

Office of Election Commission(2023-25)

HQ,MES BUILDERS ASSOCIATION OF INDIA (Regd.)

807-808 SAHYOG 58, NEHRU PLACE, NEW DELHI-11019

Tel: 26418776/49537644 E-mail: mesbai75@yahoo.com

Chief Election Commissioner:- Er. Rajeev Chowdhary

Mobile No. 98290-28966, ,94629-08896

Whatsapp :- 98290-28966 Email: electionmbai2325@gmail.com

Election Commissioner:-

Sh. Peeyush Mishra

Mob No :-93406 50763,98269 62087

Ref. No. MBAI/EC/ **06(R)** /2023-25

Election Commissioner:-

Sh. Naveen Yadav

MobNo:-9415102714,63940 7510

Dated: 08.05.2023

To

The Branch Election Chairman

ALL Branches

MES BUILDERS ASSOCIATION OF INDIA (Regd.)

We are glad to know that you have been elected Election Chairman of MES Builders Association of India(Regd.) of Your Branch to conduct the Election for the term 2023-25.In this connection you are kindly requested to go through the Election Notice for the Term 2023-2025 issued by Election Commission letter No MBAI/Election/03/2023-2025 dated 02 May 2023 which is available with Your Branch.

You have been elected to conduct the election in Branch in a free & fair manner as per the Provisions of MOA of the Association. Though, you are learned person, however, few salient points regarding holding of Election in Branches are summarised hereunder for your information & compliance:

You are requested to strictly follow the same:-

(1) There should be minimum 21 days gap between the date of issue of notice and the date of election of the Branch. The copy of notice issued for Election must reach at HQ through email/ WhatsApp within 24 hours and by registered post or courier within 05 days from the date of issue. The member who Had paid all Dues prior to 07 (Seven) Days of Election Date will only be Eligible for As a Candidate in Branch Elections.

(2) a)If the Elections are conducted without Filling of Nomination Forms:-

The Election Chairman will first of all invite the proposal for each of the posts of the Branch, starting from the Chairman and will end at the Council Members. Any one member of the Branch will have to propose the name of the candidate and another member will have to second the same. Then the Branch Election Chairman will take the consent of the candidates for contesting the election. One member can contest for only one post of the Branch. Thereafter if there is more than one candidate for any post, the Branch Election Chairman will start voting procedure by secret ballot for all such posts at a time. Election process once started shall be completed without any break/recess by the Election Chairman. Branch Election Chairman will keep record in writing of the proceedings.

Contd _2_



(2)

b) If the Elections are conducted with Filling of Nomination Forms:-

Thereafter if there are more than one candidate for any post, the Branch Election Chairman will start voting procedure by secret ballot (Pre Printed Before Election Date) for all such posts at a time. Election process once started shall be completed without any break/recess by the Election Chairman. The Branch Election Chairman will keep record in writing of the proceedings

(3) Only enlisted contractor whose name are figured in the original valid enlistment documents issued by MES Enlisting Authorities would be eligible to contest/participate in the election. In case of a Partnership Company or Limited Company only one person of that company can contest in the Branch Election The Consolidated strength of office bearers & executive committee members shall not be more than 25% of membership of the Branch (the percentage rounded off to the next higher whole number) or as following mentioned here unde:-:

Office Bearers:-

- i) **Chairman**
- ii) **Sr Vice Chairman**
- iii) **Vice Chairman -maximum 3 posts or on the basis of strength of Branch.**
- iv) **Hony.Secretary**
- v) **Hony.Jt.Secretary -maximum 3 posts or on the basis of strength of Branch.**
- vi) **Hony.Treasurer**
- vii) **Council Members as per membership strength of Branch**
- viii) **Executive Committee Members - The number of members will be decided by the Branch keeping that The Consolidated strength of office bearers & executive committee members shall not be more than 25% of membership of the Branch**

NOTES:- (1) It is decided that the Members whom Reenlistment is not yet Approved and the same is under consideration and their Firm Name has not been Removed by the Enlisting Authority, they will be Eligible to take Part in the Election process subjected to production of proof for the same to the Branch Election Chairman who will take the same on Records and Indicate same in the remark column of Annexure 'A' attached as per para (9).

(2) Attention is Drawn to the provisions of MOA Para 7(c), 11(f) v) and 27.5(g) as appended Below for consideration :- .

7.(c) A newly enrolled member will not be eligible to contest in any election of the HQ or the existing Branch for a period of two years from their date of enrolment. However, the newly enrolled members of a newly established Branch would be eligible to contest in election of that Branch only.

11(f) v) :- Eligibility Criteria for the Post of Branch Chairman and Hony. Secretary must have served 04 (four) calendar Year /Two tenure on any Post of the Executive Committee of Branch.(For Purpose of Period 2019-2023 Shall be Taken as OneTerm & Only Two Years will be Counted thatPeriod Since Period of 2019-2021 declared as Zero Term)

Contd _3_



(3)

27.5(g) :- The term of office of Chairman and his / her team of Office Bearers, executive committee members and council members will be for two years. They will however be eligible to be elected in the same post for the successive one tenure. Thereafter they will not be eligible to be appointed in the same post of the Branch for a minimum period of two years (One term) and Chairman who has completed one or more tenure as Chairman will not be eligible to contest for the Post of Hony. Secretary for one tenure. However, there will be no such embargo on the executive committee members and the council members

- (4) Every member shall have one vote other than an associate member who shall not have any voting right neither shall be eligible to contest for any office at Branch or HQ.
- (5) Electoral role of the branch shall be based on the record from HQ member list which is available on website and Members who had cleared their All dues prior to **02 (Two) day** of Branch Election can cast their Votes.
- (6) Before the start of Election, Election Chairman is required to obtain valid list of voters (Members who have cleared their dues as shown on the HQ website) duly signed by Chairman, Hony. Secretary and Treasurer of the concerned Branch. Only those individuals whose names are being mentioned in the enrolment form of MESBAI for representing the company as indicated in HQ website can cast their vote after proper identity proof. As identity proof one can produce any photo I-card issued by the Govt. of India viz. Driving license, Passport, Pan Card, Voter I-card issued by the Election Commission of India etc. Each firm will have one vote with no provision of proxy vote.
- (7) The Branch will get Council members on the basis their strength as given in MOA (Please refer Article 11(f) (iv). The strength of the Branch will be membership strength of the Branch in **good standing** at the time of election. No subscription shall be accepted during the currency of voting.

Clarification Regarding Good Standing :-

The different Provisions of MOA are as under:-

(a) The MOA clause 11(f) iv) stipulate as under:-

iv) **Council member.** The strength will be decided as per the membership strength of the Branch in good standing at the time of election

(b) The MOA clause 9(b) stipulate as under:-

Normal service rendered to a member shall be discontinued if he is in arrears for more than 3 months. If a member continues to remain in arrears of payment of subscription for 2 consecutive years and did not pay even within six months his / her name will be automatically removed from the list of members of the Association without submission to Council

(c) The MOA clause 11(e)iii) stipulate as under:-

iii) All the members who are in the membership list of that particular Branch on **31st March** of that year will be voters of that Branch, subject to clearance of all their up to date dues and remittance of HQ's share and copy of valid enlistment letter is uploaded on the Association's website before their participation in elections of Association

Contd_4



(4)

After considering all the Inter related provisions of MOA, The Clarification /Opinion of Election Commission is that --->

The Good Standing for holding of Elections for the Term 2023-25 for the purpose of Electing Council Members from the Branch means the Total Number of Members Strength appearing in the Members List Uploaded by HQ on its website www.mesbai.in which is available on its website will be considered in Good Standing.

(8) In Continuation to the Election Notice and Advisory issued under the following letters of Election Commission:-

- (a) MBI/Election/02/2023 -25 dated 01May 2023
- (b) MBI/Election/03/2023 -25 dated 02 May 2023
- (c) MBI/Election/04/2023 -25 dated 02 May 2023

Clarification Regarding Remittance of HQ Share of Subscription and Other Dues of HQ:-

The different Provisions of MOA are as under:- :-

The MOA clause 6(ii) stipulate as under

(ii) All subscriptions shall be paid in advance so as to reach the HQ before 30th April each year. Non receipt of the subscription by the due date may render the member to lose his /her membership as per rules of the Association.

The MOA clause 11(f) iv) stipulate as under:-

iv) **Council member.** The strength will be decided as per the membership strength of the Branch in good standing at the time of election. No subscription shall be accepted during the currency of voting.

The MOA clause 11(f) iiiv) stipulate as under:-

viii).Members desirous of contesting election should pay subscription & other dues if any of the Branch minimum 8 days prior to the date of election

After considering all the Inter related provisions of MOA and the feed back received from various Branches on practical difficulties, The Clarification /Opinion of Election Commission is that --->

All HQ outstanding dues from the Members and HQ share of Subscription along with GST applicable should be remitted within 02 (Two) working days after completion of Branch Election (By the outgoing office bearers of the Branch) before handing/ taking Over of Branch Accounts to/by newly elected Team. Failure to comply with the above instructions by the outgoing Team will Automatically debar them from the Association for a Period of Minimum Two Years. The Election Commission will Take Appropriate Decision deemed to be fit in that case to allow New Team to Participate in the HQ process. The decision of Election Commission will be Final and Binding in all such cases.

Contd _5_



(5)

(9) Election result of the Branch in complete manner viz name, address, mobile number, email ID and photograph along with valid list of voters as per the format given in **Annexure 'A'** attached and scan copies must be sent through email/fax within Two working days from the date of Election. If Reenlistment of Any Member is pending as detailed in Note No (1) of Para (3) above, same should be indicted in remark Column of Appendix 'A' against the entry of that Member.

(10) Election process once started shall be completed without any break/recess by the Election Chairman.

(11) **Forwarding of Branch Accounts /Audit and Audited Account:-**

Provisions of MOA para 27.3 ii), viii), 27.4 & 27.6 are as under:-

27.3 Chairman, Honorary Secretary and Honorary Treasurer

Chairman and Honorary Secretary of each branch shall be jointly and severally responsible for will be responsible for the funds and property of the branch and the following: -

- ii) Get the Accounts of the Branch audited by CA,
- viii). Shall send its branch bank statement to the HQ on demand and audited statement of accounts up to 31st March duly passed by the executive committee of the Branch, so as to reach the Headquarters on or before the 15th May each year

27.4 Branch / its office bearers failing to comply with the pertaining provisions of the above clause shall not be allowed to take part in the Head Quarter's election. Chairman/ Hony. Secretary

27.6 Audit.

The Accounts of the Branch shall be audited and certified by a Chartered Accountant before 15th day of May each year

Chairman/ Hony. Secretary/Hony. Treasurer of such Branch will not be eligible to contest the election of the branch for one tenure or till compliance of the aforementioned pertaining clause 27.2 and 27.3 respectively.

After considering all the Inter related provisions of MOA, The Clarification /Opinion of Election Commission is that --->

Since the Provision of Branch Accounts Audited by CA, made applicable w e f 22/09/2022 through Amendments to MOA, it is clarified that the Provisions contained in Para 27.3 ii), 27.4 and Para 27.6 and will be Applicable from Next Financial Year i.e. w e f 01/04/2023 onwards since the Current financial year i.e. 01/04/2022 to 31/03/2023 cannot be spitted in Two parts for Audit Purpose by CA.

Contd _6_



(6)

Forwarded for Information and compliance for conducting Branch Elections Successfully and in Good spirit .

Wishing all Best Wishes

With Warm Regards

Yours Faithully





(Er. Rajeev Chowdhary)
Chief Election Commissioner(2023-2025)
MES Builders Association Of India (Regd.)

Enclosure :- Annexure 'A' attached as per para (9).

Copy to: (i)HQ, MES BAI NEW DELHI
(ii) Members Election Commission
(iii) All Reginal Vice Presidents of Regions - for information

