

ATS Pristine AOA Membership Drive FAQs and Updated Forms

This document answers questions posed on various forums regarding membership, need for documentation, options for submission, legal and privacy concerns. In case of any further clarification, please email AoA members at atspristine.committee@gmail.com

1 On Membership

1.1 According to Byelaws 4(1) and (2) – all persons who have purchased apartments in ATS Pristine automatically become members of AoA – what is the purpose of this exercise then?

According to Bye-laws 4(1) and (2) of the society (which is copied verbatim from Model Bye-Laws), the membership requires 3 things;

- You have purchased an apartment, AND
- You have executed and registered tripartite sub-lease deed, AND
- You pay entrance fee of Rs 1000 (one time per individual irrespective of number of apartments owned)

The second condition (execution of sub-lease deed) may not be met by all owners because of current restrictions imposed on Registry and hence the ask is for Possession Certificate (if Sub-Lease deed is not available) which is permissible under Section 14(2) of the U.P. Apartment Act, 2010.

The “automatic” word refers to condition that there is NO EXCLUSION or a case for “will of apartment owner” to become or not to become the member of AoA. It may please be noted that as per Section 14(3) of the U.P. Apartment Act, 2010 *it is obligatory for the Apartment Owner to become a member of the Association within four weeks of written intimation of formation of the AOA.*

We are undertaking this exercise of registering owners as AoA members in full compliance with the UP Apartment Act and Bye-Laws of the AoA.

1.2 What if I refuse to pay entrance fee and/or provide documentation for becoming member of AoA?

Should any Apartment owner decide not to pay the membership fee, at a minimum following applies-

- He/ She/They cannot vote in the upcoming elections or in GBM/ AGM
- He/ She/They cannot stand for post of any office bearer in upcoming elections

In future, there may be other restrictions that the next AOA may decide to apply. We encourage all Apartment Owners to pay the membership fee and exercise their full legal rights as AOA members.

1.3 In case of joint ownership, who can become the member, either by choice or both.

In case of Joint ownership, as per the Byelaws (5), the membership is also Joint. One should mention all the owner’s names in the Owner section of the membership form. However, please note that only the *first owner is entitled to vote* and *by implication of this provision allowed to stand for elections*

In case the first owner wants to nominate one of the other owners the right to stand in elections, vote and in general to be associated with all affairs of AoA as unit owner (e.g. Participate in GBM as well as vote in GBM) - In such a case, please submit a notarized undertaking from the first owner relinquishing his/ her rights (Relinquishment Undertaking template attached) and nominating the other owner for this very purpose. Note that this should be taken up as a onetime exercise and further changes, if any, shall be at the discretion of the AOA. Along with this undertaking, the nominated owner should submit the Acceptance of Relinquishment (Referred to as Form-B) that forms the basis for acceptance of such a nomination. The membership form (Form-A) should be filled by Nominated owner and all documents and membership fee submitted.

1.4 In case a dwelling unit is owned by a company or a trust, who is allowed to represent the flat in AoA proceedings.

The company/trust owning the dwelling unit can pass a board resolution to nominate an individual to represent the flat in all AoA matters. Please submit an undertaking on company letterhead as per “Board Resolution Template” attached at the end of these FAQs

2 Need and Type of Documentation

2.1 What documentation is required to be submitted?

Based on legal advice, following is the documentation that we need.

- (a) Registered Sub-Lease Deed and Possession Certificate Copies, OR possession Certificate and Allotment Letter Copies (if you do not have registered sub-lease deed)
- (b) Government issued ID Proof Copy
- (c) Filled and Signed Membership Form (Form-A)

If the first owner is nominating another owner for all AoA matters, then

- (d) Notarized undertaking by first owner as per Relinquishment Affidavit Template
- (e) Acceptance of Relinquishment - Form B filled and signed by nominated owner

Note that Membership form should be filled by Nominated owner in such a case.

If your flat is owned by Company or Trust, then we will need (a) to (c) from nominated person and board resolution as per “Board Resolution Template” as well. Note that Membership form should be filled by Nominated owner in such a case.

2.2 Why am I being asked to give Registered Sub-Lease document?

In an ideal scenario, a copy of this document set should be available with the builder, who should in all earnest pass that to the AOA. This is not the case in our society. Builder has failed to participate in the AOA formation process. Their subsequent actions also indicate his unwillingness to accept the establishment of AOA in our society. AOA has nothing to work on.

The intended use of Sub-Lease document is to: -

- Establish legitimate ownership of the dwelling unit.
- To prevent others from masquerading as owners of your flat / dwelling unit.
- To establish who the first owner is (and rest of owners) for voting purposes as stated in the Lease deed.

The other intended objectives of Sub-lease documents include:

- To establish the scale of problem of lack of registries in our society for upcoming AoA members to solve and propose suitable actions.
- AOA has to (eventually) issue a NOC document for transfer/resale – the legitimate ownership can only be established through documents.
- Reconfirm the area mentioned in the document to deed of declaration as available in NOIDA records as this defines the value of votes entitled to a flat.
- There are several operating rules that one has signed and agreed in a tri-partite agreement with Noida & Assertive Infrastructure. Those rules have to be respected. If any member acts against those rules, AOA will have confirmed copy to put up for compliance purpose in the required forum.

2.3 Why am I being asked to give Possession Certificate?

The intended use of Possession Certificate is to:

- Find any discrepancy that needs resolution between Certificate of Possession and registered sub-Lease deed if available. There have been cases where there are mismatches and we want to avoid any kind of legal issues at a later stage. In case Sub-Lease deed is not available, then the cross-check is between Possession Certificate and Allotment Letter.
- It is important to establish the number of registered / un-registered flats in our society. While no one has any credible number, we all know that some apartments are yet to be registered.
- Possession Certificate also has final super area of your flat, whereas Allotment letter *may have* approximate/initial area.

2.4 Why am I being asked to give Allotment Letter along with Possession Certificate if I do not have registered tripartite lease deed?

It is primarily to confirm any discrepancy between this letter and Possession Certificate with respect of names of owners/allottees and area of the units.

The registered sub-lease deed carries certain obligations on behalf of owners towards maintenance and conduct of the owners. If this document is not available, then the only document that has owner's declaration of such commitments is part of Allotment Letter's set. Hence we are asking you to submit this.

2.5 Between these 3 ownership documents – Registered Sub-Lease deed, Possession Certificate and Allotment Letter, do I have to give all three or a combination?

If you have registered sub-lease deed, then submit Sub-Lease deed and Possession Certificate copies.

If you do not have registered sub-lease deed, then submit Possession Certificate and Allotment Letter copies.

2.6 Why am I asked a GoI Identity proof for membership?

Like in all the cases, a Govt ID is required to establish the "identity" of the first owner as it is the responsibility of the AOA to ensure all checks and balances were followed whilst developing the membership list which will form the basis of electoral roll.

Please use any means necessary to mask sensitive information from the Govt ID – it is recommended to use *Masked Aadhaar* as a valid document. If you are redacting specific information from any other proof except Masked-Aadhaar, please bring the original ID to confirm the match to membership drive booth.

As mentioned above, this ID that you submitted may be used during elections to confirm your identity (subject to detailed rules from Election commission).

2.7 What is the purpose of asking for current residential address and its proof?

To clarify, this part has to be filled only by those owners who do not reside in ATS Pristine. The Guidelines and notes at the back of updated membership form reflect this understanding.

There are many apartment owners who do not reside in the society. It is important for AOA to have accurate correspondence database as there is no other way for AOA to ensure the rightful owner (s) are receiving all AOA correspondence.

It will be the responsibility of the owner to update their address with AOA, should there be any change. We are not asking for residential address proof in updated Form-A.

2.8 What is the purpose of asking for email and Phone number?

This requirement is once again driven by the need to ensure every apartment owner is receiving the required correspondence from AOA. AOA intends to use both emails and phone numbers to communicate all important updates/ issues.

3 Submission Process

3.1 Can submission be done online?

For those not residing in the society, please **send an email** to atspristine.committee@gmail.com with following document scans -

- (a) Registered Sub-Lease Deed and Possession Certificate, OR possession Certificate and Allotment Letter (if you do not have registered sub-lease deed)
- (b) ID Proof
- (c) Scanned copy of signed membership form
- (d) Reference no of Bank transfer or image of file transfer with reference no

If the first owner is nominating another owner for all AoA matters, then Notarized undertaking by first owner as per Relinquishment Affidavit Template AND Acceptance of Relinquishment - Form B filled and signed by nominated owner. Note that Membership form should be filled by Nominated owner in such a case. All documents (a), (b), (c), (d) will be filled signed and sent by nominated owner.

If your flat is owned by Company or Trust, then we will need (a) to (d) from nominated person and board resolution as per “board resolution template” as well.

Pls ensure a hard copy is made available to AOA at the first opportunity at following address - ATS Pristine AoA, Clubhouse Facility Management Office, ATS Pristine, Plot No SC01/A1, Sector 150, Noida, UP 201308

3.2 Can payments be done online?

The bank account and IMPS code of Bank has been provided for AoA account. You can transfer using your favourite online mechanism. Note that in reference of such a transaction please write “AoA Fee {FlatNo}” e.g. “AoA Fee 12GF1” or “AoA Fee P1101” or “AoA Fee RH02” or “AoA Fee 1012” or “AoA Fee 6PH1”

Pls ensure you collect the receipt for your records from AoA office.

3.3 Offline Submission Process

Please create the documentation set and fill the forms. The details of submission and verification will be released shortly with dates and process.

4 Privacy Concerns

4.1 The documents carry a lot of Personal Information, Personal Identifiable Information, Personal Financial Information – why do you need it?

The rationale for using / processing the personal identifiable information (PII) has been provided with each document that is being collected.

Redaction in Aadhaar Cards - It is recommended to submit a Masked Aadhaar as Proof of Identity (PoI) or Redact other Government issued PoIs, if you do not have masked Aadhaar. The process for generating Masked Aadhaar can be read at <https://uidai.gov.in/>

Redaction in Registered Sub-Lease document - You may redact the following information from Sub-Lease document

- Stamp Duty Amount on eStamp Paper
- All financial information from Cover-Page (with Photographs)
- Consideration Amount in Page-5 Apart from this, it has been noted that sub-lease deeds also carry Aadhaar numbers in some cases, which should also be redacted/ blacked out.

Redaction in Possession Certificate - Possession Certificates do not carry any financial information or personal information. Recommend that you do not redact any information from Possession certificates.

Redaction in Allotment Letter - Please ensure you redact the sale price from Allotment Letter as well and submit the 2 page allotment letter along with the stamp paper copy mentioning the allottee and co-allottee names. You need not submit Schedule-I, IV and V.

Please use suitable tools like acrobat PDF Reader/ Preview etc to redact at least this specific information when submitting online. You can black out the entries with permanent marker in physical copies.

4.2 What is the intended storage, duration and disposal for such information collected?

The records will be kept for duration of your ownership.

Currently, these records will be kept safe with AOA in a suitable location with adequate security safeguards. No one other than AOA authorised personal will have access to these records. Safe keeping with third party or digitization of records is an additional expense that elected AoA can take based on its own wisdom.

If you submit digitally, then the storage is on Google Drive with two-step security wherein access will be provided through the AoA's own registered phone as second factor.

4.3 Why do residents have to submit residential/ ownership proof. Why can't we just take it from Facility office?

Assertive Infrastructure Ltd will have a file on each owner/ flat which should be containing far more data and documents than what the AOA aims to collect. In an ideal situation, all these files should be handed over by Assertive Infrastructure to the AOA. With the non-cooperation approach of the builder, this is not going to happen in near future.

Hence, the need for the AOA to build its own database of rightful apartment owners. We are mindful that the current AoA mandate is to conduct the election, hence we are focused on ascertaining ownership and area primarily – it is entirely possible that next AoA may ask for all pages/all documents.

It is the responsibility of the apartment owners to become the member of the AOA and also AOAs responsibility to ensure they register only the legally right members and prevent any legal issues at a later stage. And therefore, the need for documents.

Further, pls note: -

- Certain types of discrepancies with builder showing one owner in their files and Noida authority another is always a possibility and needs reconciliation.
- Financial creditors have taken ownership of some flats – pls expect ATS to provide some information which is very different to ground reality.

In view of the above, residential/ ownership proof is an absolute must to ensure integrity of the membership drive process.

5 Legal Concerns

5.1 Where does 1000 Rs membership fee comes from?

This amount has been part of Model Bye-laws since its release as part of UP Apartment Act 2010. The amount is applicable for membership for AoA across whole of state of UP for group housing societies. It is a one-time fee paid when AoA is formed and paid by all “new” members when they buy an apartment through sale/transfer etc. This amount is not a periodic/regular payment per year. Also note that this is a non-refundable amount.

This provides start-up funds to AoA. Even for conducting the proposed elections, without taking over any part of maintenance payments that residents are paying to ATS Maintenance, note that there are several expenses including newspaper Ads, organizing GBMs and most importantly keeping legal advice and associates to guide us in this journey.

Do note that because of the same laws that ask for 1000 Rs entrance fee, there is a legal requirement to put audited records by 31st July of every year that should be made available to all residents to access at AoA office from 15th August of the year.

5.2 Has any changes been made to Bye-Laws than what was accepted in GBM or from UP apartment act.

Model Bye-Laws have been adopted as is. This was done in GBM called for formation of AoA. No changes have been made to the Bye-Laws since its adoption in GBM and the same is accepted by the office of the Dy. Registrar, Meerut.

5.3 Does UP apartment act say that we have to submit these documents - sale deed / possession certificate or Residential address

This has been answered in previous questions. Model Bye laws clauses 4 specify membership which have been copied verbatim.

5.4 I have concern about one provision which is about AOA extending loan to a member to meet any emergent circumstance

The roles/responsibilities and functions of AoA as drafted and flowing from UP Apartment act into Bye Laws do mention this loan mechanism to apartment owner in emergent necessity. Note that this is not an AoA decision, but the *Model Byelaws state that this requires consent of Apartment Owners* before such an action is taken [Refer 3(1)(f)]. This will require approval from GBM.

5.5 What is a conveyance deed?

Conveyance is a term used to define a transaction that implies a transfer of property interest from one party to another by either sale or gift. Conveyance deed is a registered statement of such a transfer in official records of the state. In our case, this is a tripartite agreement involving the Builder, NOIDA and us. The stamp paper that you buy for such a deed registration is bought in UP for the purpose of “conveyance (Vikray Vilekh/ Benama or Hastantaran Patra [Article 23]”. Hence the name. We have used the term “Registered (tripartite) sub-lease deed” in this FAQ – some may use conveyance deed or just “registry” for the same.

6 Forms and Templates

Following is the complete list of forms and templates

1. Form-A – Membership Form – to be filled by person claiming first-owner rights of the flats either because of original allotment or by relinquishment by first owner in favour of the person.
2. Form-B – Acceptance of Relinquishment – to be filled by person who was a joint owner and now has taken first-owner rights based on notarized undertaking of original first-owner
3. Relinquishment Affidavit Template – Notarized template to be used by first-owner to pass his/her rights to co-allottee/owner
4. Board Resolution Template – To be printed on company letterhead for a company to authorize named person to act as first-owner in AoA affairs.