

MODEL BYE-LAWS OF CO-OPERATIVE HOUSING SOCIETY

**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 Procedure for Section 15 of the Act and Rule 14 of the Rules for the Changing 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) Procedure for
.....
.....
- (b) Any change in the registered address of the society Procedure for shall be intimated by it to the Registering Authority and changing the all others concerned within 30 days of such change. Procedure for changing the address of the Society
- (c) Any change in the registered address of the society shall be made after following the procedure laid down in Rules.
- (d) The society shall exhibit at a conspicuous place at the Exhibition of Name main entrance of the building, a Board indicating its Board name. Registration number and the registered address. Exhibition of Name Board

II. INTERPRETATIONS

- 3. Unless otherwise separately provided in this bye - Interpretations of 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; (MCS Act) 1960.
- (ii) 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) 'Rules' means the Maharashtra Co-operative Societies Rules, 1961.
- (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, stair-ways, 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.
- (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 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 Housing and the field relating to the objects and activities undertaken by the society.
- (xxxii) 'Functional director' means and includes a Chief Executive Officer or Manager or by whatever designation called, nominated by a committee and who is available for whole time to look after the working of the society 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 Taluka District Objects of the Society

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 of admeasuring 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 authorized 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 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/Nard/ 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 of the following ways: the funds of the society. Modes of raising the funds of the 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.
9. 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.
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 authorised 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 each 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) Utilisation 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. Utilisation of all funds with the prior permission of General Body.-

(G) Investment of Funds

15. 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 –
- 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;

Eligibility of a minor or person of unsound mind for membership of the society

- 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. Eligibility of Corporate Bodies for membership of the society.

Eligibility of
Corporate Bodies
for membership
of 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.

(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, Conditions of registered under any law for the time being in force, associate membership of who/which is eligible to be an associate member and membership of the society who/which has made an application in the prescribed the society form for such membership, along with the entrance fee of Rs. 100/-, may be admitted as such member by the Committee.
- 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

Conditions of
associate
membership of
the society

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:

22. (B) (1) A member shall be called as 'Active Member' if:-
- a. He has purchased and owns the Flat I Unit in the Society.
 - b. He has attended at least One General Body Meeting within a consecutive period of Five years.
 - c. He has at least paid the amount equivalent to one 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 Bye - law 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 No right of Membership to an associate member except that under Section 27 (2) of the Act.

- No right of membership to an associate member except that under Section 27 (2) of the Act. 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 rights of membership to a nominal member 26. A nominal member shall have no rights such as member.
- Notice of resignation of membership of the society 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.
- Resignation not to be accepted unless charges of the society are fully paid (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.
- Communication of the amount of charges of the society outstanding to the member (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.
- Acceptance of resignation where no charges of the society are outstanding. (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.
- Communication of reasons for rejection of resignation. (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
- (2) **Resignation by an Associate Member**
- 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.

(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 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 there for 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

Acquisition of shares and interest of the member in the capital/property of the society.

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.

Nomination by Members

Procedure for Nomination by a member and its revocation

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/-.

Recording of Nomination or revocations thereof.

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.

Transfer of shares and interest of the deceased member in the capital/property of the Society to the nominee

34. Subject to the provisions of the Section 30 of Maharashtra Co-operative Societies Act, 1960 Act. 1960 bye-law No. 17A or 19, 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 case property is purchased by member and associate member jointly. 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 Joint/Associate Members unless the nominees indicate otherwise. 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, in case only one nominee is indicated by the Nominees for membership of the society.

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.

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 capita|/ 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
- Payment of the value of Shares and interest of the deceased member in the capital/ property of the Society to the nominee/nominees

member in the capital/ property of the society, the society shall acquire the same and pay them value thereof as provided under the bye-law 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 heir/legal representative

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 of the society, the society may acquire the same and of the deceased pay him the value thereof as provided under the bye- member in the 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.

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

Notice of 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.
- (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

- 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.
- (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 to 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.
- When application for transfer of Shares and interest in the capital / property of the Society deemed to have been admitted
- (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.
- Unauthorised transfer void.
- (e) Any transfer made in contravention of the Act, Rules or the bye-laws shall be void and not effective against the society.
- Rights of membership when to be exercised by the transferee
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.
- Exchange of Flats**
- Application for exchange of flats by the members of the Society.
41. The members, desiring to exchange their flats, shall make a joint application to the Secretary of the Society, containing the following details:
- (1) The names of the members concerned;
- (2) The distinctive numbers of their respective flats;
- (3) The carpet areas (in sq. meters), 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.
- Disposal of applications for exchanges of flats by the members of the Society.
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.
- (1) Sub-letting etc. of Flats**
- Sub-letting etc. not permissible except under the Society's permission.
43. (1) A member shall intimate to the society, of his intention of sub-letting of his flat and on receipt of the permission in writing of the Committee, sublet or give on leave and license basis or care-taker basis his flat or part thereof or part with its possession in any other manner under the following circumstances :

- i) Where the member is required to go out of the area of operation of the society for a long duration on account of exigencies of service or business or on account of the prolonged illness;
- ii) Where the member is unable to occupy the flat owing to absence of facilities for education of his children or is unable to secure admission to the school in the locality for them;
- iii) Where the employer, with a view to ensure efficient discharge of duties, requires him to stay in the accommodation allotted to him by his employer;
- iv) Where a member satisfies the committee about his inability to occupy or continue to occupy the flat for any other genuine reasons.

(2) No member shall be allowed by the Committee to sub-let, give on leave and license basis or care-taker basis his flat or any part thereof or part with its possession in any manner unless:

Application for permission to sub-let etc.

- (i) He has intimated in the prescribed form;
- (ii) He has furnished the application for nominal membership of the proposed sub-lettee, licensee, care-taker or possessor in the prescribed form;
- (iii) His application contains the undertaking that-
 - a. he shall, by joining the society as a party to the proceedings, initiate necessary legal proceedings against the sub-lettee, licensee, care-taker or possessor, on his failure to get vacant possession of the flat or part thereof on expiry of the period of subletting giving on leave and license or care-taker basis the flat or part thereof or parting with its possession in any other manner and meet the cost of the legal proceedings required to be incurred by the society;
 - b. he shall pay the charges of the society every month during the period of sub-letting, license etc;
 - c. he shall pay non-occupancy charges to society. Non-occupancy charges shall be charged in accordance with the circular issued by the Government of Maharashtra! Commissioner for Cooperation from time to time and shall not be levied if the flat is occupied by the "Family" of the member as defined under these bye-laws.
 - d. Provided that while permitting sub-letting, giving on leave and license or care-taker basis the flat or part thereof or permitting parting with its possession in any other manner,

the Committee shall restrict the period thereof to 11 months or for more period as desired by the Managing Committee which may, on the request of the member be extended for similar period or part thereof from time to time.

- e. Non-occupancy charges shall not be levied to the flat purchaser who is intending to become a member and who submits the documentary evidence thereof.

Procedure for disposal of applications for subletting etc.

44. The procedure for disposal -of the application for permission for sub-letting, giving on leave and license or care-taker basis', flats or part thereof or parting with their possession in any other manner, as laid down under the bye-law No. 65 shall be followed by the Secretary and the Committee of the society. Subletting etc.

Restrictions on assignment of occupancy right in the flat.

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.

RESPONSIBILITIES AND LIABILITIES OF MEMBERS

(A) Maintenance of Flats by Members

Flats to be kept clean

46. Every member shall keep his flat clean.

Additions and alterations in a flat permissible with the Committee's permission.

47. (a) No member shall, without the previous permission of the Committee in writing, make any additions to or alterations in his flat.

Application for permission for Making additions and alterations in a flat

- (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.
- (c) No structural changes are permissible, without the prior permission of the concerned competent authority.

Examination of flats and report about Repairs to Flats

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,

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.

f. 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.

Notice to the member for carrying out repairs to his flat at his cost.

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 other goods, for the storing of which requires permit/ sanction of the competent authority under any law relating thereto.

Restrictions on storing of certain goods.

50. (a) No member shall do or suffer anything to be done in his fiat which may cause nuisance, annoyance 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.

Not to do anything in a flat causing inconvenience, nuisance or annoyance to other members.

(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.

Committee to take action on complaints about infringement of the bye-law No.50 (a)

Expulsion of a Member

- | | | |
|---|-----|--|
| Grounds on which a member could be expelled | 51. | <p>A member may be expelled from the membership of the society, if such a member</p> <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 bye laws 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. |
| Procedure for expulsion of a member | 52. | <p>(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.</p> <p>(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</p> |
| Forfeiture of shares of the expelled member | | |
| Effect of expulsion on membership of the Society. | 53 | <p>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.</p> |
| Handing over vacant possession of the flat by the expelled member | 54. | <p>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.</p> |
| | 55. | <p>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</p> |

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

Circumstances under which a person ceases to be a member of the society

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.

Circumstances under which the person occupying the flat on behalf of the firm/ company ceases to be the nominal 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 :
- 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."

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

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

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 subject to the conditions as provided under the provisions of Section 6 of the "Act".
- 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. The liability of the past members of the Society for the debts of the Society, as they stood on the date of the past the cessation of his membership and the liability of the estate of the deceased member of the Society for the debts of the society as they stood on the date of his death shall continue for the period of 2 years from the date of his cessation or death respectively as per the provisions of Section 33(1) 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) permission 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, and (x) for any other purpose provided under the bye laws 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 scrutinise 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.
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 Shares 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

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:

- (i) Salaries of the office staff, Liftman, watchmen, mails and any other employees of the Society.

Composition of the Charges of the Society.

Break-up of Service Charges 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 re audit, if any.
- (x) Expenses incurred at meetings of the general body, the Committee an 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.
- (xiii) Any other charges approved by the General Body at its Meeting. However such charges should not contradict the provisions of the Act, Rules and bye-laws of the Society.

Sharing of the
Society's Charges
by the members

69. (a) The Committee shall apportion the Share of each member towards the charges of the Society on the following basis:
- i. Property taxes: As fixed by the Local Authority
 - ii. Water Charges: On the basis of total number and size of inlets provided in each flat.
 - iii. 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)©
 - 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).
70. 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.

Committee to fix Society's Charges in respect of every flat at its meeting

Payment of the Society's Charges

- Review of the cases of defaults in payment of the charges of the Society.
71. (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.
- (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
72. 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**
- Incorporation
73. 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.
- Common Seal
74. 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.
- Charge and set off in respect of Shares and interest of a member of the Society
75. 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.
- Flat purchased is deemed to have been allotted
76. (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.

- (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 TYPE SOCIETY)**
76. (a) 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
- (b) 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. Handing over possession of flats.
- ii. The committee shall, after getting occupation or completion certificate from the local authority, scrutinise 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. To obtain certificate of possession from the allottee members
- (c) 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.
- (d) 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
77. (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.

78. (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 Served", for unsold and available parking spaces. However incase of Parking Space allotted by the society, the member shall have no right to sell or transfer the said allotted Parking Space to anybody.

Policy of allotment of parking spaces

Restriction on parking Spaces

79. No member shall be entitled to utilize more parking spaces than what is allotted to him by the Committee, or which he has Purchased.

Marking of parking spaces

80. Where any parking spaces have been built or open Marking of 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.

Eligibility for allotment of parking spaces.

81. 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.
82. 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.

83. 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.
84. Every member, who has been allotted 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.
85. 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.

Applications for allotment of parking spaces.

Payment of charges for parking of vehicles.

Parking of other vehicles.

GENERAL MEETINGS

(A) First General Meeting

Holding of the first general meeting within the stipulated period.

86. 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.
87. 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.
88. 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
89. (a) At the first general meeting of the society, the following business shall be transacted.
- (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.

Calling the first general meeting by the Registering Authority.

Functions of the first general meeting.

- (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

Nomination of a provisional committee by the Registering Authority

90. 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). Recording of minutes at the first general meeting.
91. The Chief Promoter of the Society shall, immediately after election of the office bearers of the society, at the records by 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 authorized 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 counter foils 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,
 - (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.
- Handing over records by the Chief Promoter of the Society.
92. 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
93. 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.

Handing over charge by the Provisional Committee.

94. 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.

Annual General Body Meetings

Period of AGM Meeting

95. (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)

(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.

Functions of the annual general body meeting of the society.

96. 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 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.
- (xi) To appoint the Grievance settlement and Redressal Committee as provided in Bye-law No. 173.

When a special general body meeting should be called.

97. 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.

98. 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.

99. 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.

Notice of a general body meeting.

100. 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 meeting. 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 meeting shall be communicated in writing to all the members, within two days of such meeting.

Period of notice of a general body meeting.

- Quorum for the general body meeting.
- Holding of the adjourned general body meeting.
- Chairman of the Society to preside over all general body meetings.
- Voting right of a member.
- One member
One vote.
- How decisions shall be taken.
- Recording of the minutes of the general body meetings.
101. 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.
102. 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.
103. 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.
104. 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.
105. 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.
106. 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.
107. 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.
108. 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.
109. 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 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.

110. 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

111. 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.

112. 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.

113. 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

114. 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

115. 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.		Total	Quorum in M.C.
	General	Reserved Seats W, SC/ST, OBC, VJ/NT/SBC.		
Up to 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..

116. (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 under taken 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:
117. (a) In any contract made with the society Prohibition against being interested in
- (b) In any property sold or purchased by the society. 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.
118. 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 post, demanding the payment of dues.
- Prohibition against being interested in the Society

- (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

119. 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.

Cessation of a member of the Committee

- 120 (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.

Intimation of cessation of membership of the Committee.

- (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.

121. No member of the Committee shall be present at the consideration of any matter, in which he is directly or indirectly interested.

122. 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.

123. 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.

Custody of the records of the society.

124. All records of the society shall be kept at its premises, convenient to the secretary, with the approval of the committee of the society.

125. 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.

126. (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 proceeding motion of the No Confidence.

127. 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.
128. (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.
129. 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.
130. The period of office of the co-opted member of the Committee shall be coterminous with tenure of office of the Committee.

131. 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.
132. (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.
133. 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.
134. 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.

135. 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.
136. 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
137. 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.
138. 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.
139. Subject to the bye - law 113 the Committee shall exercise the powers and discharge the functions and duties as mentioned hereunder.

Sr. No.	Items of the powers, functions and duties	The bye -law No. under which the power, function or duty falls
(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

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 society	168
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 ensure that the society is affiliat ed to Housing Federation and its subscription is regularly paid.	6
37	To take the decision on the complaint application in the Managing Committee Meeting and inform the concerned member of its decision accordingly	174

38	To enter into contract with the Architect of the society.	158 (f)
39	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)

140. 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 Byelaws 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.

141. The functions of the Secretary of the society shall be those mentioned below:

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 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 carried out in flats.	48 (b)(C)
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 new ly 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

142. 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
143. **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. Correspondence with the Co-operative Registrar.
- (viii) 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) Counter foils of challans for credits of amounts into the bank, arranged in order of dates of credits.
- (xv) Counter foils of cheques issued.
- (xvi) Counter foils 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) Counter foils of receipts or carbon copies of receipts issued by the society.
- (xxi) Counter foils 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.

144. 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.
145. 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.
146. All payments in excess of Rs. 1500/- (Rs. Fifteen Hundred) shall be made by means of crossed A/c payee's cheques.
147. (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 1961a 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 bye - laws 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.
148. 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

149. (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 no 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.

150. 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.
151. 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

152. (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 than 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 six months from the closure of financial year and in any case before issuance of notice of the holding of the Annual General Body Meeting.
- (c) The Remuneration of Auditors so appointed shall be decided by the General Body Meeting of the Society.
153. 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.

154. (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 '0' 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 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 / MAINTAINANCE OF THE PROPERTY

155. (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 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.
156. 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.
157. (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

158. (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. 158(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.
159. Subject to the provisions of the bye-law No.158(1)- (a), (b), (c), 158(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.
160. 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) All 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

(b) 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.

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.

161. (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.

© 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.
162. 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

163. 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 Act 1960, the Maharashtra Co-operative Societies Act, 1960 Rules 1961 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 eg. 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 pay an amount equal to five times the monthly maintenance charges, per month with retrospective effect 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 Society Rs.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 Meetings Rs. 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.

GRIEVANCES SETTLEMENT AND REDRESSAL OF COMPLAINTS

173. (a) The Grievance Settlement and Redressal Committee shall be formed as provided under Section 89AB of the Act.
- (b) The General Body of the Society shall appoint a Grievance Settlement and Redressal Committee to hear and settle the grievances of the members. When referred, such complaints and grievances shall be settled by this committee as far as possible within 3 months.
- (c) Grievance Settlement and Redressal Committee shall consist of Three Senior - Knowledgeable - Active members of the society and they shall not be the members of the Managing Committee. The complaints and grievances relating to Business and Management of the Society shall be referred to this committee with the consent of both the parties.
- (d) The Managing Committee shall make a report of an appointment of Grievance Settlement and Redressal Committee to the Registrar. The working and procedure to be

followed by parties and the Grievance Settlement and Redressal Committee shall be governed by the provisions of section 89-A of the Act.

174. Member/Members shall submit their complaint application to any of the Office bearers of the society, in writing, giving thereby the details of the complaint.
175. After receipt of such, complaint application, the committee shall take decision thereof, in the coming Managing Committee meeting. Such decision shall be communicated to the concerned member, within 15 days thereafter.
176. If the Member/Members are not satisfied by the decision of the Committee, or does not receive any communication from the committee within 15 days, the complainant member and society may approach the above mentioned Grievance Settlement and Redressal Committee.

If the complaint/grievance is still not settled or resolved then the member or Society may approach the below mentioned Officers.

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

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

177. (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 2007IM.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. Resolution 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.

Full Name of the Promoter	Signature of the Promoter
1) Shri/Smt.	1)
2) Shri/Smt.	2)
3) Shri/Smt.	3)
4) Shri/Smt.	4)
5) Shri/Smt.	5)
6) Shri/Smt.	6)
7) Shri/Smt.	7)
8) Shri/Smt.	8)
9) Shri/Smt.	9)
10) Shri/Smt.	10)
11) Shri/Smt.	11)
12) Shri/Smt.	12)
13) Shri/Smt.	13)
14) Shri/Smt.	14)
15) Shri/Smt.	15)
16) Shri/Smt.	16)
17) Shri/Smt.	17)
18) Shri/Smt.	18)
19) Shri/Smt.	19)
20) Shri/Smt.	20)
21) Shri/Smt.	21)
22) Shri/Smt.	22)
23) Shri/Smt.	23)
24) Shri/Smt.	24)
25) Shri/Smt.	25)

ANNEXURE - 1

(UNDER BYE-LAW NO.18)

MEMBERSHIP OF CORPORATE BODIES IN CO-OPERATIVE HOUSING SOCIETIES, TERMS & CONDITIONS

Order No. CHS-1791/C.R-148/14-C- In exercise of the powers conferred by second provision to Sub-Section 1 of Section 21 of the Maharashtra Co-operative Societies Act,1960 (Mah. XXIV of 1961), and by Government Order No. CSL. 1062/13480-J dated 7th July, 1963, CSH, 166-C-4, dated 13th June, 1969, CSH 1768/12608-C-4 dated 13th June, 1966, CSH, 1663/36188-C-4 dated 26th June, 1971, CSH 1079/53609/14-C dated 24th March, 1980 and CHS 1791/CR 148/14-C dated 9th November, 1993, the Government of Maharashtra hereby lays down the following terms and conditions subject to which the firm or company may be admitted as a member of a Society which is a federal or urban society or which conducts or intends to conduct an industrial undertaking namely:

1. The application of the firm or company for admission to the membership of the Society should be made as provided by Rule 19 of the Maharashtra Co-operative Societies Rules, 1961 and should be signed by the person duly authorised in that behalf by the firm or company, as the case may be.
2. The Head Office of the firm or company should be within the area of operation of the Society.
3. The firm or company should be carrying on its business within the area of operation of the Society.
4. The firm or company should purchase atleast 20 shares of said Society.
5. The aims and objects of the firm or company should not be contrary to those of the society, provided that in the case of an urban society which is a housing society the following terms and conditions shall apply subject to which a firm or company may be admitted as a member of such society, namely.
 - a) The bye-laws of the concerned society should be not contain any provision, prohibiting the firm or the company from becoming its member.
 - b) The firm or the company concerned should be a corporate body and it should be a registered society.
 - c) The memorandum and the articles of association of the firm or the company concerned should provide for the provision of dwelling houses by them to their employees.
 - d) The firm or the company concerned should hold land or buildings only for the purpose of providing residential accommodation to its employees.
 - e) The memorandum or articles of association of the firm or the company should allow it to utilise its funds for providing its

employees with dwelling houses and the firm or company should agree to pay out of its own funds the full cost of dwelling houses to be allotted to its employees.

- f) The firm or company should pay to or deposit with the society in advance, the whole amount that would come to its share, from out of the amount of total cost of construction and other charges.
- g) The firm or company concerned should give an undertaking to the society that it shall not allow any of its employees to occupy or to continue to occupy any tenement from time to time, unless the employee nominal member and continues to hold such membership of the society.
- h) The number of firms and companies admitted as the member of any such society shall not exceed 50 per cent of the total membership of the Society.
- l) The number of tenements allotted to such member firms or companies shall not exceed 50 per cent of the total number of tenements in the Society.
- j) The management of the Society or Committee shall consist of not more than one fourth members of the firms and companies and the remaining members shall be elected from the individual members and the provision to that effect shall be made in the bye-laws of the Society.

**Governor of
Maharashtra State.**

ANNEXURE - 2

LIST OF FORMS PRESCRIBED UNDER THE BYE-LAWS

The Bye-law No. under which the form is prescribed	Name of the Form	Appendix at which the form in Column No. 2 is enclosed.
(1)	(2)	(3)
9	Share Certificate	1
17(b)	The Form of application for membership, of the Society by a Nominee/heir, who is a minor, through his Guardian/Legal Representative.	2
19 (a) and 66(iv)	The Form of application for membership of the Society by an Individual.	3
17(b) and 19(iv)	The Form of Undertaking to be furnished by the Prospective Member to use the flat tenement/Building/Bungalow for the purpose for which it is purchased.	4
19A(v)	The Form of Undertaking to be furnished by the person, on whom the Prospective non- earning member is dependent for discharge of liabilities to the Society.	5
19 (C)	The Form of application for membership of the Society by a firm, a Company or a Body Corporate.	6
19 (B)	The Form of application for Associate membership by an Individual, who desires to hold shares jointly, with another person, who is already admitted to membership of the Society.	7
19 (B)	The Form of application for Associate membership where both the persons apply for Associate membership at a time.	8
19 (B)	The Form of application for Associate membership by a Firm or a Company or a Body Corporate with the person already admitted to membership of the Society.	9

1	2	3
118 (v)	No Objection Certificate and Undertaking to be given by the Original Member to enable intending Associate Member to become a Member of the Managing Committee	10(A)
20 and 43(2)(ii)	The Form of Application for Nominal membership by the Sub-lettee the Licensee or the Caretaker.	11
24 and 76(a)	The Form of letter of allotment of tenement/ Bungalow building to member of the Society.	12
27(a)	The Form of Notice of Resignation of membership of the Society by a member.	13
32	The Form of Nomination in triplicate 1) To be used when only one person is to be nominated 2) To be used when more than one persons are to be nominated.	14
34	The Form of Application for membership by the nominees.	15
35	The Form of Notice, inviting claims or objections to the transfer of the shares and the interest of the Deceased member in the Capital/property by the Society.	16
35	The Form of application for membership by the heir of the Deceased Member of the Society.	17
34	The Form of Indemnity Bond.	18
35	Form of Indemnity Bond to be given on stamp paper of Rs. 200/- or on as paper Affixed Adhesive stamps of the same denomination	19
38(a)	The Form of Notice of intention of a member to transfer his shares and interest in the capital/property of the Society.	20(1)
38(a)	The Form of letter of consent of the Proposed Transferee for the transfer of the shares and interest of a member (Transferor) to him (Transferee).	20(2)

1	2	3
38(e)(i)	<p>The Form of application for the transfer of shares and interest in the Capital / Property of the Society by the Proposed Transferor.</p> <p>1) Being an individual.</p> <p>2) Being a Body Corporate.</p>	<p>21</p> <p>22</p>
<p>38(e)(ii)</p> <p>?</p> <p>38(e)(xi)</p> <p>19(A)(vii),(iv)</p>	<p>The Form of application for membership of the Society by the Proposed Transferee.</p> <p>(i) Being an individual.</p> <p>(ii) Being a Body Corporate</p> <p>(iii) To be given jointly by the transferor and the transferee.</p> <p>(ii) To be given by the persons seeking direct admission to the membership of the Society.</p>	<p>23</p> <p>24</p> <p>25(1)</p> <p>25(2)</p>
40	<p>The Form of Intimation by the Society to the transferee about exercise of rights of Membership by him.</p>	26
43(2)(i)	<p>The Form of application for permission to sub-let, give on leave and licence or caretaker basis his flat tenement or part of or Bungalow / Building thereof.</p>	27
62	<p>The Form of application for permission to hold more than one tenements / Bungalow</p>	28
58A	Form M-20 Bond	29

ANNEXURE - 3**ELECTION RULES**

1. These Rules shall be called the Rules of Election of a Member of the Managing Committee of the..... Co-operative Housing Society Ltd. These Rules shall be deemed to have come into force from the date of its approval by the Registering Authority.
2. Every Managing Committee shall hold elections before expiry of its term.
3. If the recovered share capital is more than Rs. 10,000/- then, voting shall be secret voting.
4. The members of the Society on the Register of Members as on 31st December, if the election is due during subsequent period between 1st January to 30th June, and as on 30th June, if the election is due during subsequent period between 1st July to 31st December, should only be eligible to vote in the election to the Managing Committee of the Society.
5. The retired members, if not disqualified, shall be eligible for re-election.
6. The provisional list shall be prepared by the Managing Committee as per (4) above and shall be notified on the Notice Board of the Society, 60 (sixty) days before the date of election, inviting suggestions and objections in respect of this provisional list of the members, within a period of 15 days, from the date of publication of such list.
7. After considering the suggestions and objections, if received, by the society, the Managing Committee shall publish a final list of members eligible to vote, within two days of the last date as mentioned at (4) above.
8. The provisional and final list of members referred to above shall be in the Appendix "A" appended to these Rules.
9. The Managing Committee shall appoint from amongst the members who are not candidates for election or who have neither proposed nor seconded candidature of any member, or any other person, as Returning Officer. However, before making such appointment, the Managing Committee shall obtain from such member, being appointed as Returning Officer, an undertaking to the effect that he will not contest the election nor propose or second any candidate. The Returning Officer shall have authority to appoint such polling staff as he deems necessary.
8. Where the Managing Committee has failed to appoint a Returning Officer, the Registering Authority shall appoint a Returning Officer and polling staff. The cost of the Returning Officer and Polling Staff shall be borne by the Society.
9. The Returning Officer shall draw and declare a Programme of various stages of election, on the Notice Board of the Society, as indicated herein below, not later than seven days of the date of publication of final list of members of the Society.

The Returning Officer shall submit copy of such Programme to the Registrar and the concerned Housing Federation.

(I) Last date for making nominations	Within 7 days from the date of declaration of election
(ii) The date of publication of list of nominations received.	On the last date and after the expiry of the time for Nomination.
(iii) Date of scrutiny of nominations	Next date of the last date for making nomination of nominations
(iv) Date of publication of list of valid Nominations.	Next day after the date of completion of scrutiny of nominations.
(v) Date by which candidature may be withdrawn.	After clear 15 days from the date of scrutiny.
(vi) Date of publication of final list of contesting candidates	The date next succeeding the last date fixed for Withdrawal of candidature.
(The Place and time shall be fixed by the Returning Officer.)	
(vii) Date and time during which and the place at which the poll shall be taken.	Minimum 5 days after the date of withdrawal of candidature.
(viii) Date, time and Place for counting votes	Immediately after polling is over.
(ix) Date of declaration of results of Votes	Immediately after counting of votes is over .

Explanation :- If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events.

10. The functions of the Returning Officer shall be as under:

- i) To draw up a detailed programme of election to the managing committee of the society, after taking into consideration the various stages of election process, as enumerated in 9 above.
- ii) To invite nominations to receive and scrutinise the same to exhibit list of valid nominations and list of final nominations remaining after withdrawal of nominations, if any.
- iii) To arrange for election by ballot in accordance with the provisions of the Election Rules.
- iv) To furnish the result of election to the Chairman of the society for being declared at the General body meeting/Special general body meeting of the society.

- v) To take such other actions as are necessary for and incidental to the election to the Managing Committee of the society.
- 13) The nomination forms shall be as per the "Appendix (B)" appended to the Rules.
 - 14) No member of the society shall be eligible to participate in the election of the managing committee of the society, if
 - (i) He is in arrears in respect of any charges and any other amounts due to the society as on the date of scrutiny of nomination papers.
 - (ii) He has incurred any of the disqualifications as mentioned in the Maharashtra Co-op. Societies Act 1960 & Rules, 1961 and the by-laws of the society.
 - 15) The nomination received till the last date and hour fixed for receiving nominations shall be scrutinized by the Returning Officer on the date fixed for scrutiny of nominations, in the presence of the candidates or their duly authorised representatives and the list of the valid nominations shall be published on the Notice Board of the society as per election programme. The candidates whose nominations are rejected shall be informed by the Returning Officer, in writing, with the reasons for rejection of their nominations on the same day, in form at Appendix "B-2".
 - 16) The candidates, whose nominations have been declared valid shall be allowed a time of 15 days (as required u/s. 152A of M.C.S. Act 1960) from the date of publication of the list of valid nominations, to withdraw their candidature by means of a letter handed over to the Returning Officer.
 - 17) Immediately after the expiry of period allowed for withdrawal of candidature, a final list of the candidates contesting the election shall be notified on the notice board of the society.
 - 18) The Voting at the election shall be Secret Ballot.
 - 19) The ballot paper shall be in the form of Appendix 'C' appended to these Rules. Each ballot paper shall bear the seal of the Society and the counterfoil thereof shall bear the initials of the Returning Officer.
 - 20) The names of the candidates in the ballot paper shall be arranged in alphabetical order with surname appearing first.
 - 21) The date, time and place of voting shall be declared in the election programme.
 - 22) The ballot box shall be so constructed that ballot papers could be conveniently put into it but could not taken out, without the box being unlocked.
 - 23) On the date of the polling, the empty ballot boxes shall be shown to the candidates or their authorised agents, if any present 15 minutes before the time fixed for commencement of the poll and shall be locked and sealed in their presence.

- 24) Each member-voter shall be supplied with an authenticated ballot paper, after satisfying his identity and obtaining his signature on the counterfoil of the ballot paper.
- 25) Member-Voter coming to the polling station after expiry of the time allowed for voting shall not be allowed to vote.
- 26) Immediately after the completion of voting, the ballot box shall be sealed in the presence of the candidates or their authorised representatives, if present.
- 27) The counting of votes shall be done immediately after the polling is over.
- 28) The Returning Officer shall submit to the Chairman of the Society a report indicating the number of voters, who voted, number of valid and invalid votes, and the number of votes secured by each candidate alongwith his certificate that the polling was peaceful and accordance with the Election Rules.
- 29) The names of the candidates along with the number of votes secured by each of them shall be put on the Notice Board of the Society after conclusion of the counting of votes.
- 30) The final result of the election shall be declared in the ensuing Annual General Body Meeting or Special General body Meeting as the case may be.
- 31) All the records pertaining to the election shall be carefully preserved in a box duly locked and sealed by the Secretary of the Society for a period of 3 months and destroyed thereafter. However, if the result of the election is disputed, the records pertaining to election shall be preserved until the final decision of the dispute.
- 32) The Committee shall be constituted as enumerated under Section 73 (3) of the M.C.S. Act, 1960.

APPENDIX "A"

Provisional/Final list of members of the.....Co-operative Housing Society Ltd. from its register, as on 31st December /30th June.

Sr. No.	Sr. No. in the members Register ('I' Form)	Name of the member and his tenement/ House no.	Date of admission to membership	Total No. of share holding	Remarks
1	2	3	4	5	6

(Seal of Society)

Hon. Secretary / Chairman

Place :

..... Co-op. Housing Society Ltd.

Dated :

APPENDIX "B"

Form of nomination paper for election to the post of the member of the Managing Committee of the

Co-operative Housing Society Ltd

for the period from to

Name of the Candidate:

Address of the Candidate

*Contesting for Reserve seat

*Yes / No

(for lady Candidate only)

Name of the Proposer

Address of the Proposer

Name of the Seconder

Address of the Seconder

.....
Signature of the Seconder

.....
Signature of the Proposer

Place :

Date :

*** Struck out whichever is not applicable.**

DECLARATION BY THE CANDIDATE

I, Shri/Shrimati
hereby signify my willingness to serve as Member of the
Managing Committee of the
Co-operative Housing Society Ltd.....
if I am elected to the said post.

Place :

.....
Signature of the Candidate

Date :

APPENDIX "B" - 1

Received the nomination paper proposing and seconding Shri / Shrimati as a candidate for election to the post of the Managing Committee *(General / Reserve seat) of the Co-operative Housing Society Ltd.,..... for the period from to

Place :

Date :

Signature of the Returning Officer

*** Struck out whichever is not applicable.**

APPENDIX "B" - 2

The nomination received from Shri / Shrimati is rejected for the following reasons :-

- 1)
- 2)
- 3)

Signature of the Returning Officer

Place :

Date :

APPENDIX "C"
Form of Ballot Paper

Election to the post of the Member of the Managing Committee of the Co-operative Housing Society Ltd., for the period from to

Full name of the Candidate

Mark of vote

FOR GENERAL POSTS

- | | |
|----------------------|-------|
| 1. Shri / Smt. .... | ..... |
| 2. Shri / Smt. .... | ..... |
| 3. Shri / Smt. .... | ..... |
| 4. Shri / Smt. .... | ..... |
| 5. Shri / Smt. .... | ..... |
| 6. Shri / Smt. .... | ..... |
| 7. Shri / Smt. .... | ..... |
| 8. Shri / Smt. .... | ..... |
| 9. Shri / Smt. .... | ..... |
| 10. Shri / Smt. .... | ..... |


For RESERVE POSTS

- | | |
|---------------------|-------|
| 1. Shri / Smt. .... | ..... |
| 2. Shri / Smt. .... | ..... |
| 3. Shri / Smt. .... | ..... |
| 4. Shri / Smt. .... | ..... |



Initials of the Returning Officer

APPENDIX '1'
[Under the Bye-Law No. 9]
Specimen of Share Certificate

<p>Share Certificate No.: _____ Member's Regn. No. _____ No. of shares _____</p> <p style="text-align: center;">SHARE CERTIFICATE</p> <p>(AUTHORISED SHARE CAPITAL OF RS. _____ DIVIDED INTO _____ SHARES OF RS. 50/- EACH)</p> <p>_____ CO-OPERATIVE HOUSING SOCIETY LTD.</p> <hr/> <p>(Registered under the Maharashtra Co-operative Societies Act, 1960)</p> <p>Registration No. _____ Date _____</p> <p><i>This is to certify that</i> Shri / Smt. / M/s. _____</p> <p>is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____</p> <p>_____ CO-OPERATIVE HSG. SOCIETY LTD., _____ subject to the Bye-laws of the said society.</p> <p>Given under the Common Seal of the said society on _____ this _____ day of _____ 20 _____</p>	<p>Share Certificate No.: _____ Member's Regn. No. _____ No. of shares _____</p> <p style="text-align: center;">SHARE CERTIFICATE</p> <p>(AUTHORISED SHARE CAPITAL OF RS. _____ DIVIDED INTO _____ SHARES OF RS. 50/- EACH)</p> <p>_____ CO-OPERATIVE HOUSING SOCIETY LTD.</p> <hr/> <p>(Registered under the Maharashtra Co-operative Societies Act, 1960)</p> <p>Registration No. _____ Date _____</p> <p><i>This is to certify that</i> Shri / Smt. / M/s. _____</p> <p>is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____</p> <p>_____ CO-OPERATIVE HSG. SOCIETY LTD., _____ subject to the Bye-laws of the said society.</p> <p>Given under the Common Seal of the said society on _____ this _____ day of _____ 20 _____</p>
<p>Share Certificate No.: _____ Member's Regn. No. _____ No. of shares _____</p> <p style="text-align: center;">SHARE CERTIFICATE</p> <p>(AUTHORISED SHARE CAPITAL OF RS. _____ DIVIDED INTO _____ SHARES OF RS. 50/- EACH)</p> <p>_____ CO-OP. HOUSING SOCIETY LTD.</p> <hr/> <p>(Registered under the M. C. S. Act, 1960)</p> <p>Regn No. _____ Date _____</p> <p>This is to certify that Shri / Smt. / M/s. _____</p> <p>_____</p> <p>Is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____</p> <p>Co-Op. Hsg. Soc. Ltd., _____</p> <p>Subject to the Bye-laws of the said society.</p> <p>Given under the Common Seal of the said Society at _____ this _____ day of _____ 20 _____</p>	<p>Share Certificate No.: _____ Member's Regn. No. _____ No. of shares _____</p> <p style="text-align: center;">SHARE CERTIFICATE</p> <p>(AUTHORISED SHARE CAPITAL OF RS. _____ DIVIDED INTO _____ SHARES OF RS. 50/- EACH)</p> <p>_____ CO-OP. HOUSING SOCIETY LTD.</p> <hr/> <p>(Registered under the M. C. S. Act, 1960)</p> <p>Regn No. _____ Date _____</p> <p>This is to certify that Shri / Smt. / M/s. _____</p> <p>_____</p> <p>Is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____</p> <p>Co-Op. Hsg. Soc. Ltd., _____</p> <p>Subject to the Bye-laws of the said society.</p> <p>Given under the Common Seal of the said Society at _____ this _____ day of _____ 20 _____</p>
<p>Authorised M. C. Member</p> <p>Received the Share Certificate Receiver's Signature</p> <p>day of _____ 20 _____</p>	<p style="text-align: center;">  Seal of the Society </p> <p style="text-align: center;"> Authorised M. C. Member </p> <p style="text-align: center;"> Secretary Chairman </p> <p style="text-align: center;"> Secretary Chairman </p> <p style="text-align: right;">P. T. O.</p>

MEMORANDUM OF TRANSFERS OF THE WITHIN MENTIONED SHARES

Date of Transfer	Transfer No.	Regn. No. of Transferor	To whom transferred	Regn. No. of Transferee
			Authorised M. C. Member Chairman	Secretary
			Authorised M. C. Member Chairman	Secretary
			Authorised M. C. Member Chairman	Secretary
			Authorised M. C. Member Chairman	Secretary
			Authorised M. C. Member Chairman	Secretary

APPENDIX “2”
[Under the bye-law no.17(b)]

The form of application for membership of the Society by a nominee/
Heir, who is a minor, through his Guardian/Legal Representative.

To
The Secretary,

..... Co-op. Housing Society Ltd.,

.....

Sir,

Shri/Shrimati/Messrs
who was the member of the Co-
operative Housing Society Ltd., having address at
holding 10 shares of Rs. Fifty each and the Flat no. died on.....
His/Her death certificate is enclosed. He/She had nominated Shri/Shrimati.
.....who is a minor/He had not made nomination.

His/Her heir Shri/Shrimati..... is a minor.

I, Shri/Shrimati..... being his/her natural guardian/ guardian
appointed by the deceased member/ legal representative hereby make an
application on behalf of the said minor for membership of the
Co-operative Housing Society Ltd., having address at.....
and for transfer of shares and interest of the deceased member in the capital/
property of the Society to me on behalf of the minor nominee/ heir as provided
under Rule 20 of the Maharashtra Co-operative Societies Rules, 1961. The share
certificate held by the deceased member is enclosed.

An entrance fee of Rs.100 is sent herewith.

The particulars of the plot/Flat/house in the area of operation of the Society owned
by the minor nominee heir or any of the members of the minor's family or the person
dependent on the minor are given below:

Sr.No	Name of the minor nominee or heir of his/her family member or the person dependent on the minor.	Particulars regarding Plot/Flat/house owned by the minor nominee/ heir or any of the mem- bers or the of the minor's family or the person dependent on the minor	Place where Plot/Flat/house situated
1	2	3	4

My particulars for the purpose of consideration of this application are as under:

Age	:	.....
Occupation	:	.....
Office Address	:	.....
Monthly Income	:	Rs.....

I undertake to discharge all the present and future liabilities to the Society on behalf of the minor

I hereby declare that there is not plot/flat/ house in the area of operation of the society, of the ownership of said minor person or his family member dependent on him. As I have no independent source of income, I enclose herewith the undertaking in the prescribed form, from the person on whom I am dependent in the prescribed form, to the effect that he will discharge all the present and future liabilities to Society on my behalf.

I enclose the undertaking in the prescribed form (Appendix -3) to use the Flat on behalf of the minor for the purpose for which it was held acquired by the deceased member and that any change of user will be made with the prior approval of the Society.

I enclose herewith an undertaking in prescribed form regarding sale of plot/flat/house of the minor person or his family member of the person dependent on on the minor person.

I also enclose herewith the undertaking in the prescribed form on behalf of the minor about registration of the transfer of the Flat to the minor's name through me under section 269 AB of the Income-tax Act. (Appendix -26).

I have gone through the registered bye-laws of the Society and undertake to abide by the same with any modification the registering Authority may make in them.

I undertake to discharge all outstanding liabilities against the deceased member and also pay the charges of the Society in future on behalf of the minor.

I also hereby undertake to convey the property on the "attainment of age of majority" by the minor on whose behalf I am holding membership. I also declare that I shall be ceased to hold the membership on behalf of the said minor, as soon as he attains age of majority.

I declare that I will take all actions as a member of the Society on behalf of the minor in his/her interest only.

On behalf of the minor, I request you to admit me as a member of the Society.

Yours faithfully,

Place:

Date:

(Nominee-Heir who is a minor)
(Through his guardian/legal representative)

Note : The undertaking about registration of the transfer of the Flat is not necessary where the minor is related to the deceased member within the meaning of section 2(41) of the income-tax Act

*Strike out whichever is not applicable.

APPENDIX-3

[Under Bye-laws Nos.19(B) and 66(v)]

The form of application for membership of the Society by an individual.

To,
The Chief Promoter-Secretary,

..... Co-operative housing Society Ltd.,(Proposed)*

.....

Sir,

I Shri/Smt. hereby make an application
for membership of the.....
Co-operative Housing Society Ltd.,

I intend to settle down and reside in the area of operation of the Society.

My particulars for the purpose of consideration of this application are as under:

Age : Years
Occupation :
Monthly Income : Rs.
Office Address :
Residential Address :

I have purchased the Flat No..... in the building, named/ numbered
as admeasuring..... sq. meters from the Promoter (Builder)
Shri/Shrimati/Messrs..... under an agreement under
section 4 of the Ownership Flats, Act, a copy of which duly attested is enclosed
hearwith.

I declare that the said agreement is duly stamped as required under Bombay
Stamp Act-1958 as to the registration, the copy of which is enclosed hearwith.

OR

I give below the particulars of the plot/Flat/ house owned by me or by any of
the members of my family or the person dependent on me in the area of
operation of the Society:

Sr.No	Name of the person	Particulars of the Plot/Flat/ house owned by the applicant or any of the members of his family or the person dependent in the area of operation of the Society	Location of the plot/ Flat/ house	Reasons as to why it is necessary to have a Flat in this Society.
1	2	3	4	5

I remit herewith a sum of Rs. 500/- towards value of 10 shares of Rs.50 each and Rs.100/- for entrance fee.

I undertake to discharge all the present and future liabilities to the Society.

OR

As I have no independent source of income, I enclose herewith the undertaking, in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the Society on my behalf.

I also enclose the undertaking and the declaration in the prescribed forms about registration of the proposed acquisition of right over the Flat under section 269AB of the income-Tax Act .

I undertake to use the Flat for the purpose for which it is purchased by me and that any change of user will be made with the prior approval of the Society. An undertaking to that effect in the prescribed form is enclosed herewith.

I have gone through the registered bye-laws of the Society and undertake to abide by the same and any modifications the Registering Authority may make in them.

I request you to please admit me as the member of the Society.

Yours faithfully,

(Signature of the Applicant)

Place :

Date :

Attested by

Chief Promoter/Chairman.

The expression "a member of family" means as defined under bye-law no.3 (xxv)

**ON A HUNDRED RUPEES
STAMP PAPER**

APPENDIX- 4

[Under the bye-law no. 17 (b) and 19 (A)(iv)]

***The Form of Undertaking to be furnished by the Prospective Member
to use the Flat for the purpose for which it is allotted.***

I/We, Shri/Shrimati/Messrs
.....
at presently residing / having address at.....
member/intending member of the
Co-operative Housing Society Ltd. Proposed / Registered, having address at
..... hereby give the
undertaking that I / We will use the Flat allotted to me /us / proposed to be acquired
by me / us on cessation of membership of the earlier member under the bye-law of
the society for the purpose mentioned in the allotment letter which will be issued
under bye-law no. 76(a) of the bye-law of the Society proposed / registered.

I/We further give the undertaking that no change of user will be made by me/us
without the previous permission in writing of the Committee of the Society.

Signature

Place :

Date :

ON A HUNDRED RUPEES STAMP PAPER
--

APPENDIX 5

[Under the bye-law no. 19(A) (v)]

***The Form of undertaking to be furnished by the person,
on whom the Prospective Non-earning member is dependent
for discharge of liabilities to the Society.***

To,
The Chief Promoter / Secretary,

..... Co-operative housing Society Ltd.,

.....

Sir,

Shri/Smt./
had made an application for membership of the Co-operative
Housing Society Ltd., having address at
..... He/She has no independent source of income and
is dependent on me. I, therefore, undertake to discharge all the liabilities present
and future, payable by him / her on his*her admission to membership of the
Society, on his / her behalf as communicated to me directly or through him*her from
time to time, by the Society. On failure of such discharge in respect of dues, I shall
also be liable for recovery u/s 101 of the Maharashtra Co-operative Societies Act,
1960, alongwith the said member who is dependent on me.

My details are given below :-

- (1) Name :
- (2) My address :
 - (a) Office :
 - (b) Residence :
 - (c) Telephone No. :
- (3) Occupation :
- (4) Name and full address of the employer :
- (5) Monthly income :

Signature

Place :

Date :

APPENDIX – 6

[Under the bye-law no. 19(C)]

The Form of application for membership of the Co-operative Housing Society by a Partnership Firm/ A Company/ A Public Trust or any other Body Corporate.

To,
The Secretary/Chief Promoter

..... Co-operative Housing Society Ltd.

Sir,

We M/s. having address at hereby make an application for membership of the Co-operative Housing Society Ltd., having address at

We send herewith an amount of Rs. 1100/- (Rupees Six Hundred only), being the value of 20 shares of Rs. 50 each and entrance fee of Rs.100/-.

Shri/Shrimati has been authorised by us to sign the application for membership of the Society on our behalf and furnish such information as is needed you for the purpose of consideration of our application for admission to the membership of the Society. A true copy of the authority is enclosed for your record.

We have purchased Flat in the building/buildings known/ numbered as constructed by the Promoter (Builder)/(Seller) for housing our following bonafide employees viz. -

- (1) Shri/Smt
- (2) Shri/Smt
- (3) Shri/Smt
- (4) Shri/Smt
- (5) Shri/Smt

We will not allow any other employee to occupy any of the Flat / Bungalow purchased by us without the previous permission of the Society.

We declare that the said agreement duly stamped as required under Bombay Stamp Act a copy of which is enclosed herewith.

We undertake to use the said Flat/Flats/ Bungalow / Bungalows for the purpose mentioned in the letter to be issued to us, under the bye-law no. 76(b) of the bye-laws of the Society and further add that no

change of user will be made without the previous consent in writing of the Committee of the Society, the undertaking to that effect in the prescribed form is enclosed herewith (Appendix-3).

The undertaking and the declaration in the prescribed forms about registration of the proposed acquisition of ownership right over the Flat, under Section 269AB of the Income-tax Act enclosed herewith.

Our head office where we are carrying on our business is situated in the area of operation of the society.

The aims and objects of our firm/company are not contrary to those of the Society.

We have gone through the registered Bye-laws of the Society and the notifications issued by Government from time to time under Section 22 of the Maharashtra Co-operative Societies Act, 1960, regulating membership of corporate bodies, and we undertake to abide by the same with any modifications that the Registering Authority/Government respectively may make in them.

The Articles and Memorandum of the Company and also the Registration Certificate of our Company is enclosed herewith.

FOR AND ON BEHALF OF THE

.....

.....

(Signature of the Applicant)

Place :

Date :

APPENDIX – 7

(Under the bye-law Nos. 19B & 19C)

***The Form of application for Associate Membership by an individual,
who desires to hold shares jointly with another person,
who is already admitted to membership of the Society.***

To,

The Secretary,

..... Co-operative housing Society Ltd.,

Sir,

Shri/Shrimati is already a member of the Co-operative Housing Society Ltd., having address at holding 10 fully paid up shares of Rs. Fifty each.

He/ She desires Shri/Shrimati to join him/her as an associate member for the purpose of holding the shares jointly with Shri/ Shrimati Accordingly, I make this application for admitting me as an associate member to Shri/ Shrimatiand remit her with the entrance fee of Rs. 100/-

On my/our admission as an Associate member by the Society, we shall be jointly and severally liable to discharge the present and future liabilities of the Society.

The right of attending General Body Meetings and voting at them will ordinarily be exercised by Shri/ Shrimati whose name stands first in the share certificate. The name of Shri/Smt. shall stand second in the share certificate and I (the Associate member) shall have no rights or privileges of a member, and the member whose name stands first in the share certificate is absent at such meetings then as mentioned in Section 27 of MCS Act, 1960 I shall have a right to attend such meeting and to vote in such meetings pursuant to the section 27 of the MCSAct, 1960.

I/We request you to admit me/us an Associate member and include my/ our names as an Associate member in the share certificate just after the name of the first member.

The consent of the first member for my/our admission as an Associate member is given below.

Yours faithfully,

Place:

(Signature of the applicant whose Name to stand second in the Share Certificate)

Date:

I, Shri/Shrimati

A member of the Co-operative Housing Society

Ltd., having address atand holding 10 paid up shares of Rupees Fifty each recommend the application made by Shri/Shrimati

For Associate Membership of the Society for the purpose of holding the shares jointly on terms and conditions set out in the above application. The name of Shri/Shrimati be added in the share certificate(enclosed herewith) after my name.

Place:

.....
Signature of the First Member

Date:

APPENDIX - 8

[Under the Bye-law No. 19(B)]

The Form of application for Associate Membership by an individual, where both the persons apply for associate membership at a time.

To,
 The Secretary/Chief Promoter
 Co-operative Housing Society Ltd.,

Sir,

We, the undersigned Shri/Shrimati
 and Shri/Shrimati hereby make an application
 for associate membership of the..... Co-operative
 Housing Society Ltd., (*proposed) having address atfor
 the purpose of holding the shares of the Society jointly.

We have paid the full value of 10 shares of Rupees fifty each along with entrance
 fees at Rs. 100/- each, as required under the bye-laws of the Society.

We will be jointly and severally liable to discharge the present and future liabilities
 of the Society.

Of us, name of Shri/Smt stand
 first in the share certificate and he/she shall have a right of attending and voting at
 General Body Meetings of the society. The name of Shri/Shrimati
 shall stand second in the share certificate
 and he/she (Associate member) shall have no rights or privileges of a member
 except attending General Body Meetings of the Society and voting at them
 provided the member whose name stands first in the share certificate is absent at
 such meetings.

The name should be included in the share certificate in the order mentioned above.

Yours faithfully,

Place : (1)
 (Signature of the applicant whose
 name to stand first in the
 share certificate)

Place : (2)
 (Signature of the applicant whose
 name to stand second in the
 share certificate)

APPENDIX - 9

{Under the bye-law no. 19 (B)}

The form of application to be made by a Firm, or a Company or any other Body Corporate for getting Associate Membership with such a person already been admitted as a member of the Society.

To,

The Secretary,

..... Co-operative housing Society Ltd.,

Sir,

Shri/Shrimati is already a member of the Co-operative housing Society Ltd., having address at holding 10 fully paid up shares of Rupees fifty each.

He / She desires M/s.....

 having address at
 to join him/her as an Associate member for the purpose of holding the shares jointly with him/ her.

Accordingly, we make this application for admitting us as an associate member to Shri/Shrimati and remit herewith entrance fee of Rs.100/- .

The signatory to the application for associate membership is duly authorised by us to sign the application on our behalf. A certified copy of the said letter of authority in this behalf is enclosed hearwith.

On our admission as an Associate member by the Society, we shall be jointly and severally liable to discharge the present and future liabilities to the Society.

The right of attending General Body Meetings and voting at them will ordinarily be exercised by Shri/ Shrimati whose name stands first in the share certificate, Name of us M/s. shall stand secondly in the Share certificate and we shall have no rights or privileges of the membership. However, if Shri/Shrimati remains absent for the General Body Meeting of the society, then we shall have a right to attend such meeting and to caste a vote.

We request you to admit us an Associate member and include our name in the share certificate next after the name of Shri/ Shrimati

The consent of Shri/Shrimati
for our admission as an Associate member is given below.

FOR AND BEHALF OF THE

Place :

Date :

.....
(Signature of the Applicant)

We hereby declare that we are eligible for membership of the society as provided under Bye-law No. 18.

We hereby submit the Article of Association & Memorandum of Association & Company Registration Certificate.

I, Shri/Shrimati a member of the Co-operative Housing Society Ltd., having address at and holding 10 fully paid up shares of Rupees Fifty each, recommend the application made by M/s. for the Associate Membership as they have proposed to hold the shares jointly with me on terms and conditions set out in the above application. The name of M/s may be added after my name, in the share certificate enclosed herewith.

.....
(Signature of the First Member)

Place :

Date :

APPENDIX - 10
{under the bye-law no.19 (B)}

The form of application to be made for Membership, when both i.e. any person & firm, company or the Body Corporate make an application at a time for Membership/ Associate Membership

To,
The Secretary,

..... Co-operative housing Society Ltd.,(Proposed)

Sir,

We, the undersigned, Shri/Shrimati
and M/s..... hereby make application for Associate Membership of the Co-operative Housing Society Ltd., having address at for the purpose of holding shares of the Society jointly.

Both of us have paid the full value of ten shares of Rs. 50/- each along with entrance fee of Rs. 100/- each, as required under the bye-law of the society.

Both of us, on admission to associate membership of the Society, shall be jointly and severally liable to discharge the present and future liabilities of the Society.

The right of attending and voting at General Body Meeting of the Society will ordinarily be exercised by Shri/Shrimati whose name stands first in the share certificate .

The second signatory to the application is duly authorised to sign the application on behalf of M/s
A certified copy of the letter of authority is enclosed herewith. The name of M/s..... shall stand second in the share certificate.

M/s..... shall have no rights or privileges of the membership. However, if Shri/Shrimati....., whose name stands first in the shares certificate, remains absent for the General Body Meeting of the society, then the Associate Member shall have a right to attend such meeting and to cast a vote.

Both of us request you to kindly accept the application made by us for associate membership of the Society and to issue share certificate jointly in the name of us, by showing our names in the serial order as referred to hereinabove.

Yours faithfully,

Place : (1)
(Signature of the applicant whose name stands first in the share certificate)

Date :

For and on behalf of

Place : (2)
(Signature of the applicant whose name stands second in the share certificate)

Date :

APPENDIX – 10A
[Under the Bye-Law No. 118(v)]

No Objection Certificate and Undertaking to be given by the Original Member to enable the intending Associate Member to become a Member of the Managing committee of the Society

From :

Shri/Smt. :

To,
The Chairman,
.....Co-op. Housing Society Ltd.,
.....
.....

Dear Sir,

I, Shri/Smt. am a member of the Society holding Share Certificate no. jointly with Shri/Smt. do hereby state that my name stands first in the Share Certificate and that Shri/Smt. whose name stands at Sr. No. in the Share Certificate and who intends to contest election of the Managing Committee of the Society for the year

Since I do not wish to participate in the said election and since I have no objection to Shri/Smt. contesting the said election, I hereby surrender all my voting rights in favour of Shri/Smt. to enable him/her to contest the ensuing election of the Managing Committee and to become the committee member, if elected.

I further declare that Shri/Smt., gets elected and joins as a Committee Member, then during such term I shall not participate in the General Body Meeting or in the election process of the society.

Yours faithfully,

Place:

Date :

(Signature of the Member whose name stands first in the Share Certificate)
(Original Member)

APPENDIX - 11

{Under the bye-laws No. 20 and 43(2) (ii)}

The Form of application to be made for Nominal Membership by the Sub-lettee, the Licensee or the Care-taker

To
 The Secretary,
 Co-op. Housing Society Ltd.,

Sir,

I Shri/Shrimati/Messrs
 has/have entered into an agreement with Shri/Shrimati.....
, member of the
 Co-operative Housing Society Limited
 having address at
and holding Flat / Bungalow No. in the
 building of the Society, for sub-letting/giving on leave and licence basis/caretaker
 basis the said Flat/Bungalow or part of the said Flat/Bunglow. A copy thereof is
 enclosed herewith.

I/We request you to admit me us a nominal member of the Society.

I/We remit herewith the entrance fee Rs. 100/-.

I/We are aware that being a nominal member, I/We have no rights or privileges of
 the membership and cannot claim any share in the profits or assets of the Society.

I/We undertake to vacate the Flat/Bungalow or part of the Flat/Bungalow
 peacefully, immediately on expiry of the term of agreement or the extended term
 term /Bungalow .

I/We have gone through the bye-laws of the Society and undertake to abide by
 them with any modifications, the Registering Authority may make in them.

I/We undertake that I/we shall be liable for the payment of all the outgoings of the
 Society. The consent letter of Shri/Shrimati.....
 for my/our admission as a nominal
 member/s of Society is given below.

Yours faithfully,

Place :
 Date :

Licensee / Caretaker

I Shri/ Smt. a member
 of the Co-operative Housing Society Ltd.,
 give my consent for shri/shrimati.....
 to be admitted as a Nominal Member of the Society.

(Signature of the member)

APPENDIX - 12

{Under the Bye-laws Nos. 24 and 76 (a)}

The form of Letter of Allotment of the Flat to the Member of the Society

To,

Shri//Smt./Messrs.

Dear Sir,

You are the member of the Co-operative Housing Society Ltd., (Registration Number dated) having address at registered or deemed to be registered as per the provisions of Maharashtra Co-operative Societies Act, 1960 by the Assistant Registrar /Deputy Registrar /Joint Registrar of Co-operative Societies .

2. You have purchased the Flat No. admeasuring Sq. Metres, constructed in the building No. /Known as on the plot No. of admeasuring Sq. Metres. The Said Flat is deemed to have been allotted to you under bye-law no. 76(a) of the bye-laws of the Society. The Flat No.....admeasuring sq.metres, in the building of the Society numbered/known asconstructed on the plot No..... of, admeasuring sq.metres stands allotted to you under the provision bye-law no. 76 (a) of the bye-laws of the Society on transfer of interest in the said Flat by Shri/Shrimati to you as approved by the committee/ General Body Meeting of the Society held on

3. You may enjoy the right of occupation of the said Flat/plot under the provisions bye-law no. 24(a) of the bye-laws of the Society.

4. So long as the said Flat/Bungalow stands in your name in the records of the Society, your right of occupying the flat/plot shall be subject to the following provisions in the bye-laws of the society that is to say sub-letting, giving on leave and licence or care-taker basis, the said Flat or part of the plot or parting with the possession of the flat/plot in any other manner, maintenance of the Flat by the member and repairs to it, additions and alterations in the Flat/Bungalow avoiding any kind of nuisance, annoyance or inconvenience to other members of the Society, stocking or storing of any kind of goods or materials, which are combustible, obnoxious or other goods for the storing of which permission of the authority, under any law, relating thereto, is necessary, restrictions on holding more than one Flat/Bungalow payment of charges of the Society, transfer of shares held

by you and your interest in the capital/property of the Society, use of the Flat/plot for the purpose for which the same has been given as mentioned in para 5 below, change of user and any other conditions laid down under the provision of these bye-laws of the society or these bye-laws, but not specifically mentioned hereinabove.

5. The Flat/Bangalow allotted to you shall be used only for the purposes mentioned below:

(State here the purpose for which the Flat in question was allotted/deemed to have been allotted).

6. An breach/breaches of the provision of the bye-laws of the Society, which is/are considered by the Managing Committee of the Society as serious nature shall render you liable for expulsion from membership of the Society and consequent eviction from the Flat / plot.

Yours Faithfully,

Secretary / Chairman
_____ Co-op. Housing Society Ltd.

Place :

Date :

APPENDIX 13

(Under the bye-law no.27(a))

The Form of Notice of Resignation of membership of the Society by a member.

To

The Secretary,

..... Co-operative Housing Society Ltd.,
.....

Sir,

I/We Shri/ Shrimati/Messrs
 am/are a member of the Co-operative Housing
 Society Ltd., having address at
 holding Shares of Rupees fifty each, amounting to Rs.
and the Flat No. in the building of the Society numbered/
 known as

I/We desire to withdraw from the Society and therefore give you a notice of
 three months of my/our intention to resign from membership of the Society, as
 required under the Bye-law no. 27(a) of the bye-laws of the Society.

I/We hereby state that I/we am/ are prepared to discharge in full the
 amount of liability to the Society as per records of the Society before my/our
 resignation is considered by the Managing Committee of the Society.

OR

I/We authorise the Society to recover the charges of the Society,
 due to the society as per my/our account(calculation) from the value of my / our flat.

On acceptance of my/our resignation, I/we will surrender the share
 certificate No..... for shares numbering from
 to..... (both inclusive) for Rs to the Society and the
 vacant possession of the Flat.

I/we request you please pay me/us the value of the shares referred to
 above and the value of my/ our interest in the Flat, due to me us remained after
 deducting the amount payable to the Society and outstanding against me/us.

Yours faithfully,**Place:****Date :****(Signature of Member)**

APPENDIX 14

(Under the Bye-law no. 32)

FORM OF NOMINATION TO BE FURNISHED IN TRIPLICATE

To,
 The Secretary,
 Co-operative Housing Society Ltd.,

Sir,

I, Shri/Shrimati am
 the member of the Co-operative
 Housing Society Ltd., having address at

2. I hold the share certificate No., dated fully
 paid up 10 shares of Rupees fifty each, bearing numbers from to
 (both inclusive), issued by the said Society to me.

3. I also hold the Flat No..... admeasuring Sq. Metres,
 in the building of the said Society, known/numbered as

4. As provided under Rule 25 of the Maharashtra Co-op. Societies Rules, 1961,
 I hereby nominate the person/s whose particulars are as given below :

Sr. No.	Name/s of Nominees	Permanent Addresses of the Nominee/s	Relationship with the Nominator	Share of each Nominee (percentage)	Date of birth of Nominee/s if the Nominee/s is/are a minor
---------	--------------------	--------------------------------------	---------------------------------	------------------------------------	--

1	2	3	4	5	6
---	---	---	---	---	---

- 1)
- 2)
- 3)
- 4)
- 5)

5. As provided under Section 30 of the Maharashtra Co-op. Societies Act, 1960 and the Bye-law no. 36 of the bye-laws of the Society, I state that on my death, the shares mentioned above and my interest in the tenement /Flat, the details of which are given above, should be transferred to Shri/Shrimati the first named nominee, on his*her complying with the provisions of the Bye-laws of the Society regarding requirements of admission to membership and on furnishing Indemnity Band, alongwith the application for membership, indemnifying the Society, against any claims made to the said shares and my interest in the said tenement/ Flat by the other nominee/nominees.

6. As the nominee at Sr. No..... is minor, I hereby appoint Shri/ Shrimati as the guardian/legal representative of the minor to represent the minor-nominee in matters connected with this nomination.

Signature of the Nominator Member.

Place :

Date :

Witnesses :

Names and Addresses of the Witnesses.

(1) Shri/Shrimati..... (1) Signature of the Witness
Address.....
.....

(2) Shri*Shrimati. (2) Signature of the Witness
Address.....
.....

Place :

The nomination was placed in the meeting of the Managing Committee of the Society held on for being recorded in its minutes.

The nomination has been recorded in the Nomination Register at Sr. No.....

Secretary
..... Co-op. Hsg. Society Ltd.

Received the duplicate copy of the nomination.

Nomination Member

Date :

APPENDIX 15
(Under the Bye-law no. 34)

The Form of application for membership by the Nominee / Nominees

To

The Secretary,

..... Co-operative Housing Society Ltd.,
.....

Sir

I, Shri/ Smt..... hereby make an application for membership of the Co-operative Housing Society Ltd., address..... and for transfer of shares and interest of Shri/Shrimati deceased member of the Society, in the capital / property of the Society.

Shri/Shrimati was a member of the Society holding shares of Rs. fifty each and Flat/tenement No. in the Society's building.

Shri/Shrimati..... the deceased member of the Society died on A copy of the death certificate of the said member is enclosed.

The late Shri/Shrimati the deceased member of the Society had nominated me/us under Rule 25 of the Maharashtra Co-operative Societies Rules 1961.

Being the only nominee/ first nominees as per nomination filed with the Society by the deceased member, I/we am/are entitled to make an application for membership of the Society and for transfer of shares and interest of the deceased member in the capital/property of the Society to my/our name.

I/We have executed the Indemnity Bond in favour of the Society indemnifying it against any claim made at any subsequent time by other nominee/nominees to the shares and interest of the deceased member in the capital/property of the Society. The said Indemnity Bond is enclosed herewith. [Appendix 18]

I/We remit herewith an amount of Rs. 100/- as entrance fee my our particulars for the purpose of consideration of my application for membership of the Society are as under :

Age :
 Occupation :
 Monthly Income : Rs.....
 Office Address :
 Residential Address:

I/We enclose herewith the undertaking and the declaration, in the prescribed form, in respect of the registration of transfer of the Flat / tenement to my /our name under Section 269AB of the Income - Tax Act.

I/We undertake to discharge the present and future liabilities to the Society. As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the Society on my behalf. I/We have got understood the bye-laws of the Society and undertake to abide by the same and any modifications that the Registering Authority may make in them. I/We request you to please admit me/us as a member of the Society and transfer the shares and interest of the deceased member in the capital/property of the Society to my/our name. The share certificate held by the deceased member is enclosed herewith.

I/We undertake to use the flat for purpose for which it was allotted to or acquired by the deceased member and that any change of user will be made with prior approval of the society. the undertaking in the prescribed form to that effect is enclosed (Appendix-3)

Yours faithfully,

Place :

(Signature of Nominee)

Date :

Note :

- (1) The expression "a member of a family" means as defined under bye-law no. 3 (xxv).
- (2) The undertaking about registration of the Flat is not necessary if the nominee is related to the deceased member within the meaning of Section 2(41) of the Income-tax Act.

APPENDIX 16

(Under the bye-law no. 35)

The Form of Notice, inviting claims or objections to
the transfer of the shares and the interest of the Deceased Member in the
Capital/Property of the Society.

(To be published in two local newspaper having large publication)

NOTICE

Shri/Smt. a member
of the Co-operative Housing Society Ltd., having
address at and holding Flat /
tenement No..... in the building of the society, died on
without making any nomination.

The Society hereby invites claims or objections from the heir or heirs or other
claimants/objector or objectors to the transfer of the said shares and interest of the
deceased member in the capital/property of the Society within a period of
..... days from the publication of this notice, with copies of such documents
and other proofs in support of his/her/their claims/objections for transfer of shares
and interest of the deceased member in the capital/property of the Society. If no
claims/objections are received within the period prescribed above, the Society
shall be free to deal with the shares and interest of the deceased member in the
capital/property of the Society in such manner as is provided under the bye-laws of
the Society. The claims/objections, if any, received by the Society for transfer of
shares and interest of the deceased member in the capital/property of the Society
shall be dealt with in the manner provided under the bye-laws of the Society. A copy
of the registered bye-laws of the Society is available for inspection by the
claimants/objectors, in the office of the society/with the Secretary of the Society
between A.M. / P.M. to A.M. / P.M. from the date of
publication of the notice till the date of expiry of its period.

For and on behalf of

The Co-op. Housing Society Ltd.

Hon. Secretary

Place :

Date :

APPENDIX 17

(Under the bye-law no. 35)

Application for Membership by the Heir of the Deceased Member of the Society.

To,

The Secretary,
..... Co-operative Housing Society Ltd.,
.....

Sir,

I, Shri/Smt..... hereby make an application for membership of the Co-operative Housing Society Ltd., having address at and for transfer of shares and interest of the deceased member of the Society in the capital / property of the Society.

Shri/Smt who was a member of the Society holding shares of Rs. fifty each and the Flat / Tenement No. in the Society's building, died on without making a nomination. His/her death certificate is enclosed herewith.

I hereby state that I am the only heir of the said deceased member / there are heirs of the deceased member including me and all of the heirs have made an affidavit chosing me to make an application for membership of the Society and for transfer of shares and interest of the deceased member in the capital/property of the Society to my name. The affidavit in original is enclosed.

I have also executed an Indemnity Bond in favour of the Society, [Appendix 18 (2)]indemnifying it against any claim made by any other person/persons or heir/heirs at any subsequent time in respect of the shares and interest of the deceased member in the capital/property of the Society.

I remit herewith an amount of Rs. 100/- as entrance fee.

My particulars for the purpose of consideration of my application for membership of the society are as under :

- Age :
- Occupation :
- Monthly Income : Rs.....
- Office Address :
- Residential Address:

I give below the particulars of the plot /Flat/house owned by me or any of the members of my family/person dependent on me in the area of operation of the Society.

Sr.No	Name of the person	Particulars of the tenement/Flat/house owned by the applicant or by any of the members of his family or a person dependent on him in the area of operation of the Society	Location of the tenement Flat/ house
1	2	3	4

I undertake to use the Flat/ tenement for the purpose for which it was held/acquired by the deceased member and that any change of user will be made with the prior approval of the Society. (Appendix 4).

I also enclose herewith the undertaking and the declaration in the prescribed forms that I will dispose of the tenement/Flat/house, owned by me or any of the members of my family, or the person dependent on me, the details of which are given above.

I enclose herewith the undertaking and the declaration in the prescribed forms about registration of the transfer of the Flat/tenement to my name under Section 269AB of the Income -tax Act

I undertake to discharge all the present and future liabilities to the Society. As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the Society on my behalf.

I have gone through the bye-laws of the Society and undertake to abide by the same and any modifications that the Registering Authority may make in them.

I request you to please admit me as a member of the Society and to transfer the shares and interest of the deceased member in the capital/property of the Society to my name. The share certificate held by the deceased member is enclosed herewith.

Yours faithfully,

Place :

Date :

Note :

- (1) The expression "a member of a family" means as defined under bye-law no. 3 (xxv).
- (2) The undertaking about registration of the transfer of tenement is not necessary if the nominated person is related to the deceased member within the meaning of Section 2(41) of the Income-tax Act.

APPENDIX 18

(Under bye-law no. 34)

FORM OF INDEMNITY BOND

To be given on Stamp Paper of Rs.200 or to be affixed with adhesive stamps of the same denomination.

(To be given where there are more nominees than one)

I, Shri/Shrimati residing at
an Indian inhabitant State as under:

2. Shri/Shrimati residing
at was the member of the
Co-operative Housing Society Ltd., having address at
He/She was holding Share Certificate No. for ten fully paid up shares
of Rupees Fifty each, bearing distinctive numbers from to
..... (both inclusive).

3. The said Shri/Shrimati was holding
the Flat / tenement No.on floor, in the building of the Society,
known/numbered asconstructed on the plot of land, bearing
No..... at

4. The said Shri/Shrimati had nominated
the following persons under Rule 25 of the Maharashtra Co-op. Societies, 1961.

- (i) Shri/Shrimati
- (ii) Shri/Shrimati
- (iii) Shri/Shrimati
- (iv) Shri/Shrimati
- (v) Shri/Shrimati

5. I am duly authorised by the above nominees to make an application for
membership in the Society. My name appears first in the said nomination Letter.

6. The said Shri/Shrimati died on or about

7. According to the bye-law no. 34 of the bye-laws of the said Society I am entitled
to make an application for membership of the said Society and for transfer of the
said shares and interest of the said deceased member in the said Flat / tenement
to my name. Accordingly, I have made an application for membership of the said
Society and for transfer of the Shares and the interest of the said deceased
member in the said Flat/tenement to my name.

8. I hereby indemnify and keep Indemnified the said Society and its office - bearers against any claim, demand, suit or other legal proceedings by other nominee/nominees claiming either lawfully and /or equitably, through the said deceased Shri/Shrimatiand shall see that the said society and its office bearers are not put to losses.

I further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand, suit and /or legal proceedings which may be filed by other nominee/nominees either lawfully and/or equitably claiming through the said deceased member of the Society.

9. I am fully aware of the fact that the Society admits me as its member in place of the said deceased member of the Society only on the basis of the indemnity and undertaking furnished by me.

Signature of applicant

Place :

Date :

Signatures of nominees other than applicant

1).....

2).....

3).....

Witnesses :

Names and Addresses of the Witnesses.

(1) Name (1) Signature of the Witness.....
Address
.....

(1) Name (1) Signature of the Witness.....
Address
.....

Place :

Date :

APPENDIX 19

(Under the bye-law no.35)

FORM OF INDEMNITY BOND

***To be given on Stamp Paper of Rs. 200 or on a paper affixed
with adhesive stamps of the same denominations***

(To be given where there is no nomination)

1. I, Shri/Shrimati of
..... Indian inhabitant, state as under:

2. Shri/Shrimati residing at
..... who was the member of the
..... Co-operative Housing Society Ltd. having
address at died on or about
.....

3. The said Shri/Shrimati had not made
any nomination as provided under Rule 25 of the Maharashtra Co-operative
Societies Rules, 1961.

4. The said Shri/Shrimati was
holding the share certificate No. for 10 fully paid up shares of
Rupees fifty each, bearing distinctive numbers from to
..... (both inclusive).

5. The said Shri/Shrimati was
holding Flat/tenement No. on floor in the building of
the Society known asor in the building No
constructed on the plot of land bearing No situated
at

6. The said Shri/Shrimati has left behind
me as his/her only heir/the following heirs:
 - (I) Shri/Shrimati :
 - (ii) Shri/Shrimati :
 - (iii) Shri/Shrimati :
 - (iv) Shri/Shrimati :
 - (v) Shri/Shrimati :

As I am the only heir of the deceased Shri/Shrimati.....
I inherit his/her shares and his/her in the said tenement. According to the bye-law
no. 35 of the bye-laws of the said Society, I am entitled to make an application for

membership of the said Society and for transfer of the said shares and the interest of the said deceased member in the said Flat/tenement to my name. Accordingly, I have made an application for transfer of the said shares and the interest of the said deceased member in the said Flat to my name.

OR

According to the bye-law no.35 of the bye-laws of the Society, all the above heirs have jointly made an affidavit, and have suggested my name to make an application for Joint/Associate membership of the said society and for transfer of the said shares and the interest of the said deceased member in the said Flat/tenement/plot of land to our name. Accordingly, I have made application for membership of the said Society and for transfer of the said shares and the interest of the deceased member in the said Flat/tenement to my name.

7. I hereby indemnify and keep indemnified the said Society and its office-bearers against any claim, demand, suit or other legal proceedings by any other heir/heirs, either lawfully and /or equitably through the said deceased Shri/Shrimati and shall see that the said society and its office bearers are not put to losses. I further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand, suit and/or legal proceedings, which may be filed by any other heir/heirs, either lawfully and/or equitably, claiming through the said deceased member of the Society.

8. I am fully aware of the fact that the Society admits me as its member in place of the said deceased member of the Society on the basis of the indemnity and undertaking furnished by me.

Signatures

Place :
Date :

- 1)
- 2)
- 3)

Witnesses :

- (1) Name (1) Signature of the Witness.....
Address
- (2) Name (2) Signature of the Witness.....
Address

Place :
Date :

APPENDIX 20 (1)
[Under the Bye-law no. 38(a)]

A Form of Notice of intention of a member to transfer his Shares and Interest in
the Capital/Property of the Society.

To

The Secretary,

..... Co-operative Housing Society Ltd.

.....

Sir,

I/We Shri/Shrimati/M/s
are the member of the.....Co-operative Housing Society Ltd., having
address at and holding Ten / Twenty fully paid up
shares of Rupees fifty each, bearing distinctive numbers from to
..... (both inclusive) and are holding the Flat / tenement No
.....admeasuring.....Sq. Mtrs., in the building No.....
of the Society, and hereby give you notice as required under Rule 24 of the
Maharashtra Co-operative Societies Rules, 1961 as under:

I/We Shri/Shrimati/M/s.....
..... intend to transfer my/our shares and my/our/ ownership
right, title and interest in the Flat in capital of the building of the Society and my/our
interest in the capital of the Society to Shri/Shrimati/ M/s
.....for a consideration of Rs

The consent of the transferee is enclosed.

Yours is faithfully,

(Transferor)

Place :

Date :

Encl : Consent letter from the transferee.

APPENDIX 20 (2)

[Under the Bye-law no. 38(a)]

A Form of the letter of consent of the Proposed Transferee for the transfer of the shares and interest of the member (Transferor) to him (Transferee).

To

The Secretary,

..... Co-operative Housing Society Ltd.

.....

Sir,

Shri/Shrimati/M/s
are the members of Co-operative Housing Society Ltd.,proposes to transfer his/her/their shares and interest in the capital/property of the Society to me/us. I/We hereby give my/our consent for the transfer of shares and interest of Shri/Shrimati/M/s in the capital/property of the Society to me/us as required under Rule 24(1)(b) of the Maharashtra Co-operative Societies Rules,1961.

My/our name and address is as under:

.....

.....

Yours faithfully,

(Transferee)

Place:

Date :

APPENDIX 21

[Under Bye-law no. 38(e)(i)]

*Form of application for transfer of Shares and interest in the Capital/
Property of the Society by the Transferor (being an individual).*

To

The Secretary,

..... Co-operative Housing Society Ltd.

.....

Sir,

1. I Shri/Shrimati
am the member of the Co-operative Housing Society
Ltd., having address at and holding the Share Certificate
No. for ten fully paid up shares of Rupees Fifty each, bearing
distinctive numbers from to (both inclusive) and
holding the Flat / tenement No. admeasuring Sq.
Metres, in the building of the said Society. numbered/ known as
.....

2. I had given you notice of my intention to transfer the said shares and my
interest in the capital/property of the Society on as
required under Rule 24(1) (b) of the Maharashtra Co-operative Housing Societies
Rules, 1961, alongwith the consent of the proposed transferee, Shri/Shrimati/M/s
.....

3. I enclose herewith the application in the prescribed form for membership of
the said Society by the said proposed transferee.

4. I remit herewith the transfer fee of Rs. 500/- (Rupees Five Hundred only). I
also remit herewith the amount of the premium of Rs.....
(Rupees only), as provided under bye-law
no. 38(e)(ix) of the bye-laws of the Society.

5. I state that the said shares and interest in the capital/property of the said
Society have been held by me for a period of not less than a year.

6. I further state that the liabilities due to the said Society by me, as on the date of this application, have been fully paid by me. I also undertake to pay the liabilities, which may become due till the transfer application is approved by the Society.

7. I hereby undertake to discharge any liabilities to the said Society, which related to the period of my membership with the said Society and have become payable by me after cessation of my membership of the said Society due to any demand made by the local authority, Government or by an other authority on any account, after cessation of my membership.

8. I propose to transfer the said shares and my interest in the capital/property of the said Society on the following grounds :

- (i)
- (ii)
- (iii)

9. I also furnish herewith the undertaking in the prescribed form, on one hundred rupee stamp paper, about the registration of the transfer, as required under Section 269AB of the Income-tax Act.

11. I request you to approve the proposed transfer and inform me accordingly.

Yours faithfully

(Signature of the Transferor)

Place :

Date :

APPENDIX 22

[Under bye-law no. 38(e)(i)]

***Form of application for Transfer of shares and interest in the
Capital/Property of the Society by the transferor
(Being a corporate Body)***

To

The Secretary,

..... Co-operative Housing Society Ltd.

.....

.....

.....

Sir,

1. I, We, M/s. are the member of the Co-operative Housing Society Ltd., having address at and holding Share Certificate No. for twenty fully paid up shares of Rupees Fifty each, bearing distinctive numbers from to (both inclusive) and holding the Flat / tenement No. admeasuring Sq. Metres, in the building of the said Society, numbered/ known as

2. We had given you notice of our intention to transfer the said Shares and our interest in the capital/property of the Society on as required under Rule 24(1)(b) of the Maharashtra Co-op. Societies Rules, 1961, alongwith the consent of the proposed transferee Shri/Shrimati/M/s

3. We enclose herewith the application in the prescribed form for membership of the said Society, by the said proposed transferee, named in the notice, referred to above.

4. We remit herewith the transfer fee of Rs. 500/- (Rupees Five Hundred Only). We also remit herewith the amount of the premium of Rs. (Rupees only) as provided under bye-law no. 38(e)(ix) of the bye-laws of the Society.

5. We state that the said shares and the interest in the capital/property of the said Society have been held by us for a period of not less than a year.

6. We further state that the liabilities due to the said Society by us, as on the date of this application, have been fully paid by us. We also undertake to pay the liabilities, which may become due till the transfer application is approved by the Society.

7. We hereby undertake to discharge any liabilities to the said Society, which related to the period of my membership with the said Society and have become payable by us after cessation of membership of the said Society due to any demand made by the local authority, Government or by any other authority on any account, after cessation of our membership.

8. We propose to transfer the said shares and our interest in the capital/property of the said Society on the following grounds :

- (i)
- (ii)
- (iii)

9. We also furnish herewith the undertaking in the prescribed form, on one hundred rupees stamp paper, about the registration of the transfer, as required under Section 269 AB of the Income-tax Act, and the Rules made thereunder.

10. We have authorised Shri/Shrimati to sign the application for transfer on our behalf. A certified copy of the authority letter is enclosed herewith.

11. We request you to approve the proposed transfer and inform me accordingly.

Yours faithfully

(Transferor)
(Signature of the Transferor)

Place :

Date :

Appendix No. - 23
 [Under Bye-law No. 38(e)(ii)]
Form of application for membership of the society
by the Proposed Transferee
(Being an Individual)

To

The Secretary,

.....Co-op Housing Society Ltd.

.....

1. I, Shri/Shrimati intend to become a member of the Co-op Housing Society Ltd., having address at by transfer of the Shares Certificate No. for ten fully paid up shares of Rupees Fifty each, bearing distinctive numbers from to.....(both inclusive) held by Shri/Shrimati the member of the said society and his/her interest in the flat/ tenement No..... admeasuring.....sq. metres in the building of the said society, numbered known asheld by the said Shri/Shrimati to my name.

2. I had given my consent to the proposed transfer of the said shares and the interest of the said transferor in the capital/property of the said society to me on

3. I now make this application for membership of the said society and for transfer of the said shares and the interest of the said transferor in the capital/property of the said society to my name.

4. The particulars for the purpose of consideration of my application for membership of the Co-op Housing Society Ltd., are given below:

Age :
 Occupation :
 Monthly Income : Rs.....
 Office Address :
 Residential Address :

I remit herewith the entrance fee of Rs. 100/- (Rupees One Hundred only).

6. I declare that there is no plot/flat/house owned by me/any of the members of my family/the person dependent on me, in the area of operation of the society.

I give below the particulars of the plot / flat/ house owned by me/any of the members of my family/person dependent on me, in the area of operation of the society.

Sr. No	Name of the Person	Particulars of the Plot/flat/ house owned by me/the person dependent on me, in the area of operation of the society	Location of the plot/ flat/house	Reason as to why it is necessary to have a flat in this society
1	2	3	4	5

7. I also furnish herewith the undertaking in the prescribed form, on 100/- rupees stamp paper about registration of the transfer under section 269AB of the Income-tax Act and the Rules made thereunder.

8. I undertake to use the flat, proposed to be transferred to me, for the purpose, mentioned in the letter that will be issued to me by the said society, under bye-law No.76 (a) of the bye-laws of the said society and that no change of the user of the said flat will be made by me without the prior approval of the society in writing. The undertaking to that effect in the prescribed form is enclosed herewith.

9. I undertake to discharge all the liabilities to the society, which may become due from the date of my admission to the membership of the society. As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent, to the effect that he will discharge all liabilities to the society.

10. I also enclose herewith the undertaking in the prescribed form that the plot/flat/house owned by me/any of the members of my family/the person dependent on me, the details of which are given in this application, about the disposal of the said plot/flat/house.

11. I have gone through the bye-laws of the said society and undertake to abide by the same and any modifications that the Registering Authority may make in them.

12. I request you to please admit me as a member, of the said society and transfer the shares and the interest of the transferor in the capital/property of the said society to my name.

Yours faithfully,

Place:

Date:

(Signature of the applicant)

Note: The expression "a member of a family" means and includes as defined under bye-law No. 3 (xxv)

Appendix No. - 24

[Under the Bye-law No. 38(e)(ii)]

**Form of application for membership of the society
by the Proposed Transferee (being a Body Corporate)**

To

The Secretary,

.....Co-op Housing Society Ltd.

.....

Sir,

1. We Messrs
having address at,intend to become a member
of the Co-op Housing Society Ltd., by transfer of the
Share Certificate No. for 20 fully paid up shares, bearing distinctive
numbers from to.....(both inclusive) held by
Shri/Shrimati the member of the said society
and his/her interest in the flat No..... admeasuring.....sq. metres
in the building of the said society, numbered / known as
to our name.

2. We had given our consent to the proposed transfer of the said shares and
the interest of the said transferor in the capital/property of the said society to us
on

3. We now make this application for membership of the said society and for
transfer of the said shares and the interest of the said transferor in the
capital/property of the said society to our name.

4. We remit herewith the entrance fee of Rs. 100/- (Rupees One Hundred
only),and Rs.500/-(Rupees Five Hundred only), as value of aforesaid shares as
per bye-law No.19(B).

5. We hereby undertake to discharge all the liabilities tothe society whichmay
become due from the date of our admission to the membership of the society.

6. We declare on the basis of the information,, given to us by the said society that by admitting us to membership of the-said society, the total membership of corporate bodies of the said society will not exceed the limit mentioned in the Government Order enclosed at Annexure 1, to the bye-laws of the society

7. We also furnish herewith the undertaking in the prescribed form, on one Hundred rupees stamp paper about registration of the transfer under section 269AB of the Income-tax Act and the Rules made thereunder.

9. We undertake to use the flat/ Tenement proposed to be transferred to us, for the purpose, mentioned in the letter that will be issued to us by the said society, under bye-law No.76 (a) of the bye-laws of the said society and that no change of user of the said flat will made by me without the prior approval of the society in writing. The undertaking to that effect in prescribed form is enclosed herewith.

10. We have gone through the bye-laws of the society and the Government Orders issued under section 22 of the Maharashtra Co-op. Societies Act, 1960 and undertake to abide by the same and any modifications that the Registering Authority and the Government may respectively make in them.

11. Shri/Shrimatihas been authorised to sign this application on our behalf. A certified copy of the authority letter is enclosed herewith.

12. We request you to please admit us as a member, of the said society and to transfer the said shares and the interest of the transferor in the capital/property of the said society to our name.

FOR AND ON BEHALF OF THE

.....
.....

Signature of Authorised Person

Place :

Date :

ON A HUNDRED RUPEES STAMP PAPER
--

APPENDIX 25(2)

(Under the Bye-laws Nos. 19A (vii) and (iv))

Form of Undertaking about the registration of the acquisition of a flat
under section 269 AB of the Income-Tax Act.)

(To be given by a person seeking direct admission
to the membership of the Society)

I/We, Shri/Shrimati/Messrs.....
intend to become a member of the.....Co-operative
Housing Society Ltd. (Proposed) in respect of the Flat No.....in the
building of the society, purchased by me/us under the agreement under Section 4
of the Maharashtra Ownership Flats Act, 1963 entered into with the Builder,
solemnly declare that I shall furnish necessary information in Form 37E to the
competent authority, under the Income-Tax Act, within 30 days of the General Body
Meeting at which the application for membership will be approved, or being
registered under Section 269 AB of the Income Tax Act.

Place :

Signature of the Applicant

Date :-

**ON A HUNDRED RUPEES
STAMP PAPER**

APPENDIX -26

(Under the Bye-law No.40)

*A form of intimation by the society to the transferee about
exercise of rights of membership by him.*

To,
Shri. /Shrimati/ Messrs,.....

.....

1. Upon acceptance of the application for transfer of Shares and interest of Shri. /Shrimati/ Messrs.....in the capital/ property of the society, to you and upon acceptance of your application for membership of this society simultaneously, in the General Body Meeting of the society, held on your name has been entered in the Register of Members in "I" Form and in the List of Members in "J" Form and necessary endorsement of transfer of shares held by the transferor to your name has been made in the letter bearing No.Upon receiving this letter, you shall be eligible to exercise the rights of membership of this society in accordance with the Act, Rules and the Bye-Laws of the Society.

2. The said share certificate, duly endorsed in your name, is enclosed herewith.

Enclosures:- Share Certificate.

Place:-

Yours faithfully,

Date :-

Secretary
The Co-operative Housing Society Ltd.

APPENDIX 27

[Under the Bye-law No, 43(2)(I)]

A form of application for permission to sub-let, give on leave and licence or care-taker basis the flat or part thereof,

To,
The Secretary
.....Co-operative Housing Society Ltd.
.....

Sir

I, Shri/Shrimati..... am the member of.....Co-operative Housing Society Ltd, holding Flat No.....admeasuring.....Sq. ft. onfloor of the building/ plot number/ named as.....of the society, I propose to sub-let/give on leave and licence/ care-taker basis my flat or part of the flat to the person named hereinafter under an agreement duly stamped and registered (copy enclosed) under the following circumstances.

1. I am required to go out of the area of operation of the society under conditions of service/ on business proposition/ my prolonged illness. The duration of my absence from the headquarters will not be less than..... years / months. I cannot continue in occupation of my flat during the period of my absence from the headquarters.

2. There are no facilities available at the moment in the locality of the society for education of my children. According to the information gathered by me, the provisions of facilities for education of my children may require..... years/ months. In the absence of these facilities at present, it will not be possible for me to occupy that flat / continue in occupation of the flat during the above period.

3. I could not secure admission to the school for my children in the locality of the society. It may take.....months for me to secure admission to the school in the locality for my children During this period, it will not be possible for me to occupy the flat / continue in occupation.

Note : State any reason other than those mentioned above to justify your inability to occupy or continue in occupation of the flat. The name of the person to whom the flat is proposed to be sub-let/ proposed to be given on leave and licence/ care-taker basis, is Shri/ Shrimati/ Messrs..... residential.....having office address at His / her / their application for nominal membership of the society in the prescribed form is enclosed herewith. I undertake to initiate legal proceedings against the sub-lettee/ licensee/ care-taker on my failure to secure vacant and peaceful possession of the flat from the sub-lettee/ licensee/ caretaker on expiry of the original or extended period of sub-letting/ licence/ care-taking and to make the society the party to the proceedings and to reimburse the expenditure which the society may be required to incur on legal proceedings to get back the possession of the flat/ bungalow or part thereof. I also undertake to pay all the charges of the society every month within the time stipulated without any excuse from the date of the possession of the flat part of flat till I get possession thereof. I also undertake to pay non-occupancy charges at the rate fixed under bye-law No. 43 (c) during the period mentioned above.

I request you to please grant necessary permission to sub-let/ give on leave and licence/ care taker basis the flat/ part of the flat, to the person hereinabove mentioned for a period of..... year..... months, In case it becomes necessary for me to extend the period of sub-letting/ giving on leave and licence/ caretaker basis the flat/ part of the flat, I will submit an application for extending the period well in advance of expiry of the original period with due justification for extending the period.

Yours faithfully,

Place :

Date :

Signature of the Applicant

APPENDIX-28

[Under the Bye-law No.62]

Form of application for Permission to hold more than one flat.

To,
The Secretary/Chief promoter,
..... Co-operative Housing Society Ltd.(Proposed)
.....
.....

Sir,

1. I am the member/promoter of the Co-operative Housing Society Ltd., (Proposed) at..... and hold/ intend to hold Flat No..... Admeasuring sq. meters, in the building No.....Building/ plot known as

2. I intend to have additional flat in the building of your society, in my name/in the name of my wife/husband/son having no independent source of income/unmarried daughter/person dependent on me. The area of the said flat issq. meters/ ft.

3. As the number of members in the family is large/the number of persons dependent on me and required to stay with me is large/my business activities are such as need special arrangement to accommodate visitors, coming to me for business/(state here any other convincing reason), the additional Flat is absolutely necessary.

4. it is hereby declared that both my flats will be used for my/our bonafide residential purposes and would not be sub-let or given on leave and license or care-taker basis or possession thereof would not be part with any other manner, without the previous permission of the committee of the society.

5. I request you to please grant necessary permission for holding the additional flat.

Place:

Yours faithfully,

Date:

Signature of the Applicant.

APPENDIX No. 29
(As per Rule 58 A) Form M-20

I, Shri/Smt.
age resident of
have been elected on the Managing Committee of
..... Co. Op. Hsg. Society Ltd.,
for the period.....

I have assumed office from

I declare today i.e. that I shall be jointly and severally responsible for all the decisions which may have been taken by the committee pertaining to the affairs of the Society during its term relating to the business of the society and shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the society, as provided in section 73 (1AB) of the Act.



Signature of Managing Committee Member

.....

Signature of witness
(Secretary/Chief Executive Officer)

Date :
Place :- Mumbai