

MES BUILDERS ASSOCIATION OF INDIA (REGD)
807-808, Sahyog 58, Nehru Place, New Delhi-110019

Dispute Redressal and Reconciliation Committee (DRRC) 2023-25

Ref. No. MBAI HQ / DRRC / 19 / 20 /2023 -2025

Date : 23rd Mar 2024

DECISION IN THE MATTER OF OPENING OF COIMBTORE BRANCH

1. Further refer to the following letters / emails received by DRRC and copy endorsed to HQ MES BAI New Delhi & vis-a-versa :-
 - (i) MBAI/HQ/VPS(S)/17/2023 dt 27.12.2023 received by email and hardcopy on 25thJan 2024
(The time period of 60 days (Two months) expires on 26th Mar 2024 As per MOA & AOA Article No 23 (e) deemed to be calculated from 25th January 2024 Onwards (i.e. the date on first instance the matter of dispute received by the DRRC)
 - (ii) MBAI/HQ/VPS(S)/16/2023 dt 27.12.2023 received by email and hardcopy on 25th Jan 2024
 - (iii) MBAI/HQ/VPS(S)/20/2024 DT 26.01.2024 received by email.
 - (iv) MBAI/HQ/VPS(S)/24/2023 DT 07.02.2024 received by email.
 - (v) MBAI/HQ/VPS(S)/25/2024 DT 19.02.2024 received by email.
 - (vi) MBAI/HQ/VPS(S)/26/2024 DT 20.02.2024 received by email.
 - (vii) MBAI/BAN/HQ/69/2023-25 DT 30.01.2024 received by email.
 - (viii) MBA/WTN/HQ/57/2023-25 DT 30.01.2024 received by email.
 - (ix) MBAI/CHN/15/2023-25 DT 30.01.2024 received by email.
 - (x) MBAI/CHE/18/2023-25 DT 30.01.2024 received by email.
 - (xi) MBAI/BAN/HQ/81/2023-25 DT 12.03.2024 received by email.
 - (xii) MBAI/CHN/23/2023-25 DT 14.03.2024 received by email.
2. HQ MES BAI letter Nos:-
 - (i) MBAI/VPS(S)/40/2023 dated 05/08/2023
 - (ii)MBAI/Wellington /03/2024 dated 22 Jan 2024.
 - (iii)MBAI/Wellington /04/2024 dated 25 Jan 2024.
 - (iv).MBAI/Wellington /05/2024 dated 25 Jan 2024
 - (v).MBAI/VPSS/01/2024 dated 14 Feb 2024
 - (vi).MBAI/DRRC /03/2024 dated 15 Mar 2024.
 - (vii)Minutes of Council Meeting No 02 held on 11/09/2023 at New Delhi,
 - (viii)Minutes of Council Meeting No 03 held on 28/10/2023 at Agra

- (ix) Minutes of Council Meeting No 04 held on 27/12/2023 at New Delhi
(x) Minutes of Council Meeting No 05 held on 1~2 /02/2024 at New Delhi

3. Please also refer DRRC letter Nos :

- (i) MBAI HQ / DRRC /15/2023 -2025 dt 05th Feb 2024
(ii) MBAI HQ / DRRC /17/2023 -2025 dt 21st Feb 2024.

4.. The then Vice President Southern (S) Region Mr J L RATHAN email communications in the matter with HQ MES BAI New Delhi with his recommendations dated 16th July 2022 and 21st July 2022.

5. As the subject matter referred to DRRC, In accordance to law and provisions of MOA;DRRC is duty bound to give sufficient opportunity to the aggrieved person/ group of persons to submit their issues in detail. As such a virtual hearing on this matter was conducted on 10th Mar 2024 through a Virtual conference (VC) / meeting on Google Meet at 10.30 AM onwards with all concerns along with the participation of all members of DRRC .

6. All the relevant available documents were taken on records and thoroughly examined By the members of DRRC with due deliberations in Accordance with **the Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022)**. The Draft Decision of DRRC circulated in DRRC WhatsApp Group & Email for further comments of members of DRRC. The DRRC **unanimously** taken the decision on matter referred to it as detailed in the succeeding paragraphs.

7. The following **Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022)** were examined before arriving at Final Decision :-

(i) Article No - 3. Opening of New Branch of the Association

a) The Council may by a Resolution open new Branches in different parts of the Union of India; provided there are not less than 30 (thirty) applicants for the membership of the Association, out of which minimum 25 (Twenty five) must be enlisted contractors in MES, operating in that area, and at least a CWE's office is situated or GEs' office in case of difficult and remote area provided there should be no existing branch of the Association situated in the radius of 50 KMs, hence opening of a Branch in that place will be beneficial for the Association. Regional jurisdiction of the Branch will be decided by the council.



b) After the council approves the membership of the applicants and also the opening of the new Branch, the newly enrolled members can elect their office bearers, council members and executive committee members, in the General Meeting of that newly established Branch and thus start functioning

(ii) Article No - 7. Rights & Privileges of Members

b) Any member shall be entitled to resign from the membership of the Association.

e) If any applicant who has, at any previous time, been a member of the Association, such members may however be admitted as new members provided they pay the entrance fee and three years subscription along with their fresh application for enrolment.

g) If any branch, member or group of members feel aggrieved by any matter (other than election matters, where reconciliation by Vice president is not mandated) he/they can approach the "Dispute Redress & Reconciliation Committee . (DRRC) at Headquarter immediately but not later than 15 days on completion of reconciliation effort by the concerned Vice President, who will give decision within **60 days**. The decision of the DRRC in the matter will be final and binding for all. In case any issue arises pertaining to any member of DRRC, the concerned member shall not take part in the proceeding of the meeting in which the matter is considered.

(iii) Article No - 10. Administration

(b)(vi) Standing Committee named "Dispute Redress and Reconciliation Committee shall consider grievances of branch / members, if any, and give decision on the same.

(iv) Article No - 23. Dispute

a) If any dispute arises among members / branches in case of any matter whatsoever including elections, etc., the same shall be referred to a Dispute Redress and Reconciliation Committee called DRRC.

b) The DRRC will consist of the Chairman, and four members, all five of them directly elected by the council/Selected by the President, in case empowered by the council, from amongst the council members.



e). DRRC shall decide the matter pertaining to all disputes and the decision of DRRC shall be final and binding on all the parties. The DRRC shall have all the powers as per the Arbitration Act, and shall settle the matter within 2 months of referring of the dispute.

f). If at any point of time any misunderstanding crops up regarding any clause/rule/ explanation of this Memorandum of Article, matter shall have to be referred to the DRRC for proper and just clarification / interpretation of the same. Interpretation recommended by the DRRC will be final and binding.

8. The DRRC after going through the all correspondences taken on records and various provisions of **Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022)**, reached at the conclusion that the Decision on grievances / disputes raised by the Esteemed members **needs to be decided on The Following Two Issues :-**

(i) that the disputes raised by the Sh . M Sundarajan , presently holding the Post of Vice President , Southern (S) Region is either maintainable or Not in his Capacity as Vice President , Southern (S) Region in the present matter.

(ii) that the grievances / disputes raised by various Branches on Opening of New Branch of MES BAI At Coimbatore are maintainable or Not which needs explanation in accordance with Article No 23(f) of Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022).

**(9) FINAL FINDINGS, OPINION & FINAL CONCLUSION /
DECISION OF DRRC IN THE MATTER OF OPENING
OF COIMBTORE BRANCH**

**(I) ISSUE Detailed at Sr No NO 8(i)
that the disputes raised by the Sh. M. Sundarajan, presently holding
the Post of Vice President , Southern (S) Region is either
maintainable or Not in his Capacity as Vice President , Southern (S)
Region in the present matter.**

(A) FINDINGS OF DRRC:-

Prima Facie it is observed that Sh. M. Sundarajan, Vice President, Southern (S) Region effortlessly tried his best in the capacity of Vice President Southern (S) Region and not in his Individual Capacity or Authorized person on behalf of Wellington Branch to stop/withhold the opening of New Branch of MES BAI at COIMBTORE to help his own Branch i. e. Wellington Branch



soon after the matter was referred to him by the HQ under letter No MBAI/VPS(S)/40/2023 dated 05/08/2023 for his fresh recommendations which was previously recommended by the then Vice President Southern (S) Region of previous Term Sh J.L. Rathan.

(B) OPINION OF DRRC :-

After examination of the Article No 7(g), 10(b) (vi) and 23 (a) & (e) of Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022), the DRRC is of opinion that Sh.M.

Sundarajan raised the grievances / disputes in the capacity of Vice President Southern (S)Region. It has been noticed that No provisions of Articles No 7(g), 10(b) (vi) and 23 (a) & (e) allows the DRRC to adjudicate the grievances / disputes raised by Sh M. Sundarajan in the capacity of Vice President, Southern (S) Region which he himself repeatedly endorsed.

Further the DRRC has given opportunity to him vide DRRC letter No MBAI HQ / DRRC /17/2023 -2025 dt 21st Feb 2024 under Para 2 (d) (i) to provide provisions of Articles of Association of M.E.S. Builders Association of India (Regd) which empowered & duty bound him as repeatedly claimed by him to Act upon on behalf of Complete Southern (S) Region in the present matter of dispute. The DRRC is of opinion that Sh.M. Sundarajan is not entitled/ competent in the capacity of Vice President, Southern (S)Region to raise the matter of dispute with the DRRC in the present matter.

(C) FINAL CONCLUSION/ DECISION OF DRRC:-

In view of the findings and Opinion of DRRC in the matter, the DRRC decides that the grievances / disputes raised by Sh M. Sundarajan in the capacity of Vice President Southern (S) Region **is not maintainable before the DRRC in this matter and stands rejected** since grievances / disputes raised by the Sh M. Sundarajan in the capacity of Vice President, Southern (S) Region does not falls under any one category as defined in various places of Articles of Association of M.E.S. Builders Association of India (Regd), i. e. as a Branch , Member or Group of members since the post of Vice President, Southern (S) Region is an Elected post of HQ Office bearer to perform the duties as defined in Article No 13(e) of Articles of Association of M.E.S. Builders Association of India (Regd).

With this the matter of grievances / disputes referred by Sh M. Sundarajan in the capacity of Vice President, Southern (S) Region stands rejected and matter refereed to the DRRC for the decision stands disposed off.

(II) ISSUE Detailed at Sr No 8(ii) :-

that the grievances / disputes raised by various Branches on Opening of New Branch of MES BAI At Coimbatore are maintainable



or Not which needs explanation in accordance with Article No 23(f) of Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022):-

(A) FINDINGS OF DRRC:-

- (i) Certain Branches of Southern (S) Region mainly Wellington Branch (most nearer Branch to the Newly opened Branch of MES BAI at Coimbatore), Bangalore Branch, Cochin Branch & Chennai Branch raised the issue to stop opening of New Branch of MES BAI at Coimbatore through various correspondences held on records & in the virtual meeting also.
The objections of Wellington Branch at one instance can be examined since it is nearby to Newly raised Branch of MES BAI at Coimbatore (Nearly 80km away) and few members of Wellington Branch had resigned from the Association and Applied Again for New membership of Association as per provisions of MOA but the motto behind the Bangalore Branch, Cochin Branch & Chennai Branches have objection on opening of New Branch at Coimbatore not understandable.
- (ii) It is found from the records made Available to DRRC that the then Vice President, Southern (S) Region Sh. J. L. Rathana recommended opening of New Branch at Sulur/Coimbatore with remarks to put up the same before council for the approval since the opening of New Branch at Coimbatore is beneficial towards the larger interest of the Association. After the conclusion of Election for 2023-2025 Term, Sh. M. Sundarajan was elected Vice President, Southern (S) Region. HQ vide letter No. MBAI/VPS(S)/40/2023 dated 05.08.2023 forwarded the Application Forms received by HQ through the then Vice President, Southern (S) Region Sh. J. L. Rathana with recommendations for the consideration and was requested to send his recommendation to enable HQ to submit the matter to the Council.
- (iii) There after matter of opening of New Branch at Coimbatore remained matter of discussions at various levels and remained undecided.
- (iv) The matter was again raised in the 2nd Council Meeting held on 11th September 2023 at Delhi and Council Accord Approval in Principle to open the New Branch of MES BAI at Coimbatore.
- (v) There after the Vice President Southern (S) Region Sh. M. Sundarajan convened a virtual meeting with office Bearers of all Branch of Southern (S) Region on 09/12/2023 and passed a resolution which is available on Records.



- (vi) From the records held on records it is noticed that sufficient opportunity was given to Vice President Southern (S) Region Sh. M. Sundarajan and Wellington & Other Branches in the matter. As the requisite Numbers of Applications were received by HQ for opening of New Branch of MES BAI at Coimbatore, the proposal was again put up to the council in 3rd Council meeting held at Agra on 28.10.2023 for consideration of council. After considering the recommendation of the then Vice President Southern (S) Region dated 16th & 21st July 2023, the council Approved the opening of New Branch of MES BAI at Coimbatore with a rider that Branch be opened after examination of Application Forms received from the prospective members found in Order.
- (vii) The Names of Applicant members were circulated after thorough scrutiny at HQ and found in order & all dues received by HQ in due course before council meetings of 27/12/2023 and 01-02 February 2024. Certain objections were raised by Wellington, Chennai & Bangalore Branches on the Few Applicants which were suitably replied by HQ & disposed off before consideration in the council meeting.
- (viii) The matter was discussed in detail in 3rd council meeting held at Delhi on 27/12/2023 and the Council had Accorded Approval of opening of New Branch at Coimbatore after detailed discussions. The matter was also deliberated in detail in the virtual meeting held by DRRC and the proceedings had been taken on record.
- (ix) All the Subsequent correspondences made by Bangalore Branch & Chennai Branch were taken on records.
- (x) The present status of Newly opened Branch is as under:-
- (a) The Branch Elections were held on 07th March 2024 under the supervision of HQ observers.
- (b) The Branch is at present functional.
- (xi) The issue raised by certain Branches is that Articles 3(a) of MOA heading under opening of New Branch of the Association was not followed.
- (xii) HQ MES BAI had suitably replied on their objections regarding adherence of Article 3(a) of MOA.



(B) OPINION OF DRRC :-

- (i) The DRRC is of opinion that when the then Vice President Southern (S) Region Sh. J. L. Rathan has already recommended the opening of New Branches at Sulur/ Coimbatore with Remarks as under :(refer Para (4) above)
"Received a request for some members from wellington and Coimbatore for opening of a new branch in Sulur Coimbatore, as their demands are genuine and their claim for a new branch meets the eligibility criteria the opening of a new branch in Sulur Coimbatore is hereby recommended this may be placed before the council for approval as this is **opening of a new branch is beneficial towards the larger interest of association**" and various correspondences / minutes of council meetings established that proposed New Branch of MES BAI at Coimbatore is situated out of 50km radius from the Nearby existing Branch situated at Wellington. The Wellington is situated at Hilly terrine and at Difficult & remote place for working contractors of Coimbatore/ Sulur, the opening of New Branch of MES BAI at Coimbatore is necessary requirement.
- (ii) The matter regarding not to Open /With Hold opening of Coimbatore Branch propped up after the elections of HQ for the Term 2023-2025, from the all the complaints / correspondences received which is verbatim of each other and action /reaction of all the complaints seems to be hand in glove with each other to serve their own political ulterior motives related to the results of elections for the branches and HQ under a long term planned strategy. And the way they have reacted in the council meetings is not appreciated by the council . None of the Branch / member could explain any harm to these existing Branches /Members due to opening of Coimbatore Branch.
- (iii) The DRRC is of opinion that correct procedure was adopted by the HQ while opening of New Branch of MES BAI at Coimbatore & is/ was in order.
- (iv) As regards the compliance of Para 3(a) of MOA, the opening of New branch at Coimbatore, Newly opened Branch shall full fill the following criteria:-
- (a) Minimum 30 Applicants for the membership out of minimum 25 (twenty-five) must be enlisted contractors. The present strength of Coimbatore Branch full fills these criteria.



- (b) At least a CWE's office is situated or GE's office in case of difficult and remote area. In present case the existing Branch of MES BAI at Wellington is situated at Difficult & remote area (at Hilly terrine) which cannot give popper support & attention in day-to-day affairs of working contractors of Sulur/ Coimbatore and in its reverse case where CWE office is situated at Difficult & remote area(at Hilly terrine). Hence the decision of Council for the opening of New Branch at Coimbatore on the Basis of Existence of One GE's office is in order.
- (c) The nearest branch of MES BAI situated at Wellington from the newly opened Branch at Coimbatore which is beyond the Radius of 50 km and the New Branch full fill the criteria of Non-Existence nearby Branch within 50 kms radius.
- (d) And most important is that DRRC is of opinion that **"opening of Coimbatore Branch will be beneficial for the Association"** as the Numbers of membership is in decreasing pattern and opening of New Branches will encourage the more enlisted contractors to join as the members Association & strengthen the Association.

(C) FINAL CONCLUSION/ DECISION OF DRRC:-

- (i) Based upon the finding & opinion as started above DRRC had decided that opening of New Branch of MES BAI at Coimbatore is / was in order and no interference of DRRC warrants in this matter. Accordingly the matter/ disputes/ grievances made **with the DRRC By** various Branches of MES BAI viz Wellington Branch, Bangalore Branch, cochin branch & Chennai Branch to stop / withhold opening of New Branch of MES BAI at Coimbatore **stands disposed of as rejected.**
- (ii) **That the decision taken by the Council of the MES Builders Association of India (Regd) i.e. the supreme decision taking body, the opening of New Branch of MES BAI at Coimbatore is in Order.**
- (iii) The Bangalore Branch through its chairman Sh. N.Thilak raised clarification vide their letter No MBAI/BAN/HQ/81/2023-25 dated 12.03.2024 that "MOA is supreme or the Council" The DRRC examined the reference made by Bangalore Branch under Article 23(f) of provisions of Articles of Association of M.E.S. Builders Association of India (Regd) (As Amended Up To 10-09-2022),



It is established fact that the MOA is being framed/ Amended on the recommendations of council. If in the overall interest of Association, Council is Supreme Authority to take decision where there are no provisions exists in MOA or there is no clarity in MOA provisions It is subjective matter and there for this clause 23(f) is being made part of MOA to resolve such type of situations.

In the matter of opening of New Branch of MES BAI at Coimbatore, the DRRC recommended that the Decision taken by council for deciding the opening of New Branch OF MES BAI at Coimbatore as per Article 3(a) on the Basis of existence of GE's office at Coimbatore is in order and does not warrant any interference of DRRC and ratify the Decision of council for opening of New Branch of MES BAI at Coimbatore since the nearest Branch of MES BAI to the Coimbatore / Sulur is Wellington which is situated at Difficult & remote area (at Hilly terrine) and very difficult to accessed. by the contractors of Coimbatore / Sulur area.

With this the matter of grievances / disputes referred by Wellington, Chennai, Cochin & Bangalore Branch, any member in any capacity and all such complaints if any, other complaint in this matter, also stands rejected and matter refereed to the DRRC for the decision stands disposed off.

With Regard



(Lakhbir Singh)

Chairman

(DRRC , 2023-2025).

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Copy to :

1. All members of DRRC Committee
 2. The President & Hony General Secretary, HQ MES BAI New Delhi. 2023-35
(Ex- officio members)
 3. Mr M Sundrajan VP Southern (S)
 4. Mr N Sarvanan Wellington branch
 5. Mr B Magesh Channai branch
 6. Mr Jackson Rebello Cochin Branch
 7. Mr N Thilak. Bangalore branch
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