



# LOGIX BLOSSOM COUNTY APARTMENT OWNERS ASSOCIATION

## ELECTIONS 2022

### Rules & Guidance Manual

### for elections to the Board of Management of AOA (2022-23)

#### List of abbreviations

BOM

Board of Management of AOA

COC

Code of Conduct

EC

Election Commission

LBC

Logix Blossom County

LBCAOA/AOA

Logix Blossom County Apartment Owners Association

Logix / Developer Logix Infrastructure Private Limited

UP Apartment Act

Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010,

#### BACKGROUND

**Logix Blossom County Apartment Owners Association**, (Registration No GBN/07156/2021-2022) was formed as per provisions of the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010, and registered with Deputy Registrar - Firms, Societies & Chit on 16-Sep-2021. The AOA has the following registered address: Plot No.- GH-02, Club House, Sector-137, Noida – 201305, Uttar Pradesh, India.

While the AOA has been formed with the help of an initial Board of Management for its formation, a GBM was held on 19 Dec 2021 to decide upon the future course of action, including a formal election process to be instituted for the formation of an Elected Board of Management. A resolution was reached for conducting the same in January 2022. In a subsequent GBM held on 09 Jan 2022, the process was further formalised with the constitution of an Election Commission to oversee, conduct, and facilitate the 1<sup>st</sup> Election for the AOA.

The Election Commission has 1 external invitee and 7 LBC residents (1<sup>st</sup> owners) as below:

Name	Resident	Resident since	Occupation
<b>Sunil Mathew, Nominee Chair</b>	No (President, Supertech Ecociti, Sec 137)	N/A	Self-employed, Lawyer with Hon'ble Supreme Court of India
<b>Ankoor Sarkar, Nominee VC</b>	Yes, I-1907	2019	Regional Director, with an MNC
<b>Biplav Chatterjee</b>	Yes, G-1504	2016	Associate Director (Risk Mgmt.), a Big 4
<b>Dinesh Harode</b>	Yes, D-1201	2015	Consultant, Smart Cities Mission, Govt of India
<b>Kanwaldeep Singh Pahwa</b>	Yes, O-1502	2021	Principal Solutions Architect with an MNC
<b>Navendra Singh</b>	Yes, O-1406	2020	Director, WCD, Govt of India
<b>Priyadarshi Gopal</b>	Yes, F-806	2018	Self-employed, Lawyer
<b>Shivanand Chaudhary</b>	Yes, P-306	2018	Self-employed, CA & Valuer

The Election Commission has finalised the below Guidance Manual with a view to conduct fair, impartial and transparent elections for the Board of Management of AoA, whose tenure will end with the conclusion of the First Annual General Meeting (as and when scheduled).

Below is the plan of action for the same (the schedule):

STAGE	Date of initiation	Event Date	Date of Closure
Release of Rule Book	13 Jan 2022	N/A	21 Jan 2022
Filing of nominations	22 Jan 2022	N/A	31 Jan 2022
Review of electoral roll	1 Feb 2022		04 Feb 2022
Vetting & finalisation of candidates	04 Feb 2022	N/A	08 Feb 2022
Grievance redressal / Withdrawal of nominations	10 Feb 2022	N/A	11 Feb 2022
Campaign & canvassing	12 Feb 2022	N/A	17 Feb 2022
Elections	18 Feb 2022	N/A	20 Feb 2022
Declaration of Results	N/A	21 Feb 2022	N/A

**NOTE:**

- Communications → Publication of future mode of communications shall be made via, a) Telegram, b) Email c) LBC AOA Website → The activities mentioned here, are to be managed/coordinated by the current AOA's BoM, as per advisories issued by the EC.
- **Email communication (intimation, nomination, submission of documents) to the Election Commission can be done at the email address i.e. [ec.lbcaoa@gmail.com](mailto:ec.lbcaoa@gmail.com)**
- The Rule Book and the nomination details shall be uploaded on the website <http://lbcaoa.in> as "GBM Elections 2022" - This task shall be managed/coordinated by the current AOA's BoM, as per advisories issued by the EC.

## **Guidance Manual spelling out the 'rules & regulations' on the steps for General Body Elections 2022 for the Logix Blossom County Apartment Owners Association (Regd)**

The Rules & Regulations framed by the Election Commission (EC) shall provide for the election, from among the apartment owners, of a Board of Management (BOM) by the registered members (i.e., members entitled to vote as per the electoral roll as on 31/01/2022) of the Apartment Owners Association (AOA) to be constituted as the first so elected body of the AOA. These rules have been framed to ensure a free, fair, and impartial election at Blossom County in a cordial atmosphere of civility and good conduct.

### **A. Functioning of the EC**

The following aspects shall govern the EC and its functioning and shall be effective from the date of constitution of the EC:

1. The decisions in the EC (on any tabled motion) shall be taken on the basis of an absolute majority and in the event of a tie; the Chairman's vote shall prevail as the "swing" vote.
2. Giving due credence to 'conflict of interest', the EC members, as on the date of the constitution of the EC, as well as any immediate (Blood) relatives and spouses of the members of the EC, shall not be eligible to contest as a candidate in the elections to the BOM of the proposed AOA of Logix Blossom County, GH-02, Sector 137, Noida, Uttar Pradesh.
3. The EC members will also not be allowed to cast their votes in the election, however, the spouses of the members of the EC, if deemed eligible (either as a co-owner or through a delegated power of attorney acceptable on a non-stamped but signed letter), shall be entitled to vote in the elections for the BOM.
4. Factoring in good governance practices, EC members are also to stay from the nomination & canvassing process for any candidate and maintain at an arm's-length distance from the same.
5. If any member of the EC is found to be guilty of misconduct, the other members of EC with simple majority may resolve for disciplinary action against such member and accordingly will make a recommendation to the existing Board of management of AOA for appropriate action. Further, the member against whom the resolution has been passed for disciplinary action will not be eligible to take part in the functioning of EC till the disposal of the proceedings by board of management of AoA.
6. Further, in case of vacancy in EC for any reason, such vacancy shall not be filled unless the strength of EC goes below to 5.

### **B. Rules relating to Conduct of the Elections**

1. The EC shall finalize the electoral rolls of Blossom County with the support of the present BOM of the AOA, which shall comprise of registered members, who are Apartment Owners as envisaged by the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010 [hereinafter referred to as the UP Apartment Act], The Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Rules, 2011 (hereinafter referred as rule) and relevant judicial pronouncements. However, it is reiterated that the EC shall not vet the list so received from the AOA but consider the same as genuine and bonafide. The registered members of AoA means the members as per the register of members as on 31/01/2022 maintained by the board of management of AoA.
2. Eligible Voters & person eligible to contest the election: As per the provisions of UP apartment Act, rules made thereunder and relevant judicial pronouncements only the owners of the apartment as per electoral roll provided by the existing Board of management of AoA. Here it is imperative to state that as per judicial pronouncement given by the Hon'ble Allahabad High Court in the case of M/S Designarch Infrastructure Vs Vice Chairman, Ghaziabad the owner of the apartment includes SPOUSE, CHILDREN AND LAWFUL TENANT of the apartment owner. Further, in case the

apartment is owned by any person (person as defined under Income Tax Act, 1961) other than individual, then in such case the authorized representative of such owner including employee, partner, and director of the person shall be eligible to cast the vote for and on behalf of such owner on prior submission of authorization document.

Any person who is the owner of the apartment as per the meaning of owner assigned above shall be eligible to cast vote as well as to contest the election.

A lawful tenant means:

- (i) a person who has entered into a lawful tenancy of more than one year and such tenancy has not been expired as on 31/01/2022; and
- (ii) The tenancy deed must be duly registered on proper stamp paper ensuring payment of legally applicable stamp duty.

Notwithstanding anything contained in other parts of this document, in case of voting and or contesting the election by the Co-Owner, Spouse, Tenant, Authorized representative of the owner, Proxy the EC shall allow them to vote and/or to contest the election only after submission of requisite documents by them to EC.

3. Given the present concerns emanating from the COVID-19 pandemic and due to the risks prevalent and considering the associated protocols laid down by the local administration, it has been unanimously decided by the EC, in the interest of the health and well-being of Logix Blossom County residents (especially senior citizens), the said elections will be held online in a secret manner and the cost incurred in the process shall be borne by the AoA.

Requisite measures and safeguards are being taken to facilitate a safe, free, and fair election through a transparent online voting process (after duly informing the concerned authorities), in the health & interests of voters, to discard the usual process of paper ballot/postal ballot in favour of an online (site & app-based) poll to be conducted. Accordingly, the electoral roll shall be shared with a third-party Service Provider, to be reviewed and finalised by the EC (and contracted for paying to them, by the present BOM), preferably, a vendor with established credentials and secure platform.

4. The EC shall endeavour to use various ONLINE options (such as Google shared drive on the LBCAOA's profile) where the following can be uploaded for a shared access:

- 4.1 Electoral Roll
- 4.2 Candidate profiles (& campaign videos)
- 4.3 The rules manual relating to the elections for the BOM shall be uploaded/circulated, including any further amendments to the rules.

In this regard the EC shall involve such persons to assist in this process as it deems fit.

5. The Vice Chairman, Election Commission (being a resident of LBC) shall be delegated the role of being the administrator of all Google microsites (Google Drive / emails) concerning owners and residents of Blossom County for the forthcoming elections. For the same, the existing BOM of the LBCAOA are expected to surrender management rights of the portal (and the Google Drive) to the EC for the duration of the process, from 'filing of nominations' to 'closure of the election process'.

6. The EC shall monitor all communications over such media (Google Drive/Telegram/Emails) to ensure that Election rules are not violated by any candidate or his/her supporters or surrogates and shall be empowered to take appropriate action in accordance with these rules in respect of violations of the same, including but not restricted to, cancellation of candidature, among others.

7. Nomination forms shall be submitted to the EC or to a person authorized by the EC in the format specified at Annexure 2. This shall be done through electronic means. In respect of each flat, only one owner shall have the right to vote and to nominate himself/herself for election to the BOM.

8. The eligible voters of Blossom County shall elect 09 (nine) eligible persons to the BOM. As per governing laws of the AoA, the maximum strength of BOM of AoA can be up to 10 only. Considering this aspect of law and prevailing practices wherein sometimes a representative in the BOM of AoA is nominated by the developer, the election has been confined to 9 Board Members.

9. In cases where an Apartment is 'Jointly Owned', normally the first applicant / owner shall have the automatic right to vote or stand for election. In case the second applicant /Co- owner intends to vote and stand for election to the BOM, a 'No Objection Certificate' shall need to be submitted by first applicant in favour of the second applicant to the EC in writing, in the prescribed format in respect of voting rights / nominations rights being transferred to the delegate ('proxy voter').

Such format is annexed herewith as Annexure 3. The same shall be submitted to the EC through electronic mode.

10. As per the UP-Apartment Act, the builder is required to submit a 'Deed of declaration' in Form A to the Competent Authority. A copy of the same declaration has to be provided to the EC well before the finalization of the electoral roll. In the absence of the relevant declaration being made available to the EC by the specified date, then each apartment in Blossom County shall carry the same weightage i.e., each apartment shall have ONLY ONE vote attached to it.

11. Further, a tenant may also be considered as a proxy voter (a delegate) for an apartment owner for participation in the AOA voting process, provided that:

- 11.1 S/he has entered into a lawful tenancy of more than one year
- 11.2 The tenancy deed must be duly registered on proper stamp paper ensuring payment of legally applicable stamp duty; and
- 11.3 A tenant cannot delegate his above rights to any other person. Only the person in whose name tenancy / lease deed is executed can participate (contest and/or vote) in the election process **{permitted as per judicial pronouncements released by the Honourable Allahabad High Court}**.

12. The EC shall circulate a brief profile of the candidates who are standing for election and circulate them on common email threads, Telegram and WhatsApp groups for the information of the voters.

13. A template for the same has been shared in Annexure 2 and tagged as a 'virtual manifesto' to be submitted online and would be accessible in a Candidate folder to be viewed by all the eligible voters on the shared Drive.

14. The online process of voting shall be planned over a duration of 2-3 days, preferably a weekend, and a secure, online (OTP or password based) mechanism will be offered to the voters to cast their online vote.

15. The voting shall be carried out by the eligible voters as per the final voters' list to be release by EC.

16. The voters shall elect the TOP 9 (Nine) candidates/contestants, to constitute the board of management (BoM).

17. The TOP 9 (Nine) candidates/contestants elected to the BoM shall thereafter elect/nominate the respective office bearers namely, President, Vice President, Secretary, Treasurer, from among themselves. The BoM can also select/elect/nominate 2 more office bearers namely Assistant Secretary and Assistant Treasurer.

18. The BoM shall have the discretion to engage the EC in the selection/election/nomination of the Office Bearers of the BoM. This mode shall be preferable to be exercised by the BoM.

19. In the event of there being only 9 (Nine) candidates/contestants or less than it, the need of conducting an election shall not arise.

20. In the event of less than 4 (four) candidates/contestants, the EC reserves the right to extend the nomination period as to ensure minimum required participation i.e., 4 candidates/contestants.

**C. Conflict of Interest**

1. In order to protect the interests of the residents of Blossom County; and a view with to ensure a free and transparent election, it is implicit that no nominee to the BOM (i.e., candidate) has any vested interests vis-à-vis the Developer i.e., Logix Infrastructure Pvt Ltd (hereinafter referred to as “Logix”) and its sister/associated concerns as well as Noida Authority. To ensure this, the EC shall be taking declarations/affidavits from the prospective nominees before the last date of withdrawal of nominations, failing which the candidate shall stand disqualified and his /her nomination shall stand cancelled.

2. No person shall be eligible to contest in the elections if s/he has any commercial / pecuniary relationship with the Builder i.e. Logix and its sister/associated concerns by way of employment or part time consultancy or otherwise which may involve services rendered for consideration during the period 01 Jan 2021 till date unless he/she makes a full and complete disclosure of all such details of such involvement including letters of appointment/employment/ contract and all details and full account of salary/remuneration/ fees received during the above mentioned period.

These documents shall be required to be attached to the Disclosure Affidavit attached as Annexure 5 and submitted to the EC along with the nomination form at Annexure 2.

3. No persons shall be eligible to contest in the elections if s/he works in an organization that has a commercial / pecuniary relation with the Developer i.e. Logix Ltd and its sister/associated concerns or is an organization which receives or has received benefits of pecuniary or commercial in nature during the period 01 Jan 2021 till date unless s/he makes a full and complete disclosure of all such details of such involvement including letters of appointment/employment/engagement/contract and all details and a full account of salary/remuneration/ fees received or advertisement revenue received by the said organization. These documents shall be required to be attached to the Disclosure Affidavit attached as Annexure 4 and submitted to the EC along with the nomination form at Annexure 2.

4. The above two provisions shall also apply vis-à-vis the NOIDA officials.

5. All of the above provisions shall also apply to such person’s spouse and immediate blood relatives.

6. In terms of conflict-of-interest provisions, each candidate contesting for election to the BOM shall provide a self-attested affidavit, in the format specified by the EC. The format for the affidavit shall be in accordance with Annexure 4.

7. Any violation of the Conflict-of-Interest provisions set out above shall render the candidature of the concerned person null and void and her/his election to the BOM shall be set aside by the EC. Even if such violation occurs at a later date after the election has been completed, if it is found based on proof and credible documentation that an elected candidate has violated the Conflict-of-Interest Provisions, then such elected candidate shall stand disqualified from the BOM and a by-election shall be held to fulfil such a vacant position on the BOM.

**D. Disqualification from Voting or Contesting Elections**

1. Notwithstanding any provision in these Rules, no person shall be entitled to stand for election or vote in the upcoming elections to the BOM unless s/he has attained the age of 18 years as on 31 Jan 2022. Furthermore, any person convicted/charge-sheeted in respect to an offence involving a term of imprisonment of 6 months or more shall not be entitled to vote or contest in the BOM elections.

**E. Code of Conduct**

1. Campaign by a candidate or her/his supporters shall commence from the date of submission of the nomination form but not before that and will be permitted up to 24 hours prior to the actual start of the online voting process.
2. In view of the Covid 19 protocols in place, election campaigning is to be done only through electronic means of communication such as email, SMS, telephone and by any other social media tools.
3. No candidate shall invite/involve/hire any outsider third party (i.e., a Non-Member) to canvass for her/him in the elections. Any such incidence, if brought to the EC's attention, and determined, with a fair degree of reasonableness to be true, would warrant action by the EC, including but not restricted to cancellation of the said nominee's candidature.
4. No Candidate or his/her representative shall induce the Voters by any illegal means, in cash or in kind, to seek votes. Any such incidence, if brought to the EC's attention, and determined, with a fair degree of reasonableness to be true, would warrant action by the EC, including but not restricted to cancellation of the said nominee's candidature.
5. No candidate shall be permitted to deface/spoil the premises of Blossom County or immediate outside vicinity by putting up posters/hoardings/banners.
6. No personal allegations using derogatory or defamatory language shall be used by any candidate against other candidates or any other individuals, and in particular, no abuses or derogatory language to be used by any candidate against any women resident of LBC. Any such incidence, if brought to the EC's attention, and determined, with a fair degree of reasonableness to be true, would be subject to 'zero tolerance' and warrant action by the EC, including but not restricted to cancellation of the said nominee's candidature.
7. Any Candidate or Voter found in violation of the above said Code of Conduct shall be debarred by the Election Commission from contesting or voting as the case may be in the elections for the BOM for two subsequent years.

**F. Hearing & Grievance redressal**

Notwithstanding anything in these Rules, no action vis-à-vis debarring or cancellation of candidature or voting right shall be taken by EC, without a cure mechanism, that involves giving a prior written notice to the concerned candidate or voter and a personal hearing (in virtual mode) to the concerned candidate or voter as the case may be. This hearing shall have to be conducted by at least 3 members of the EC, inclusive of the Chairman/VC of the EC.

All decisions of the EC shall be binding in this regard.

**G. Interpretation of the Rules**

For the purpose of implementing these Rules, the interpretation of the Rules by the EC shall be conclusive and binding.

**H. Declaration of Elections Results:**

The top nine contestants (ranked in descending order in terms of the number of votes obtained) shall be declared 'elected'. In the event of any two contestants obtaining an equal number of votes, then both of them will be declared as 'elected' if both of them succeed in getting positioned between one to nine (in terms of the number of votes obtained). In the event of two contestants obtaining an equal number of votes at the 9th position; the resident with more tenure of residency in LBC (duly validated through the relevant documents and records), shall be elected in order of priority.

In case of any dispute, the decision taken by the majority of the EC members, will be considered final and binding.

The election results would be declared by the Election Commission post tabulation by the contracted third-party service provider and would be communicated via email /Telegram notices to the resident members of the LBCAOA, as well as published on the LBCAOA website.

PS: The result shall be published in at least two daily newspapers (Hindi/English) for wider publicity (subject to agreement with the present BOM).

***The results compiled and declared by the Election Commission would be final and binding on all the members of LBCAOA.***

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Annexure 1

**Authority letter for Proxy Vote from the Owner of Apartment  
(To be submitted to the EC electronically)**

I, \_\_\_\_\_ W/S/D/o Mr/Mrs \_\_\_\_\_  
\_\_\_\_\_ owner of Logix Blossom County apartment number \_\_\_\_\_, hereby  
authorize Mr./Mrs/Ms \_\_\_\_\_ who is Spouse / Dependent Family Member (who  
shall be a major) / Legal Tenant and residing at  
\_\_\_\_\_ to  
cast a Vote in the Elections for the year 2022-2023 of the Board of Management of AOA of Logix Blossom  
County on my behalf.

The signatures of the person authorized are attached herewith.

Thanking you,

(Owner's sign)

(\_\_\_\_\_)

Enclosures:

Name of the authorized person  
(proxy)

(\_\_\_\_\_)

Accepted enclosures:

1. Valid Photo ID proof of owner and person acting as proxy (such as Aadhar/Voter Id)
2. 1st 3 pages and last 3 pages of sale deed/possession letter/allotment letter
3. Additional Document: Rent agreement copy (only in case of tenants being proposed).

Annexure 2

**Nomination/Candidature Form for BOM election of Blossom County AOA  
(To be submitted to EC electronically)**

Name of Candidate: \_\_\_\_\_

Blossom County Apartment No. \_\_\_\_\_

Profession/Occupation: \_\_\_\_\_

Family Details: \_\_\_\_\_

Age: \_\_\_\_\_ Yrs.

Present Residence: \_\_\_\_\_

Brief profile of the candidate:

Candidate Manifesto (5 key action points for LBCAOA):

- 1.
- 2.
- 3.
- 4.
- 5.
- ...

First Proposer\* \_\_\_\_\_ (Name & Sign)

Blossom County Apartment No: \_\_\_\_\_

Second Proposer\* \_\_\_\_\_ (Name & Sign)

Blossom County Apartment No: \_\_\_\_\_

(\*Both Proposers need to be eligible to vote in accordance with the UP-Apartment Act read with these Rules notified on 22 Jan 2022)

Accepted enclosures:

1. Sale deed/Allotment/Possession letters of the Candidate, First Proposer and Second Proposer
2. Disclosure Affidavit according to Annexure 4

Annexure 3

**Authority letter for Voting/Nomination in case of Joint Owners/Family Member  
(To be submitted to EC electronically)**

I \_\_\_\_\_ W/S/D/o Mr/Mrs \_\_\_\_\_  
first owner of Blossom County Apartment Number \_\_\_\_\_ hereby authorize  
Mr./Mrs/Ms \_\_\_\_\_ who is also along with myself is the Co-owner / Family Member  
– relation \_\_\_\_\_ (please tick one) of above said Apartment to cast a Vote and Nominate  
himself/herself for election to the Board of Management of Logix Blossom County f or the year 2022-2023.

The signatures of the person authorized are attached herewith.

Thanking you,

(First Owner's name and sign)

( \_\_\_\_\_ )

Name and Sign of the Co-owner/Family Member

( \_\_\_\_\_ )

Accepted enclosures:

1. Valid Photo ID proof of both First Owner and Person being nominated (Aadhar card/ Voter ID)
2. 1st 3 pages and last 3 pages of sale deed/ Possession letter / Allotment Letter

Annexure 4

**SWORN AFFIDAVIT**

That I Mr/Mrs \_\_\_\_\_ aged \_\_\_\_\_ S/D/o \_\_\_\_\_  
\_\_\_\_\_ r/o \_\_\_\_\_  
\_\_\_\_\_ do hereby solemnly affirm and declare as under: -

1. That I am a bonafide resident/owner of the flat in Logix Blossom County, GH-02, Sector-137, Noida, U.P.
2. That I am eligible to contest as a candidate to the Board of Management of the Association of Apartment owners in Logix Blossom County, GH-03, Sector 137, Noida, U.P. and I am not covered/ covered (strike off which is inapplicable) by the provisions stated under the Conflict-of-Interest Provisions of the Election Commission Rules notified by the Election Commission on 22 January 2022.
3. (if covered by conflict-of-interest provisions) That, I have attached all requisite details/documentation required under conflict-of-interest provisions of the EC Rules and nothing material has been concealed therefrom.
4. I undertake to, at all times, abide and comply with the provisions of the Election Commission Rules notified by the Election Commission on 22 January 2022.

DEPONENT

VERIFICATION: -

Verified in \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 2022  
that the contents of this affidavit are true and correct to the best of my knowledge and belief; no part of its false and nothing material has been concealed there from.

DEPONENT

**AUTHORS OF THE Rules & Guidance Manual**

Sd/-

1. Sunil Mathew
2. Ankoor B Sarkar
3. Biplav Chatterjee
4. Dinesh Harode
5. Kanwaldeep Singh Pahwa
6. Navendra Singh
7. Priyadarshi Gopal
8. Shivanand Chaudhary

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