

SUMMIT BUILDERS

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003
Ph : 66335551

Regd Post Ack.due

December 22, 2010

To

The Officer Incharge
Vodafone Essar South Ltd
6th floor, Varun Towres II
Begumpet
Hyderabad.


Dear Sir,

This has reference to our letter dated 08.11.2010 regarding the dismantling of Cell tower at Silver Oak Apartments, Cherlapally. We are facing lot of pressure from the Residents Association for getting the cell tower dismantled. We have also been pursuing with you regarding the same. Although, more than a month has elapsed, you have not taken any steps for dismantling of your equipment. If any damages occur to your equipment we cannot be held responsible for the same.

We are also enclosing the copy of a letter dated 10.12.2010 received by us from the Association which is self explanatory.

Kindly take necessary steps without further delay to avoid any unpleasantness in the matter.

Yours faithfully,
For Summit Builders,


(Soham Modi)

Encl: As above

C.BALAGOPAL
Smt.Ameerunnisa Begum
K. Vijaya Saradhi
C.V.Chandramouli
Advocates

Flat No.103, Suresh Harivillu Apartments
Road No.11, West Marredpally,
Secunderabad - 500026.
Ph: 64570512

Regd Post Ack.due

December 23, 2010

To

The General Secretary,
Silver Oak Apartment Owners Association,
Survey No.290, Chinna Cherlapally,
Hyderabad - 501 301

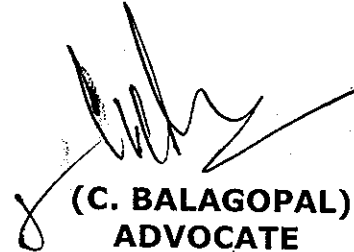
Dear Sir,

This has reference to your letter dated 10.12.2010 regarding the dismantling of Cell tower at Silver Oak Apartments.

We have already informed our clients M/s.Summit Builders regarding the same and they have also initiated steps and taken up the matter seriously with VODAFONE ESSAR South Limited for dismantling the cell tower and is in process.

As the Company has some procedural formalities for taking up the dismantling works.

It is therefore informed to you to restrain from taking any adverse steps against our client.


(C. BALAGOPAL)
ADVOCATE

SUMMIT BUILDERS

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003
Ph : 66335551

To,
The Officer Incharge.
Vodafone Essar South Ltd.,
6th Floor, Varun Towers II,
Begumpet,
Hyderabad.

Date: 08.11.2010

Sir,

Please find enclosed herewith a copy of the letter received from M/s. Silver Oak Apartments Owners Association, in reply to our letter addressed by our counsel on our behalf. As you can see from the response all the occupants are against the idea of continuing the cell tower or up gradation of the same. To avoid unnecessary unpleasantness, we request you to dismantle the tower and remove all your equipment without causing any damages to the terrace and building. We have already indicated to the Silver Oak Apartments Owners Association through our counsel that we have requested Vodafone to dismantle the tower and the process will be completed soon.

Yours faithfully,
For Summit Builders,



(Soham Modi)
Partner.

Encl: As above

Received
M. Anand
7/11/10
(Mehar Anand)
(7799020888)



SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Cherlapally, Hyderabad - 501 301.

Ref. :

To
Shri C. Balagopal
Advocate
Flat No. 103, Suresh Harivillu Apartments,
Road No. 11, West Marredpally,
Secunderabad - 500 026.

Date : 10 December 2010



**Re: Dismantling of Cell Phone Tower located on the terrace of Silver Oak Apartments,
Survey No. 290, Chinna Cherlapally, Hyderabad 501301.**

Dear Shri Balagopal:

This is with reference to your letter dated 01 November 2010 and received on 03 November 2010. In this letter you have mentioned that your client, i.e., M/s Summit Builders has addressed a letter to Vodafone Essar asking the later to dismantle the cell tower located on the terrace of Silver Oak Apartments and that this process will be completed within a month. Please take notice that as of the date of this letter, no attempt has been made to dismantle the cell tower either by Vodafone Essar or by M/s. Summit Builders. As already mentioned in my previous letter dated 26 October 2010 and I would like to reassert here that the association has been receiving incessant complaints from the residents as well as neighbors against the continuance of the cell tower and calling for its urgent removal.

It is our desire to inform you of the foregoing and afford your client another opportunity to dismantle the cell tower. Please be advised that your client will have ten days time from the date of this letter to dismantle the tower, after which we will no longer be able to guarantee the safety or security of the cell tower and its adjoining equipment located at our premises. Please also be advised that M/s Summit Builders will be held responsible for all damages to our property arising from any resident/public outburst or protestations due to the existing cell tower at Silver Oak apartments.

Thanking you,

Sincerely,

J. V. Swamy
General Secretary

CC:

Shri Soham Modi, M/s Summit Builders, 3-4-187/3&4, II Floor, M. G. Road,
Secunderabad-500003.

C.BALAGOPAL
Smt.Ameerunnisa Begum
K. Vijaya Saradhi
C.V.Chandramouli
Advocates

Flat No.103, Suresh Harivillu Apartments
Road No.11, West Marredpally,
Secunderabad – 500026.
Ph: 64570512

Regd Post Ack/ due

1st November 2010

To

Sri J.V.Swamy
General Secretary
Silver Oak Apartment Owners Association,
Sy.No.290, Chinna Cherlapally
Hyderabad – 501 301.

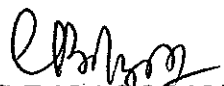
Sir,

Please refer to your reply dated 26.10.2010 to our letter dated 15.10.2010.

Since you have indicated that the occupants of Silver Oak Apartment Owners' Association are anxious that the Cell tower should be dismantled, our client has addressed a letter to Vodafone Essar to dismantle the tower. The process of dismantling will be completed within a month. Our client has requested M/s.Vodafone Essar South Ltd to expedite the process and dismantle the tower as early as possible. We hope that this would satisfy all the occupants of the Silver Oak Apartment Owners Association. Our client is sure that the goodwill that was prevailing earlier between our client and your association will continue in future also.

Thanking you,

Yours faithfully,


(C.BALAGOPAL)
ADVOCATE

C.BALAGOPAL
Smt.Ameerunnisa Begum
K. Vijaya Saradhi
C.V.Chandramouli
Advocates

Flat No.103, Suresh Harivillu Apartments
Road No.11, West Marredpally,
Secunderabad - 500026.
Ph: 64570512

Regd Post Ack.due

October 15, 2010

To

**The General Secretary,
Silver Oak Apartment Owners Association,
Survey No.290, Chinna Cherlapally,
Hyderabad - 501 301**

Dear Sir,

Please refer to your letter dated 4th Oct.'10 issued to my client Sri Soham Modi, Managing Partner, M/s.Summit Builders, Chinna Cherlapally, Hyderabad, the said letter was placed in my hand with the instructions to give a reply thereto as follows:

Our client is surprised to note the tenor of letter dated 4.10.2010 which is totally opposite to the contents of the letter dated 24.08.2010. It may be recalled that even prior to the letter dated 24.08.2010, your association had verbally agreed with our clients to share equally the license fee from the Vodafone communication tower. This is also evident from the contents of the letter dated 24.08.2010. It is therefore surprising and shocking to our client to note the total volta face by the association.

In this connection, our client would point out that M/s.Summit Builders who launched the project "Silver Oak Apartment", are not only the builders of the apartments but were the owners of the open land on which the Apartments were constructed. The rights in respect of the terrace vests with our client and same cannot be compared to the other projects in which the owners of the land and the Builders are too different entities. To the best of our client's knowledge and information the Tower does not pose any health hazard to the occupants of the flat. To maintain cordial relations with all the customers our client renews the offer to share equally income from the license fee from the tower with effect from 01.09.2010. If your association is agreeable to the proposition which they had infact agreed to earlier, you may address a letter to the effect within 7 days to our client. If the association still persists in its demand for the removal of the tower, the same may also be communicated to our client. If our client receives the latter communication steps will be taken to dismantle the tower. If inspite of this letter, your association launches any proceedings our client will defend the same at the risk of the association for all costs and consequences.


(C. BALAGOPAL)
ADVOCATE



SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Cherlapally, Hyderabad - 501 301.

Ref. :

To
Shri C. Balagopal
Advocate
Flat No. 103, Suresh Harivillu Apartments,
Road No. 11, West Marredpally,
Secunderabad - 500 026.

Date : 26 October 2010



**Re: Dismantling of Cell Phone Tower located on the terrace of Silver Oak Apartments,
Survey No. 290, Chinna Cherlapally, Hyderabad 501301.**

Dear Shri Balagopal:

This is with reference to your letter dated 15th October 2010 seeking further clarification on our position with regard to the removal of cell phone tower and its adjoining equipment located on the terrace of Silver Oak Apartments. I very much appreciate M/s Summit Builders has agreed to dismantle the same.

From the interactions I had with my predecessor Mrs. Gowri Ghosh, I understand, no agreement of any kind was reached between M/s Summit Builders and Silver Oak Apartments Owners Association on sharing of license fee from Vodafone. The previous committee only made a onetime proposition to M/s Summit Builders in clearing of the past dues of the license fee from the tower for which M/s Summit Builders has not responded in time. The new Executive Committee took charge in May 2010. The Association has received several complaints from the residents as well as from the neighbours regarding the serious health problems they were facing from the exposure to emissions from the mobile base station and questioning the further continuance of the same on the terrace of Silver Oak Apartments. Subsequently, the Executive Committee decided to conduct an Extraordinary General Body Meeting on 29th August 2010 to discuss and debate on the issue. After thorough deliberations, the General Body passed a unanimous resolution to get the cell tower removed from the apartments premises. I have already communicated this to both M/s Summit Builders and Vodafone in my letter dated 04 October 2010. Therefore, the issue of future sharing of income from the tower license fee does not arise. I appreciate M/s Summit Builders has agreed to take steps to dismantle the cell phone tower and its adjoining equipment from the premises of the Silver Oak Apartments. I would also like to inform you that the residents and neighbours of our apartments are very vociferous against the continuance of the cell tower and are in agitation mood. To avoid any future protests from the residents and neighbours, which are beyond my control, and the glare of media attention leading to further embarrassment, M/s Summit Builders should start dismantling the tower very soon.

Sincerely,

J. V. Swamy
General Secretary

CC: SHRI SOHAM MODI



SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Cherlapally, Hyderabad - 501 301.

Ref. :

To
Shri C. Balagopal
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Flat No. 103, Suresh Harivillu Apartments,
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Sincerely,

J. V. Swamy
General Secretary

CC: SHRI SOHAM MODI

C. BALAGOPAL
Smt. Ameerunnisa Begum
K. Vijaya Saradhi
C.V. Chandramouli
Advocates

Flat No.103, Suresh Harivillu Apartments
Road No.11, West Marredpally,
Secunderabad - 500026.
Ph: 64570512

Regd Post Ack.due

October 15, 2010

To

**The General Secretary,
Silver Oak Apartment Owners Association,
Survey No.290, Chinna Cherlapally,
Hyderabad - 501 301**

Dear *Sir*,

Please refer to your letter dated 4th Oct.'10 issued to my client Sri Soham Modi, Managing Partner, M/s.Summit Builders, Chinna Cherlapally, Hyderabad, the said letter was placed in my hand with the instructions to give a reply thereto as follows:

Our client is surprised to note the tenor of letter dated 4.10.2010 which is totally opposite to the contents of the letter dated ~~24.08~~2010. It may be recalled that even prior to the letter dated ~~24.08~~2010, your association had verbally agreed with our clients to share equally the license fee from the Vodafone communication tower. This is also evident from the contents of the letter dated ~~24.08~~2010. It is therefore surprising and shocking to our client to note the total volte face by the association.

In this connection, our client would point out that M/s.Summit Builders who launched the project "Silver Oak Apartment", are not only the builders of the apartments but were the owners of the open land on which the Apartments were constructed. The rights in respect of the terrace vests with our client and same cannot be compared to the other projects in which the owners of the land and the Builders are too different entities. To the best of our client's knowledge and information the Tower does not pose any health hazard to the occupants of the flat. To maintain cordial relations with all the customers our client renews the offer to share equally income from the license fee from the tower with effect from 01.09.2010. If your association is agreeable to the proposition which they had infact agreed to earlier, you may address a letter to the effect within 7 days to our client. If the association still persists in its demand for the removal of the tower, the same may also be communicated to our client. If our client receives the latter communication steps will be taken to dismantle the tower. If inspite of this letter, your association launches any proceedings our client will defend the same at the risk of the association for all costs and consequences.


(C. BALAGOPAL)
ADVOCATE



SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Cherlapally, Hyderabad - 501 301.

6088
2/10/10

Ref. :

Date : 04 October 2010

To
Dr. Sameer Sharma I.A.S.
Commissioner, Greater Hyderabad Municipal Corporation
Hyderabad, A.P.
Phone: 040-23224564
Mobile: 9000241456
Email: commissioner@ghmc.gov.in

Re: Petition seeking the removal of cell tower and its adjoining equipment from the terrace of Silver Oak Apartments by its residents, located at Survey No. 290, Cherlapally, Hyderabad-500 051.

Dear Sir

We, the following residents of Silver Oak Apartments located at Survey No. 290, Cherlapally, Hyderabad 500 051 do hereby:

Plead you to remove or demolish the cell phone tower located on the terrace of our apartments for the following reasons.

1. The health effects of 'cell phone towers on rooftops' to residents who live very close to it are at best unknown and at worst potentially devastating. There are more than six-dozen children and young adults living in the Silver Oak Apartments and play in and around the area are close enough to the cell tower and are adversely affected by its emissions. According to an article in Pediatrics: The Official Journal of the American Academy of Pediatrics, "Consistent epidemiologic evidence of an association between childhood leukemia and exposure to extremely low frequency (ELF) magnetic fields has led to their classification by the International Agency for Research on Cancer as a 'possible human carcinogen.' Concerns about the potential vulnerability of children to radio frequency (RF) fields have been raised because of the potentially greater susceptibility of their developing nervous systems; in addition, their brain tissue is more conductive, RF penetration is greater relative to head size, and they will have a longer lifetime of exposure than adults." The same article further recommends "additional research and the development of precautionary policies in the face of scientific uncertainty." Given the unknown health effects on children who reside within the premises of the apartment right near the cell tower, we simply cannot afford for our children to be the "lab rats" who discover in 15 years that their daily exposure to cell tower emissions has resulted in an incurable illness. It is also worth noting that while the long-term effects of microwave radiation from mobile towers are not fully studied, in the interim, many scientists have called for adopting Precautionary Principle and avoid exposing children to cell tower radiation.

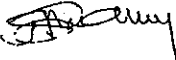
2. According to scientists at the School of Public Health of Harvard University the low levels of radiation emitted by mobile phone towers are harmful. These have been linked to adverse health effects such as headaches, depression, dizziness, fatigue, insomnia, leukemia, brain tumor, long-term memory loss, Alzheimer's disease, and other cancers. Studies have shown that pregnant women and children are in greater danger from cell phone towers than the normal population. The developing organs of the fetus or child are the most sensitive to any possible effects of EMR exposure. Cell towers located on the rooftops of residential buildings, schools, or hospitals are particularly more harmful.
3. Though Vodafone Essar South Limited, which owns and operates the cell tower may assert that its emissions will fall below the international standards, neither did Vodafone carried out any such radiation studies in and around the tower; inside or outside of the flats; within or outside the apartments premises at the time of installation of the cell tower or since then. There is not a single instance of any such data being made available to the Silver Oak Apartments Owners Association (SOAOA) during this period. Furthermore, Vodafone do not even maintain the minimum prescribed precautionary measures such towers calls for especially when located on the terrace of a residential building like ours. For example, no warning signs have been put up near the cell site or at a prominent place near the entrance to the building. Vodafone further wants to upgrade the existing tower to a 25 Kva Dg set, thereby greatly increasing the emissions. Nevertheless, even if those emissions continue to fall below the international standards, the medical effects of such emissions remain uncertain and the risks remain too great.
4. We appreciate the Vodafone's willingness to hear from the concerned residents of the apartments and engage us in a conversation on this critical issue. However, we feel that the long-term health risks are too many and are uncertain in nature if the continuance of the cell tower and its up-gradation project is carried through.
5. The agreement between the builder of our apartment, i.e., M/s Summit Builders and Vodafone Essar South Ltd. to erect the cell tower on the terrace of Silver Oak Apartments was entered on 10th July 2006 long before the apartment was handed over to the owners association. The apartment was either empty or largely unoccupied at the time of this agreement and the erection of cell tower. Neither did M/s Summit Builders inform nor did Vodafone approach the then owners of the flats, who had a stake on this issue.
6. M/s Summit Builders also claims the ownership of the terrace rights and thereby absolute ownership of the building premises. This is also in clear violation of the Apartment Laws, which states that terrace cannot be privately owned as it is deemed to form part of the communal areas and, as such, is owned in common by the individual flat owners and therefore, the later cannot be legally excluded from the terrace.

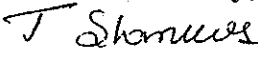
7. A careful examination of the government's policy on cell phone towers reveal that no towers would be allowed in the residential areas unless there is no alternative. The person allowing the tower to be installed on a building will also have to get a no-objection certificate (NOC) from the other houses in the block and the RWAs of the area besides the environment ministry. The co-applicant will also have to seek an NOC from other occupants of the house, in case of a multi-storey house. In case of a group housing residential buildings, an NOC from all the occupants of the housing block along with the NOC of the society would be required. Vodafone did not take any NOC from the residents with regard to the cell phone tower on the terrace of Silver Oak Apartments. In a recently held Extra-ordinary General Body Meeting, majority of the members or residents of the Silver Oak Apartments have voted in favour of the removal of the cell phone tower. The SOAOA has also taken a similar decision and has written to the Vodafone asking them to remove the cell tower and its adjoining equipment from the terrace of the Silver Oak Apartments. A copy of this letter has been attached here letter for your perusal. From the above discussion, it is very clear that both M/s Summit Builders and Vodafone have violated all the norms in siting a cell phone tower on the terrace of Silver Oak Apartments.

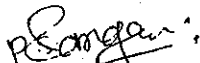
Wherefore, we request the Greater Hyderabad Municipal Corporation, to take immediate action in this matter and to remove or demolish the cell phone tower and its adjoining equipment from the premises of the Silver Oak Apartments. A copy of the list of signatures of Silver Oak Apartments residents seeking the removal of the cell tower from its premises; and a copy of the letter to Vodafone dated 04 October 2010 asking to company to remove the cell tower have been attached for your perusal.

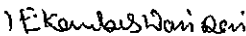
Thanking you.

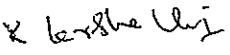
Sincerely,



Mr. J. V. Swamy
General Secretary, SOAOA.

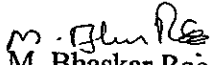

Mr. T. Shankar
President, SOAOA


Mr Prakash S. Rangari
EC Member, SOAOA


Mrs. Ekambeswari Devi
Treasurer, SOAOA


Mrs. R. Krishna-Veni
EC Member, SOAOA


Mr. K. S. Ashwin Kumar
Joint Secretary, SOAOA


Mr. M. Bhaskar Rao
EC Member, SOAOA

P.S. Scientific literature pertaining to the health hazards of radiofrequency radiation emissions from cell phone towers and photographs of the cell phone tower located on the terrace of Silver Oak Apartments are made available on the following website: <http://drsirish.blogspot.com>.

List of Enclosures:

1. A copy of the letter to Vodafone dated 04 October 2010.
2. A copy of the list of signatures of Silver Oak Apartments residents seeking the removal of the cell tower from its premises.

Copy to:

Shri A. K. Khan, The City Police Commissioner, Hyderabad
Smt S. Annapurna, Dy Commissioner, GHMC, Kapra
Shri Raji Reddy, Member of Legislative Assembly, Uppal
S. Dhanpal Reddy, Corporator, Cherlapally
Officer In Charge, Vodafone Essar South Ltd.
Shri Soham Modi, M/s Summit Builders

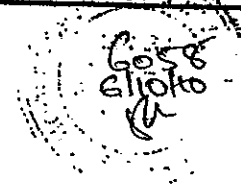


SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Chertapally, Hyderabad - 501 301.

Ref. :

To
Shri Soham Modi
5-4- 187/3&4, II Floor, M.G Road,
Secunderabad - 500 003.
Phone: +91-40-65267423
Fax: +91-40-27544058



Date : 04 October 2010

Re: Resolution of Extra-ordinary General Body Meeting dated 29th August 2010 asking Vodafone to stop operations and to remove the cell tower and its adjoining equipment from the Silver Oak Apartments premises within 30 days henceforth.

Dear Shri Soham Modi:

With reference to Vodafone's letter dated 29th July, 2010 proposing the sharing of Uninor with Vodafone cell site, and in view of the severe concerns raised by several members and residents of the Silver Oak Apartments about the possible ill-effects on the public health such towers cause especially when located on the residential rooftops like Silver Oak Apartments, the Executive Committee of the Silver Oak Apartments Owner's Association (SOAOA) has called for an Extra Ordinary General Body Meeting (EGBM) on 29th August, 2010 to discuss and deliberate on the issue. The members were very vociferous about the issue and arrived with full of information about the radiation cell towers emit.

After thorough deliberations, the committee decided to put the issue for voting. Out of the total number of the hundred and twenty flats, eighty owners or occupiers have attended the general body meeting and all have participated in voting. All those who attended, casted their vote in an open ballot and expressed their view on two issues. The first one being whether permission to be given for up-grading the cell tower or not? The second one was to whether the cell tower needs to be removed? All the eighty members who participated in the voting unanimously voted in favour of the removal of the cell tower and its adjoining equipment from the Silver Oak Apartments premises. In light of the above, the General Body along with the office bearers of the SOAOA has passed the following resolutions:

- 1) To reply to the Letter dated 29th July 2010 of the Vodafone Essar South Ltd asking them:
 - a) not to proceed with the up-gradation of the existing cell tower.
 - b) to stop operations from the cell site and remove the cell tower and its adjoining equipment located on the terrace as well as on the cellar of the Silver Oak Apartments within 30 days henceforth and
 - c) to contact the General Secretary of SOAOA, Mr. J. V. Swamy to fix a mutually convenient date and time for the removal of the cell tower and its adjoining equipment from the apartments premises.

- 2) To proceed with future course of action, legal or otherwise if Vodafone fails to comply with the above. In the event of noncompliance, SOAOA does not guarantee the physical safety of the cell tower and its adjoining equipment.
- 3) To send a notice to the builder of this apartment, i.e., M/s Summit Builders to refund all the rents collected so far from Vodafone to the Association Treasury; and
- 4) Any other measures if needed.

In light of the above, I request you to refund all the rents collected so far from Vodafone to the Association Treasury immediately.

I look forward to hearing from you.

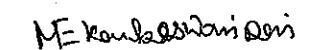
Sincerely,




Mr. J. V. Swamy
General Secretary, SOAOA.



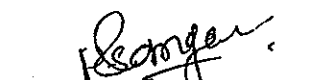
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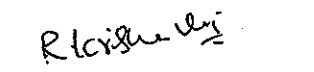
M. E. Ekambeswari Devi
Mrs. Ekambeswari Devi
Treasurer, SOAOA



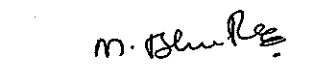
K. S. Ashwin Kumar
Mr. K. S. Ashwin Kumar
Joint Secretary, SOAOA



Mr. Prakash S. Rangari
EC Member, SOAOA

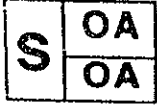


R. Krishna Veni
Mrs. R. Krishna Veni
EC Member, SOAOA



M. Bhaskar Rao
Mr. M. Bhaskar Rao
EC Member, SOAOA

Copy to:
Officer In Charge, Vodafone Essar South Limited.



SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint..) Chinna Cherlapally, Hyderabad - 501 301.

Ref. :

Date : 04 October 2010

To
The Officer In Charge
Vodafone Essar South Limited
6th Floor, Varun Towers II, Begumpet
Hyderabad 500 016, A.P.

Re: Resolution of Extra-ordinary General Body Meeting dated 29th August 2010 asking Vodafone to stop operations and to remove the cell tower and its adjoining equipment from the Silver Oak Apartments premises within 30 days henceforth.

Dear Sir/Madam:

With reference to your letter dated 29th July, 2010 proposing the sharing of Uninor with Vodafone cell site, and in view of the severe concerns raised by several members and residents of the Silver Oak Apartments about the possible ill-effects on the public health such towers cause especially when located on the residential rooftops like Silver Oak Apartments, the Executive Committee of the Silver Oak Apartments Owner's Association (SOAOA) has called for an Extra Ordinary General Body Meeting (EGBM) on 29th August, 2010 to discuss and deliberate on the issue. The members were very vociferous about the issue and arrived with full of information about the radiation cell towers emit.

After thorough deliberations, the committee decided to put the issue for voting. Out of the total number of the hundred and twenty flats, eighty owners or occupiers have attended the general body meeting and all have participated in voting. All those who attended, casted their vote in an open ballot and expressed their view on two issues. The first one being whether permission to be given for up-gradation of the cell tower or not? The second one was to whether the cell tower needs to be removed? All the eighty members who participated in the voting unanimously voted in favour of the removal of the cell tower and its adjoining equipment from the Silver Oak Apartments premises. In light of the above, the General Body along with the office bearers of the SOAOA has passed the following resolutions:

- 1) To reply to the Letter dated 29th July 2010 of the Vodafone Essar South Ltd asking them:
 - a) not to proceed with the up-gradation of the existing cell tower.
 - b) to stop operations from the cell site and remove the cell tower and its adjoining equipment located on the terrace as well as on the cellar of the Silver Oak Apartments within 30 days henceforth and
 - c) to contact the General Secretary of SOAOA, Mr. J. V. Swamy to fix a mutually convenient date and time for the removal of the cell tower and its adjoining equipment from the apartments premises.

- 2) To proceed with future course of action, legal or otherwise if Vodafone fails to comply with the above. In the event of noncompliance, SOAOA does not guarantee the physical safety of the cell tower and its adjoining equipment.
- 3) To send a notice to the builder of this apartment, i.e., M/s Summit Builders to refund all the rents collected so far from Vodafone to the Association Treasury; and
- 4) Any other measures if needed.

In light of the above, I request you to call and let me know to fix a mutually convenient date and time for the removal of the cell tower and its adjoining equipment from the Silver Oak Apartments within 30 days henceforth, beyond which, SOAOA does not guarantee the physical safety of the cell tower and its adjoining equipment.

I look forward to hearing from you.

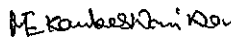
Sincerely,




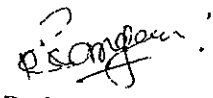
Mr. J. V. Swamy
General Secretary, SOAOA.




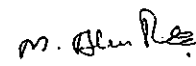
Mr. T. Shankar
President, SOAOA


Mrs. Ekambeswari Devi
Treasurer, SOAOA


Mr. K. S. Ashwin Kumar
Joint Secretary, SOAOA


Mr. Prakash S. Rangari
EC Member, SOAOA


Mrs. R. Krishna Veni
EC Member, SOAOA


Mr. M. Bhaskar Rao
EC Member, SOAOA

Copy to:
Shri Soham Modi, M/s Summit Builders

Note for Silver Oak Apartments Owners Association

Date: 27.08.10

1. A Communication tower was erected on Silver Oak Apartments, Cherlapally fetching a rent of Rs. 9,200/-per month.
2. In all likelihood this rent may be enhanced by Rs. 4,600/- per month.
3. Office bearers of the Owners Association over several meetings with the builder had agreed to share the revenue for the communication tower equally with the builder.
4. The builder had requested for a resolution confirming the sharing of revenue duly signed by all the office bearers so that 50% of the revenue from the tower can be remitted to the Association.
5. The builder had explained to the Association that several conflicting requests from succeeding office bearers, regarding the revenue sharing was received by the builder over the last 3 or 4 years. Therefore, the builder felt that it is imperative that to share the revenue a unanimous decision must be made by all the officer bearers.
6. Till date no such resolution has been received by the builder.
7. The builder still agrees to share 50% of the revenue with the Association on receipt of such a resolution.
8. Draft resolution is enclosed.

✓
APPROVED BY
27 AUG 2010
SUNIL K. N. S.
MANAGING DIRECTOR

Draft Resolution

RESOLUTION

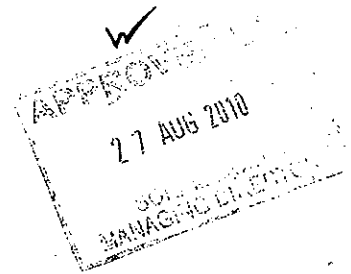
Over several meetings with representatives of M/s. Summit Builders and M/s. Modi Properties & Investments Pvt. Ltd., it was agreed that the revenue from the communication tower which has been erected on the terrace of Silver Oak Apartments shall be shared by Silver Oak Apartments Owners Association and M/s. Summit Builders equally.

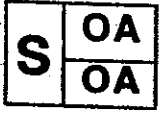
It is hereby resolved that:

- A. The revenue from the communication tower shall be shared by Silver Oak Apartments Owners Association and M/s. Summit Builders equally from 01.09.2010.
- B. Silver Oak Apartments Owners Association has no disagreement or dispute about the ownership of the terrace rights by M/s. Summit Builders and its right to erect a communication tower thereon.
- C. Enhanced revenue as a result of erection of additional communication towers or increase in revenue from the existing tower shall also be shared by Silver Oak Apartments Owners Association and M/s. Summit Builders equally.
- D. Mr. T. Shankar, President and Mr. J.V. Swamy, General Secretary have been duly authorized to sign all such deeds, documents, applications, etc., that may be required to fully affect the above.

Date: _____
Place: Hyderabad

President	Mr.T. Shankar
General Secretary	Mr. J.V. Swamy
Joint Secretary	Mr. K.S. Ashwin Kumar
Treasurer	Mrs. Ekambeswari Devi
EC Member	Mr. Prakash S. Rangari
EC Member	Mrs. R. Krishna Veni
EC Member	Mr. M. Bhaskar Rao





SILVER OAK APARTMENT OWNERS ASSOCIATION

Survey No. 290, (Beside Govt. Mint.,) Chinna Cherlapally, Hyderabad - 501 301.

Ref.:

Date: 24-08-2010

To
Mr. Soham Modi
c/o Summit Builders, M.G. Road
Secunderabad - 500003

Dear Mr. Modi,

With reference to your fax message dated April 28, 2010 regarding the agreement for sharing the communication tower rental since April 2007, the date of handing over to the first elected body of the Association, you have assured us that you will send the draft agreement for the same after two weeks. But, so far we have not received any such agreement copy from you.

Recently, you have sold Flat # 213. The MMC of the same has not yet been received by us. Please arrange the same at the earliest.

Please also arrange the copy of the draft agreement in order to proceed any further in this matter.

Sincerely,

GENERAL SECRETARY
SOA OA

SUMMIT BUILDERS

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003
Ph : 66335551

To,
The Secretary,
Silver Oak Apartments Owners Association
Cherlapally.

Date: 03.12.2009

Ref.: Your letter dated 29.10.09.

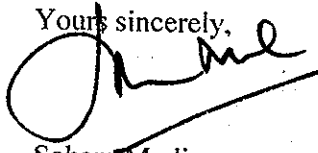
In reply to the points raised by you in you letter, please note the following:

1. Gymnasium: water proofing work in gymnasium is completed and it is fit for use. A wall of about 5 to 10 sft behind the staircase needs to be water proofed and the same shall be completed shortly.
2. Original documents: I am not sure as to which original documents you are referring to. The original documents requested by your predecessor has been handed over to them. A letter acknowledging the same is enclosed herein.
3. Minor repairs: These issues have been discussed earlier and the Association has been advised to get minor repairs done at their own cost. Repairs to water proofing of expansion joints must be taken up by the Association annually. For details of agencies for taking up these works or other technical issues you may contact Mr .P. Ramesh (Project Manger).
4. Electricity connection: Some customers are consuming more power than provided for. They may have to contact the electricity board for upgrade of their power connection. In come cases the cable from the meter panel board to the individual flat may also require upgradation. You are requested to appoint a electrical contractor to undertake these works.
5. Intercom: The work of intercom connection has been completed. However, at that time some flats were un-occupied and therefore the instruments for those flats were handed over to the Association. Please contact the vendor of the intercom for any repairs or maintenance.
6. Communication tower: The terrace rights of Silver Oak Apartments rest with the builder and therefore the builder is absolutely entitled to receive rentals form the communication tower.
7. Nala: On several occasions our engineers have inspected the problem with the nala and it has been observed that the present arrangement is working adequately and no further work is required. No foul smell is emitting from the nala nor is it creating any unhygienic conditions for the residents of Silver Oak Apartments.

You are welcome to meet me personally on Tuesday afternoons at our Silver Oak Bungalows site office. You are requested to take prior appointment from Aruna, my secretary at 27537458.

Thank You.

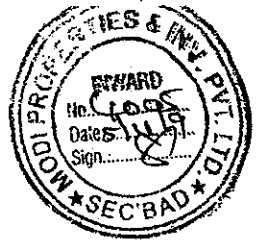
Yours sincerely,



Soham Modi.



Me by Repd. Jod' as the table draw



SILVER OAK APARTMENTS OWNERS' ASSOCIATION
Survey no. 290, Cherlapally, Hyderabad, Andhra Pradesh – 501301

To

29
Dt. 29-Oct-2009

Mr. Soham Modi
The Managing Director,
Summit Builders,
Secunderabad.

Dear Mr. Modi,

Sub: Seeking resolution of long-standing issues in Silver Oak Apts. Cherlapally

This is to bring to your kind attention towards the long-standing issues faced by the residents of Silver Oak Apartments, Cherlapally.

Some of these issues were specifically discussed in a meeting between you and the representatives of Silver Oak Apts (SOA). On April 29th 2009, you had personally committed to ensure resolution on these issues. However, with utter dismay and disappointment, we would like to state none of these issues have yet been resolved.

Please find below the problems faced by the residents of SOA:

1) Gymnasium:

The Gymnasium in SOA has not been in working condition for almost a year now. The issue of water seepage through the walls, due to swimming pool and rain water, has rendered the Gymnasium entirely unavailable for use. We have discussed this issue with the engineers of M/S Modi Builders multiple times, and we are yet to see a resolution on this. Though some efforts are being made to restore the Gymnasium, these are proving to be more of a temporary resolution. We at SOA are looking for a one time permanent resolution to this issue.

2) Original documents:

The original documents pertaining to the Silver Oak Apartments have not yet handed over to the Silver Oak Apartments Owners' Association (SOAOA). This, despite the fact that SOAOA was constituted more than 2 years ago. We would request to hand over all documents to SOAOA at the earliest.

3) Leakages at the joints:

This is another issue which was earlier discussed with you and at several instances with the engineers of M/S Modi Builders. The residents of SOA are facing several structure-related issues including – 1) Worn out clamps at the joint of water pipes, 2) Cracks near joints of pillars in the 5th floor and 3) Cracks and water leakage in the slabs. These issues were attended to since our meeting, however, like with Gymnasium, the solution provided was temporary in nature. The residents continue to face the same issues after a brief respite.

4) Electricity:

Some apartments in the SOA are still not connected through electricity. Apartment nos. 101, 422 and 518 are some of the examples. We have brought this issue up with the Engineers and Electricians; however, none could provide with a solution to the issue.

5) Intercom:

The process of intercom connectivity in SOA had begun post our meeting with you in April. However, the work is yet to be completed in full and there are several apartments that are still not connected through intercom. Our efforts to resolve this with the assistance of your engineers and electrician have been unsuccessful, and hence we seek your intervention to provide us with a resolution.

6) Rent from telecommunication signal tower:

This was another point discussed in our April 28, 2009 meeting. The residents of SOA would request you to transfer the ownership of all business dealings relating the telecommunication signal tower erected in the terrace of SOA. The residents is of opinion that the SOAOA should be responsible for this going forward.

7) Nalla:

The work on the nalla behind the SOA has not yet started despite the assurance we received from you. The residents continue to be challenged with the unhygienic conditions and strong foul smell emanating from the nalla.

As you would observe, the residents of SOA have been living with such long-standing issues for quite a while now. We seek your personal intervention and commitment towards resolution of all the above-mentioned issues permanently.

The residents of SOA also seek a personal meeting with you tomorrow during your usual visit to Cherlapally. Do let us know the convenient time and location where the meeting could be conducted.

Looking forward to an urgent and favourable response from you.

Warm Regards

For SOAOA

Gowri
(Gowri Ghosh)
General Secretary

Please acknowledge this copy and
send it back to us.

G. Uma Rani

G. Uma Rani

P. Nalini

P. Nalini

Baskar

m. Baskar

Dayanand,

Dayanand