

The Atrium Owners Association

(Registered with the Registrar of Societies, Chennai, Registration # 144/1999)

December 18, 2008

Alfa Elevators
Chennai

Attn: Mr M Rahamed Ali

Sir:

This is with reference to your letter dated December 17, 2008, reference Alfa/ATRIUM/3113. We wish to inform you that your statements are factually incorrect and you are in material breach of contract.

Here is a point-by-point rebuttal of your letter.

1. The heavy rainfall that you are referring to occurred in the period between November 21 and 26, and not as you state in the last fortnight. In fact, it has been a fortnight since there has been any rain in Chennai.
2. We are aware of items 2, 3 and 4 and have complied with your request that elevators not be operated during these times.
3. In reference to your point 5 your statement is completely inaccurate.
 - a. On December 13 your technicians inspected the elevator and said that there were some parts that needed to be installed and that they would do so on the morning of December 15
 - b. On December 15, your technician came to the apartment only late in the evening after repeated follow-up by our Mr Vijayan
 - c. On the evening of December 15, your Mr Babu informed the Secretary of the Association that the V3F for the M Block elevator needs to be replaced and that the Association will have to bear the cost for it
 - d. You called the Secretary of the Association and said that the V3F cost has to be borne by the Association since it is 'out-of-scope' owing to rain damage
 - e. Following this you were asked to meet the President of the Association and the Treasurer on Tuesday, December 16.
4. Please note that in all these transactions there has been no reference to the R block elevator, which Mr Babu said he would have operational by December 16, which, as on date continues to be non-operational. In the light of this your item 8 with reference to the R block elevator is completely inaccurate.
5. Please provide a list of residents who you say threatened you.
6. Item 7 and 8 do not stand the test of scrutiny for reasons mentioned above.
7. In point of fact, your item 8 would seem to suggest that you are trying to make the Association pay somehow for mistakes that you have made and also shift the blame for your inability to perform your tasks.

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Regarding the other points you have made, we wish to state the following:

1. Payment has not been made for the V3F as stated in your letter since your contract clearly specifies that the maintenance and ownership of the V3F replaced by you is a part and parcel of your obligation. Therefore, there is no question of paying you for it. This has been communicated to you explicitly.
2. You have given no warning of any rains or any preventive activities. All these were done at our initiative since none of your staff even visited the premises during the actual rains.
3. You have no *locus standi* in commenting on our responsibilities or ethics. As was pointed out to you in your meeting with us on December 16, TAOA is not answerable to you and has complete freedom in taking actions it deems fit for the welfare of its residents. Be that as it may, it has been your complete and total ineptitude that has forced us to call the elevator manufacturer to assist us in getting the elevators operational so that our residents do not face any more difficulties because of you.
4. Your withdrawal of services without due notice as per the agreement in force with us is a material breach of contract. Please note that no compensation will be made to your or components returned to you unless you repair this material breach with appropriate compensation to the Association. Additionally, you have been paid in advance for the contract which expires on March 31, 2009. Therefore, you are advised to refund the money paid to you for the portion of the contract which has not been carried out.

This letter is only to acknowledge receipt of your communication. We do not accept any of the points made in your communication and reserve our rights to seek appropriate remedies from you.

Very truly yours,
For The Atrium Owners Association



Karthik Kumar
Hon Secretary