-L, recommended that do not reduce subscription charges at all. The additional money that you perceive to give a discount can be put into Sports and give a growth to sports activities. In terms of payout he told the President that he himself mentioned that, for Sports person to do well, they need financial backing.

Mr. Aman Sethi, Mem.No.S-837-O said that last time when he had come on stage, when the subscription was increased from Rs. 30 to Rs. 300/- He said subscription is one part of it but Gymkhana being a sports institution, if a member decides to go for a swim on a weekend it is Rs. 100/- plus 18% tax. He felt that when he is paying Rs. 300/- subscription and when he comes and just plays a table tennis game for an hour it is Rs. 100/- He felt that as a Sports Institution members must pay very minimal to play a Sport. Canteen and everything is just a commercial activity.

The President Mr. Sanjay Devnani said, instead of subscription fees being reduced by a percentage, that much percentage of the subscription fees, we create a separate fund say Sports backbone fund of Khar Gymkhana. He said that the 20% of the subscription amount received will be put into a Sports backbone fund with Khar Gymkhana which will support the children between the age of 10-17 years because that is the age group we need to encourage..

**The above resolution was passed unanimously. It was proposed by Mr. Rajiv Jain and seconded by Mr. Rajiv Punwani.**

The President Mr. Sanjay Devnani read out the resolution regarding Corporate Membership.

<b>CORPORATE MEMBERSHIP</b>	
<b>Rule 13C (i)</b>	
<p>A Company may on payment as under, as Corporate Member.</p> <p>1. If it is one nominee, on payment of <b>Rs.30,00,000/-</b></p> <p>2. If it is one nominee, on payment of <b>Rs.60,00,000/-</b></p> <p>3. If it is one nominee, on payment of <b>Rs.90,00,000/-</b></p>	<p>A Company may on payment as under, as Corporate Member.</p> <p>1. If it is one nominee, on payment of <b>Rs.17,00,000/-</b></p> <p>2. If it is one nominee, on payment of <b>Rs.34,00,000/-</b></p> <p>3. If it is one nominee, on payment of <b>Rs.51,00,000/-</b></p>

**Explanatory Note:-** The fees for the Corporate Membership were amended vide AGM Dt. 30-11-2014. However, since then, only 2-3 applications for the new corporate membership have been received, in spite of many enquiries for the same. Hence, to prevent Gymkhana from suffering further heavy loss of revenue, the above is proposed by Managing Committee.

Mr. Arora said that we are charging Sponsored Members Rs. 3 lakhs plus taxes per year and how can we give this membership to Corporates for a period of 15 years for Rs. 17 lakhs per member to which the President explained that every transfer of fee in a Corporate Membership is Rs. 3 lacs plus taxes and hence we cannot equate a Sponsored Membership to a Corporate Membership. Most of the people come every two years so on every transfer we generate money out of it. The Corporate Membership is limited to 15 years.

The President Mr. Sanjay Devnani replied to Mr. V.J. Cashyap that Corporate Membership is given only to Public Ltd. Co.,

**The above resolution was passed unanimously. It was proposed by Mr. Samrat Mukerji and seconded by Dr. Gul Batheja.**

**8. To consider any proposal of change of Rules in respect of which a notice has been given by a member before 31<sup>st</sup> March of the relevant calendar year.**

The President Mr. Sanjay Devnani requested Mr. Madhukant Acharya to come and explain his resolution.

Mr. Madhukant Acharya said his first resolution is ***Khar Gymkhana Constitution to be updated every four years.***

Mr. Madhukant Acharya suggested that every four years a printed Constitution should be ready for circulation to members who ask for it or when the AGM is being held. He said that one committee should be appointed for this every four years which should consist of one Trustee, one President, one Past President and three very senior members who are active in the Gymkhana. In the interim years we can attach slips as we used to have it earlier so we know the amendments that were made. He said that he is having a Constitution of 2007. It is 10 years now and said it is the job of this committee appointed, to harmonize the conflicting resolutions.

Mr. Gulab Rane said that since Mr. Acharya suggested that there should be a committee to look into the updating of the Constitution, he said that there should be a lawyer amongst them because it is a very important matter.

Ms. Sarita Jethwani, Mem.No. J-109-L said that she agrees with the views of Mr. Madhukant Acharya but she feels that it should be updated every year. She said that any amendment should be updated every year because she when asked a copy of the Constitution she got a copy of the Constitution of 2007.

Mr. Gaurav Kapadia, Mem.No. K-45-L suggested that we can have a copy of the Constitution on the website which can be updated every year because we update after 4-5 years many points may not be relevant so maybe we can have a copy of the Constitution on the Internet which is updated every year and a printed copy can be printed every four years.

The President said that he has a better suggestion than Mr. Gaurav Kapadia, that's why he asked Mr. Ajay Babla to come on the dais and explain what we are talking about.

Mr. Ajay Babla, Mem.No B-166-L, informed the House that yesterday we have launched our very own mobile app. He said that Mobile App is a wonderful way to communicate with our members. It is a two way communication. It is a communication from Gymkhana to the members and from members to the Gymkhana. Mobile App will have all the rules and regulations pertaining to Gymkhana. We can easily upload it in a pdf format, changing or making any corrections,

and it is with zero cost. So he requested the members to download the App and give whatever suggestions they would like to be added to the App. He said Khar Gymkhana is the first club in the city to have its own mobile App. So he said, when we make a resolution, it will be on the website as well as on the mobile app.

Mr. Madhukant Acharya proposed that the Constitution should be updated on the web and App every year and a printed copy should be printed once in four years and the interim we should have slips. He said that if it is possible it should be updated 1<sup>st</sup> January of every year. He said that we have to fix a date. He said, we cannot fix this year 1<sup>st</sup> January and next year 25<sup>th</sup> September.

The President Mr. Sanjay Devnani said that every AGM has a resolution which probably effects the Constitution. On the web and on the App the Constitution would be uploaded every year because we cannot go on printing 10000-15000 copies every year.

The President Mr. Sanjay Devnani then put the above resolution to vote.

***The above resolution was unanimously approved. It was proposed by Mr. Haresh Ahuja and seconded by Mr. Nanik Kukreja.***

Mr. Acharya then read his second resolution ***“Any resolution rejected by AGM can again be proposed after three years”***

Mr. Acharya said that at present we have a system that we cannot bring a resolution of the same subject for a period of five years.

Mr. Iqbal Bhabha, Mem.No. B-111-L said that he has the amendments suggested by Mr. Acharya for reducing it from five years to three years. He said that we first need to delete the five years because the same Constitution will also have a three year and the same Constitution will also have a five year. If he has amended this he should have mentioned the rule to be deleted. Mr. Acharya accepted the suggestion of Mr. Iqbal Bhabha to delete five years and then three years instated.

Mr. Minesh Babla, Mem.No. B-167-L suggested that we should get it down from a period of three years to two years.

Mr. Iqbal Bhabha said that any amendment has to be given to the Managing Committee before 30<sup>th</sup> of March every year. If this is not

given before 30<sup>th</sup> March this amendment cannot be done over here and cannot be considered now by the August Body.

The President endorsed the view of Mr. Iqbal Bhabha saying it is a Constitutional thing and since this resolution has come up with a deletion we would take it up next year. This particular resolution should have also added the deletion of that clause.

The President said that this is a technical point and we do not want to be on a sticky wicket because of the technical point. He accepted the fact that it is a brilliant resolution but because technically it has been invalidated by Mr. Iqbal Bhabha who is correct according to him so we will not discuss this and asked him to come up with a new resolution.

Mr. Madhukant Acharya said it is the responsibility of the Managing Committee to come up with this resolution next year. He said he will not bring it. The President said that the Managing Committee next year should get this resolution back.

Mr. Madhukant Acharya then read his third resolution ***“New interior decorations and renovations can be scrapped only after expiry of 8 years”***.

Mr. Acharya said that we are having very costly renovations nowadays. The cost of renovation is increasing every year. It should live out its life of depreciation and then we should scrap the old things and come up with the new things. He said in the existing structure wait for 8 years and then get the renovation done. So the money of Gymkhana is not wasted.

Mr. Pawan Arora said that this is a very vague resolution. In case of any emergency like white ants, you cannot wait for eight years, it cannot be done like this. It is always the decision of the Managing Committee which has to act upon and this should be rejected.

Mr. Rajeev Jain, Mem.No. J-69-L, said that we can add a force majeure to it and take it forward instead of any calamity.

Mrs. Madhavi Ashar Mem.No. A-103-L felt that the proposal which Mr. Madhukant Acharya has given is a good proposal but it is too ambiguous. It needs to be formulated properly before we can put it to vote. If some repairs need to be done, it has to be done. We cannot wait for eight years. What can be done, what cannot be done should be put down in a proper way and then we can allow that eight years. It cannot be mandatory eight years.

Mr. Shailesh Patel, Mem.No. P-203-L suggested that eight years is very long and please consider a shorter period.

Ms. Karishma Jumani, Mem.No. J-341-O said that if we are talking about three years, three is also contrary to five years because when we are saying, it can be scrapped only after five years we can have a sponsor who wants to do it.

Mr. Prem Asrani, Mem.No. A-131-L, before we take this resolution we should leave it to the Managing Committee because they are taking care of the day to day affairs of the Gymkhana. They know what is right and what is wrong. So we should leave it to the Managing Committee.

The President then put the above resolution to vote.

***The House unanimously rejected the above proposal.***

Mr. Madhukant Acharya then read out his fourth resolution ***“Subscription charges can be raised by 10% every three years only in case Khar Gymkhana runs into deficit in its Balance Sheet”***

Mr. Madhukant Acharya said that we have to be little flexible with our subscriptions. What happens when we make losses? So we should have a cushion that at least in three years we can increase 10% of the subscription that is also subject to loss in the Balance Sheet. If there is no loss in the Balance sheet we need not increase the subscription.

The President then put the above resolution to vote.

***The above resolution was unanimously passed. It was proposed by Mr. Vinod Mehta and seconded by Mr. Jayesh Agarwal.***

The President asked Mr. Madhukant Acharya to take his ninth resolution since it is part of subscription which reads as ***“Members above 75 years should not be charged any subscription or departmental fees with limitation of two departments”***

Mr. Madhukant Acharya said that presently it is 80 years that we are allowing but suggested to reduce the age to 75 years.

The President then put the above resolution to vote.

***The above resolution was unanimously passed. It was proposed by Mr. Vinod Mehta and seconded by Mr. Jayesh Agarwal.***

***Mr. Madhukant Acharya then read his fifth resolution "Interior renovations expenses should be recovered as far as possible from Sponsors in lieu of publicity for five years."***

Ms. Karishma Jumani, Mem.No. J-341-O said the above resolution is very absolute. Your publicity should depend upon the quantum of publication.

Mr. Pawan Arora said that if we have a total sponsorship why it should have a limited period.

Mr. Madhukant Acharya said it is very important that good brands associate with Khar Gymkhana and that is why we want sponsors.

The President then put the above resolution to vote.

***The above resolution was unanimously passed. It was proposed by Mr. Raj Tejuja and seconded by Mr. Ravi Hari Singhania.***

Mr. Madhukant Acharya then read his sixth resolution ***"Notice of Agenda for AGM with Consolidated Balance Sheet should be sent to Members to reach them 21 days before the AGM date"***.

Mr. Madhukant Acharya said last year this point came when all the Notices and the Balance Sheet came late. It was said that we should put it in the Constitution. Previously only the notice was there but now he says along with the notice, the consolidated Balance Sheet is also there.

The President said that they have asked for audited accounts. First of all Trustees and Gymkhana accounts are two separate accounts and they cannot be joined together to be audited in one. Currently this resolution does not mention audited. The President said that if anyone wants get it audited, to please get it in the next AGM.

Mr. Shyam Karmarkar, Mem.No. K-133-L told the President that he is saying Khar Gymkhana account is different, Trustees account is different. He said that he would use capital words NO because we are filing one return and it is one institution and if you are giving any consolidated figures it has to be audited otherwise who will take the responsibility of consolidated accounts. Those who are signing

the income taxes have to take the responsibility and they must be audited.

The President then put the above resolution to vote.

Mr. Madhukant Acharya said we can add audited. There is no problem. The printed balance sheet has to come to members.

Mr. Ashok Puri, Mem.No. P-376-O, suggested that now that we are talking about web sites, start putting the accounts on the website and stop circulation just as the limited companies are doing now. We will save a lot of money.

***The President then put the above resolution to vote.***

***The above resolution was unanimously passed. It was proposed by Mr. Kishore Malani and seconded by Mr. Kumar Nichani.***

Mr. Madhukant Acharya then read his seventh resolution ***“There should be pre internal audit and post external audit of all contracts above 5 lakhs”***

Mr. Madhukant Acharya said that contracts from one of the biggest expenditure heads in the Balance Sheet and in the Gymkhana’s expenses. When this happens it is very necessary to know what the Budgeted amount was and the time in which this budgeted amount should be spent. So he suggested that whenever the Managing Committee passes it, put it up on the Notice Board, so everyone knows that this is the budgeted amount and the period in which we will finish this contract and when it is completed put the completion report on the same Notice Board, that this job has been done. For e.g. he said that the lobby was done and the budgeted amount was around Rs. 42 lakhs which was printed in the Kruti Magazine but rumours went around that Rs. 90 lakhs have been spent. This type of rumour should not prevail in the Gymkhana. And if you have spent more, give it with an explanation. The President said that we have always been doing that to which Mr. Acharya replied it is not always being done. For the first time, it was published in the Kruti Magazine the expenses incurred towards the renovation of the lobby.

Mr. Gulab Rane said that any escalation should be explained.

The President addressing Mr. Rane said there was no escalation in anything. There were rumours that it was Rs. 90 lakhs. The cost has

been put up on the Notice Board. Rs. 46 lakhs was the amount approved. He said the total sanction of everything was Rs. 51.60 lac not Rs. 90 lacs, no escalation. The total expenses were Rs. 49.66 lac and everything was displayed on the Notice Board. Tender process for the painting of Gymkhana was put on the newspapers and we got multiple people who had applied for the tenders. He further said, as it was election time, we too ignored it.

***The above resolution was unanimously passed. It was proposed by Mr. Amar Bachani and seconded by Mr. Sandeep Jadhvani.***

Mr. Madhukant Acharya then read his eight resolution ***“Members own children who have missed conversion on due date should be allowed to do so as dozens of individual cases in the last 5/10 years have been approved in AGM by paying Rs. 5 lakhs”***

Mr. Madhukant Acharya said that this is a very controversial subject. He said that we have seen in the last 5-10 years that members come here with some members who have missed their membership for their children and the AGM approves for it. He said that this is not acceptable and if you have accepted it make it acceptable for all who have missed this. He said that if there are 200 such cases, why only Mr. Manu Dadlani form known person be approved and Mr. Acharya should not be approved. Please don't adjudicate in passing judgements only to people who come here. Everybody should be accepted in the same policy. He said if there is equity and fairness, then you see it as a policy, please don't see for individuals who come here. Please take up cases of all those who are on the file or who come personally. He said that whosoever for his child has missed conversion, please give that member an opportunity to apply in Rs. 5 lakhs and his child becomes a member also. Don't show favouritism to the person who comes here.

The President said that a Special AGM to be called because this has to be thought through.

Mr. Iqbal Bhabha, Mem.No. B-111-L said that the Constitution is pretty clear in Rule No. 18B regarding Children of the members under the above Rule 18A (ii) shall not be entitled to be admitted as members after the expiry of a period of 6 months on completing the age of 18 years. There was a further resolution passed by the Managing Committee wherein members' children up to 25 years of age are being taken with a penalty of Rs. 5 lakhs. Mr. Bhabha said

that Mr. Acharya has a third resolution and further said that he would like to be specific in whatever resolution we are taking, the age should be taken into consideration. Mr. Acharya has suggested a resolution here without an age.

The President said that instead of discussing these matters in the AGM, let there be a Special AGM for such matters if the AGM approves. He said that we might not be aware, but suddenly we may have 500-1000 applications on the list.

Ms. Priya Chhabria, Mem.No. P-349-O said that she had two cousins who had turned eighteen in 1997. Right before they turned 18, they lost their mother who was abroad, and there was nobody else to take care of them. By the time they came back and applied in the year 2004, they were 38 years old. She said, if you keep an age limit, certain special cases should be considered because there may be certain unforeseen circumstances in life beyond our control that may crop up for a person. In such a situation we must grant membership to such active members, who will be of good use to the Gymkhana.

Ms. Shaina Peddar, Mem.No. P-399-O said, like the previous person who spoke, she too has a similar example of her sister-in-law, Natalie Bajaj. She was studying in England for several years and now that she is back, she has also missed out her conversion membership. Khar Gymkhana being a Sports Gymkhana, she is also one of the youngest Shiv Chatrapati Award winners that India has ever had and she has represented India in several sporting events in Japan as well as Srilanka. Her age is also above 40 years, so if we put this restriction at this point of time, what can a club do for members who actually want to progress. The President said that we gave Natalie, Honorary Membership for an year as she was a Champion.

The President said his view was that, there could be at least 500-1000 members, but we could recommend a certain price line instead of looking for new membership where at least let them not lose on membership because of certain problems that they have had and missed out on the opportunity. He said, he knows about a lot of people where the son was made member, the daughter was not made. The President said that we will call for a Special General Body to look into the above resolution.

Mr. Madhukant Acharya said that he has finished his resolutions but he wants to thank three very important entities. He proposed a vote

of thanks to the General Body, to the generation of Managing Committee and all the Trustees.

The President then read out the resolution proposed by Mr. Ramsen Bhiwandkar.

***“Member who is willing to surrender his/her membership, some proper amount be fixed and given to them. The Gymkhana can enrol new member of its own choice in that place”.***

The President said there are few other resolutions but would club all the resolutions as discussions will be similar on these matters. He said that Mr. Yogesh Talwar has a similar resolution and Mr. Joglekar also has a resolution regarding the transfer of membership.

Mr. Joglekar, Mem.No. J-7-L said he is 87 years old and he has been a member and enjoyed Gymkhana very well when he was staying in this area. Then he was transferred to London and then shifted to Chembur and hence cannot use the facilities of the club. He said he is obliged to Khar Gymkhana as he has had a good time here. He said he had proposed this resolution last year too but it was not within the five year gap so it was to be put again. There are members who have not utilized or made their children member. There are some who have made 1 to 3 members and some of them have even made 10 members. But he said he is the one who has not made a single member and could not use this facility even though he became a member long ago. He said that he has put these resolutions and made different suggestions so that everyone benefits in a proper manner.

	A female member only, within 6 months of getting her membership as per Rule 13(d), may submit resignation from her membership of Khar Gymkhana to the Hon. Gen. Secretaries with a request to SURRENDER her membership in favour of admission to only one new ordinary member in lieu of her surrendering membership, under Rule 6(c). The Hon. Gen. Secretaries shall place the above request in the Managing Committee and the resigning member shall have to confirm her desire to surrender her membership to the Managing Committee personally. Upon approval of the same, only one member, in lieu of the same resigning member, under Rule 6(c) may be
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	<p>admitted on the following basis.</p> <ul style="list-style-type: none"> <li>(i) He/she shall contribute an amount of Rs.60/- lakhs or more plus entrance fees as per Rule 9(ii) 9(iv)</li> <li>(ii) Out of above Rs.60/- lakhs or more as the case may be, an amount equal to 50% out of this contribution is to be retained by the Gymkhana and the balance 50% to be paid to the resigning member as a compensation for relinquishing her membership rights under Rule 13(d) but after deducting any dues of Khar Gymkhana, taxes and or statutory charges if any payable as per any rules of the Govt.</li> <li>(iii) Upon approval the said resigning member shall have no right to apply for membership under Rule 22.</li> <li>(iv) The above shall be applicable only on prospective basis and effective immediately.</li> <li>(v) The above rule is applicable for female members only who have been admitted as per Rule 13(d)</li> </ul> <p>Rule 6 : Note - Admission of members under Rule 6(a), 6(b), 6(c), 6(d) stands closed except conversion cases under Rule 18A(ii) and surrender and resignation cases under the above resolution.</p>
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Mr. Yogesh Talwar, Mem.No. T-85-L said that this resolution proposed by him was necessitated by a very, very tragic episode that happened at the Swimming Pool. It happened not one Sunday; it happened two or three Sundays A woman who had lost her husband and did not want to go deep into that. After that he had a discussion with senior members about his resolution, Mr. Acharya also had given his inputs but later on he realized that his resolution had some lacunae, some shortcomings in that. These may be misused by any incoming member, and so if the house gave him permission, he would like to withdraw his resolution right away.

Mr. Vijay Chhabria, Mem.No. C-249-O said if any resolution is relating to surrender of membership then we should give priority to members whose children have not got membership. He said that we

cannot allow trading of memberships but if we can exchange membership from someone who is ready to surrender, he or she can do so and thus avoid injustice. He endorsed the views of Mr. Acharya by saying that some people are given membership while others are denied. Distribution of membership must be transparent, fair and justified.

Mr. Ajay Babla, Mem.No. B-166-L said that sometimes need based people would like to give up their membership. He suggested that Khar Gymkhana should fix a fixed donation from an incoming member and the old member can sell his membership at whatever rate he wants, to another member. Gymkhana should not be deprived of donation which the incoming member must give. We have members who cannot afford the prices and are giving up their membership. It is very difficult for members to pay huge sums, so they come to us to allow them to sell their membership. For e.g. if an incoming member pays a fixed amount say Rs. 10 lakhs to Gymkhana what is the point of not offering the membership.

Mr. Iqbal Bhabha said that the resolutions which have been tabled by Mr. Ramsen Bhiwandkar and Mr. Joglekar have very little to offer. First thing Managing Committee should do is to write a letter to all the members of this Gymkhana who would like to surrender their membership. We would get reply from 1000 members who would like to sell their membership. He said that he has no idea whether the Trustees will be in a position to pay 1000 members whether by seniority or whether by date of joining or by number of people who have joined or not joined which we are all discussing over here. In your special General Body meeting where you are proposing another resolution you can go out to the members, send them a circular, and ask them if anyone wants to give up their membership at a certain price.

The President said that it is such a vast subject, this forum which he sees currently is unprepared even to discuss on this subject. Either we think of putting it across first to a committee and said that there were recommendations even from him when he was holding the post of Secretary six years ago and number of questions came up after that when he was talking about 12 in a year only, limiting members. Otherwise we will have 1000 or more than 1000 members. Most of these members are not even Mumbai Residents so there are multiple reasons why this could just lead to discussions and become problems for the future of Khar Gymkhana and asked the House whether we could recommend a committee. He said that

his recommendation to the House was that if we formulate a committee to make certain norms, to get clarifications let people discuss it with the Managing Committee and Trustees, let these individuals consider every problem because we cannot discuss every problem and will land up having certain issues with these memberships. First let us understand and then come up with a concrete proposal, let them discuss with the Managing Committee and then discuss at the AGM about the formation of rules which will be taken up.

Mr. Shyam Karmarkar said that basically if you go through the Constitution it is ultra-virus, Rule 22 and Rule 123 such reservations we cannot put up and cannot form a committee. As far as Trust is concerned we cannot give any money to anybody. It can only be merged with any other Charitable Trust. He said that no committee is required to be formed.

The President said he recommended forming a committee to make the rules. He said he is not talking about giving the memberships because nobody has the authority to do so. The President said that he would like to tell something what he has in mind and would like to know whether it is ultra-virus or not. He said that 12 members in a year, every quarter three each based on seniority membership of Khar Gymkhana and only for widow/widowers. Secondly the valuation to be fixed by Khar Gymkhana where an X amount will be given to Khar Gymkhana whether you give it to your brother or sister who is not a member and this much amount has to come into Khar Gymkhana and balance amount you can decide or Khar Gymkhana will push it for you at an X price and Khar Gymkhana will take certain money and the balance will be given to the member. Only residents of Mumbai can apply. He said let us have someone who can come back to this forum as it is an excellent suggestion.

Mr. Sunder Sadhnani, Mem.No. S-217-L said that it is impossible for anyone to surrender the membership so smoothly.

Mr. Prem Asrani, Mem.No. A-131-L suggested that on humanitarian grounds we should call them and see what the modalities are.

Mr. Karishma Jumani, Mem.No. J-341-O said that the membership is not transferable as per Rule 22 of the Constitution. No money will be transferred back to the members.

The President said that no one in this House has spoken about any charity or anyone wants to make money.

Mr. Rajesh Gursahani suggested that let the incoming Managing Committee look after it.

Mr. Vasu Chhabria, Mem. No. C-120-L said to take legal opinion from a good solicitor company and then decide about formation of committee and do not waste time.

Mr. Nikhil Merani, Mem.No. M-892-O suggested that humanity is of prime concern here, and if we can help someone in need, then this should be considered.

Mr. Amit Damania, Mem.No. D-15-P further added to what Mr. Nikhil Merani just said that he just had a thought that lot of people retire at the age of 60, longevity of life has increased to 90-95 years, is it not fair that if people are in bad shape and if they require something at no cost to Gymkhana, just like Mr. Sanjay Devnani suggested 10 or 15 a year and not to keep it closed.

Mr. Joglekar said that if the House is thinking of making a committee to discuss this resolution it is better for me or anyone else to withdraw the resolution. He further said let the Managing Committee decide and a particular resolution should come up in the next year in concrete form.

The President said that both the above resolutions stand withdrawn.

<p><b>Rule 91 (iii)</b></p> <p><b>PERIOD OF OFFICE</b></p> <p>A person who has been elected, nominated or co-opted as <b>Department Secretary for two consecutive terms of one year each</b> shall not be eligible for the election, nomination and/or co-option as <b>Departmental Secretary or member of the Managing Committee</b> for a <b>third</b> consecutive term, neither will be eligible to become a member of the Managing Committee immediately <b>after completing two consecutive terms</b> as above.</p>	<p>A person who has been elected, nominated or co-opted as <b>Department Secretary/Chairman/Members of the sub committee for one terms of two years</b> shall not be eligible for the election, nomination and/or co-option as <b>Departmental Secretary//Chairman/Member of the sub committee</b> for a <b>second</b> consecutive term, neither will be eligible to become a member of the Managing Committee immediately <b>after completing one term of two consecutive years</b> as above.</p>
<p><b>Rule 98(i)</b></p> <p>There shall be separate Sub-Committee for Table-Tennis, Card Room, Billiards, Badminton, Cricket, Tennis, Squash, Swimming</p>	<p>There shall be separate Sub-Committee for Table-Tennis, Card Room, Billiards, Badminton, Cricket, Tennis, Squash,</p>

<p>Gymnasium/Health Club for which a separate fee is charged. Each of these sub committees shall consist of a Chairman, a Hon. Secretary and six other members with an option to appoint a Joint Secretary from among the six members so elected. These eight shall be elected <b>every year</b> between 15<sup>th</sup> April &amp; 31<sup>st</sup> May by members who have paid the annual ..... (amended vide AGM dated 20.09.2009)</p>	<p>Swimming, Gymnasium/Health Club for which a separate fee is charged. Each of these sub committees shall consist of a Chairman, a Hon. Secretary and six other members with an option to appoint a Joint Secretary from among the six members so elected. These eight shall be elected <b>every second year</b> between 15<sup>th</sup> April &amp; 31<sup>st</sup> May by members who have paid the annual ..... (amended vide AGM dated 20.09.2009)</p>
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<p><b>Rule 100</b></p> <p>The following shall be the Agenda of the Annual General Meeting of all the Departments:-</p> <ul style="list-style-type: none"> <li>(i) To confirm the minutes of the last General Meeting.</li> <li>(ii) To receive and adopt the Statements of Accounts for the period ending 31<sup>st</sup> March.</li> <li>(iii) To receive and adopt the Annual Report of the Department.</li> <li>(iv) To elect the Chairman, the Hon. Secretary and six members of the Sub-Committees.</li> <li>(v) Any other business with the permission of the Chair.</li> </ul>	<p><b><i>The Agenda for the first year of AGM will be as follows:-</i></b></p> <ul style="list-style-type: none"> <li>(i) To confirm the minutes of the last General Meeting</li> <li>(ii) To receive and adopt the Statements of Accounts for the period ending 31<sup>st</sup> March.</li> <li>(iii) To receive and adopt the Annual Report of the Department.</li> <li>(iv) Any other business with the permission of the Chair.</li> <li>(v)</li> </ul> <p><b><i>The Agenda for the subsequent years of AGM/elections will be as follows:-</i></b></p> <ul style="list-style-type: none"> <li>(i) To confirm the minutes of the last General Meeting.</li> <li>(ii) To receive and adopt the Statements of Accounts for the period ending 31<sup>st</sup> March.</li> <li>(iii) To receive and adopt the Annual Report of the Department.</li> <li>(iv) To elect the Chairman, the Hon. Secretary and six members of the Sub-Committees.</li> <li>(v) Any other business with the permission of the Chair.</li> </ul>
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Mr. Vivek Devnani, Mem.No. D-121-L said this is just a continuation of the resolution which he moved in the last AGM which apparently said there was some technical continuity required so it is just the continuity of the same thing in which the Managing Committee today gets elected for two terms, a candidate is allowed for two years so he had proposed that even the departmental elections happen once in two years , the AGM is held every year how it happens in case of the Managing Committee and that candidate let the House decide whether it is one term of two years and then he is not eligible or we align it with the Managing Committee with two terms of two years and rest of all is in continuity to the amendment of the Constitution.

Mr. Nitin Ghadiyar said that in either case this would violate Article 99 of the Constitution seen in the context of the minutes been wrong in the previous minutes, this resolution coming in and it is ultra virus article 99 of the Constitution, the resolution is bad in spirit and violation of the Constitution and all this should be considered by the Managing Committee.

Mr. Iqbal Bhabha said that Mr. Karmarkar has already objected to this whole thing. Furthermore Rule 99 of the Constitution states that every year elections will be held and shall be managed by the respective sub committees. In case if Mr. Devnani is interested in doing this he will have to take it next year along with Rule 99.

Mr. Ghadiyar said that not only Rule 99 needs to be amended but he is being given to understand that the departmental secretaries have continued beyond one year in the various departments. Since it is violating article 99 of the Constitution their continuation as department secretaries is ultra-virus of the Constitution and they have no locus standee to continue as departmental secretaries. They should resign forthwith.

The President said that in the last AGM in which Mr. Karmarkar pointed out first, have all been approved. He read out the resolution proposed by Mr. Vivek Devnani last year which reads A person who has been elected, nominated or co-opted as Departmental Secretary/Chairman/Members of the subcommittee for one term or two years shall not be eligible for the elections, nomination and /or co-option as Departmental Secretary /Chairman/Member of the subcommittee for a second consecutive term, neither will he be eligible to become a member of the Managing Committee

immediately after completing one term of two consecutive years as above. The President said that this resolution has been approved.

The President told Mr. Ghadiyar that he has vitiated the atmosphere of the AGM unnecessarily and he is expected to apologize. The President told Ghadiyar that passing such a remark that you are here only for a week is not acceptable to him and will not continue with this meeting till he apologizes. You have no authority to give a provision to your apology. The President said that he has given every one an opportunity to speak multiple times including you but you have constantly tried to disrupt the meeting. Mr. Ghadiyar then apologized and his apology was accepted by the President.

Mr. Vivek Devnani withdrew his resolution and said that he would come back with Rule 99 added to it.

<b>ORDINARY MEMBERS</b>	
<p><b>Rule 9</b></p> <p>The following may be eligible to be admitted as Ordinary Members:-</p> <p>A person residing permanently within the limits of Greater Mumbai and who has completed the age of 18 years may be admitted as an Ordinary Member on payment of the following fees:-</p> <p>i) On conversion under Rule 18A(ii), entrance fee of Rs.20,000/- with an increase of 10% every calendar year plus a deposit of Rs.2,500/-</p> <p><i>Rule 18A(ii)</i> - Members enrolled upto the 30<sup>th</sup> Sept, 2005 under Rule 6(a), 6(b), &amp; 6(c) (excluding late conversion members enrolled upto 31<sup>st</sup> March 2003) shall be entitled to apply for enrolment of their children of Gymkhana on completing the age of 18 years but not after crossing the age of 21 years. The fees for children admitted at the age of 18 years and within the extension of 6 months shall be charged regular fees but members applying for membership after expiry of 18 years 6 months till the age of 21 years shall be liable to pay Rs.1 lakh and upto age of 25 years</p>	<p>The current entrance fee is Rs.69,047/- for all the three categories i.e.</p> <ul style="list-style-type: none"><li>i) 18 years and six months</li><li>ii) 18 years six months 1 days upto the age of 21 years,</li><li>iii) 21 years 1 day to 25 years.</li></ul> <p>I propose the entrance fees for three categories of conversion membership be capped at a maximum of Rs.75,000/- (Rupees seventy five thousand only) with an increase of 5% every calendar year till the proposed capping.</p>

Rs.5 lakhs inclusive of all charges, over and above the existing fees.	
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Mr. Vivek Devnani read his proposed resolution.

***The above resolution was unanimously passed. It was proposed by Mr. Vinod Khemani and seconded by Mr. Rajesh.***

The President then asked Mr. Iyer to read his resolution

<b>Rule 98(i)</b> There shall be separate Sub-Committee for Table-Tennis, Card Room, Billiards, Badminton, Cricket, Tennis, Squash, Swimming, Gymnasium/Health Club for which a separate fee is charged.	There shall be separate Sub-Committee for Table-Tennis, Card Room, Billiards, Badminton, Cricket, Tennis, Squash, Swimming, Gymnasium/Health Club, <b>Pickleball</b> for which a separate fee is charged.
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Mr. Iyer said he wants to start a new department for Pickle Ball.

The President said that we have already made a multi-purpose hall wherein Pickle Ball has been allotted.

Mr. Nitin Gadekar said that first we should see the funds which are generated out of the department and the number of people using the department and further requested not to make it a separate department.

The President recommended Pickle Ball as a great department.

Mr. I.V. Solanki said if at all we want a Pickle Ball department it should be a nominated department and give it a trial.

Mr. Vicky Chugh, Mem.no. C-321-O said that Pickle Ball is a very rapid growing sport; it originated in the United States and is picking up very well throughout India. We have been having district tournaments as well as open tournaments. Lot of our members have participated in the Mumbai district tournament as well as gone to Jalgaon and even in the interiors of the country to play. We have strength of 20 people coming in everyday and a lot of members who want to join in.

Mr. Gaurav Kapadia said that we must have a pickle ball department as it is a great Sport. Any sport you start, unless you don't have a hard core place you will not grow that sport.

Mr. Shyam Shroff said that Pickle Ball is a good game and it should be allowed as a separate department.

***The above resolution was unanimously passed. It was proposed by Mr. Vivek Devnani and seconded by Mr. Rupindersingh Chadha.***

The President then asked Mr. Sudhir Shah to read his resolution.

<b><i>To add Rule 98(iii)</i></b>	No Associate Member of the department can hold the position of Chairman, Hon. Secretary of the department.
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Mr. Sudhir Shah, Mem.No. S-300-L said that no Associate member of the department can hold the position of Chairman, Hon.Secretary of the department because he has seen an associate member shouting at members who are 40 years old in that department. It should be elected committee.

The President said that most of our Sports department are run by Associate members and their ideas should also be considered. By doing this, we will eliminate them totally from the system. So what we do is a Secretary who is part of the Managing Committee is not an Associate member.

Mr. Sanjiv Chimnani, Mem.No. C-115-L is saying that no post should be given to the Associate member. No chairman and no secretary can be on the committee. He can be the committee member.

Mr. Minish Babla, Mem. No. B-176-L said that there have been many associate members in last two to three decades who've worked in various responsible positions and they are doing a wonderful job. Let us respect the associate members equally and not discriminate.

***The above resolution was unanimously rejected.***

The President then asked Mr. I.V. Solanki to read out his resolution.

	President should have power to spend a sum not exceeding Rs.25,000/- per month for incidental expenses on any single item in a month for the purpose of the Gymkhana and to obtain sanction
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	thereof at the next meeting of the Managing Committee.
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Mr. Solanki read out his resolution

***The above resolution was unanimously passed. It was proposed by Mr. Harmit Singh Luggani and seconded by Mr. Dinesh Merani.***

Mr. Solanki then read his second resolution

	Any member Patron/Life/Ordinary getting married themselves should be granted Presidential, Symphony Hall etc. for their own marriage function only, once in lifetime for Rs.5,000/- plus applicable taxes.
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***The above resolution was unanimously passed. It was proposed by Mr. Sunder Sadhnani and seconded by Mr. Chhabria.***

9. To consider any motion except in connection with Rule 124, notice of which has been given in writing to the Hon.General Secretary by a Member at least 10 clear days before the date of the meeting. The notice given under this Rule shall be put up on the General Notice Board of the Gymkhana.

\_\_\_\_\_ ***NIL*** \_\_\_\_\_

***AOB***

Mr. Ramesh Shah, Mem.No. S-26-P said that his daughter was delayed by one month only because her father in law was in the hospital because of cancer for six months and finally he passed away. Since she was delayed by one month she had to pay Rs. 1 lac penalty. He asked to waive the penalty.

The President said that they have already paid Rs. 1 lac as penalty and requesting a waiver of the penalty and refund the amount.

***The House unanimously approved the same.***

The President thanked everyone for the lovely 85<sup>th</sup> AGM.

**Confirmed by**

**President**

**Hon.General Secretaries**

