



MES BUILDERS ASSOCIATION OF INDIA (REGD.)



Head Office: 807-808, Sahyog 58, Nehru Place, New Delhi -110019
Telephones: 26418776 Telefax: 011-26442749 E-mail: mesbai75@yahoo.com
Website : www.mesbai.in

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2023-2025

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(Agra)
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E-mail- gurucharan.mago@gmail.com

Hony. General Secretary
SANDEEP SRIVASTAVA
(Lucknow)
Mob. : 9415024121
E-mail: lumosinfra.pl@gmail.com

Office Bearers
2023-2025

Sr. Vice President :
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Mob: 9971678883, 9350988830
E-mail: flintindia4@gmail.com

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Email: balasatishc@gmail.com,
diamantovericals@gmail.com

Hony. Joint General Secretary
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E-mail: msprasantamahanta@gmail.com

Hony. Treasurer
SHIV KUMAR GUPTA (Delhi)
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Imm. Past President
ANIL KAPOOR
(Delhi)
Cell : 9810044862
E-mail: anil@tws.co

Ref. MBAI/DELHI/279/2023-2025

Dated: 16th Sept. 2023

To,
Sh. Anil Kumar Bhagirath (Anil Mittar)
M/s Micky Traders
O-12, Kalpatru Commercial complex,
Sadar Bazar, Delhi Cantt-110010
Email :- mittarabhishek@gmail.com

**Subject:- Show Cause Notice for Termination from the Ordinary
Membership of the MES BAI Association.**

Dear Sir,

1. Where as a Show Cause Notice has been issued to you By me in the capacity of President of HQ MES BAI, New Delhi vide letter No. MBAI/Delhi/ SAT/2023 Dated 09/09/2023
2. You had been given Opportunity to submit your reply/ response on the show cause Notice by 16th Sept.2023.
3. Now your reply has been received by me through email sent by you on Sep 14, 2023 at 23:18 with copy to many others as per the addressee of your email.
4. Content of your reply received through your email dated 14 Sept 2023 forwarded at nearly midnight @23:18 are denied in To-To since the same are illegal and far away from the facts and legal sanctity.
5. Para wise Observations on your letter dated 14/09/2023 of reply in response to the Show Cause Notice issued to you as above are communicated here in below:-

(i) **PARA (2):-** As stated by you regarding the so called Award (which was & is totally illegal) passed on 05/09/2023 by so called DRRC Tribunal (As per the AOA & MOA of Association No Authority Exists Named as **DRRC Tribunal**) regarding validity of Election Commission is & was totally false and fraud committed by the so self made DRRC Chairman (2019-2021Term) for the Term 2021-2023. He is no where authorized to

----- BRANCHES -----

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publish the so called award being a Chairman of defunct DRRC. The same was declared invalid by the undersigned before issuing of so called **fraudulent** Award and same has been declared invalid by the undersigned vide HQ MES BAI letter No MBAI/DRRC/117/2023 dated 06/09/2023; By exercising my powers conferred upon to me by the MOA & AOA being Elected President of Association which was reaffirmed by Council in its 2nd meeting held on 11/09/2023. As such any action taken by the incomplete & defunct composition of DRRC has not binding upon the Association. Accordingly the defunct committee has no legal status to set-aside the Elections of Office Bearers of HQ MES BAI for the Term of 2023-2025 held on 26/07/2023 since the same is beyond their powers. Also the defunct committee has no Authority to direct the council to restrain from holding council meeting which was successfully held on 11/09/2023 as decided with historic attendance of Council Members. Further to the above the defunct committee has no powers to Announce Re-Election for HQ office Bearers of MES BAI as per the MOA & AOA of the association , that stands automatically Void.

PARA (3):-

- It is notified for the sake of your kind General knowledge that there is no need to challenge any illegal, fraudulent and invalid awards which were not complete and invalid under since not stamped as per Indian Stamp Act and so called award referred by you falls under that category.
- Further to the above, you must be little aware of with the relevant section of The Arbitration & Conciliation act 1996 section regarding time limit for challenging any award.
- as stated by you that "you had learned that Shri Balbir Singh Chairman DRRC has duly intimated to you and all other members and it is further learned that you appointed a counsel Shri Modassir Khan who has stated in the reply dated 8.9.2023 that the award dated 5.9.2023 do not satisfied the ingredients of the Arbitration and Conciliation Act". It is requested that kindly disclose the authority from which you had got this learning to further substantiate the matter and verify the correctness of your unwarranted communication. Please take note at your end that in the absence of your disclosure, your statement/ reply will be treated as Null & Void.

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(d) It has been noticed by the undersigned that you had also endorsed the copy of reply of Show Cause Notice to the Chief Election Commissioner for the Term of 2023-2025 Sh Rajeev Chowdhary on the email ID created by Election Commission for conducting elections for the Term of 2023 -2025, that means you are still agreed with the correct formation of Election Commission with Chief Election Commissioner as Rajeev Chowdhary.

(e) For the sake of your knowledge it is informed that as per the MOA & AOA , Article No 11.(g) x), soon after the Election of HQ, once Newly elected body is installed , all powers of CEC and Members of Election commission will be Automatically dissolved; hence your irrelevant statement as “ The undersigned has nothing to do whether the provisions of Arbitration and Conciliation Act has been followed or not but this much undersigned know that once the Award is passed, it can only be set asides under Section 34 of Arbitration and Conciliation Act and this fact stands proved as Shri Rajeev Chaudhary , Chief Election Commissioner has filed a Petition under section 34 of arbitration and Conciliation act which is yet to be heard by the Hon’ble High court of Delhi” is totally vague and totally denied by the under signed since the same is based on your hypothetical assumptions only without any legality.

(f) Further to the above, please disclose the source from which you get the information of Any Case filled by Sh Rajeev Chowdhary as stated in Para (3) of your letter. Are you a respondent in the case? In the absence of your disclosure, there is no legal validity to consider your reply made under the Para (3) of your letter.

(g) Even if hypothetically it is presumed that Sh Rajeev Chowdhary had filled any petition under section 34 of the Arbitration and Conciliation Act, in his any capacity say as (Ex) CEC, it does not substantiate any legal & binding provisions on HQ office Bearers of MES BAI. After dissolution of Election Commission Sh Rajeev Chowdhary is free to file any Court Case and HQ MES BAI have nothing Role in that. Hence your reply communicated under Para 3 of your abide letter is summarily rejected by the undersigned.

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PARA (4):-

It is again reiterated that Even if hypothetically it is presumed that Sh Rajeev Chowdhary had filled any petition under section 34 of the Arbitration and Conciliation Act, in his any capacity say as (Ex) CEC, it does not substantiate any legal & binding provisions on HQ office Bearers of MES BAI. After dissolution of Election Commission Sh Rajeev Chowdhary is free to file any Court Case and HQ MES BAI have nothing Role in that. It does not substantiate your objections anyway and the undersigned have full Authority being Elected President of association to issue Show Cause Notice to you as empowered by the MOA & AOA of the Association.

Hence in view of the above, your reply & objections as communicated under Para (4) of your abide letter is summarily rejected by the undersigned.

PARA (5):-

(a) Your reply & Communication is not agreed to the under signed. To further substantiate your reply more authentic, you are requested to disclose the legal source of your submission regarding the so called (illegal & incomplete award) of dated 05.09.2023 which you are referring and its authenticity since the so called award was never uploaded on MES Website nor you are involved in the same by any means. This will constitute that you are indulging in spreading frivolous News among the members without having any authority by giving interviews in Media and intentionally made it viral on social media which accounts as serious misconduct on your part. Who are you to decide that meeting called for 11.09.2023 is illegal one without any legal Authority and spreading false information.

(b) Further to the above you had illegally approached to the PMO, HOME MINISTRY, Delhi Police Commissioner and other police Authorities for countermanded the scheduled council meeting of council on 11/09/2023 in the pretext of the G-20 Summit without any reason and try to misguide the members coming from outside Delhi to attend the Council meeting. All your unwarranted actions committed by you falls under the detrimental to the interest of Association and against the norms of Discipline. As such the issuing of show cause Notice was in order and not issued to pass on any threatening as alleged by you.

Your reply on the Show Cause notice issued by the undersigned to you has been taken on record and necessary disciplinary action deemed to be correct

BRANCHES

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will be initiated against you within Articles of MOA & AOA of the Association. The show cause Notice issued to you was & is in order without prejudice and nothing communicated in that constitute that same was deliberately malafidely caused defamation towards you.

Since The show cause Notice issued to you by the undersigned was based on valid grounds which warrants suitable legal disciplinary action against you as per Articles of MOA & AOA of the Association, there is no question arises for its withdrawal of same and any unwarranted illegal Action as threatened by you in the concluding Para of your abide letter stands Void and you are again warned by the undersigned to adhere to the Code of Conduct of Association and maintain Discipline

It is further informed to you that a Fresh DRRC has been constituted by the Council on 11/09/2023. Any legal proceedings as conveyed by you under your concluding Para of your letter without exhausting the Avenues Available in Memorandum and Article of Association, you shall stand disqualified from the membership automatically and the cost of proceeding shall be recovered from you as per the Article No 25(a) of MOA & AOA of Association. Please strictly take Note of the same.

Thanking You

Yours faithfully

(G S Mago)
President

Copy to :-

- (i) Vice President , Western Region MES BAI(Regd)
- (ii) Hony Secretary, Delhi Branch, MES BAI(Regd)-for information

BRANCHES

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