

MODEL BYE – LAWS OF COOPERATIVE HOUSING SOCIETY (proposed)

**AS PER 97TH CONSTITUTIONAL AMENDMENT and
MAHARASHTRA CO-OP. SOCIETIES (AMENDMENT)**

COMMITTEE MEMBERS

VIKAS RASAL ... Jt. Registrar C.S.CIDCO MUMBAI

SANJEEV KHADKE ... Divisional Dy. Registrar C.S. Pune

VASANT PATIL ...Deputy Registrar C.S. Pune city 6.

Dr. KISHOR MANDE ...Deputy Registrar C.S. R-WARD.

DILIP UDAN ...Deputy registrar C.S. MHADA Mumbai

BAJARANG JADHAV...Deputy Registrar C.S. Vasai

VINAYAK KOKARE ...Deputy Registrar C.S. Pune 5

SHRI RAJESH LOVEKAR ... Assistant Registrar C.S. SRA

ADV. WADER ... Director, Mumbai Housing Federation

ADV. JAYANT KULKARNI ...Director Pune Housing Federation.

MODEL BYE – LAWS OF COOPERATIVE HOUSING SOCIETY (proposed)

AS PER 97TH CONSTITUTIONAL AMENDMENT and MAHARASHTRA CO-OP. SOCIETIES (AMENDMENT) ORDINANCE 2013

I. PRELIMINARY

- | | | | |
|----|-----|--|--|
| 1. | (a) | The name of the society shall be..... | Name of the Society |
| | (b) | The society shall follow the procedure laid down under Section 15 of the Act and Rule 14 of the Rules for the change of its name. | Procedure for changing the name. |
| | (c) | The society is classified under major class "Housing" with sub-class Tenant Co-partnership Housing Society." | Classification.
Address of the society. |
| 2. | (a) | (i) The registered address of the society shall be as under:

(ii) Address for Correspondence (as decided by the Managing Committee) | |
| | (b) | Any change in the registered address of the society shall be intimated by it to the Registering Authority and all others concerned within 30 days of such change.(c) Any change in the registered address of the society shall be made after following the procedure laid down in Rules. | Procedure for changing the address of the Society. |
| | (d) | The society shall exhibit at a conspicuous place at the main entrance of the building, a Board indicating its name. Registration number and the registered address. | Exhibition of Name Board |

II. INTERPRETATIONS

- | | | | |
|----|-------|--|---|
| 3. | | Unless otherwise separately provided in these bye-laws, the following words and terms shall have the meaning assigned to them here in: | Interpretations of the words and terms. |
| | (i) | 'Act' means the Maharashtra Co-operative Societies Act 1960 (Amendment <u>2013</u>) | |
| | (ii) | 'Rules' means the Maharashtra Co-operative Societies Rules, 1961.

'Bye-laws' means by-laws consistent with Act and registered under this Act for the time being in force and includes registered amendments of such bye-laws. | |
| | (iii) | 'Chief Promoter' means the person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief | |

Promoter lies vacant, till the first general meeting.

- (iv) **"Committee"** means the Committee of management or board of directors or the governing body or other directing body of a cooperative Housing society, by whatever name called, to which the management of the affairs of a society is entrusted and vested under section 73 of the Act
- (v) **'----- Days'** Clear Notice means the number of calendar days intervening between the day of posting the notice and the day of the meeting.
- (vi) **'Flat'** means a separate and self contained set of premises used or intended to be used for residence, or office, or show-room, or shop, or godown and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or coaching classes, or palnaghar, beauty parlour, the premises forming part of a building and includes an apartment.
- (vii) **'Housing Federation'** means the federation of co-operative housing societies, registered and notified under the Act.
- (viii) **'Ownership Flats Act'** means the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act. 1963.
- (ix) **'Papers'** means all or any of the items mentioned in the bye-laws Nos. 142 and 143.
- (x) **'Parking Space'** means open space within the premises of the society earmarked by it for parking of vehicles and includes a stilt.
- (xi) **'Prescribed Form'** means the form included in the Annexure II indicating the bye-law No. under which it is prescribed and the Appendix at which it is enclosed.
- (xii) **'Promoter'** means a person, who has signed the application for registration of the society.
- (xiii) **"Promoter Builder"** means a person and includes a partnership firm or a body or association of person, [whether registered or not] who constructs or causes to be constructed a block or building of flats [or apartments] for the purpose of selling some or all of them to other persons, or to a company, Co-operative Society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both.
- (xiv)
- (xv) **'Reserve Fund'** means the fund constituted under the provisions of Section 66 (1) of the Act and the Bye-law No. 12(i).

- (xvi) **'Repairs and Maintenance Fund'** means the fund constituted under the Byelaw No. 13(a).
- (xvii) **'Sinking Fund'** means the fund constituted under the Bye-law No. 13(c).
- (xviii) **'Major Repair Funds'** means a Fund created by the society and constituted under Bye-law No. 13 (b), for the purpose of Major Repairs including Plastering, building of compound wall, pavement, total painting, reconstruction.
- (xix) **'Municipal Act'** means the Maharashtra Municipalities Act 1965 (Mah. XL of 1965).
- (xx) **'Open space'** means an Area, forming a integral part of the site, left open to sky.
- (xxi) **'Open terraces'** means terraces which are otherwise not in the exclusive possession of any of the members.
- (xxii) **'Common Areas and Facilities'** means
- a) the land on which the building is located;
 - b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building;
 - c) the basements, cellars, yards, gardens, parking areas (unless not specifically sold), and storage spaces.
 - d) the premises for the lodging of janitors-or persons employed for the management of the property;
 - e) installations of central services such as power, light, gas, cold and water heating, refrigeration, air conditioning and generators.
 - f) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
 - g) such community and commercial facilities as may have been provided for,
 - h) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use;
- (xxiii) **'Society'** means the
 Co-operative
 Housing Society Ltd
 registered under the Act.
- (xxiv) **'Member'** means a person joining in an application for the Registration of a Cooperative Housing Society which is subsequently registered, or a person duly

admitted to membership of a Society after Registration and includes Active Member, Associate member and Nominal Member;

(a) **"Active member"** means a person:

- 1) Who has purchased and/or owns the Flat / Unit in the Society.
- 2) Who attends at least one General Body Meeting of the Society in the previous Five consecutive Years
- 3) He has at least paid the amount equivalent to one Year of society Maintenance and Service charges, within a consecutive period of Five years.

Provided that nothing in clause no. 2 shall apply to the member whose absence has been condoned by the General Body of the society.

(b) **"Associate Member"** means a member who holds jointly a share of a society with others, but whose name does not stand first in the share certificate.

(c) **"Nominal Member"** means a person admitted to membership as such after registration in accordance with the Bye laws.

- (xxv) **'Family'** means Group of persons which includes husband, wife, father, mother, sister, brother, son, daughter, son-in-law, brother-in-law, sister-in-law, daughter-in-law, grandson /daughter.
- (xxvi) **'Transfer Fees'** means the sum payable by a transferor to the society for the transfer of his shares along with occupancy right as provided under the Bye-law No. 38(e) (vii).
- (xxvii) **'Premium'** shall mean and include the amount payable to the society by the member, transferring his shares and interest in the capital/property of the society, in addition to the transfer fee as provided under bye-law No. 38(e)(ix).
- (xxviii) **'Working Capital'** means funds at the disposal of the society inclusive of the paid up capital, share capital, funds created out of profits, and money raised by borrowing or by any other means.
- (xxix) **'Authorized person'** means a person duly authorized by the Registrar, to take action under the provisions of this Act.
- (xxx) **'State Co-operative Election Authority'** means an authority constituted or nominated by the State Government for the purposes of superintendence, direction, and control of the preparation of the electoral roll for and conduct of the elections of committee of a society or such class of societies as may be notified.

- (xxxi) Expert director means and includes a person having experience in the field of banking , management, cooperation and the field of co-operative housing, and the field relating to the objects.
- (xxxii) **‘Functional director’** means and includes a Chief Executive Officer or Manager or by whatever designation called, nominated by a committee and discharge the duties and functions as may be assigned to him by the committee.
- (xxxiii) **‘Officer’** means a person elected or appointed by a society to any office of such society and includes any office bearer such as a chairman, vice-chairman, chairperson, secretary, treasurer, manager, member of the committee and any other person elected or appointed to give directions in regard to the business of such society.

III. AREA OF OPERATION

Area of operation
of the society

4. The area of operation of the society shall be confined to.....
- Explanation :**
- (i) For the Society in the Bruhan Mumbai insert City Survey no / Gat no. / Final Plot no / Ward in the gap.
- (ii) For the Society at other place, insert City Survey no / Gat no. / Final Plot no / ward Corporation/Municipal limits/Town/Village of.....
..... TalukaDistrict
.....

IV. OBJECTS

Objects of the
Society

5. The objects of the society shall be as under:
- (a) **To promote peaceful co-habitation amongst the members on the Co-operative Principles and ensure Voluntary formation, Democratic Member Control, Member – Economic Participation and Autonomous Functioning.**
- (b) **To provide co-operative education and training to develop co-operative skills to its members, committee members, officers and employees of the society.**
- (c) **To initiate Redevelopment of the building as per the norms of the authority.**
- *(d) To obtain conveyance from the owner/Promoter (Builder), in accordance with the provisions of the Ownership Flats Act and the Rules made there under, of the right, title and interest, in the land with building/buildings thereon, the details of which are as hereunder :

The building/buildings known/numbered as constructed on the plot/plots Nos..... ofadmeasuring sq. meters, more particularly described in the Application for registration of the Society;

OR (APPLICABLE FOR PLOT PURCHASED TYPE SOCIETY)

- *(a) To buy or take on lease a plot or plots nos of..... admeasuring. sq. mts. and to construct flats thereon, for allotment to the members of the society for their authorised use.

OR

To purchase a building or buildings known as Constructed on the plot/plots nos.....C.T.S. No.....of admeasuring..... sq. mts. for allotment of flats therein to the members of the society for their authorised use.

- (b) To manage, maintain and administer the property of the society
- (c) To raise funds for achieving the objects of the society;
- (d) To undertake and provide for, on its own account or jointly with a cooperative or Other Institution social, cultural or recreative activities;
- (e) To provide co-operative education and training to develop co-operative skills to its members, committee members, officers and employees of the society.
- (f) To prevent illegal encroachment, illegal alterations in the flat/unit and building without approval of the local authority.
- (g) To undertake repairs of the building once in Five years or as recommended by the licensed Structural Auditor.
- (h) To do all things, necessary or expedient for the attainment of the objects of the society, specified in these bye-laws.

V. AFFILIATION

6. The society, immediately after its registration, may become a member of the Co-op Housing Federation of the District/Ward/ Taluka, the District Central Co-operative Bank. of the District, and shall pay sums, from time to time, payable by it, under the bye-laws of the respective organisations referred to above.

**VI. FUNDS, THEIR UTILISATION AND INVESTMENT
(A) Raising of Funds**

7. The funds of the society may be raised in one or more Modes of raising the funds of the following ways:

society.

- (a) by entrance fees,
- (b) by issue of shares,
- (c) by loans and subsidies
- (d) by deposits,

- (e) by voluntary donations, (but not from Transferor and Transferee)
- (f) by contributions towards cost of building or buildings
- (g) by fee on transfer of shares, along with the occupancy right,
- (h) by premium on transfer of occupancy right over the flats,
- (i) by and for Election Fund.
- (j) by any other mode permitted under these bye-laws,

(B) Share Capital

8. The Authorised share capital of the society shall be Rs divided into shares of Rs. 50/- each.
- 9A. A share certificate, prescribed in bye-laws, bearing distinctive number and in- issue of share indicating the name of the member, the number of shares issued and the value paid thereon, shall be issued by the society to every member for the shares subscribed by him, within a period of six months of the allotment of the shares.
- 9B. The committee of the society shall issue a duplicate share certificate, on application, to its members on production of following documents -
1. If the share certificate is lost – the copy of Police Complaint lodged and affidavit.
 2. If the share Certificate soiled/ burnt/ torn / mis-figured etc- affidavit along with the original share certificate.
10. Every such share certificate shall bear the seal of the society and be signed Society's Chairman, the Secretary and one member of the committee, duly authorized by the Committee in that behalf. The same shall be issued by the Secretary of the society.

(C) Limit of Liabilities

11. Deposits from members and loans may be received by the society for such period and at such rate of interest and up to such amount and on such terms and

conditions as may be determined by the Committee, provided that at no time, the total amount of such liabilities shall exceed the limit prescribed under Rule 35 of the Rules.

(D) Constitution of the Reserve Fund

12. (i) The Reserve Fund of the society shall comprise of —
- (a) the amounts carried to the said fund, from year to year, out of the net profit of that year, subject to the provisions of Section 66 (1) and (2) of the Act;
 - (b) all entrance fees received by the society from its members;
 - (c) all transfer fees received by the society from its members on transfers of the shares, along with the occupancy rights;
 - (d) all premium received by the society from its members on transfers of their interest in the capital or property of the society;
 - (e) all donations received by the society, except those received by it for the specific purpose.
- (ii) The society shall, while finalising the accounts for the preceding co-operative- year, appropriate all amounts referred to in the bye-law No. 12(l) (b) to the Reserve Fund of the society.

(E) Creation of Other Funds

13. The society shall create and establish the following funds by collecting contributions from its members at the rates mentioned hereunder :
- a. The Repairs and Maintenance Fund, at the rate fixed at the general body subject to the minimum of 0.75 per cent per annum of the construction cost of **the flat**, incurred during the construction of the building of the society and certified by the Architect, for meeting expenses of normal recurring repairs of the society buildings/property.
 - b. Major repairs funds, as and when required and decided by the General Body at the rate fixed on area basis.
 - c. The Sinking Fund at the rate decided at the meeting of the general body, subject to the minimum of 0.25 per cent per annum of the construction cost of each flat incurred during the construction of the building of the society and certified by the Architect, excluding the proportionate cost of the land
 - d. To create Education and Training Fund from the Members as contribution of Rs 10 per month per unit or as decided by the General Body.

(F) Utilization of the Funds by the Society

14. The society may utilise its funds in the manner indicated below :
- a. **Reserve Fund:** The Reserve Fund of the society may be utilised for the expenditure on repairs, maintenance

- and renewals of the society's property.
- b. **Repairs and Maintenance Fund:** The Repairs and Maintenance Fund may be utilised by the Committee for meeting the expenditure on maintenance of the society's property and repairs and renewals thereof.
- c. **Sinking Fund:** On the resolution passed at the meeting of the general. Body of the society, the Sinking Fund may be used by the society for reconstruction of its building/buildings or for carrying out such structural additions or alteration to the building/buildings, as in the opinion of the Society's Architect, would be necessary to strengthen it/ them or for carrying out such heavy repairs as maybe certified by the Architect and on approval of General Body.
- d. The Education & Training Fund be utilized as provided under section 24(A) of the Act.
- e. In case of Redevelopment of the society the Corpus fund received from the Builder/Developer shall be utilized for the maintenance of the society with the approval of the General Body.
- f. Utilisation of all funds with the prior permission of General Body.-

15. **(G) Investment of Funds**
The funds of the society, when not employed in its business, may be invested or deposited as required under Section 70 of the Act. Provided that society's funds collections shall be invested on long term basis, along with the interest earned thereon by one of the modes permitted under the said section of the Act.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

I. MEMBERSHIP

(A) Classes of Members

16. The membership of the society shall consist of (i) Members, including associate members and (ii) nominal members.

(B) Eligibility for Membership

17. (a) No individual shall be admitted as a member of a society except the following that is to say –
- Eligibility of a minor or a person of unsound mind for membership of the society.
- i) who is competent to contract under the Indian Contract Act, 1872;
- ii) a firm, company or any other body corporate constituted under any law for the time being in force, or

a society registered under the Societies Registration Act, 1860;

- iii) a society registered, or deemed to be registered, under the Act;
- iv) the State Government or the Central Government;
- v) a local authority;

vi) a public trust registered under any law for the time being in force for the registration of such trusts;

- (b) A minor or a person of unsound mind, inheriting shares and/or interest of the deceased member in the capital/property of the society, or if nominated may be eligible for admission to membership of the society through his guardian or legal representative on an application in the prescribed form, along with undertakings/declarations, in the prescribed forms, mentioned in the application.

- (c) Notwithstanding anything contained in these bye-laws, admission of a person to membership of the society directly or as a result of transfer of shares and interest of the existing member, in the capital/property, of the society, shall be subject to the land grant terms if applicable vide approval of the concerned competent authorities such as collector of the district, (if the Society has been given land by Government /CIDCO/MHADA/SRA" or any other authority.)

Note (1): 'Family' means as defined under Bye law No. 3 (xxv).

Note (2): Signatories to the application for registration of the society shall be deemed to be the members of the society after its registration.

Note (3): The number of members in the society shall be limited to the number of Flats/ Units constructed in the building/buildings. It shall be binding on the committee to induct the Members to the extent of the number of Flats/Units in the society.

18.

A firm registered under the Indian Partnership Act, 1932, a company registered under the Indian Companies Act, 1949, a Society registered under the Societies Registration Act. 1860 or a Co-operative Society registered or deemed to be registered under the Maharashtra Co-op. Societies Act, 1960, a local authority the State/Central Government, a public trust or any other body corporate, registered under the law for the time being in force, as provided under Section 22(1) (b), (c), (d), (e) and (f) of the Act may be eligible for admission to membership of the society. However, admission of firms and companies to membership of the society and holding of flats by them shall be regulated in accordance with the notifications issued by the State Government from time to time under the Second Proviso to Section 22 of the Act.

Note: For existing terms and conditions of the Government Notification referred to above, see Annexure to these bye-laws.

Eligibility of Corporate Bodies for membership of the society.

(C) Conditions for Membership

19. A) An individual who is eligible to be the member and who has applied for membership of the society in the prescribed form, may be admitted as member by the committee on complying with the following conditions:-
- (i) he has fully paid the value of at least Ten shares of the society, along with his application for membership;
 - (ii) he has paid the entrance fee of Rs. 100/-, along with the application for membership;
 - (iii) he has given the application, as prescribed the particulars in regard to any house, plot or flat owned by him or any of the members of his family, anywhere in the area of operation of the society; -
 - (iv) he has given the undertaking in the prescribed form to the effect that he shall use the flat for the purpose for which it was purchased by him;
 - (v) he has furnished an undertaking in the prescribed form, if he has no independent source of income;
 - (vi) he has sent, along with the application for membership of the society, a certified copy of the agreement, duly stamped entered into by him with the Promoter (Builder) or transferor under Section 4 of the Ownership Flats Act;
 - (vii) he has furnished such other undertakings/declarations, in the prescribed forms as are required under any law for the time being in force and such other information as is required under the Bye-laws of the society along with the application for membership.
- Note:** The conditions at (iii), (iv), (v), and (vii) above shall not be applicable to the Promoter (Builder), applying for membership of the society, in respect of the unsold flats.
- B) An individual, a firm, a company or a body corporate, registered under any law for the time being in force, who/which is eligible to be an associate member and who/which has made an application in the prescribed form for such membership, along with the entrance fee of Rs. 100/-, may be admitted as such member by the Committee. Conditions of associate membership of the society
- C) A firm, company or any other body corporate, registered under any law for the time being in force, which is eligible to be a member of the society and which has made an application for membership of the society in the prescribed form may be admitted as a member by the Committee in the meeting of the society on complying with the following conditions:-
- (i) it has sent, along with application for membership of the society, a certified copy of the agreement duly stamped entered into by it, with the Promoter(Builder) or transferor under Section 4 of the Ownership Flats Act.1963 with certified copy of resolution of the firm or company as the case may, before authorizing to sign

the application.

(ii) the firm or the company has complied with the conditions mentioned in the notifications, issued by the State Government, from time to time, under the Second Proviso to Section 22 of the Act.

(iii) the firm or the company has furnished the undertakings/declarations in the prescribed forms required under any law for the time being in force along with the application for membership.

Note: The conditions at (i) and (iii) shall not be applicable to the firm/company of the Promoter (Builder), applying for membership of the society in respect of the unsold flats.

20. A sublettee, a licensee or a care-taker, or occupant who/which is eligible to be a nominal member and who shall apply through original member for such membership in the prescribed form, applicable to him/it, along with entrance fee of Rs. 100/- may be admitted as such member by the Committee.

21. The procedure for disposal of application for membership of the society, as laid under the bye-law No. 65 (a) to (g) shall be followed by the Secretary and the Committee of the society

II. RIGHTS AND DUTIES OF MEMBERS

22. (A) **A member shall be entitled to exercise such rights as provided in the Act, Rules and bye-laws.**

Provided that no member shall exercise the rights of member of a society, until he has made such payment to the society in respect of 10 shares of Rs. 50/- each along with the entrance fee of Rs. 100/-, to the society in respect of membership, or acquired such interest in the society.

Provided further that, in case of increase in minimum contribution of member in share capital to exercise right of membership, the society shall give a due notice of demand to the members and give reasonable period to comply with.

ACTIVE MEMBER:

(B) (1) **A member shall be called as 'Active Member' if :-**

a. He has purchased and /or owns the Flat / Unit in the Society.

b. He has attended at least One General Body Meeting within a consecutive period of Five years.

Provided that nothing in this clause 'b' shall apply to the member whose absence has been condoned by the General Body of the society.

c. He has at least paid the amount equivalent to **Three year of society Maintenance and Service charges, within a consecutive period of Five years.**

A member who is not an 'Active Member' shall be the 'non-Active Member'.

- (2) **Society shall classify the members as 'Active' or Non-Active' member at the close of every financial year.**
- (3) **Society shall communicate to every Non-Active member about his classification, within a period of 30 days from 31st March of every year as prescribed under these By-laws as per Appendix - --**
- (4) **If a question, of a member being Active or Non-Active arises, an appeal shall lie to the Registrar within a period of 60 days from the date of communication of such classification.**
- (5) **The ' Non-Active' member can be reclassified as 'Active member' if he satisfies the conditions laid down under Byelaw no. 22(B)(1).**

Inspection of Books and Records Getting Copy of the Bye-laws.

- 23. (a) A member shall have right to inspect free of cost books, registers documents etc. as provided in Section 32 (1) of the Act and get copies of the documents as provided under Section 32 (2) of the Act, on payment of the fees prescribed under the bye-law No. 172.
- (b) A member shall be entitled to receive a copy of the registered bye-laws and Audit Report of the society, on payment of the price thereof.

Occupation of Flats

- 24. (a) The member, who is deemed to have been allotted the flat under the Bye-law No. 76(a) of the Society shall have a right to occupy the flat subject to the terms and conditions set out in the letter in the prescribed form under the said bye-law.
- (b) The associate/nominal member may have a right to occupy the flat with the consent of the member and written intimation to the society, subject to the Conditions set out by the General Body Meeting.

Restrictions on Rights of Associate and Nominal Members

- 25. No Associate member shall have any rights or privileges of an Active member except as provided under Section 27(2) of the Act. No right of membership to an associate member except that under Section 27 (2) of the Act.
i.e. where a share of a society is held jointly by more than one person the person whose name stands first in the share certificate, if present, shall have the right to vote. But in his absence the person whose name stands second, and in the absence of both, the person whose name stands next, and likewise, in the absence of the preceding persons the person whose name is next on the share certificate, who is present and who is not a minor, shall have the right to vote.
- 26. A nominal member shall have no rights such as member. No rights of membership

to a nominal member

(D) Resignation of Membership

- (1) Resignation by a Member**
27. (a) A member may resign his membership after giving three months notice in the prescribed form to the Secretary of the society as provided under Rule 21(1) of the Rules. Notice of resignation of membership of the society
- (b) No resignation of a member of the society shall be accepted unless such member has made payment of the charges payable to the society in full. Resignation not to be accepted unless charges of the society are fully paid
- (c) Where any charges are found payable by the member to the society, the Secretary of the society shall intimate the same giving full details and reasons of dues thereof to the member within 15 days of the receipt of the notice of resignation, advising him to make payment thereof within 30 days of the date of intimation. Communication of the amount of charges of the society outstanding to the member
- (d) Where there are no charges of the society outstanding with the member, the Committee shall accept the resignation of the member and the Secretary of the society shall communicate the same to the member within a period of 3 months from the date of the receipt of the notice of the resignation. Acceptance of resignation where no charges of the society are outstanding.
- (e) Where any resignation is rejected, the Committee shall record the reasons there for and communicate the same to the member concerned within 3 months from the date of receipt of notice of resignation. Communication of reasons for rejection of resignation.
- (2) Resignation by an Associate Member**
28. An Associate Member may resign his membership any time by writing the letter of resignation to the Secretary of the society, through the member, with whom he held the shares of the society jointly. The Secretary of the society shall place the letter of the resignation of the Associate Member, before the meeting of the Committee, held next after the receipt of the letter of the resignation, duly recommended by the member for acceptance by the Committee. The decision of the Committee, accepting the resignation of the Associate Member shall be communicated by the Secretary of the society to the member and his associate member within 15 days of the decision by the Committee. If the resignation is rejected, the Committee shall record the reasons therefor in the minutes of its meeting and the Secretary shall communicate the same to the member and his associate member within the time specified above. Resignation by an associate member
- (3) Resignation by a Nominal Member, occupying the flat on behalf of the Firm, Company or any other Body Corporate**

29. If there is a nominal member, occupying the flat on behalf of a firm, company or any other body corporate, he/she may resign his nominal membership, at any time, by writing the letter of the resignation to the Secretary of the society through the firm, the company or any other body corporate, on whose behalf he is occupying the flat. The Secretary of the society shall place the letter of resignation, before the meeting of the committee, held next after the receipt of the letter of the resignation of the Nominal Member, duly recommended by the firm, the company or any other body corporate for acceptance by the Committee. The decision of the Committee, accepting the resignation shall be communicated by the Secretary of the society to the firm, company or the body corporate and the nominal member, within 15 days of the decision by the Committee. If the resignation is rejected, the Committee shall record reasons therefor in the minutes of its meeting and the Secretary shall communicate the same to the firm, company or the body corporate and the nominal member within the time specified above.
- Resignation by a Nominal Member, occupying the flat on behalf of a firm, company or any other body corporate.
- (4) Resignation by a Nominal Member, who is Sub lettee, Licensee, Caretaker etc.**
30. A sub-letter, licensee, caretaker or possessor of a flat or part thereof, who has been admitted as a nominal member of the society may resign his nominal membership at any time, by writing the letter of the resignation to the Secretary of the society, through the member who has been permitted by the Committee to sub-let, give on leave and license or caretaker basis the flat or part thereof or part with its possession in any other manner. The Secretary of the society shall place the letter of the resignation before the meeting of the Committee, held next after the receipt of the letter of the resignation duly recommended by the member concerned for acceptance by the Committee. The decision of the Committee, accepting the resignation shall be communicated by the Secretary of the society to the member concerned and his sub-lettee the licensee, the caretaker, or as the case may be, the possessor of the flat or part thereof, within 15 days of the decision by the Committee. If the resignation is rejected, the Committee shall record reasons therefor in the minutes of its meeting and the secretary of the society shall communicate the same to the member concerned and his sub-lettee, licensee or caretaker etc. within the time specified above.
- Resignation by a sub-lettee. licensee- or caretaker
31. On acceptance of the resignation of the member, under bye-law No. 27, the society shall acquire the shares and interest of the member in the capital/ property of the society and pay him the value thereof as provided under the bye-law No. 66.
- Acquisition of shares and interest of the member in the capital/property of the society.

Nomination by Members

32. A member of the society may, by writing under his hand, in the prescribed form, nominate a person or persons to whom the whole or part of the shares and/or interest of the member in the capital/property of the society shall be transferred in the event of his death. The acknowledgement of the nomination by the Secretary, shall be deemed to be the acceptance of nomination by the Secretary. No fees shall be charged for recording the first nomination. A member may revoke or vary his nomination, at any time, by making an application, in writing, under his hand, to the Secretary of the Society. The acknowledgement of the variation in nomination/subsequent nomination by the Secretary, shall be deemed to be the cancellation of earlier nomination. Every fresh nomination shall be charged a fee of Rs. 100/-.
33. On receipt of the nomination form, or the letter or revocation of the earlier nomination, the same shall be placed before the meeting of the Committee. held next after the receipt of the nomination form, or the letter of revocation of the earlier nomination, by the Secretary of the Society for recording the same in the minutes of the Committee. Every such nomination or revocation thereof shall be entered in the register of nominations by the Secretary of the society within 7 days of the meeting of the Committee, in which it was recorded.
34. Subject to the provisions of the Section 30 of Maharashtra Co-operative Societies Act, 1960 Act. 1960 bye-law No. 17A or 19, in case property is purchased by member and associate member jointly and on the Death of a member, the society shall transfer the shares and interest of the deceased member in the Capital /Property of the society to the Nominee/Nominees and in proportion with the shares and interest held by the deceased member, In the event of death of the member, Nominee/Nominees shall submit the Application for membership, within six months from the death of a member. If there are more than one Nominee, on the death of a member, such Nominees shall make Joint Application to the Society and indicate the name of the Nominee who should be enrolled as member. The other nominees shall be enrolled as Associate Members unless the nominees indicate otherwise. In case only one nominee is indicated by the Nominees for membership of the society, the nominees shall also file an Indemnity Bond in the prescribed form indemnifying the society against any claims made to the shares and interest of the deceased member in the Capital/Property of the society by any of them,
- Note:- In case of acquiring membership on the basis of nomination, such member shall hold the flat/unit in 'Trust' till all the Heirs are brought on record and shall not have the right to ownership and shall not create the third party interest.**
- Procedure for Nomination by a member and its revocation
- Recording of Nomination or revocations thereof.
- Transfer of shares and interest of the deceased member in the capital/property of the Society to the nominee-

35. Where a member of the society dies without making a nomination, or no nominee comes forward for transfer, the society shall invite within six month from the information of his death, claims or objections to the proposed transfer of Shares and interest of the deceased member, in the capital/property of the society, by a public notice, in the prescribed form, exhibited on the notice board of the the society. It shall also publish such notice in at least two local news papers, having wide circulation. The entire expenses of publication of the notice shall be recoverable from the value of shares and interest of the deceased member in the capital/property of the society. After taking into consideration the claims or objections received, in response to the said notice, and after making such inquiries as the committee considers proper in the circumstances prevailing, the committee shall decide as to the person, who in its opinion is the heir or legal representative of the deceased member. Such a person will be eligible to be a member of the society subject to the provisions of the bye-laws Nos. 17(a) or 19, provided that he gives an Indemnity Bond along with his application for membership in the prescribed form, indemnifying the society against any claims made to the shares and interest of the deceased member in the capital/ property of the society, at any time in future, by any person. If there are more claimants than one, they shall be asked to make the affidavit as to who should become a member of the society and such person, named in the affidavit shall furnish the indemnity bond as indicated above along with application for membership, referred to above. If however, the committee is not able to decide as to the person who is the heir/legal representative of the deceased member or the claimants do not come to the agreement, as to who should become the member of the society, the Committee shall call upon them to produce succession certificate from the Competent Court. If, however, there is no claimant, the shares and interest of the deceased member in the capital/property of the Society shall vest in the Society.
- Transfer to shares and interest of the deceased member in the capital/property to the Society to the heir
36. If there is the single nominee and if he demands payment of the value of Shares and interest of the deceased member, in the capital/property of the society, the society shall acquire the same and pay him the value thereof as provided under the bye-law No.66. If, however, there are more nominees than one and if they demand payment of the value of the shares and interest of the deceased member in the capital/property of the society, the society shaii acquire the same and pay them value thereof as provided under the bye-iaw referred to above in the proportion mentioned in the nomination form. If no proportion is mentioned in the nomination form, the payment shall be in equal proportions.
- Payment of the value of Shares and interest of the deceased member in the capital/ property of the Society to the nominee/ nominees
37. If, in the opinion of the Committee, there is only one heir/legal representative of the deceased member and if he demands payment of the value of the shares and interest of the deceased member in the capital/property
- Payment of the value of Shares and interest

of the society, the society may acquire the same and pay him the value thereof as provided under the bye-law No. 66 after obtaining the indemnity bond referred to in the bye-law No. 35. If, in the opinion of the Committee, there are more heirs/legal representatives than one and if they demand payment of the value of Shares and interest of the deceased member in the capital/property of the society, the society may acquire the same and pay them value thereof in equal proportion as provided under the bye-law No. 66, after obtaining the indemnity bond referred to in the bye-law No. 35, from all the heirs/legal representatives jointly.

of the deceased member in the capital/property of the Society to the heir/legal representative

Transfer of Shares and interest in the Capital/Property of the Society

38. (a) A member, desiring to transfer his shares and interest in the capital/property of the Society shall give 15 days' notice of his intention to do so to the Secretary of the Society in the prescribed form, along with the consent of the proposed transferee in the prescribed form. Notice of transfer of Shares and interest in the capital/property of the Society.
- (b) On receipt of such notice, the Secretary of the Society shall place the same before the meeting of the Committee, held next after the receipt of the notice, pointing out whether the member is prima-facia eligible to transfer his shares and interest in the capital/property of the Society, in view of the provisions of Section 29(2)(a) of the Act.
- (c) In the event of ineligibility (in view of the provisions of section 29(2) (a) & (b) of the act) of the member to transfer his shares and interest in the capital/property of the Society, the Committee shall direct the Secretary of the Society to inform the member accordingly within 8 days of the decision of the Committee.
- (d) "No Objection Certificate" of the Society is not required to transfer the shares and interest of the transferor to transferee. However in case such a certificate is required by the transferor or transferee, he shall apply to the Society and Committee of the Society may consider such application on merit, within one month.
- (e) The Transferor/Transferee shall submit following documents and make the compliance as under:
- i) application, for transfer of his shares and interest in the capital/property of the society, in the prescribed form, along with the share certificate;
 - ii) application for membership of the proposed transferee in the prescribed form;
 - iii) resignation in the prescribed form;
 - iv) stamp duty paid agreement;

- v) valid reasons for the proposed transfer;
- vi) undertaking to discharge all the liabilities to the society by transferor;
- vii) payment of the transfer fee of Rs. 500/-
- viii) remittance of entrance fee of Rs. 100/- payable by the proposed transferee;
- ix) payment of amount of premium at the rate to be fixed by the general body meeting but within the limits as prescribed under the circular, issued by the Department of Co-operation/Government of Maharashtra from time to time. No additional amount towards donation or contribution to any other funds or under any other pretext shall be recovered from transferor or transferee.
- x) submission of 'No objection' certificate, required under any law for the time being in force or order or sanction issued by the Government, any financing agency or any other authority;
- xi) the undertaking/declaration in compliance with the provisions of any law for the time being in force, in such form as is prescribed under these bye-laws.

Note: The condition at Sr. No. (ix) above shall not apply to transfers of shares and **interest**, of the transferor in the capital/property of the society to the member of his family or to his nominee or his heir/legal representative after his death and in case of mutual exchange of flats amongst the members.

- | | | | |
|-----|-----|--|--|
| 39. | (a) | The procedure for disposal of applications for transfers of shares and/ or interest of members in the capital/property of the Society as laid down under the bye-law No. 65 shall be followed by the Secretary and the Committee of the society. | Disposal of applications for transfer of Shares and interest of the member in the capital /property of the society- |
| | (b) | A meeting of the Committee or the General Body, as the case may be, shall not refuse any application for admission to membership of transfer of shares and interest in the capital/property of the society except on the ground of non-compliance of the provisions of the Act, the Rules and the Bye-laws of the society or any other law or order issued by the Government in exercise of the statutory powers vested in it. | The Committee/ General Body not to ordinarily refuse any application for membership or transfer of Shares and/or interest in the capital/ property of the society. |

- | | | |
|--------------------------------------|---|--|
| (c) | If the decision of the Committee/General Body meeting as the case may be, on the application for transfer of Shares and/or interest in the capital/ property of the society is not communicated to the applicant within 3 months of its receipt, the transfer application shall be deemed to have been accepted and the transferee shall be deemed to have been admitted as a member of the society as provided under Section 22(2) of the Act. | When application for transfer of Shares and interest in the capital / property of the Society deemed to have been admitted |
| (d) | Any transfer made in contravention of the Act, Rules or the bye-laws shall be void and not effective against the society. | Unauthorised transfer void. |
| 40. | The transferee shall be eligible to exercise the rights of membership on receipt of the letter in the prescribed form from the society or order under section 22 or 23 of the Act from the Registrar; subject to the provisions of the MCS Act 1960, Rules and Bye-laws. | Rights of membership when to be exercised by the transferee. |
| Exchange of Flats | | |
| 41. | The members, desiring to exchange their flats, shall make a joint application to the Secretary of the Society, containing the following details: | Application for exchange of flats by the members of the Society. |
| (1) | The names of the members concerned; | |
| (2) | The distinctive numbers of their respective flats; | |
| (3) | The carpet areas (in sq. metres), of their respective flats; | |
| (4) | The building number/numbers or name/names of the building/buildings in which the respective flats are situated; | |
| (5) | The reasons for exchange of flats. | |
| 42. | The procedure for disposal of applications for exchanges of flats as indicated in the bye-law No. 65 shall be followed by the Secretary and the Committee of the Society. | Disposal of applications for exchanges of flats by the members of the Society. |
| (1) Sub-letting etc. of Flats | | |
| 43. | (1) A member shall intimate to the society, of subletting his flat or giving on leave and license basis or care-taker basis or parting with its possession in any other manner.

However the member shall submit registered copy of leave and license agreement and copy of the intimation report to the police station. | Intimation of Sub-letting etc. |

- (2) No permission of the society is required to sub-let the flat / shops, however the intimation needs to be given to the society 8 days before such sub-letting.
45. No member of the society shall assign, mortgage or create any charge on his occupancy right in the flat without the previous permission in writing of the Committee. Provided that such permission of the society will not be required for assigning, mortgaging or creating any charge on the occupancy right in the flat for the * purpose of obtaining loan, either for purchase of the flat or for liquidating the liability incurred by him for the said purpose by way of loan or advance from the employer to the member or from the Life Insurance Corporation of India or from a Bank or the Society or any other agency approved by the Commissioner for Co-operation and Registrar, C.S.M.S. Pune.
- Restrictions on assignment of occupancy right in the flat.
- The Committee shall record lien / charge created on the said flat/shop in the register kept for the purpose.
- RESPONSIBILITIES AND LIABILITIES OF MEMBERS**
- (A) Maintenance of Flats by Members**
46. Every member shall keep the premises around the flat clean .
- Flats to be kept clean
47. (a) No member shall, without the previous permission of the Committee in writing, make any additions to or alterations in his flat.
- Additions and alterations in a flat permissible with the Committee's permission.
- (b) The member, desirous of making any additions to or alterations in his flat shall make an application to the Secretary of the society, giving all the required particulars. Further action on such application shall be taken by the Secretary and the Committee of the society as provided under the bye-law No. 65.
- Application for permission for Making additions and alterations in a flat
- (c) No structural changes are permissible, without the prior permission of the concerned Local Authority. Such changes shall be done under the supervision of the structural engineer from the panel of the local authority.
48. (a) For facilitating discharge of functions mentioned under the bye-law No. 156 by the Committee, every member shall allow the Secretary of the Society, accompanied by any other member of the Committee, to enter upon his flat with prior intimation to the member, to examine
- Examination of flats and report about Repairs to Flats

its condition for ascertaining the repairs, if any, necessary. The Secretary of the society shall make a report to the Committee, indicating therein the particulars of the repairs to be carried out by the society at its cost and those by the members at their cost.

On receipt of such report, the committee shall ascertain the cost involved in the repairs, which are required to be carried out by the society at its cost as provided under the bye-law No. 160(a) and cause the notice to be served on the member for such period as the Committee thinks adequate, of its intention to carry out the repairs and there-upon the member concerned shall allow the workmen engaged by the society directly or through its architect, access to his flat for carrying out the repairs. If the member concerned fails to give access to his flat, without reasonable and convincing reasons, the Secretary of the society shall have authority to enter upon the flat and carry out the work under the Supervision of the member of the Committee duly authorised by it in that behalf or the architect appointed by the society.

Notice to the member about carrying out repairs in his flat by the society at its cost.

- (b) In respect of the repairs to be carried out by the member at his cost, the Committee shall cause the notice to be served on the member, indicating therein, the particulars of repairs necessary at his flat and calling upon him to carry out the repairs to his flat to the satisfaction of the architect approved by the society, if any, at his cost, within such period as the Committee may allow. On his failure to comply with the notice, the Secretary of the Society or the architect appointed by the society shall have authority to enter upon the flat and cause the repairs to be carried out after giving due notice to the member concerned. The amount spent by the Society on such repairs shall be recoverable from the member concerned.
49. No member, without the previous permission of the Committee, in writing shall stock or store any kind of goods or materials, which are combustible obnoxious or other goods, for the storing of which requires permit/ sanction of the competent authority under any law relating thereto.
50. (a) No member shall do or suffer anything to be done in his fiat which may cause nuisance, annoyance or inconvenience to any of the members of the society or carry on practices which may be repugnant to the general decency or morals of the members of the society.
- (b) It shall be competent for the Committee either sou-moto or on receipt of the complaint from any member, to take steps to stop all such practices referred to in the bye-law No. 50(a) forthwith.
- Expulsion of a Member**
51. A member may be expelled from the membership of the society, if such a member
- Notice to the member for carrying out repairs to his flat at his cost.
- Restrictions on storing of certain goods.
- Not to do anything in a flat causing inconvenience, nuisance or annoyance to other members. Committee to take action on complaints about infringement of the bye-law No.50 (a)
- Grounds on which a

			member could be expelled
		<ul style="list-style-type: none"> i) has persistently failed to pay the charges due to the society, ii) has willfully deceived the society by giving false information, iii) has used his flat for immoral purposes or misused it for illegal purposes habitually, iv) has been in the habit of committing breaches of any of the provisions of the byelaws of the society, which, in the opinion of the Committee, are of serious nature, v) has furnished false information or omitted to furnish the material information to the Registering Authority at the time of registration of the Society. vi) Is classified as a Non-Active member who does not attend at least one meeting of the general body in next five years from the date of classification as Non-Active member with the intimation to such member and Registrar 	
52.	(a)	The cases of expulsion from the membership of the society shall be dealt with in the manner provided under Section 35 of the Act, read with Rules 28 and 29 of Rules.	Procedure for expulsion of a member.
	(b)	Expulsion from membership may involve forfeiture of the shares held by the member. Where the Committee decides that expulsions from membership should also involve forfeiture of the shares, it shall make necessary reference to the proposed forfeiture of the shares in the notice to be issued under Rule 29 of the Rules	Forfeiture of shares of the expelled member
53		The member, duly expelled from membership of the Society, shall cease to be the member of the society, with effect from the date on which the resolution of expulsion from the membership of the society is approved by the Registering Authority'. The forfeiture of shares may take effect simultaneously with expulsion.	Effect of expulsion on membership of the Society
54.		The member, who has been duly expelled from the membership of the society, shall not be entitled to continue in occupation of his flat and he shall arrange to hand over peaceful and vacant possession of his flat to the Secretary of the Society, within such period as the Committee may allow. On his failure to do so, he shall be liable to be evicted from his flat.	Handing over vacant possession of the flat by the expelled member
55.		If the meeting of the general body of the society has decided not to forfeit the shares, the interest of the expelled member in the capital/property of the society and the value thereof shall be acquired by the society and the value thereof shall be paid to the expelled member, within 3 months of his handing over possession of his flat or his eviction from it, after following the procedure as laid down under the bye law No. 66 in respect of payment of the value of the shares and interest in the capital/property of the	

- society acquired by the society.
56. No member of the society, who has been expelled from its membership, shall be eligible for readmission to membership in the Society, until expiry of the period of one year from the date of his expulsion, provided that on the recommendations of the meetings of the general body of the Society, the expelled member may be re admitted to its membership, as a special case before the expiry of the period of one year, with the prior permission of the Registering Authority.
- Eligibility of the expelled member for readmission to membership of the Society.

Cessation of Membership

57. The person shall cease to be the member of the society:
- Circumstances under which a person ceases to be a member of the society
- i) On his resignation from membership of the society having been accepted by the committee.
 - ii) On transfer of all his shares and interest in the capital/property of the Society.
 - iii) On his death
 - iv) On his expulsion from the membership of the Society.
 - v) On being adjudged as an insolvent or legally disabled from continuing as member.
 - vi) If the whereabouts of the member are not known for continuous seven years and if his shares & interest in the property/capital of the society is not claimed by anybody else
 - vii) On cessation of right/title & interest of a member in the property of the society, by way of legal attachment or sale
 - viii) Any transfer, if void, as provided under byelaw no. 39 (d)
- The Committee shall take further action in the matter as indicated in the bye-law No.61.
58. The person shall cease to be the associate member of the society, when the original member ceases to be the member of the society or on the death of the associate member or on the acceptance of the resignation of the associate member by the Committee, The Committee shall take further action in the matter as indicated in the Bye-law No. 61.
- Circumstances under which the person shall cease to be associate member.
59. If there is a nominal member, occupying the flat on behalf of the firm, company or any other body corporate he shall cease to be as such member of the society :
- Circumstances under which the person occupying the flat on behalf of the firm/ company ceases to be the nominal member

- i) On his death
- ii) On the acceptance of his resignation by the Committee
- iii) On cessation of membership of the original member on whose behalf he occupies the flat in the Society
- iv) On cessation of his nomination on account of expulsion of the original member
- v) On intimation from the original member of termination of the occupant's nomination.

The Committee shall take further action in the matter as indicated in the bye-law No.61

60. The nominal member, who is the sublettee, licensee, care-taker or possessor in any other manner of the flat or the part thereof, shall cease to be as such member of the Society:

- i) On his death
- ii) On his resignation having been accepted by the Committee.
- iii) On the cessation of the membership of the original member
- iv) On the expiry of the period for which the flat or part thereof was permitted to be sub-let, given on leave and license or care-taker basis or occupied in any other manner

Note : The words 'original member' used in the bye-laws Nos. 57, 58, 59 and 60 mean the member, with whom the associate members held the shares of the society jointly, the Firm, the Company or any other Body Corporate, on whose behalf the nominal member occupies flat in the society's building or the member who has been permitted to sub-let, give on leave and license or care-taker basis his flat or part thereof or part with its possession in any other manner. The Committee shall take further action in the matter as indicated in the bye-law No. 61."

61. Circumstances under which a Sublettee, licensee .caretaker ceases to be the nominal member. The Committee shall record the facts of cessation of members membership of the society under the bye-law No. 57 and of associate and nominal member's membership respectively under the bye-laws Nos. 58, 59 and 60, in the minutes of its meetings and accordingly the Secretary of the society shall inform the concerned members in writing within 7 days of the dates of such decision of the committee

Action by the Committee on cases of cessation of membership of the society.

Restrictions on Holding more than One Flat

62. Individual member of the Society may hold more than one flat, in the building/s of the Society in his name or in the name of any of the members of his family.

Holding of flats by member.

Liabilities of a Member and the Past Member

- | | | |
|-----|---|---|
| 63. | The liability of a member of the Society shall be limited to his shares-holding in the Society. | Liability limited to unpaid amount on Shares- |
| 64. | In case the society is ordered to be wound up under any provisions of the Act, the liability of the past member or the estate of the deceased member, for the debts of the society, shall be as provided under section 33 of the Act. | Liability of the past member. |

Other Matters

65. (a) All the applications for (i) admission to membership of the Society, including associate and nominal membership, (ii) approval to the transfers of Shares and interest in the capital/property of the Society, (iii) intimation for subletting or giving flats or parts thereof on leave and license or care-taker basis, (iv) permission for additions and alterations in flats, (v) allotment of parking spaces and stilts (vi)permission for exchange of flats (vii) permission for holding, additional flats, (viii)permission for assigning, mortgaging or creating charge or interest in flats, (ix) permission for use of terrace, (x) complaint applications of the members and (xi) for any other purpose provided under the byelaws but not specifically mentioned above, shall be addressed to the Secretary of the Society. Every application received by the Secretary shall be acknowledged by him.
- (b) On receipt of the applications, the Secretary of the Society shall scrutinize them and bring any short-coming therein to the notice of the members concerned within 15 days of their receipt for compliance;
- (c) The Secretary shall place all the applications, complete in all respects, or incomplete, before the meeting of the Committee or the general body, as the case may be, held next after receipt of the applications;
- (d) The Committee or the General Body, as the case may be, shall consider all such applications at its meetings and take decisions thereon;
- (e) The Committee shall ensure that all the applications received by the Secretary of the Society are disposed off within the maximum period of 3 months from the dates of their receipt; except application for subletting which shall be disposed off in one month.
- (f) If the Committee or the General Body, as the case may be, rejects any applications, it shall record, in the minutes of its meetings, the reasons for rejection of the applications;
- (g) The Secretary of the Society shall communicate the decisions of the Committee or the General Body, as the case may be, to the applicants concerned within 15

days of the decisions of the Committee or the General Body, as the case may be, with reasons, where the applications are rejected by the Committee or the General Body, as the case may be, If the society does not communicate the decision to the applicant within three months from the date of receipt of application for membership; including nominal or associate membership, the applicant shall be deemed to have been admitted as a member as provided under Section 22(2) of the Act.

- (h) The Society shall not file appeal against the order of the Registrar under section 22 and 23 of the Act, without prior approval of General Body Meeting.
- (i) Society shall issue any NOC within one month from the date of application by the member.
In case where society fails to issue any type of NOC s required by the members, within one month from the date of receipt of such application, then the Registrar, on an application by the member, will decide the application and may issue NOC after giving hearing to the society and the concerned member.

66. Wherever the question of payment of the value of the shares and the interest of any member of the society, in its capital/property, as the result of acquisition of the same by the Society arises, the following procedure shall be followed :

- (i) The value of Capital / Property shall be decided in accordance with the provisions of Rule 23 of the Rules,
- (ii) The interest of the expelled member in the property/capital of the society, shall be valued by the Government approved valuer.
- (iii) Within one month of the date of demand for payment of the value of the shares and interest in the capital/property of the Society, or acquisition of the same by the Society, the Committee shall, by publication of the notice in at least two widely circulated news papers and exhibition thereof on the notice board of the Society, invite offers for price proposed to be paid for acquiring interest in the flat, within such period as is mentioned in the notice.
- (iv) On receipt-of the offers, the Committee, in its meeting, shall scrutinise the same and decide to accept the offer which is the highest, which shall not be less than the approved value as determined in (ii) above.
- (v) The Committee shall then advise the person, offering the highest price, to make an application for membership of the society, in the prescribed form along with a demand draft for the price offered, value of 5 Shares of the Society and the entrance fee of Rs. 100/-.
- (vi) On realization of the demand draft and within one month of the admission of the said person to membership of the Society, the Committee shall arrange to pay the value of the interest in the flat realised by the society, (a) To the member whose resignation has been accepted by the Committee, or (b) To the nominee/s legal heir/s of the deceased

member who demanded payment of the value of the Shares and the interest in the capital or property of the Society or (c) To the expelled member Together with the value of the shares as determined under (i) above and after deducting the following

(1) Outstanding amounts, if any, due from such member.

(2) the entire expenses of the publication of the notice.

3) Expenses incurred for the disposal of the interest of the member in the property/capital of the society. The payment shall be made in the manner provided under the bye-laws Nos. 36, 37 and 55 to the nominee/nominees or heir/heirs, respectively.

LEVY OF CHARGES OF THE SOCIETY

Composition of the Charges of the Society.

67. The contribution to be collected from the members of the Society, towards outgoing and establishment of its funds, referred to in these bye-laws as 'the charges' may be in relation to the following:
- (i) Property Taxes, (ii) Water Charges, (iii) Common Electricity Charges, (iv) Contribution to Repairs and Maintenance Fund, (v) Expenses on repairs and maintenance of the lifts of the Society, including charges for running the lift. (vi) Contribution to the Sinking Fund, (vii) Service Charges, (viii) Car Parking Charges, (ix) Interest on the defaulted charges, (x) Repayment of the installment of the loan and interest, (xi) Non-occupancy Charges, (xii) Insurance Charges, (xiii) Lease rent, (xiv) Non-agricultural tax. (xv) Education and Training Fund (xvi) Election Fund (xvii) Any Other Charges

68. The Service charges of the society referred to at (vii) above shall include the following:

Break-up of Service Charges of the Society.

- (i) Salaries of the office staff, liftmen, watchmen, malis and any other employees of the Society.
- (ii) Where the Society has independent Office, the property taxes, electricity charges, water charges etc.
- (iii) Printing, Stationery and Postage,
- (iv) Travelling Allowance and conveyance charges to the staff and the members of the Committee of the Society.
- (v) Sitting fees paid to the members of the Committee of the Society,
- (vi) Subscription to the Education Fund as per section 24 A of the Act.
- (vii) Annual Subscription of the Housing Federation and any other co-operative institution to which the Society is affiliated.
- (viii) Entrance fees for affiliation to the Housing Federation and any other cooperative institution.
- (ix) Audit Fees for internal, Statutory and reaudit, if any.

- (x) Expenses incurred at meetings of the general body, the Committee and the Sub-Committee, if any
- (xi) Retainer fees, legal charges, statutory enquiry fees. However, Legal Charges of any disputes/Litigation of whatsoever nature between member to member or member and their family in which Society is a party, in such cases Legal and litigation charges is required to be charged to the respective member/members.
- (xii) Common electricity charges.

.69

The following repairs and maintenance of the property of the society shall be carried out by the society at its costs:

- (a) (i) All internal roads, (ii) Compound walls, (iii) External water pipe lines, (iv) Water pumps, (v) Water storage tanks, (vi) Drainage lines, (vii) Septic tanks, (viii) Stair cases, (ix) Terrace and parapet walls, (x) Structural repairs of roofs of all flats, (xi) Stair-case lights, (xii) Street lights, (xiii) Outside walls of the building/buildings, (xiv) Leakages of water including leakages due to rain water and leakages due to external common pipe line and drainage line, (xv) Electric lines up to main switches in the flats (xvi) Lifts, (xvii) The damaged ceiling and plaster thereon in the top floor flats, on account of the leakage of the rain water through the terrace. (xviii) Generators, (xvix) Security Appliances (CC TV, Intercom, Group Mobile, Siren Bell) (xx) Rain Water Harvesting, (xxi) Sewerage, Storm water Drain & Water Treatment Plant (xxii) Common areas not specifically allotted ,Swimming Pool, Gym, Sauna Bath, Coffee House (xxiii) Common Parking Space (xxiv) Solar and alternate energy resources. (xxv) Garden (xxvi) Community hall

Sharing of the Society's Charges by the members

- 70 a. All the repairs, not covered by the bye-law No. 160(a) shall be carried out by the members at their cost. The expenditure of the internal leakage due to toilet, sink etc. should be borne by concerned flat holders, with the consent of the society.
- i. Water Charges : On the basis of total number and size of inlets provided in each flat.
 - ii. Expenses on repairs and maintenance of the building/buildings of the Society: At the rate fixed at the general body from time to time, subject to the minimum of 0.75 percent per annum, of the construction cost of each flat for meeting expenses of normal recurring repairs
 - iv. Expenses on repairs and maintenance of the lift, including charges for running the lift : Equally by all the members of the building in which lift is provided, irrespective of the fact whether they

- use the lift or not.
- v. Sinking Fund : As provided under the bye-law No. 13(c).
 - vi. Service Charges : Equally divided by number of flats.
 - vii. Parking Charges : At the rate fixed by the general body of the society at its meeting under the bye-law No. 84/85.
 - viii. Interest on the delayed payment of Charges: At the rate fixed under the bye-law No. 72 to be recovered from the defaulter member.
 - ix. Repayment of the installment of the loan and interest: The amount of each - installment with interest fixed by the financing agency.
 - x. Non-occupancy charges: At the rate fixed under the bye-law No. 43(2)(iii)(c)
 - xi. Insurance Charges: The built up areas of each flat, provided that if there is increase in the insurance premium due to storing any specific goods in any flat, used for commercial purposes, the extra burden of insurance premium shall be shared by those who are responsible for such increased premium in proportion of the built up areas to their flats
 - xii. Lease Rent: The built up area of each flat.
 - xiii. Non-Agricultural tax: The built up area of each flat
 - xiv. Education and Training Fund: Rs. 10 per Flat/unit per month
 - xv. Election Fund: Equally by the members and as prescribed by the Election Authority in the Rules made thereof and as decided by the General Body meeting of the Society
 - xvi. Any other charges: As may be decided by the general body of the Society
- (b) The Committee shall fix in respect of every flat the society charges on the basis laid as down under the bye-law No, 69 (a). Committee to fix Society's Charges in respect of every flat at its meeting
71. The Secretary of the Society, shall prepare bill/demand notice in respect of the charges of the society payable by members on the basis of the bye-law No. 69 (a) and issue the same to all the members on or before the date fixed by the Committee in that behalf. Every member of the Society shall pay the amount mentioned in the bill/demand notice in full within such period as may be fixed by the Committee. Payment of the Society's Charges
72. (a) A Member shall be deemed to have committed default in payment of the charges of the Society, if the payment mentioned in the demand notice/bill is not made within the period as prescribed under Section 73CA of the Act. The Secretary of the society shall bring the cases of defaults in payment of the Society's charges to the notice of the Committee for taking further necessary action. Review of the cases of defaults in payment of the charges of the Society.
- (b) In case of default by member in payment of maintenance and service charges, the committee shall

initiate a recovery proceeding under section 91 or section 101 of the Act

73. A member shall be required to pay simple interest at 21 percent per annum or such fewer rates as fixed by the general body of the Society, on the dues to the Society, from the date the amount was delayed till its payment remains unpaid by the member within the period as prescribed under bye-law No. 70.

INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

74. The registration of the Society shall render it a body corporate by the name under which it is registered, with perpetual succession and common seal and with power to acquire, hold and dispose of the property, to enter into contracts and other legal proceedings and to do all such things as are necessary for the purpose for which it is constituted. Incorporation
75. The common seal of the Society shall be in the custody of the Secretary of the Society and shall be used under the authority by means of a resolution of the Committee and the deeds of conveyance, share certificate or any other documents, to which the seal is affixed on behalf of the Society, shall be attested by the Chairman, the Secretary and one member of the Committee, authorised by the Committee in that behalf along with their name and designation. Common Seal
76. The society shall have a charge on the shares and/or interest of a member, present or past, in the capital/property of the Society and upon any dividend, bonus or profits, payable to a member in respect of any charges due from such member or past member to the Society and may set off any sum credited by or payable to a member, in or towards there payment of such charges, as provided under Section 46 of the Act. Charge and set off in respect of Shares and interest of a member of the Society
77. (a) The member, person/firm who had purchased the flat under an agreement under Section 4 of the Ownership Flats Act, or acquired interest in the flat on transfer of the same by existing member with previous permission of the society, shall be deemed to have been allotted the same flat by the society subject to the terms and conditions set out in the letter of allotment in the prescribed form, including subsequent modifications made by the society to it. Flat purchased is deemed to have been allotted
- (b) No member of the Society shall use the flat deemed to have been allotted to him under (a) above, for a purpose other than that mentioned in the letter of allotment, without the previous consent in writing of the Committee. Change of user not permissible without the sanction of the Committee.

OR
(APPLICABLE FOR PLOT-PURCHASED BY THE SOCIETY)

- | | | | |
|-----|-----|---|---|
| | (c) | The allotment of flats in the building/buildings of the society shall be made to its members on the basis of (i) the first come first served, (ii) full payment of the demands, made by the society from time to time or (iii) by drawing lots as may be decided by the General Body Meeting. The Secretary of the society shall issue letters of allotment of flats in the prescribed form to the respective members and obtain confirmation letters from them | Policy for allotment of flats |
| | (d) | <p>i. No member shall be eligible to get possession of the flat allotted to him unless he has made full payment towards shares, cost of construction, repayment of the loan installments, which have fallen due and/or any other charges demanded by the society, under these bye-laws.</p> <p>ii. The committee shall, after getting occupation or completion certificate from the local authority, scrutinize the allotment register from time to time and issue instructions to the Secretary of the Society to hand over possession of flats to the respective members who have complied with the provisions of the bye-law.</p> | <p>Handing over possession of flats.</p> <p>To obtain certificate of possession from the allottee members</p> |
| | (e) | Where any member fails to pay any calls made by the society under the bye-law No. 76(a), within the time allowed to him by the committee the allotment of flat made in his favour, shall stand cancelled and the Secretary of the society, under instructions from the Committee, shall inform the member accordingly. Where such cancellation has been made, the flat may be allotted to other applicant approved by the committee, if a member, whose allotment is cancelled, makes payment of the calls and Committee at its meeting may consider the matter regarding re allotment of any other flat to him if it is available for allotment. | Cancellation of allotment of flats. |
| | (f) | No member of the Society shall use the flat deemed to have been allotted to him under (a) above, for a purpose other than that mentioned in the letter of allotment, without the previous consent in writing of the Committee | Change of user not permissible without the sanction of the |
| 78. | (a) | The Society shall cause the STRUCTURAL AUDIT of the Building of the society as follows :- | Committee. Society to carry out Structural Audit. |
| | 1) | For the building ageing between 15 to 30 years _____ Once in 5 years. | |
| | 2) | For the building ageing above 30 years _____ Once in 3 years. Such STRUCTURAL AUDIT shall be conducted by the Architects from the panel of the Municipal Corporations in case of the societies which are in the limits of Municipal Corporations. Incase of other societies such structural audit shall be carried by the Govt. Approved Architect. | |
| | (b) | The society shall cause to undertake Fire Audit of its premises in compliance with the State Fire Policy. | |
| 79. | (a) | The Society shall frame and adopt parking rules to regulate the parking spaces in the General Body meeting in accordance with the Act and rules there under. | |

- (b) The allotment of Parking Space shall be made by the Committee on the basis of "First Come First Serve", for available parking spaces, incase of Parking Space allotted by the society, the member shall have no right to transfer the said allotted Parking Space to anybody.
80. No member shall be entitled to utilize more parking spaces than what is allotted to him by the Committee, or which he has Purchased.
81. Where any parking space have been built or open space in the Society's compound is available for parking of cars, the Society shall number the stilts or the open space in such a way that no inconvenience would be caused to any of the member of the Society. The Committee shall ensure that the space is used by the members for the purpose for which it is allotted to them.
82. A member, having a motor vehicle, will only be eligible to have parking space. No member shall normally be eligible for being allotted more than one parking space for parking the car owned by him or allotted to him by his employer, or the firm of which he is the partner or the company of which he is the director. If any parking spaces remain un-allotted for want of applicants for allotment, a second or third parking space may be allotted to the same member who has earlier been allotted the stilt or the parking space. Such allotment of 2nd or 3rd parking space shall be made on year to year basis, provided the same is not required by another member, who is not allotted even a single parking space.
83. In case the number of vehicles of eligible members is in excess then the available parking space the managing committee shall allot such parking space by "lot" on yearly basis.
84. The member, desiring to have parking space, may make an application to the Secretary of the Society giving necessary details. The procedure for disposal of applications for permission under this bye-law, as laid down under the bye-law No. 65, shall be followed by the Secretary and the Committee of the Society.
85. Every member, who has been allotted the the parking space shall be required to pay the parking charges at such rate as may be decided by the general body of the society at its meeting, irrespective of the fact whether he actually parks his motor vehicle or not. Where a member has been allotted more than one parking space, he shall pay parking charges in respect of every such parking space, as decided by the General Body Meeting.
86. Every member, having a scooter, a motor cycle, or an auto rickshaw shall obtain prior permission of the Committee for parking his vehicle in the compound of the society and pay the charges fixed by the General Body of the Society at its meeting.
- GENERAL MEETINGS**

Policy of allotment of parking spaces

Restriction on parking Spaces

Marking of parking spaces

Eligibility for allotment of parking spaces.

Applications for allotment of parking spaces.

Payment of charges for parking of vehicles.

Parking of other vehicles.

Holding of the first general meeting within the stipulated

period.

(A) First General Meeting

87. The first general body meeting of the promoters, who have signed the application for registration of the Society, shall be held within the period of 3 months of the date of the registration, of the Society, as provided under Rule 59 of the Rules. It shall be the responsibility of the chief Promoter of the Society to convene the said meeting within the stipulated period.
88. On failure of the Chief Promoter of the Society to hold the first general body meeting within the period, mentioned in the bye-law No 86, the Registering Authority shall cause it to be called. Calling the first general meeting by the Registering Authority.
89. Fourteen clear days' Notice of the first general body meeting of the Society shall be given by the Chief Promoter of the Society or as the case may be, by the officer authorized by the Registering Authority, to all the promoters, who have signed the application for registration of the society. Period of notice for the first general meeting
90. (a) At the first general meeting of the society, the following business shall be transacted. Functions of the first general meeting.
- (i) Election of a President for the meeting,
 - (ii) Admission of new members (other than the promoters) who have applied for membership of the society.
 - (iii) Receiving and approving the statement of accounts, as prepared by the Chief Promoter of the Society, up to 14 days prior to the date of the first general meeting of the Society.
 - (iv) Constitution of a Provisional Committee until regular elections are held under bye-laws of the society. The Provisional Committee shall have the same powers and functions as the committee elected in accordance with the bye-laws.
 - (v) Fixing the limit up to which funds may be borrowed.
 - (vi) Authorising the Committee to secure conveyance of the right, title and interest in the- property, in the name of the Society, from the Promoter (Builder)
 - (vii) Appoint internal auditor of the Society for the year, if necessary and fix his remuneration
 - (viii) Authorise one of the members of the Provisional Committee to call the first meeting of the Provisional Committee
 - (ix) Consider affiliation of the society as member of the Housing Federation of the District and other institutions mentioned in the bye-law No. 6,
 - (x) Consider any other matter to be brought before the meeting with the permission of the Chair, excepting those requiring proper notice.

(IN ADDITION FOLLOWINGS ARE APPLICABLE FOR PLOT-PURCHASED TYPE SOCIETY)

- (xi) To review and approve the report of the Chief Promoter of the Society regarding the work done and proposed to be done with reference to the financial and physical aspects of the scheme of construction
 - (xii) To confirm the agreement for purchase of the plot/building for the society entered into by the Chief Promoter of the society with the vendors
 - (xiii) To approve the site plan and the scheme of construction.
 - (xiv) To confirm the appointment of the architect of the society made by the Chief Promoter of the society or to appoint an architect if no such appointment is made by the Chief Promoter of the Society or -to appoint a new architect in place of the one already appointed.
- (b) Where the first general meeting fails to elect a Provisional Committee, the Registering authority shall be competent to nominate such a committee, including the Chairman and the Secretary of the Society for a period of one year
91. The person, who presides over the first general meeting shall record the minutes of the meeting, sign them and hand them over to the Secretary of the Society elected at the first meeting of the Provisional Committee or nominated by the Registration Authority under the bye-law No. 89(b).
92. The Chief Promoter of the Society shall, immediately after election of the office bearers of the society, at the first meeting of the Provisional Committee or its nomination by the Registering Authority under the bye-law No. 89(b), hand over to the Chairman of the Society or any member of the Provisional Committee authorised by it in that behalf :-
- (i) all records of the society, particularly the copy of the application for registration of the society, received back from the Registering Authority,
 - (ii) the copy of the by-laws of the society registered by the Registering Authority,
 - (iii) the certificate of registration of the society,
 - (iv) the challans for credit of amounts into the bank
 - (v) the counterfoils of the used cheques and the unused forms of the cheques,
 - (vi) the bank pass books,
 - (vii) the copies of all the agreements entered into by him with different parties,
 - (viii) the statement of accounts as prepared by him,
 - (ix) the applications for membership,
 - (x) the statement of information of the promoters,
 - (xi) the vouchers for amounts spent,
- Nomination of a provisional committee by the Registering Authority
Recording of minutes at the first general meeting.
- Handing over records by the Chief Promoter of the Society.

- (xii) the cash balance, if any,
- (xiii) the site plan/The scheme of construction (for plot purchase type)
- (xiv) the minutes of the first general meeting of the society,
- (xv) the files of the correspondence with the Registering Authority, the Local Authority,
- (xvi) and all such other records and assets of the society as are in the possession, leaving nothing with him.
93. The Provisional Committee or the Nominated Committee shall have the same powers and functions as the committee duly elected in accordance with the bye-laws of the society. Powers of the Provisional Committee
94. The Provisional Committee 'or the Nominated Committee shall be in office for a period of one year, or until the regular elections are held under the Bye-laws of the Society. Period of Office of the Provisional Committee.
95. The Chairman of the Provisional Committee or the Nominated Committee shall handover charge of all the assets and papers of the Society to the' Chairman of the newly elected Committee at the time of its first meeting, leaving nothing with him/them including the record mentioned under bye-law No. 91. Handing over charge by the Provisional Committee.
- Annual General Body Meetings**
96. (a) The annual general body meeting of the society shall be held on or before 30th September each year as provided under Section 75(1) of the Act. (As there is no provision for extension to hold AGBM) Period of AGM Meeting
- (b) In case of default in calling the Annual General Body Meeting as above shall attract disqualification and action as provided under section 75(5) of the Act.
97. The annual general body meeting of the Society shall transact the following business :
- (i) to read the minutes of the last annual general body meeting of the society and the special general body meeting of the society, if any and to note the action taken thereon,
- (ii) to receive from the committee, the annual report of its activities on the preceding co-operative year's working, together with the statement of accounts in form 'N' prescribed under Rule 62(1) of the Rules, showing the income and expenditure during the preceding cooperative year and the balance sheet as at the close of the preceding co-operative year
- (iii) to consider audit report, received from the Auditor appointed as provided in section 75(2A) of the Act for the previous co-operative year along with audit rectification report of the committee thereon,
- (iv) to declare regarding date and conduct of election of its Committee when due,
- (v) to appoint an auditor, for the Audit, from the panel approved by State Government.
- (vi) to consider any other matters, specifically requiring decisions, concurrence or sanction of the general body
- Functions of the annual general body meeting of the society.

- meeting of the society, by virtue of the provisions in the Act, Rules and the bye-laws of the society,
- (vii) to consider any important communications received from the Registering Authority, the Statutory Auditor, Government, Collector, Local or any other competent authority.
 - (viii) to consider any other matter, with the permission of the Chair, excepting those requiring proper notice, after the regular agenda is over and which are permitted under the provision of the Act, Rules & bye-laws.
 - (ix) To place annual budget for the next financial year for consideration.
 - (x) To receive from committee the Audit Rectification Report and Action taken thereon.

Special General Body Meetings

When a special general body meeting should be called.

98. A special general body meeting of the Society may be called at any time at the instance of the Chairman or by the decision of the majority of the Committee and shall be called within one month of the date of the receipt or requisition, in writing signed by at least 1/5th of the members of the Society or from the Registering Authority or from the Housing Federation, to which the Society is affiliated. The meeting so convened shall not transact any business, other than that mentioned in the notice of the meeting fixing date, time and place for a special general body meeting requisitioned.
99. The requisition for the special general body meeting of the Society, under the bye-law No. 97 shall be placed within 7 days of its receipt, before the meeting of the Committee, by the Secretary of the Society, for fixing the date, time and place for the special general body meeting of the Society.
100. The committee shall decide the date, time and place of every general body meeting of the society and the business to be transacted thereat; provided that the business to be transacted at the requisitioned special general body meeting shall be only that mentioned in the requisition. The notice convening the general body meeting shall be issued by the Secretary of the Society accordingly as provided in Bye-law no. 163. On his failure to issue the notice, the Chairman shall issue it.
101. In case of the annual general body meeting, 14 clear day's notice and in the case of the special general body meeting, 5 clear day's notice of the meeting shall be given to all the members of the Society, as provided under Bye-law No. 163, under intimation to the Federation and to the Registering Authority. In case of an emergency, the special general body meeting may be called even at a shorter notice, if the Committee unanimously decides to call the special general body meeting at a shorter notice. The agenda of such emergency meeting and the reasons of emergency for which the meeting is called shall be communicated in writing to all the members. Also the decision of such

Notice of a general body meeting.

Period of notice of a general body meeting.

- meeting shall be communicated in writing to all the members, within two days of such meeting.
102. The quorum for every general body meeting of the Society shall be 2/3rd of the total number of members of the Society or 20, whichever is less. Quorum for the general body meeting.
103. If within half an hour after the time appointed for general body meeting of the Society, there is no quorum, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it shall be adjourned to a later hour on the same day and at the same place, as may have been specified in the notice, calling the general body meeting of the Society or to a subsequent date, not earlier than 7 days and not later than 30 days and at such adjourned general body meeting, the business on the agenda of the original general body meeting shall be transacted, whether there is quorum or not. Holding of the adjourned general body meeting.
104. If all the business on the agenda of the general body meeting of the Society cannot be transacted on the day on which the general body meeting is held, the meeting shall be postponed to any other suitable date, not later than 30 days from the date of the meeting, as may be decided by the members present at the meeting.
105. The Chairman of the Society shall preside over all general body meetings of the Society, provided that if the Chairman is absent or if present and is unwilling to preside, the members present may elect a person from amongst themselves to preside over it. Chairman of the Society to preside over all general body meetings.
106. No proxy or a holder of power of attorney or letter of authority shall be eligible to attend a general body meeting of the society on behalf of a member of the society.
107. Voting right of a member and an associate member of the society shall be regulated in accordance with the provisions of Section 27 of the Act. Voting right of a member.
108. At a general body meeting of the society, every Active member of the society and in his absence, his Associate member shall have one vote only. In case of equality of votes, the Chairman of the meeting shall have a casting vote. One member
One vote.
109. Unless otherwise specifically provided under the Act, the Rules and the Bye-laws of the Society, all questions at a general body meeting of the society shall be decided by a simple majority of those present and voting at the meeting. How decisions shall be taken.
110. The committee shall finalise the draft minutes of every general body meeting of the society within 3 months of the date of the meeting and circulate the draft minutes amongst all the members of the society within 15 days of the meeting of the Committee at which the draft minutes were finalised. The members of the society may communicate to the Secretary of the Society, their observations, if any, on the draft minutes, within 15 days of the date of their circulation. The committee, at its subsequent meeting, shall prepare the final minutes of the general body meeting after taking into consideration the observations, if any, made by the Recording of the minutes of the general body meetings.

- members on the draft minutes and cause them to be recorded in the minutes book, by the Secretary of the Society or any other person authorised in that behalf.
111. No resolution can be brought at a general body meeting of the society, cancelling its previous resolution, unless 6 clear months have expired, after passing of the previous resolution. Cancellation of the previous resolution of the general body meeting.

MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

112. Subjects to the provisions of the Act, the Rules and the Bye-laws of the Society, the final authority of the society shall vest in its general body meeting, summoned in such manner as is specified in these bye-laws. General body meeting to be the supreme authority.
113. The Management of the affairs of the Society shall vest in the Committee duly constituted in accordance with the provisions of the Act, the Rules and the Bye-laws of the Society. Management of the Society to vest in the Committee.
114. Subject to the direction given or regulation made by a meeting of the general body of the Society, the Committee shall exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No. 139. Exercise of powers by the Committee
115. A Banking Account shall be opened by the society in the nearest State or District Central Co-op Bank having awarded at least "A" Audit Class in last three consecutive years, and in any other mode permitted by general or special order of the State Government, as provided under section 70 of the Act and the account shall be operated upon and all acquaintances and discharges shall be signed by the Secretary jointly with the Chairman or Treasurer. Opening of Banking Account. And Investment of Fund
116. The Committee shall consist of *11/13/...../21 members of the society. This strength includes the reservation of seats as provided under section 73B and 73 C of the Act. Strength of the Committee.
Note: *The strength of the managing committee and strength of the quorum for conducting the meeting would be as under:-

No. Members Strength of the M.C.				
	General	Reserved Seats W, SC/ST, OBC, VJ/NT/SBC.	Total	Quorum in M.C.
Upto 100	6	2, 1, 1, 1.	11	6
101 to 200	8	2, 1, 1, 1.	13	7
201 to 300	10	2, 1, 1, 1.	15	8

301 to 500	12	2, 1, 1, 1.	17	9
501 and above	14	2, 1, 1, 1.	19	10

*Strike out whichever is not required.

Provided that the Societies having less than 15 members can fix the number of members of the Committee in accordance with the provisions of the Act in this respect. However if the persons under the reservation categories are not available, then these seats shall be kept vacant.

116 A- In respect of Housing Society having contribution of the Government towards its share capital, then the members of the committee shall include additional two officers of the Government nominated by the state Government, as provided in section 73AAA of the Act.

117. (a) Election of all the members of the Committee shall be held once in 5 years, before expiry of its term, in accordance with the provisions of Sec 73- CB of the Act and the Rules / procedure framed there under. Election of the Committee.
- It shall be the duty of the committee to intimate to the State Election Authority for holding of its election before expiry of its term. On failure, the committee members shall cease to hold office after expiry of its term and attract action by the Registrar under section 77 A.
- (b) The Committee of the society may co-opt Two "expert directors" relating to the objects and activities undertaken by the society. The number of such co-opted members shall not exceed two in addition to the strength of the committee as provided in bye-laws No. 115., such co-opted members shall not have the right to vote in any election of the society in their capacity as such member or to be eligible to be elected as office bearers of the committee.
- (c) The Committee of the society may co-opt Two "functional directors", such members shall be excluded for the purposes of counting the total numbers of the committee and shall have no right to vote.
- No Officer of the Society shall have any interest, directly or indirectly, otherwise than as such officer:
118. (a) In any contract made with the society
- (b) In any property sold or purchased by the society.
- (c) In any other transaction of the society, except as investment made in or loan taken from the society for provision of residential accommodation by the society to any paid employee of the society.
119. No person shall be eligible for being elected as a member of the Committee or co-opted on it, if:
- (i) he has been convicted of the offence, involving moral turpitude, unless the period of six years has elapsed since his conviction,
- (ii) he defaults the payment of dues to the society, within three months from the date of service of notice in writing, served either by hand delivery or by registered
- Prohibition against being interested in the society

- post, demanding the payment of dues.
- (iii) He has been held responsible under Section 79 or 88 of the Act or has been held responsible for the payment of the costs of enquiry under Section 85 of the Act.
- (iv) In case of an associate member, non-submission of the no-objection certificate and undertaking, as prescribed under these bye-laws, by the member.
- (v) he is not an Active member
- (vi) he does not reside in the society or he has rented or sublet his flat / shop.
- (vii) He is held guilty for any offence mentioned under section 146 and convicted under section 147.
- (viii) He is convicted with imprisonment of not less than one year for an offence under the provisions of law for the time being in force.
120. In a general election of members of the committee of a society, on the election of two-thirds or more number of members, the returning officer or any other officer or authority conducting such election shall within seven days after the declaration of results of the election of such members, the committee has, for whatever reason, not been so far constituted, forward their names together with their permanent addresses to the Registrar, who shall, within fifteen days from the date of receipt thereof by him, publish or cause to be published such names and addresses by affixing a notice on the Notice Board or at any prominent place in his office; and upon Constitution of the Committee such publication, the committee of the society shall be deemed to be duly, constituted. In determining two-thirds of the number of members, a fraction shall be ignored.
- 121 (1) A person shall cease to be the member of the Committee, if:
- a) he has incurred any of the disqualifications mentioned under the byelaw No. 118 or;
- b) he has failed to attend any three consecutive monthly meetings of the Committee, without the leave of absence.
- (2) If a member of the Committee attracts any of the disqualifications under the bye-law No. 120 (1), the Committee shall record the fact in the minutes of its +meeting and the Secretary of the Society shall inform the member and Registrar accordingly. Such member shall cease to be the member of Managing Committee on the order of the Registrar.
122. No member of the Committee shall be present at the consideration of any matter, in which he is directly or indirectly interested.
123. The period of office of the Committee elected under the bye-law No. 116(a) shall be for 5 years from the date of election.
- Cessation of a member of the Committee
- Intimation of cessation of membership of the Committee.

124. The first meeting of the newly elected and outgoing Committee shall be held within 15 days from the date of constitution of the new committee as per bye-law No. 119 and the provisions of Section 73AAA.
125. All records of the society shall be kept at its premises, convenient to the secretary, with the approval of the committee of the society. Custody of the records of the society.
126. When the new committee is elected, the Secretary of the outgoing committee shall prepare the list of papers and property of the society in his custody and hand over the charge thereof to the outgoing chairman. The retiring Chairman shall hand over the charge of the officer of the committee and all papers and property of the society, in his possession to the chairman of the new Committee, as per provisions contained in Section 160 of the MCS Act 1960.
Note : The word 'Paper' used in this bye –laws and any other bye-laws shall mean all or any items mentioned in the bye-laws Nos.142 and 143.
127. (a) Every Committee, at its first meeting, after its election shall elect a Chairman. Secretary and Treasure from amongst the members of the Committee.
(b) The Officer of the society shall hold office for the period of 5 years from the date of election.

Provided that he shall cease to be the Officer, if the motion of **No Confidence** is moved in the special meeting of the Committee called and presided by the Registrar or such officer not below the rank of a Assistant Registrar upon the notice given by 1/3rd member of the Committee and the motion of **No confidence** is passed by the 2/3rd members present at such meeting, who are entitled to vote at the election of such Chairman, Secretary or Treasurer.
Provided further that another motion of **No Confidence** shall not be brought against the Chairman or as the case may be the Secretary or Treasurer of the society unless the period of 6 months has elapsed from the date of preceeding motion of the **No Confidence**.
128. The Committee meeting shall be normally held in the premises of the society. The quorum for Committee Meeting shall be as mentioned in Bye-law No. 115. It shall not be competent for the committee to transact any business unless there is the quorum at the time of consideration of every item on the agenda of the meeting of the Committee.
129. (1) The Committee shall meet as often as necessary but at least once in a month.

- (2) In case of emergency, the Committee may place a resolutions and get the same passed by the committee members, however the same be placed before the next immediate meeting.
130. A casual vacancy on the Committee may be filled by nomination out of a same class of Active members in respect of which the casual vacancy has arisen as per provisions of Sec. 73 CB and as per the instructions issued by State Election Authority.
131. The period of office of the co-opted member of the Committee shall be coterminous with tenure of office of the Committee.
132. A member of the Committee may, by a letter addressed to the Chairman of the society, resign his membership of the committee. The resignation shall be effective from the date it is accepted by the Committee or on expiry or the period of one month from the date of the receipt of the letter or resignation by the Chairman or the Secretary of the Society, whichever is earlier.
133. (a) The Chairman of the Society may resign his office as Chairman by a letter addressed to the Secretary of the Society.
- (b) The Secretary or Treasurer of the society may resign his office as Secretary or Treasurer by a letter addressed to the Chairman of the Society.
- (c) Chairman/Secretary/Treasurer's resignation will be effective only after its acceptance and handing over the charge to the newly elected Chairman/Secretary/Treasurer, as the case may be.
- (d) The Committee may accept the resignation of the office of the Chairman/Secretary/Treasurer only after it is satisfied that the Chairman or as the case may be the Secretary or Treasurer of the society has brought up-to-date the work entrusted to him and has produced the entire papers and property of the society, in his possession, before the Committee
- (e) In case entire committee intends to resign, the resignations of the committee shall be placed before the general body and such resignations shall be effective from the date of acceptance of such resignations by the General Body. This fact of acceptance of resignations of the entire Committee by the General Body, shall be communicated to the Registrar by the outgoing officers and Registrar may take necessary action as provided under section 77 A of the Act.
134. The Secretary of the society shall give 3 clear day's notice of meetings of the Committee to all the members of the Committee which shall

- state the date, time and place of the meeting and the business to be transacted there at, in consultation with the chairman of the society. Where the Secretary of the society fails to issue such a notice and agenda of any meeting of the Committee, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fail to issue a notice and agenda of any meeting of the Committee, the concerned Housing Federation, of which society is affiliated, on its receipt of such information and request may call such a meeting.
135. The Chairman of the society shall preside over all the meetings of the Committee, provided that if at any meeting of the Committee, he is absent, those members of the Committee present shall elect one of them to be the chairman, for that occasion, who shall preside over the meeting.
136. Every member of the Committee shall have one vote. However in case of equality of votes the chairman of the meeting will have a second or casting vote. All decisions shall be taken by majority of vote.
137. On a requisition by 1/3rd of the members of the committee, the secretary of the society shall convene a special meeting of the committee within 7 days of the date of receipt of the requisition to discuss the matter mentioned in the requisition to discuss the matter mentioned in the requisition. On the failure of the secretary of the society to convene such a meeting within the time stipulated the procedure laid down under the bye-laws No. 133 shall be followed
138. The secretary of the society shall attend every meeting of the committee and record its minutes and place the same for confirmation before the next meeting of the committee, after the minutes are signed by the Secretary of the society and the chairman of the meeting in the absence of the Secretary the Chairman of the Society shall make alternate arrangement for recording minutes of the meeting.
139. The members of the Committee shall be jointly and severally responsible for all the decisions taken by the committee during its term relating to the business of the society. The members of the committee shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the society.
140. Subject to the bye - law 113 the Committee shall exercise the powers and discharge the functions and duties as mentioned hereunder.

Sr.	Items of the powers, functions and	The bye-law No. under
-----	------------------------------------	-----------------------

(1)	(2)	(3)
1.	To consider acceptance of deposits from members and raising of funds	11
2.	To consider and recommend to the meeting of the general body, the rates of contribution	13 (a) and 13 (c)
3.	To consider all matter relating to the creation, investment and utilization of the Repairs & maintenance Reserve Fund and Sinking Fund.	12(i) and (ii) 14 (a) (b) and (c) 15
4.	To consider and decide the resignations received form member, associate members & nominal members.	27 to 30
5.	To ensure that nomination and revocations thereof are recorded in the minutes of the committee.	33
6.	To take action on the report of the Secretary on inspection of the Flats.	48 (b)
7.	To take action on cases of cessation of membership, including associate and nominal membership	61
8.	To consider and decide the applications for various purposes received by the society	65
9.	To Consider and decide cases of refund of shares and interest in the capital/ property of the society where the shares and interest in the capital / property are acquired by the society	66
10.	To fix the rate of insurance premium in respect of commercial use of flats.	69 &a) (xi)
11.	To fix in respect of every flat the society's charges on the basis of the proportion laid down under the bye-law 69 (a)	69 (b)
12.	To review the position of recovery of the charges due to the society from members and to initiate action against defaulted charges of the society	72
13.	To verify compliance of the provisions relating to charging of interest in defaulted charges of the society	72
14.	To authority a member of the Committee to attest deed of conveyance, share certificates and any other documents to which the seal of the society is affixed.	74

15.	To issue letters of allotment of flats to those who have purchased flats from the Promoter (Builder)	76 (a)
16.	To make available papers of the society for perusal if asked for by the members	32 and 27
17.	To ensure holding of every annual meeting of the general body are kept on the agenda of the meeting	96
18.	To ensure that all matters required to be considered at an annual meeting of the general body are kept on the agenda of the meeting	96
19.	To call a special meeting of the general body when required	97
20.	To arrange for election of a new Committee prior to the expiry of the period of the existing committee	116(a)
21.	To ensure that after elections new committee is duly constituted	119
22.	To elect office - bearers of the society	126(a)
23.	To ensure that a meeting of the committee is held once in a month	128
24.	to fill in vacancies of the Committee	129
25.	To consider resignation of a member of the committee	131
26.	To consider resignation of an office bearer of the society	132(c)
27.	To obtain securities form the paid employees of the society	148
28.	To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned	154
29.	To execute deed of conveyance of the land and building / buildings thereon.	155 (b)
30.	To take steps to maintain the property of the society in good condition and to carry out repairs to it and renewals thereof.	156 and 159
31.	To Insure the property of the society	161
32.	To suggest to the general body meeting the rates of penalties for breaches of bye-laws and to issue show cause notices	166
33	To regulate operation of the lift of the	168

	society	
34	To suggest to the meeting of the general body the games to be allowed to be played in the compound of the society	169
35	To consider and decide any other matters provided under the MCS Act 1960, the MCS Rules 1961 and the Bye-laws of the society, but not expressly indicated hereinabove	78 to 85
36	To regulate parking in the society.	
37	To ensure that the society is affiliated to Housing Federation and its subscription is regularly paid.	6
38	To take the decision on the complaint application in the Managing Committee Meeting and inform the concerned member of its decision accordingly.	174
39	To enter into contract with the Architect of the society.	158 (f)
40	To scrutinize the tenders, received for construction work and to submit the same along with Committee's report to the meeting of the General Body and to enter into contract with the contractor.	158 (i)

141. The Chairman of the society shall have the power of overall superintendence, control and guidance in respect of management of the affairs of the society within the frame-work of the MCS Act 1960, Rule 1961 and the Bye-laws of the society. In case of any emergency, the chairman of the society may be competent to exercise any of the powers of the committee. However, while doing so he shall record the reasons thereof in writing Any decision, so taken by the chairman of the society shall be got ratified in the next meeting of the committee.

142.

Sr. No	Items of the powers, functions and duties	The bye-law No. under which the power, function or duty falls
1	To issue share certificate / duplicate share certificate to members within the stipulated period and the prescribed manner	9 to 10
2	To deal with resignations from members including associate and nominal members	27 to 30
3	To enter nominations and revocations thereof in the Nominations Register.	33
4	To inspect the property of the society.	48 (a)
5	To issue notices regarding repairs to be	48 (b)(C)

	carried out in flats.	
6	To deal with cases of expulsion of members.	51 to 56
7	To deal with cases of cessation of membership including associate and nominal membership.	61
8	To deal with the applications for various purposes received by the society.	65
9	To prepare and issue demand notices/bills for payment to the society's charges.	70
10	To bring cases of defaults in payment of the society's charges to the notice of the Committee.	71
11	To issue letter of allotment of flats.	76 (a)
12	To issue notices and agenda of all meetings of the general body.	99
13	To record the minutes of all the meetings of the general body.	109
14	To call the first meeting of the newly constituted committee.	123(b)
15	To issue notices of all the meetings of the Committee.	133
16	To attend meetings of the Committee and to record minutes thereof	137
17	To attend meeting accounts books, register and other records, unless otherwise decided by the committee.	144
18	To finalize account of the society in the required manner	147 (b)
19	To produce records of the society before different authority concerned with the working of the society with the consent of the Chairman.	153
20	to prepare the audit rectification reports in respect of audit memos received from the Statutory and internal Auditors.	154
21	To bring breaches of the Bye-laws by the members of their notices under instructions from the committee and Penalties there to.	166
22	To discharge such other functions under the MCS Act 1960 the MCS Rules 1961 and the Bye-laws of the general body meetings, as are not expressly mentioned hereinabove.	
23	To place the complaint application with facts before the committee, in the coming meeting.	174

MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

143. **The society shall maintain the following books of accounts, records and Registers.**
- (i) The Register of Members in "I" form prescribed under Rule 32 of the MCS rules 1961.

- (ii) The List of Members in 'J' form prescribed under Rule 33 of the MCS rules 1961.
- (iii) The Cash Book,
- (iv) The General Ledger,
- (v) The Personal Ledger.
- (vi) The Sinking Fund Register.
- (vii) The Audit Rectification Register in 'O' form, prescribed under the MCS rules 1961.
- (viii) The Investment Register.
- (ix) The Nomination Register.
- (x) The Society / Members Loan Register/Mortgage Register.
- (xi) The Minutes Book for the meetings of the Committee of the society.
- (xii) The Minutes Book for the meetings of the general body of the society.
- (xiii) The Property register and furniture, fixtures and office equipment.
- (xiv) The Structural and Fire Audit Register and Lift Inspection Record
- (xv) The Register of Nominal Members (Tenant occupant)
- (xvi) The Register for Active Members

144.

The Society shall maintain separate files for the following items:

- (i) Applications for membership.
- (ii) Applications for Nominal/Associate membership
- (iii) Letters of resignations of membership including associate and Nominal membership.
- (iv) Applications for transfer of shares and/or interest in the Capital /property of the society.
- (v) Cases of expulsion of members.
- (vi) Nominations made by members including revocations thereof.
- (vii) Separate file for correspondence entered into with each member.
- (viii) Correspondence with the Co-operative Registrar.
Correspondence on property taxes including Non-agricultural taxes.
Correspondence on common electric supply.
- (ix) Correspondence about conveyance of the property.
- (x) All Types of Agreements, with papers connected thereto.

- (xi) Approved plans of construction and correspondence thereon.
- (xii) Applications for allotment of parking spaces.
- (xiii) Vouchers, along with the bills relating thereto arranged in order of entries in the cash book and the journal.
- (xiv) Counterfoils of challans for credits of amounts into the bank, arranged in order of dates of credits.
- (xv) Counterfoils of cheques issued.
- (xvi) Counterfoils of share certificates.
- (xvii) Applications for duplicate share certificates.
- (xviii) Application for registration of the society, the copy of the bye-laws and amendments thereto.
- (xix) A certificate of registration fully framed.
- (xx) Counterfoils of receipts or carbon copies of receipts issued by the society.
- (xxi) Counterfoils of bills or carbon copies of bills for the society's charges.
- (xxii) Correspondence about loan received and property of the society mortgaged.
- (xxiii) Notices and agenda of the meetings of the committee and general body of the society.
- (xxiv) Periodical statements of accounts prepared by the society.
- (xxv) Committee's annual reports on the working of the society.
- (xxvi) Audit memos received from the Statutory Auditors, with rectification reports thereon.
- (xxvii) Audit reports received from Internal Auditors, with rectification reports thereon.
- (xxviii) Papers pertaining to the election of the Committee.
- (xxix) Complaint from members and correspondence thereof.

Note: The society shall also maintain separate files relating to other subjects not expressly indicated above.

145. Unless otherwise decided by the Committee, it shall be the responsibility of the Secretary of the society to maintain and keep up to date the account books, registers and other records mentioned under the bye-laws Nos. 142 and 143.

146. The Secretary of the society or the paid employee, authorised by the Committee in that behalf, may retain in his personal custody, at the close of every day, a sum, not exceeding Rs. 5000 (Rupees Five Thousand only), for petty expenses. If due to unavoidable circumstances, the cash in hand has exceeded the above limit, the excess cash shall be credited into the bank within the next 3 days by the Secretary or any other person authorised by the Committee to keep cash in hand.
147. All payments in excess of Rs.1500/- (Rs. Fifteen Hundred) shall be made by means of crossed A/c payee's cheques.
148. (1) Within 45 days of the close of every co-operative year, the Secretary of the society or any other person, authorised by the Committee in that behalf, shall finalize the account of the preceding co-operative year, prepare the Receipts and Payments Statement, the Income and Expenditure Statement for the said year and the Balance Sheet as at the close of the said year in the forms prescribed under Rule 62(i) of MCS Rules 1961 along with the list of Active members and Non-Active members as at the close of the preceding co-operative year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture, the fixtures and the office equipments etc.
- (2) The society shall prepare and file annual returns as prescribed in the Act & the Rules. The society shall file annual returns on or before 30th September of every year to the Registrar including the following matters, namely-
- (a) Annual reports of Societies activities.
 - (b) Societies audited statement of accounts;
 - (c) Plans for surplus disposal as approved by the general body of the society;
 - (d) List of amendments to the byelaws of the society, if any;
 - (e) Declaration regarding date of holding of its general body meeting and conduct of elections when due;
 - (f) Any other information required by the Registrar in pursuance of any of the provisions of the Act.
- (3) Every society shall also file a return regarding the name of the auditor or auditing firm from a panel approved by a State Government in this behalf, appointed in the general body meeting together with his written consent within a period of one month from the date of annual general body meeting.
- (4) If the Society fails to intimate and file the returns as provided by section 75(2A) and section 79(1B), the

- Registrar may cause Societies accounts to be audited by appointing an Auditor from the panel of Auditors.
149. Every paid employee, holding any- office in the society and handling cash and/or securities of the society, shall furnish such security, as is provided under Rule 107B of the MCS Rules 1961.

APPROPRIATION OF PROFITS

150. (a) After providing for the interest upon any loans and deposits and after making such other deductions as required under Section 65(1) and 66 of the MCS Act 1960 and Rule 49A of MCS Rules 1961, Twenty five percent (25%) of the net profit of all the business carried on by or on account of the society, shall be placed at the credit of the Reserve Fund of the society.
- (b) The remaining seventy five percent (75%) of the net profit of the society shall be utilised as provided under Rule 50, 51, 52, 53 of MCS Rule 1961.
- i) To pay dividend not exceeding 15 percent per annum, upon the paid up share capital at such rate as the Committee may recommend and the annual general body meeting may approve. The dividend on shares shall be paid to the registered holders of such shares according to the books of the society as on the last day of the preceding co-operative year.
 - ii) To pay honorarium to office-bearers of the society not exceeding fifteen percent (15%) of the net surplus to reward them for the sacrifice of their valuable time for the working of the society.* or as decided by the General Body Meeting
 - iii) To allocate to a common welfare fund, such part of the profit as the annual meeting of the general body may determine, to be utilised in furtherance of the objects specified in the bye-law No. 5(d).
 - iv) The balance, if any, shall be carried forward or dealt with in such manner as the annual general body meeting, on the recommendations of the Committee, may determine

TO WRITE OFF IRRECOVERABLE DUES.

151. Subject to the bye-law No. 151, the society may write off Society's charges due from the members, the expenses incurred on recovery thereof and the accumulated losses, which are certified as irrecoverable by the Statutory Auditor, appointed under section 81 of the Act.

152. The amounts mentioned in the bye-law No. 150 shall not be written off unless:
- i) the meeting of the general body of the society has given due sanction for writing off the amounts;
 - ii) the approval of the financing agency to the writing off of the amounts, if the society is indebted to it.
 - iii) the approval of the Registering Authority is obtained.
- Provided that, if the society is affiliated to the District Central Co-operative Bank or any other financing agency but is not indebted to it the permission of the Bank or the financing agency is not necessary,
 Provided further that, if the society is classified as A or B at the last Audit, no such permission of the Bank or

the financing agency or the Registering Authority is necessary, if there is sufficient balance in the bad debt fund, specially created for the purpose to cover the amount proposed to be written off.

XV. AUDIT OF ACCOUNTS OF THE SOCIETY

153. (a) The society may, if it considers it necessary, appoint an internal Auditor, to audit the accounts of the society, at the annual general body meeting.
The Society shall appoint the Statutory Auditor in its General Body Meeting from the panel of Auditors approved by State Govt. and same Statutory Auditor shall not be appointed for more then two consecutive years. The Statutory Auditor shall submit his Audit Report as provided in section 81 of the Act.
- (b) It shall be the responsibility of the Committee to get the accounts audited within a period of Four month from the closure of financial year.
- (c) The Remuneration of Auditors so appointed shall be decided by the General Body Meeting of the Society.
154. The Secretary of the society shall produce or cause to be produced all the books, registers, records before the internal auditor and the Statutory Auditor, in the office of the society or where the records are normally kept and furnish such information as may be required by him for the conduct of the audit of the accounts of the society.
155. (a) On receipt of the audit reports from the Statutory and Internal Auditors, the Secretary of the Society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the form 'O' prescribed under Rule 73 of the MCS Rules 1961 and place the same before the meeting of the Committee, held next after the date of the receipt of the audit reports, for its approval. The audit rectification shall be done by the committee within 3 months from the date of audit reports. The committee shall submit Audit Rectification Report to the Registrar and the Annual General Body Meeting of the Society.
- (b) If the Committee of the Society fails to submit Audit Rectification Report to the Registrar and the Annual General Body Meeting, all the members of the Committee shall be deemed to have committed an Offence under section 146 of the Act and shall be liable for Penalty under section 147 of the Act.

CONVEYANCE /DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/MAINTAINCE OF THE PROPERTY

156. (a) The committee shall with the approval of General Body, take necessary steps for Conveyance/Deemed Conveyance of the and/building/buildings in favour of the society.

- (b) The Committee shall examine, in consultation with the the Advocate of the society, the deed of the conveyance/Deemed Conveyance of the land and the building/buildings thereon and place the same before the meeting of the general body of the society for its approval.
- (c) On approval of the draft deed by the general body meeting of the Society, the Committee shall execute it as per law.
157. It shall be the responsibility of the Committee to maintain the property of the society in good condition at all times and to redevelop the society buildings/property, if necessary, as per Government directives from time to time and as per prevailing laws.
158. (a) The Secretary of the society, on receipt of any complaints about the maintenance of the property of the society from any members of the society or on his own motion, shall inspect the property of the society (if necessary along with technical expert appointed for the purpose), from time to time and make the report to the Committee, stating the need of the repairs, if any, considered necessary. The Committee shall consider the report made by the Secretary of the society and decide as to which of the repairs should be carried out.
- (b) the members of the Society shall allow access and cooperate in the inspection of the premises for repairs & maintenance
159. (1) (a) The Committee shall be competent to incur expenditure on the repairs and maintenance of the society's property once in a financial year, the onetime expenditure does not exceed :

Upto 25 members Rs. 25.000/-

26 to 50 members Rs. 50,000/-

51 and above Up to Rs. 1,00,000/-

- (b) If one time expenditure on repairs and maintenance of the society's property exceeds the limits as mentioned under bye-law No. 159(a) prior sanction of the meeting of the general body of the society shall be necessary.
- (c) The meeting of the general body of the society shall decide the limit up to which the expenditure on repairs and maintenance of the property of

the society could be incurred by the Committee without calling for tenders for the work. In respect of the work, the cost of which exceeds the limit, so fixed, the Committee shall follow the procedure of inviting tenders, placing them before the general body meeting for approval and entering into contract with the architect (if appointed) and the contractor.

- (2) (a) The appointment of An Architect, if made by the Chief Promoter of the society, under the specific authority given to him by the promoter in their meeting, may be confirmed at the first General Body Meeting. Such appointment shall be done as per the provisions of Architect Act 1972. In respect of redevelopment of society buildings the procedure is to be followed as per Government Resolution (as amended from time to time).
- (b) If no appointment of an Architect is made by the Promoter ,the meeting of the General Body of the society shall appoint an Architect on such terms and conditions as it deems fit and as per the provisions of Architect Act 1972.
- (c) The Committee shall enter into the contract with the Architect, on the basis of the terms and conditions approved at the meeting of the General Body of the society in that behalf as per the provisions of Architect Act 1972.
- (d) The Architect shall prepare the plans and estimate and feasibility report of the construction of the building/buildings in consultation with the committee, which shall place the same before the meeting of the General Body of the society. The Architect shall submit, the plans as per the feasibility report of the of the construction of the building/buildings, approved by the meeting of the General Body of the society to the Local Authority for sanction as per finally approved tenders.
- (e) As per procedure mentioned in redevelopment G.R. dated 3-1-2009 the Committee shall invite tenders in consultation with the Architect appointed by society.
- (f) The Secretary shall open the tenders received by him in the meeting of the Committee, which shall scrutinize them and prepare its report along with the draft of the terms and conditions, in consultation with the Architect of the society and place the same before the meeting of the

General Body for its decision. After the approval of the General Body, the Committee shall then enter into the contract with the Contractor.

- (g) The Contract deeds, entered into with the Architect of the society and the Contractor, shall provide a stipulation for settlement of the disputes arising out of execution of the Contracts, through the sole Arbitrator appointed by the Society.

160. Subject to the provisions of the bye-law No.159(1)-(a),(b),(c),159(2)-(a),(b),(c),(d),(e),(f),(g), the Committee shall proceed to carry out the construction, repairs and maintenance of the property of the society and Redevelopment of the society buildings as per Govt. Directives from time to time It shall be the responsibility of the Committee till the completion of the work and to see that the repairs and redevelopment of society buildings are carried out as per the provisions of the contract executed by the society.
161. (a) The society shall insure its building/buildings necessarily against risk of fire and earthquake.
- (b) The managing Committee of each and every Housing society shall chalk out Emergency Planning Scheme, which include below mentioned details in respect of the society and the surrounding area.
1. Probability of danger and analysis thereof.
 2. Evaluation of risk in pursuance of the danger.
 3. Response Machinery eg. Police/Fire Brigade/Municipal council etc.
 4. Important Telephone Numbers.
162. (a) Emergency Telephone Numbers of each and every members.
- (b) Telephone Numbers of the officers of the Government Machinery concerned with the emergency management. The management committee shall hold discussion with all the members in the general body meeting over the plan prepared as aforesaid and shall inform about the same to the members. The plan such prepared shall be displayed on the Notice Board of the society, and the same shall be made up-to-date from time to time as per the requirement.
- (c) As per the Child Labour Act 1986, it is prohibited to employ child labours for house hold and other works. As

per the provisions of the said Act, if any person/member is found to have employed child labour for household work and other work then a punishment of imprisonment of one year and a fine up to Rs. 20,000/- or both can be awarded to him. The managing committee of the society shall display the said legal provision on the notice board and shall create awareness in the minds of all the members for eradication of the said evil, child labour practice.

- i) The office bearers of the society shall insure that no member of the society/person /contractors has employed child labour and shall make arrangement of informing the Labour Commissioner Office that the society is totally free from child labour practice.
- ii) If any member/ person /contractors is found to have employed child labour, the managing committee shall inform immediately to the office of the Labour Commissioner or the nearest Police station or the concerned voluntary organizations and shall inform to that effect in writing to the office of Labour Commissioner.

- (d) The managing committee of the society shall take necessary precaution to see that no injustice is done to any widow in the co-operative housing society after the death of a member before transferring the flat in her name. In such cases society shall verify the nomination form duly submitted by the deceased member or succession certificate / heir ship certificate opted from civil court under the Indian Succession Act 1925 or Will of the deceased member duly probated by the appropriate court through the executor of the will. After verifying and taking legal guidance, society then only can take appropriate action within the time limit, to avoid the further legal complications. This procedure can be followed in all the cases after the death of a society member.

- 163. No member of the society shall destroy, deface or cut down any trees in the compound of the society. Any action, any contravention of the above provision may render the member concern liable for action.

XVII. OTHER MISCELLANEOUS MATTERS

- 164. i) It shall be open to the society, having regard to the importance of the matter and the specific provision made thereof under the MCS Act1960, the Maharashtra Co-operative Societies Act, 1960 Rules1961 and the Bye-laws of the society, to give notice of every General body meeting and communicate the resolution or the

decision, to the members of the society on their last known addresses, by one of the following modes:

- (a) Hand delivery,
 - (b) Dispatch through post office or by registered post, with or without acknowledgement due, or by email.
- ii) A copy of such notice/communication of the decision/resolution shall be displayed on the notice board of the society and thereupon, the notice shall be deemed to have been duly given or communication shall be deemed to have been duly made and the complaints received or made that the notice/communication was not received or was not sent to the correct address shall not affect the validity of the notice or the communication.
164. The accounting year of the society shall be that commencing on 1st April and ending on the 31st March.
165. The society shall have its Notice Board, fixed at a conspicuous part of the building, on which shall be exhibited all notices and communications referred to in the bye-law No.163 (ii), the Statement of Accounts, the Annual Reports of the Committee and other matters, of which notices are required to be given to all the members of the society under the MCS Act 1960 and, the MCS Rules 1961 and the Bye-laws of the society. If there is more than one building, the similar Notice Board shall be fixed in all the other buildings.
166. The meeting of the General body of the society may prescribe penalties for different breaches of the bye-laws of the society. The Secretary of the society, under instructions from the Committee, shall bring to the notice of the member concerned, the breach/breaches of the bye-law/bye-laws committed by him. If the member persists in continuing the breach/breaches, the Committee shall give the notice to the member to show cause as why the penalty should not be inflicted on him for breach/breaches of the byelaw/bye-laws. The general body meeting, after considering the say of the member and after giving him hearing, may levy penalty to the extent of maximum consolidated penalty of not more than Rs.5000/- in a particular year.
- A) Save except other provision in the Act, the A.G.M./special G.B.M. can penalize a member for committing breaches in his Responsibilities. Such penalty should be reasonable and equal to all such erring members. A.G.M./Special G.B.M. is empowered to frame the penalty amount. The managing committee

shall recover such penalties with proper care.

167. No bye-law shall be made, altered or abrogated unless (i) a proposal to do so has been communicated to all members, 14 days before the meeting of the general body of the society, at which it is proposed to be considered (ii) the resolution is passed by not less than 2/3rd majority of the members present and voting at the meeting of the general body of the society and (iii) the making, alteration or abrogation is approved and registered by the Registering Authority.
168. The Committee shall regulate the operation of the lifts, solar water supply taking into consideration the convenience of the majority of the members of the society.
169. The meeting of the general body of the society may, after taking into consideration the location of the building or buildings of the society and their surroundings and the open space available for playing games by the members of the society and their children, allow such games to be played during such hours as may be fixed by the meeting of the general body of the society and subject to such restrictions, charges and penalties as it may impose.
170. The society shall not let out or give on leave and license basis or permit any subletting, giving on leave and license basis any open space available under the Staircases, Terraces/Open ground/Lawns/Club house/Common Hall etc. or to any person whether the member of the society or not, for any purpose whatsoever.
- (a) All open /common spaces meant for use of all members for e.g. staircase, steps, landing areas, parking areas, lift, corridor, and such other spaces, cannot be occupied by any member for his own use. The use of such areas shall be restricted to the cause for which these are meant. Any member found to be violating the above condition by encroachment shall have to vacate the encroachment and further he/she shall pay an amount equal to five times the monthly maintenance charges per month for the period for which he/she has encroached such spaces and further members must not carry out any constructions, structural changes over and above the sanctioned plan without prior permission of the society and concern municipal authorities .Also members must not use the flat /unit for which it was meant/sanctioned. Any member violating the above directives shall have to pay twice the monthly maintenance charges, per month for the period for

which such violation is existed.

171. Notwithstanding the provisions under the bye-law No. 170, the Committee may allow temporary use of the terrace or available open space of the society's building by any member, on his written application, for any function, subject to such restrictions and on payment of such charges to the society as the meeting of the general body of the society may decide. The committee may, with the previous permission of the Local Authority, if needed, allow exhibition of advertisement boards on any part of the building including terrace, on such terms and conditions as are approved by the general body meeting any member /members want/wants to install a solar energy water heating systems or solar energy electrical system, then space shall be made available to such member/members on the terrace as per availability. The said systems includes a Solar collector stand, hot water tank, cold water tank, stand for the tank and hot water pipeline etc, Panels, battery, inverter charging controller, cabling etc. for solar energy/electricity. If any letter requesting to provide space therefor, if received, then it shall be binding on the society to give space thereof as per the availability of the space in the society premises.
172. The member of the society, requiring copies of the following documents shall pay copying fees at the rates mentioned against them :
1. Certified copy of the approved Bye-laws of the Society Rs. 5/- per page.
 2. Amendment of the bye-laws of the society Rs. 5/- per page.
 3. Last audited Balance Sheet of the Society Rs. 10/- per page.
 4. Application for membership of the Society Rs.25/-
 5. Second and Subsequent Nomination by the member of the SocietyRs.50/-
 6. Share Certificate of the Society (Duplicate)Rs. 100/-
 7. List of members of the Society Rs. 10/- per page.
 8. Correspondence (related to member) Rs. 10/- per page.
 9. Minutes of the general body meetings and committee meetingsRs. 10/- per page.
 10. Indemnity Bond Rs. 20/-
 11. Copy of Audit Report, Annual Returns and Periodicals --

Rs 10/- per page.

12. List of Non-Active members -- Rs 5/- per page.
13. Any other document as per section 32 of the Act -- Rs. 5/- per page.

173. **A) REGISTRAR**

Complaints to be made to the Registrar. Matters pertaining to following issues :-

- (a) Registration of Society on Misrepresentation
- (b) Non-issuance of the Share Certificates,
- (c) Refusal of Membership,
- (d) Non registration of Nomination by the society,
- (e) Non Occupancy charges,
- (f) Demand of excess premium for transfers,
- (g) Non supply of the copies of record and documents,
- (h) Tampering, suppression and destruction of the records of the society,
- (i) Non acceptance of the cheques or any other correspondence by the committee.
- (j) Non maintenance or incomplete maintenance of records and books of the society,
- (k) Non preparation of the annual accounts/reports, within the prescribed period,
- (l) Misappropriation/Misapplication of the funds of the society,
- (m) Defaulter/Disqualified member on the committee,
- (n) Investment of Funds without prior permission of G.B.M.
- (o) Reconciliation of Accounts,
- (p) Audit, Audit Rectification reports.
- (q) Non conducting of election before expiry of the term of the committee as par law.
- (r) Rejection of Nomination,
- (s) Non calling of General Body meetings within prescribed period on or before 30th September.
- (t) Non calling of Managing Committee meeting as prescribed in Bye-laws,

- (u) Resignation by the Committee,
- (v) Any other, like, matters which falls within jurisdiction of the Registrar.
- (w) Non filling of Returns and statements.
- (x) Non formation of the Grievance Settlement and Redressal Committee
- (y) Classification as Non-Active and Active members.

B) CO-OPERATIVE COURT

Disputes between the members and/or the members and society, which fall under Section 91 of the MCS Act 1960 such as:-

Disputes pertaining to:

- a) Resolutions of the Managing Committee and General Body.
- b) The elections of the Managing Committee, except the Rejection of Nominations, as provided under section 152-A of the MCS Act 1960.
- c) Repairs, including Major Repairs, internal repairs, leakages,
- d) Parking,
- e) Allotment of Flats/Plots,
- f) Escalation of construction cost,
- g) Appointment of Developer/Contractor, Architect,
- h) Unequal water-supply,
- i) Excess recovery of dues from the members,
- j) Any other, like, disputes which fall within jurisdiction of the Co-operative Court.

C) CIVIL COURT

Disputes pertaining to :-

- a) Noncompliance of the terms and conditions of the Agreement, by and between the Builder/developer,(specific performance)
- b) Substandard Constructions,
- c) Conveyance deed in favour of the society,
- d) Escalation of construction cost,
- e) Any other, like, disputes which fall within jurisdiction of the Civil Court.

D) MUNICIPAL CORPORATION/LOCAL AUTHORITY

Matters pertaining to:-

- a) Unauthorized constructions/additions/alterations, made by builder/member/ occupant of the flat,
- b) Inadequate Water supply to the society and members.
- c) Change of use by the members/occupants,
- d) Building's structural problems.
- e) Any other, like, matters which fall within jurisdiction of the Corporation/ local authority for eg. Property tax, streetlights, garbage, and other civil amenities etc.

E) POLICE

Matters pertaining to :-

- a) Nuisance carried by the Unauthorised user of the Flat/Shop/Parking Space/Open space in the society, by the members, builder, occupants or any other persons,
- b) Threatening/Assault by or to the members of the society, and official body.
- c) Any other, like, matters which fall within jurisdiction of the Police.

F) GENERAL BODY MEETING

Matters pertaining to :-

- a) Non maintenance of the property of the society by the managing committee.
- b) Non display of Board of the name of the society,
- c) Levy of excess Fine, by the managing committee for act of the member which is in violation of the Bye-laws.
- d) Not allowing the authenticated use of the available open spaces of the society, by the managing committee.
- e) Non Insuring the property of the society, by the managing committee,
- f) Appointment of Architect,
- g) All other, like, matters which fall within jurisdiction of the General Body.

G) FEDERATION - DISTRICT/STATE Complaints made

by the member societies of the federation.

Matters pertaining to :-

- a) Non allowing of the entry to the secretary of the society, by the member.
- b) Non acceptance of any communication by the member/managing committee.
- c) Convening Special General Body Meeting provided under the Bye-law No. 97 and Managing Committee meeting provided under Bye-law No. 133 as per the directions given by concern Dist/Asst Registrars
- d) All other like matters as per the byelaws provision of the federation.

Chapter No: XIX -Regarding redevelopment of buildings the Co-operative Housing Societies

174. (a) **Redevelopment of the Property/Building of the Society including vacant spaces shall be done strictly in accordance and confirmation with the Directions issued by the Government of Maharashtra vide Government Resolution No. CHS 2007/M.No. 554/14-S dated 03 January 2009, under section 79{A} of the Maharashtra Cooperative Societies Act 1960 (as amended from time to time).**
- (b) **The aforesaid Govt. Resoloution at S. No. 11 refers to the time limit of One Month from the date of sanction of the General body, within which the Agreement with the Developer needs to be executed. However if such Agreement is not executed for any reason whatsoever, the committee of the Society shall place the fact before the General Body of the Society for its consideration. The general body shall consider the said aspect and decide whether to extend the said time limit which shall not be more than 30 days or the General Body may consider canceling the selected/appointed Developer for Redevelopment and resolving further to select and appointing the new Developer from amongst the shortlisted Developers who has already submitted the Tenders.**

The Representative of the Registrar must be invited for the aforesaid General Body Meeting and his attendance is compulsory.