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VASAI TALUKA HOUSING SOCIETIES REVIEW

Vasai Taluka

**Housing**  
Federation

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**Views expressed in this Magazine are of the authors & VTHF is not Responsible for its Contents. Circulate among Friends and other members of the Society**

## EDITORIAL

Dear Readers,

Year end is nearing and I suppose all the societies are gearing up to complete the audit of their financial statements on time. Hope you are aware that all the societies have to compulsorily to get their accounts audited within 4 months from the end of the financial year. That is on or before 31<sup>st</sup> July every year. You must also be aware that the conduct of AGM has to be done on or before 30<sup>th</sup> September every year.

Online registration is also must which every society should follow failing which the department can take action against the society to the extent of even de-registering the society. Therefore those societies who have not yet done may do so at the earliest. The procedure to do so is explained separately elsewhere in the magazine.

Fortunately, the Honorable Bombay High Court has given many judgments in favour of society in respect of bigger layout too. All are requested to get their conveyance done at the earliest and avail the benefit of the Deemed Conveyance.

Its election time, all are requested to enroll themselves in electoral list if not yet done. Remember even though casting vote is a right but its more of your duty to do so to get a proper able government. PLEASE DO VOTE.

So far you have been reading the editorials from the Secretary under the guidance of CA. Ramesh Prabhu however I thank all the committee members of the federation to give me this opportunity to write an editorial. Hope you would enjoy reading it.

Those who are yet to become the member of the federation are requested to apply as soon as possible to get the benefit of the free monthly magazine.

Happy Reading.

CONTAIN

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# HIGH COURT WHILE CONFIRMING DEEMED CONVEYANCE ORDER DON'T PASS LIABILITIES OF LAND OWNERS, DEVELOPERS TO HOUSING SOCIETIES

**Kanchan Choudhary – Hindustan Times**

Mumbai : While granting deemed conveyance, the competent authority under the Maharashtra Ownership Flats Act (MOFA), 1963 cannot pass the liabilities of the landowner or developer to the co-operative housing society concerned, the Bombay High Court held recently.

The Court struck down three conditions imposed by the competent authority while granting Deemed Conveyance to Sushil Samir Co-operative Housing Society (CHS) in Kandivali (East).

One of the terms required the society to pay stamp duty on the agreement executed between the original land owner Universal Music India and the developer Gokul Enterprises.

The division bench of Justice V.M. Kanade and Justice Girish Kulkarni held that the competent authority under MOFA had no authority to go into the issue of payment of appropriate stamp duty on the agreement between the landowner and the developer.

“Perusal of the facts of the present case clearly reveals that the competent authority appointed under section 5A (of MOFA) has transgressed its jurisdiction and has imposed conditions 2(i), 2(ii) and 2(iii), which do not fall within his jurisdiction, and, as such, was not authorized to deal with the said issues,” the judges said.

Sushil Samir CHS had approached the competent authority seeking deemed conveyance as Gokul Enterprises had not responded to their requests for conveying the property to the society although the building had been completed in the 1990.



On June 4, 2012, the competent authority passed an order stating that the society was entitled to unilateral conveyance executed as deemed conveyance in its favour provided it fulfilled the five conditions imposed on it.

The society moved the High Court against this order. Its counsel senior advocate SU Kamdar submitted that the competent authority had exceeded its jurisdiction while imposing the condition.

It was impossible for the society to comply with the conditions and get the unilateral conveyance executed in its favour, the counsel said.

## WHY THE NEED FOR THE RULING

1) Sushil Samir Co-operative Housing Society (CHS) in Kandivali (East) had Approached the Competent authority seeking Deemed conveyance as Gokul Enterprises had not responded to their requests for conveying The property to the society although the building had been completed in the 1990s

2) Granting conveyance, the High court held that the competent authority under the Maharashtra Ownership Flats Act (MOFA), 1963, cannot pass the liabilities of the landowner or developer to the co-operative housing Society concerned.

**ONE OF THE TERMS REQUIRED THE SOCIETY TO PAY STAMP DUTY ON THE AGREEMENT EXECUTED BETWEEN THE ORIGINAL LAND OWNER AND THE DEVELOPER**

For Detail Deemed Conveyance Judgment & for Queries Please logon to [www.vasaihousingfederation.com](http://www.vasaihousingfederation.com)

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# सहकारी गृहनिर्माण संस्था आणि तिची नोंदणी याची ठळक वैशिष्ट्ये.

सहकारी प्रकाराची व्यवसाय संघटना ही इतर प्रकारच्या संघटनेपेक्षा भिन्न आहे. हा व्यक्तींचा परस्पर फायद्यासाठी स्वयंसेवी संघ आहे. आणि त्याची ध्येये स्वयं मदत आणि सामुहिक प्रयत्न या मार्फत सिध्दीस नेली जातात.

सहकारी संघटनेच्या मुळाशी मुख्य तत्व आहे परस्परांना मदत म्हणजेच प्रत्येकजण एकासाठी आणि सर्वजण प्रत्येकासाठी. सहकारी संस्था घटित करण्यासाठी किमान १० व्यक्तींची आवश्यकता असते. तिची सहकारी संस्था अधिनियमान्वये, निबंधक, सहकारी संस्था यांच्याकडे नोंदणी करणे आवश्यक आहे.

सहकारी संस्थाचे भांडवल शेअर भांडवलाद्वारे सदस्यांकडून उभारले जाते. राज्य आणि मध्यवर्ती सहकारी बँकेकडून कर्ज रुपाने ती अतिरिक्त साधनसंपत्तिसुध्दा मिळवू शकते.

जरी, सहकारी संस्था बरीचशी भागिदारी संस्थे सारखी असली तरी या दोन प्रकारच्या संघटनांत फरक आहे. भागिदारीमध्ये, परस्पर लाभ हे केवळ भागिदारांमध्येच निर्बंधित असतात. परंतु सहकारी संस्थेच्या बाबतीत असे लाभ त्याचे सदस्य संस्थेबाहेरील लोकांपर्यंतसुध्दा विस्तारतात. उदा. ग्राहक सहकारी दुकान किंवा सहकारी पतपेढी संस्था असे लाभ सदस्य त्याचप्रमाणे सर्वसाधारण लोकांनाही उपलब्ध होतात. याशिवाय भागिदारीमध्ये काही व्यवसाय कामकाज असणे आवश्यक असते परंतु जेव्हा जेव्हा व्यक्तीला सामाईक गरजा असतात ज्या एकट्याने पूर्ण करणे कठीण असते त्यावेळी सहकारी संस्था घटित करता येते. तसेच भागिदारीच्या बाबतीत नोंदणी ही वैकल्पिक असते परंतु सहकारी संस्थेसाठी ती अनिवार्य आहे.

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**संस्थेचे प्रकार :-**

संस्था त्याची उद्दिष्टेच्या आधारावर नोंदणी आणि प्रवर्गीकृत केली जाते. बहु राज्य आणि शिखर संस्था या मुख्य प्रवर्ग संस्थांव्यतिरिक्त सहकारी संस्था कायदेशीर दर्जा धारण करते आणि ही शाश्वत उत्तराधिकारी सह नोंदणीकृत निगम निकाय आहे. कोणत्याही इतर अकृत्रिम व्यक्ति सारखी संस्था मालमत्ता मिळविणे, धारण करणे आणि तिची विल्हेवाट करणे करार करू शकते आणि तिच्या विरुद्ध वाद दाखल करता येतो किंवा ती करू शकते. महाराष्ट्र राज्यात, महाराष्ट्र सहकारी संस्था अधिनियम १९६० आणि महाराष्ट्र सहकारी संस्था नियम १९६१ अन्वये संस्था घटित, नियमित आणि नियंत्रीत केली जाते.

**अ. संस्थेचे विविध प्रकार :-**

- (अ) कृषी पणन संस्था
- (ब) ग्राहक संस्था
- (क) सहकारी बँक
- (ड) मध्यवर्ती बँक
- (इ) पिक संरक्षण संस्था
- (ई) शेती संस्था
- (फ) पाटबंधारे उदंचल संस्था
- (च) प्रक्रीया संस्था
- (छ) उत्पादक संस्था
- (ज) पतपेढी संस्था
- (झ) गृहनिर्माण संस्था
- (य) सर्वसाधारण संस्था

**गृहनिर्माण संस्थांचे खालील उप प्रकार आहेत.**

- (अ) सदनिका मालक संस्था
- (ब) खुले भूखंड भाडेकरू संस्था
- (क) भाडेकरू संस्था



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**(अ) सदनिका मालक संस्था :-**

ही संस्था म्हणजे महाराष्ट्र मालकी सदनिका (बांधकाम, विक्री, व्यवस्थापन आणि हस्तांतरण यांना प्रोत्साहन आणि त्याचे विनियमन) अधिनियम १९६३ (मोफा) अन्वये निवासी गाळ्यांचे विविध खरिदीदारांकडून घटित केलेली संस्था होय. सदनिका मालकी संस्थेचे उद्देश गाळ्यांचा अंतर्भाव असलेल्या इमारतीसह जागेच्या भूखंडाचे अभिहस्तांतरण मिळविणे आणि त्याचे व्यवस्थापन, परिरक्षा आणि प्रशासन बघणे हे आहे.

**(ब) खुले भूखंड संस्था :-**

जमिनीचा भूखंड मिळविणे, त्यावर गाळे बांधणे आणि त्याचे प्रशासन, परिरक्षा आणि व्यवस्थापन करणे यासाठी व्यक्तींच्या समुहाने घटित केलेली संस्था म्हणजे खुले भूखंड संस्था होय.

**(क) भाडेकरु संस्था :-**

खाजगी इमारतीच्या भाडेकरुंनी घटित केलेल्या संस्थेला भाडेकरु संस्था म्हणतात. जी जागा मालकाकडून त्यावरील जुन्या इमारतीसह मिळविणे आणि त्याचे व्यवस्थापन, परिरक्षा आणि प्रशासन पाहणे या उद्देशासाठी घटित करण्यात येते.

**(ड) गृहनिर्माण मंडळ संस्था :-**

महाराष्ट्र गृहनिर्माण आणि क्षेत्र विकास मंडळाने बांधलेल्या इमारतीतील सदनिका वितरकांनी घटित केलेल्या संस्थेला गृहनिर्माण मंडळ संस्था मंडळाकडून जमीनीचा भूखंड त्यावरील इमारतीसह मिळवतात. आणि त्याचे व्यवस्थापन, परिरक्षा आणि प्रशासन पाहणे हा त्यांचा उद्देश असतो.

**(इ) प्रिमायसेस संस्था (सर्वसाधारण प्रकार) :-**

संस्थेचा अन्य प्रकार म्हणजे 'सर्वसाधारण संस्था' जी त्याचा स्वरुपाप्रमाणे गृहनिर्माण संस्थांच्या जवळ आहे. सामान्य भाषेत ती 'प्रिमायसेस संस्था' म्हणूनच

ओळखली जाते. मोफा कायद्यान्वये वाणिज्य किंवा औद्योगिक गाळे खरेदीदार 'सर्वसाधारण संस्था' घटित करतात, अशा संस्थांची ध्येये ही सदनिका धारक संस्थेसारखीच असतात.

**संस्थेतील सदस्यांची संख्या :-**

महाराष्ट्र सहकारी संस्था अधिनियम, १९६०च्या कलम ६(१) अन्वये सहकारी संस्था घटित करण्यासाठी १० सदस्य संख्या आवश्यक आहे. त्याच्या वरील सदस्य संख्येला मर्यादा नाही. तथापि संस्था वर्धनक्षम बनविण्यासाठी आणि धोरणामुळे वादविवाद, मतभिन्नता यांपासून संस्थेला दूर ठेवण्यासाठी नानाप्रकारच्या संस्थांसाठी विविध मर्यादा किंवा कमाल सदस्य संख्या विकसित होत गेल्या. ग्राहक सहकारी संस्थेसाठी सर्वसाधारणपणे सदस्यांची कमाल मर्यादा २०० इतकी आहे. आणि गृहनिर्माण संस्थेसाठी ही मर्यादा संबंधित इमारतीच्या गाळेधारकांच्या संख्येइतकी आहे.

**संस्थेची नोंदणी :-**

संस्थेची नोंदणी आणि त्यासाठीच्या शर्थांची तरतूद अधिनियमाच्या कलम ३ ते ११ अन्वये करण्यात आली आहे. कलम ४ मध्ये नोंदणी संस्था म्हणून नोंदणी करता येऊ शकते अशा संघटनेच्या स्वरुपाविषयी कलम ४ मध्ये तरतूद करण्यात आली आहे. कलम ६ मध्ये संस्थेच्या नोंदणीसाठी शर्ती घालून दिलेल्या आहेत. कलम ८ मध्ये पोट.कलम नोंदणीसाठी अर्ज आणि नोंदणी शुल्क यांची तरतूद करण्यात आली आहे.

**नोंदणीची अधिकारिता :-**

संस्थेच्या नोंदणीच्या प्रयोजनासाठी, मुंबई शहर पालिका प्रभागप्रमाणे विभागण्यात आले आहे. प्रत्येक प्रभागासाठी उप किंवा सहाय्यक निबंधक सहकारी संस्था हे प्रभागातील सहकारी संस्थेसाठी नोंदणी प्राधिकारी आहेत. सामान्यतः अशा नोंदणी प्राधिकाऱ्याचे कार्यालय अशा प्रभागाच्या सीमेतच वसलेले असते. तथापि जर नोंदणी प्राधिकाऱ्याच्या कार्यालयासाठी कोणत्याही प्रभागात जागा उपलब्ध नसेल तर अशा प्रभागाच्या नोंदणी प्राधिकाऱ्याचे कार्यालय हे उप निबंधक, सहकारी संस्था, मल्होत्रा



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हाऊस (इंडीया हाऊस) ६ वा मजला, जी. पी. ओ. समोर येथे असेल.

### संस्था घटित करणे :-

महाराष्ट्र राज्यात सहकारी संस्था घटित करणे यासाठीची मूलभूत मार्गदर्शक तत्वे खालीलप्रमाणे आहेत :-

निबंधक वेळोवेळी निश्चित करतील त्याप्रमाणे किमान १० किंवा अधिक व्यक्ति असतील. हया व्यक्ति विभिन्न कुटुंबांमधील असतील. भारतीय संविदा अधिनियम १८७२ अन्वये संविदा करण्यासाठी हया व्यक्ती सक्षम असल्या पाहिजेत. संस्थेच्या कार्यक्षेत्र त्याचे वास्तव्य असले पाहिजे. प्रस्तावित संस्थेच्या पोट. नियमानुसार तो पात्र असला पाहिजे. कोणतीही व्यक्ति, फर्म, कंपनी किंवा कोणताही इतर निगम निकाय, कोणतीही संस्था हया अधिनियमान्वये नोंदणी झाली किंवा संस्था नोंदणी अधिनियम १८६० अन्वये नोंदणी झाली तर राज्य आणि केंद्र शासन, सार्वजनिक न्यास, स्थानिक प्राधिकारी हे संस्थेचे सदस्य होऊ शकतात.

संस्थेचे उद्दीष्ट हे सहकारी तत्वांनुसार आर्थिक हितसंबंध किंवा सदस्यांचे किंवा लोकांचे सर्वसाधारण कल्याण यांना प्रोत्साहन देणारे असावे. संस्था ही आर्थिकदृष्ट्या सक्षम असावी. त्याची नोंदणी सहकारी चळवळीच्या विकासावर प्रतिकुल परिणाम होईल अशी बाधक नसावी.त्याची नोंदणी राज्य शासनाच्या धोरणात्मक निदेशाच्या विरोधात नसावी.

### ६.सहकारी संस्था घटित करण्याची कार्यपध्दती :-

इच्छुक, पात्र व्यक्तींनी एकत्र येऊन सभा घ्यावी. ही सभा प्रस्तावित संस्थेचे नाव, उद्दिष्ट आणि पोट नियम ठरविल आणि त्यानंतर मुख्य प्रवर्तकाची निवड करील आणि त्याला प्रवर्तक सदस्यांच्या वतीने आवश्यक कागदपत्रांवर सही करण्यासाठी प्राधिकृत करील आणि

निबंधकांकडून आवश्यक परवानग्या मिळविल्यानंतर नियोजित संस्थेच्या नावे बँकेत खाते उघडील. मुख्य प्रवर्तक प्रस्तावित संस्थेचे नाव आरक्षित करण्यासाठी आणि भाग भांडवल गोळा करण्यासाठीची परवानगी मागण्यासाठी निबंधकाकडे अर्ज करील. त्यानंतर तो गोळा केलेले भाग भांडवल प्रस्तावित संस्थेच्या नावे बँक खात्यात जमा करील.

नोंदणीसाठीचा अर्ज नमुना 'अ' मध्ये करावा लागतो. प्रवर्तकाने पोट नियमांच्या प्रतींसह नमुना 'अ' च्या चार प्रती आणि संस्थेच्या प्रकारानुसार आवश्यक कागदपत्रे निबंधकाला सादर केली पाहिजेत. निबंधकाकडून नाव आरक्षित मिळाल्यावर आणि आवश्यक भाग भांडवल गोळा केल्यानंतर हे करता येते.

नोंदणीचा अर्ज संस्थेच्या योजनेसह सादर केला पाहिजे. या योजनेमध्ये प्रस्तावित संस्थेची आर्थिक सुसाध्यता, बँक शिल्लक दाखला, भाग भांडवलाची वर्गणी दिलेल्या व्यक्तींची यादी आणि प्रस्तावित संस्थेचे प्रवेश शुल्क इ. बाबी दाखव्यावा लागतात. विनिर्दिष्ट नोंदणी शुल्क शासकीय कोषागारात भरावे लागते. भागिदारी फर्म, कंपनी किंवा इतर निगम निकाय यांच्या वतीने कोणत्याही व्यक्तीस अर्जावर सही करण्यास प्राधिकृत केल्याबद्दलच्या कागदपत्रांची प्रत महाराष्ट्र राज्यात नोंदणी होणाऱ्या सर्व संस्थांसाठी ही कार्यपध्दती समान आहे.

महाराष्ट्रात नोंदणी होणाऱ्या गृहनिर्माण संस्था या विषयावर लेखक सी. ए. रमेश प्रभू यांनी लिहिलेले वेगळे पुस्तक महाराष्ट्र सोसायटीज वेलफेअर असोसिएशनने प्रसिद्ध केले आहे. या पुस्तकात संपूर्ण कार्यपध्दती भरावयाचे वेगवेगळे फॉर्म, सादर करावयाची विविध कागदपत्रे तसेच शपथपत्र, वचननामा, क्षतिपूर्ति बंधपत्र, लेख विवरणपत्र, कामकाजाची योजना इ. माहिती दिली आहे.

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- संस्थेची सामार्क मोहोर संस्थेच्या सचिवाच्या ताब्यात राहिल व सदर मोहोर समितीच्या ठरावानुसार मिळालेल्या अधिकारान्वये वापरण्यात येईल आणि मालमत्तेचे हस्तांतरणाचे कागदपत्र, भागपत्र किंवा इतर दस्तऐवज यावर संस्थेच्या वतीने मोहोर लावण्यात येईल तेव्हा समितीचे अध्यक्ष सचिव व समितीने त्याबाबतीत अधिकार दिलेला एक समिती सदस्य त्यांच्या सहीनिशी ती साक्षांकित करण्यात येईल.
- कोणत्याही विद्यमान सदस्याकडून किंवा माजी सदस्याकडून किंवा मयत सदस्याकडून संस्थेस येणे असलेल्या कोणत्याही आकारणीच्या संबंधात, संस्थेच्या तिच्या भांडवलात, मालमत्तेत अशा सदस्याचा जो भाग किंवा हितसंबंध असेल त्याच्या ठेवीवर आणि अशा सभासदास द्यावयाच्या कोणत्याही लाभांशावर बोनस किंवा नफ्यावर प्रभार राहिल आणि संस्थेस अशा सभासदाने जमा केलेल्या किंवा द्यावयाची कोणतीही रक्कम अशा कोणत्याही आकारणीच्या रकमेची फेड करून घेण्यासाठी किंवा त्यापोटी वळती करता येईल.

### संस्थेची इमारत / इमारती मधील भूभाग वाटप करताना खालील पध्दती अंगिकारली जाईल.

- प्रथम येणा-यास अगक्रम.
- संस्थेने वेळोवेळी मागणी केलेल्या रकमांचा भरणा पूर्ण करणा-यास.
- सर्वसाधारण सभेने घेतलेल्या निर्णयानुसार चिटया टाकून संस्थेचा चिटणीस भूभाग वाटपाबाबतचे विहित नमुन्यातील पत्र संबंधित सभासदांना पाठवून त्यांची लेखी होकार मागवून घेईल.
- सभासदाने त्याचे भागभांडवल, बांधकाम खर्चाची रक्कम देय असलेल्या कर्ज हप्त्याची परतफेड तसेच संस्थेने वेळोवेळी मागणी केल्याप्रमाणे इतर बाबींची पूर्तता पूर्ण केल्याखेरीज वाटप केलेल्या भूभागाचा तो हकदार राहणार नाही.

- स्थानिक प्राधिकरणाकडून भोगवटा पत्र / पूर्णत्वाचा दाखला प्राप्त झाल्यानंतर भूभाग वाटप रजिस्टर आणि वेळोवेळी दिलेल्या सूचना यांची समिती तपासणी करेल आणि त्यांनी शर्ती पूर्ण केलेल्या सभासदांना भूभाग वाटप रजिस्टर प्रमाणे हस्तांतर करण्याबाबत आणि त्यांचेकडून ताबा मिळालेबाबतचा दाखला घेण्याबाबतचा आदेश सचिवास देतील.



Adv. Runal Falcao

- जर एखादा सभासद संस्थेने केलेल्या मागणीची पूर्तता करण्यास ठराविक मुदतीमध्ये असमर्थ ठरल्यास त्याला देण्यात आलेला भूभागाचे वाटप रद्द करू शकातात आणि या प्रकारची लेखी सूचना व्यवस्थापक समितीच्या निर्देशान्वये, संबंधित सभासदास सचिवाकडून दिली जाईल. (ज्याचा अर्ज कमिटीने मंजूर केला आहे, असा दुस-या सभासदास सदर रद्द झालेल्या भूभागाचे वाटप केले जाईल. ज्या सभासदाचे वाटप रद्द झाले आहे त्याने संस्थेने मागणी केलेल्या रकमांचा भरणा केल्यास त्याला वाटपासाठी उपलब्ध असलेला दुसरा भूभाग वाटप करणेबाबत विचार करेल.)
- कोणाही सभासदास वाटप पत्रामधील उल्लेख केलेल्या बाबींखेरीज भूभागाचा इतर कारणासाठी उपयोग समितीच्या पूर्वसंमतिशिवाय करता येणार नाही.

### संस्थेकडून इमारतीचे बांधकाम लेखा परिक्षण (Structural Audit) खालील प्रमाणे करून घेतले जाईल.

- इमारतीचे बांधकाम वय १५ ते ३० वर्षे - ५ वर्षातून एकदा.
- ३० वर्षांपेक्षा जादा बांधकाम वय - ३ वर्षातून एकदा.

अशा प्रकारचे बांधकाम लेखा परिक्षण (Structural Audit) हे महानगरपालिका हद्दीमध्ये महापालिकेच्या यादीतील मान्यताप्राप्त स्ट्रक्चरल इंजिनियर/ आर.सी.सी.सल्लागार कडून करून घेतले जाईल आणि इतर स्थानिक प्राधिकरण यासाठी शासनने मान्यता दिलेल्या स्थापत्य अभियंत्याकडून करून घेतले जाईल.

ज्या सभासदाकडे स्कूटर, मोटर सायकल किंवा ऑटोरिक्षा असेल त्याने त्यांच्याकडील वाहन संस्थेच्या भूखंडावर मोकळ्या जागेत ठेवण्यासाठी समितीची पूर्व परवानगी मिळविली पाहिजे व अशा सभासदास संस्थेच्या सर्वसाधारण सभेने ठरविलेल्या दराने शुल्क द्यावे लागेल.

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# सोसायटीच्या ऑफिसमध्ये ठेवावी लागणारी महत्त्वाची हिशेबपुस्तके, नोंदपुस्तके व कागदपत्रे

सोसायटीच्या हिशोबाचे दरवर्षी लेखा परिक्षण होते त्यावेळी असे आढळते की काही महत्त्वाचे दस्तऐवज संस्थेच्या पदाधिका-यांनी नीट ठेवलेले नाहीत. मग सर्व दस्तऐवजांची शोधाशोध सुरु होते. म्हणून प्रत्येक सोसायटीने खालील हिशेबपुस्तके, नोंदपुस्तके व कागदपत्रे चांगल्या स्थितीत ठेवावी जेणे करून संस्था सुरळीत चालू शकेल.

१. 'आय' नमुन्यातील सभासद नोंदपुस्तक - 'I' Register.
२. 'जे' नमुन्यातील सभासदांची यादी - 'J' Register.
३. रोकड वही.
४. सर्वसाधारण खतावणी.
५. वैयक्तिक खतावणी.
६. मालमत्ता नोंदपुस्तक. (Property Register)
७. 'ओ' नमुन्यातील लेखापरिक्षण दुरुस्ती नोंदपुस्तक
८. गुंतवणुक नोंदपुस्तक (Investment Register)
९. नामनिर्देशन नोंदपुस्तक
१०. कर्ज नोंदपुस्तक (कर्ज उभारले असल्यास)
११. गहाण नोंदपुस्तक (मालमत्ता गहाण ठेवली असल्यास)
१२. समितीच्या सभांचे इतिवृत्त नोंदपुस्तक.
१३. स्थानिक प्राधिकरण, विद्युत पुरवठा, किंवा इतर कोणतीही स्थानिक प्राधिकरणे यांचेकडे ठेवलेल्या रकमांचे ठेव नोंदपुस्तक.
१४. फर्निचर, पक्के खिळववेले सामान व कार्यालयीन सामग्री यांचे नोंदपुस्तक.
१५. ग्रंथालयीन पुस्तकांचे नोंदपुस्तक.
१६. भूभाग नेमून दिल्यासंबंधीचे नोंदपुस्तक, हिशेबपुस्तके, नोंदपुस्तके व इतर पुस्तके ठेवणे.
१७. संरचनात्मक (Structural Audit) लेखापरीक्षण नोंदवही (लागू असल्यास).

**तसेच सोसायटीने खालील फाईल्स आपल्या रेकॉर्ड साठी ठेवाव्या :**

१. सभासदत्वाचे अर्ज.
२. सहयोगी सभासदत्वाचे अर्ज.
३. नाममात्र सभासदत्वाचे अर्ज.
४. सभासद, सहयोगी सभासद व नाममात्र सभासद यांची राजीनामा पत्रे.
५. संस्थेच्या भांडवलातील मालमत्तेतील भाग व/वा हितसंबंध हस्तांतरित करण्यासंबंधी अर्ज.

६. सभासदास सभासदवर्गातून काढून टाकल्याची प्रकरणे.
७. नामनिर्देशन पत्रे व ती नामनिर्देशने रद्द करण्यासंबंधीची पत्रे.
८. प्रत्येक सभासदाबरोबरच्या पत्रव्यवहाराची स्वतंत्र फाईल.
९. नोंदणी प्राधिकरणाबरोबर झालेला पत्रव्यवहार.
१०. बिगरशेतकी मालमत्ता कराबाबतचा पत्रव्यवहार.
११. पाणीपट्टीबाबतचा पत्रव्यवहार.
१२. विद्युत पुरवठ्याबाबतचा पत्रव्यवहार.
१३. मालमत्ता हस्तांतरणाबाबतचा पत्रव्यवहार.
१४. करार, संविदापत्रे व तदानुषंगिक कागदपत्रे.
१५. बांधकामाचे मंजूर आराखडे व त्याबाबतचा पत्रव्यवहार.
१६. सभासदांमधील भूभागांच्या अदलाबदलीचे अर्ज.
१७. भूभाग नेमून देण्याबाबतचा पत्रव्यवहार.
१८. सामाईक जागेत वाहने उभी करण्यासाठी व भूखंडावरील मोकळे पट्टे मिळण्यासाठी आलेले अर्ज.
१९. रोकडवहीत व रोजकीर्दीत व जर्नलमध्ये ज्या क्रमाने खर्च नोंदले असतील त्या क्रमाने लावलेल्या विलांसहित पावत्या.
२०. ज्या ज्या तारखांना बँकात रकमांचा भरणा केला असेल त्या क्रमाने लावलेल्या चलनांच्या स्थळप्रती.
२१. दिलेल्या चेकच्या, भागपत्रांच्या स्थळप्रती.
२२. भागपत्रांच्या नकला मिळविण्यासाठी आलेले अर्ज.
२३. संस्थेचा नोंदणी अर्ज, उपविधींची त्यांत झालेल्या दुरुस्त्यांसह
२५. चौकटीत बसवलेला नोंदणी दाखला.
२६. संस्थेने दिलेल्या पावत्यांच्या स्थळप्रती किंवा मूळ पावत्यांच्या कार्बन प्रती.
२७. संस्थेच्या विलांच्या आकारणीच्या स्थळप्रती
२८. मिळालेल्या कर्जाबाबतचा व मालमत्ता गहाण ठेवल्याबाबतचा पत्रव्यवहार.
२९. संस्थेच्या सर्वसाधारण सभेच्या नोटिसा व कार्यक्रमपत्रिका.
३०. संस्थेने तयार केलेली नियतकालिक हिशेबपत्रके.
३१. संस्थेच्या कामकाजाबाबत तयार केलेले वार्षिक अहवाल.
३२. सांविधिक लेखा परीक्षांकडून आलेले लेखापरीक्षा अहवाल व तदानुषंगिक दोष- दुरुस्ती अहवाल.
३३. अंतर्गत लेखा-परीक्षांकडून आलेले अहवाल व तदानुषंगिक दोष- दुरुस्ती अहवाल.
३४. समितीच्या सभांच्या नोटीसा व कार्यक्रमपत्रिका.
३५. समितीच्या निवडणुकीबाबतचे कागदपत्र.
३६. सभासदाकडून आलेल्या तक्रारी व त्याबाबतचा पत्रव्यवहार ठेवावयाचे इतर कागदपत्रे.





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## सभासदाच्या जबाबदा-या व दायित्वे

सदनिकाधारक बिल्डर कडून सदनिका विकत घेतात. मोफा कायदा १९६३ अंतर्गत बिल्डरशी सदनिका खरेदी करारनामा करून या सदनिका खरेदी केलेल्या असतात. कायद्यातील तरतुदीनुसार बिल्डर ६०% किंवा जास्त सदनिका विक्री झाल्यानंतर सदनिका धारकांची सहकारी गृहनिर्माण संस्था स्थापन करून महाराष्ट्र सहकारी संस्था अधिनियम १९६० व नियम १९६१ अंतर्गत सहकारी संस्थेची नोंदणी करून संस्थेला वैधानिक दजा देतो .

म.स.सं.अधिनियमानुसार नोंदणी दिनांकापासून ३ महिन्यात संस्थेचा कारभार सभासदांनी निवडलेल्या तात्पुरत्या व्यवस्थापन समितिकडे देणे बंधनकारक आहे. अशाप्रकारे संस्थेचा कारभार व व्यवस्थापन सभासदांकडे येते. अधिकृत उपविधितील तरतूदीनुसार संस्थेचे व्यवस्थापन चालते .

या तरतूदीनुसार सभासदांवरही काही जबाबदा-या आहेत व त्या पुढीलप्रमाणे : प्रत्येक सभासदाने खालील जबाबदा-या पार पाडल्या पाहिजेत .

१. प्रत्येक सभासदाने त्याचा भूभाग तसेच आजूबाजूचा परिसर स्वच्छ ठेवला पाहिजे .
२. सभासदाने त्याच्या भूभागात कोणतेही जादा बांधकाम अथवा बांधकामात फेरफार करण्यासाठी संस्थेच्या सचिवाकडे तपशिलासह अर्ज केला पाहिजे .
३. प्रत्येक सभासदाने, सचिव व समितीपैकी कोणीही एक सदस्य यांना भूभागाची स्थिती तपासून, त्यास काही दुरुस्तीची आवश्यकता आहे किंवा काय याची खात्री करून घेण्यासाठी संबंधित सभासदास पूर्व सूचना मिळाल्यास त्याने भूभागावर प्रवेश करून दिला पाहिजे . संस्थेचा सचिव समितीकडे या संबंधीचा आपला अभिप्राय सादर करील व त्यामध्ये कोणत्या दुरुस्त्या संस्थेने करावयास

हव्यात व कोणत्या दुरुस्त्या सभासदाने स्वखर्चाने करावयास हव्यात याच तपशील नमूद करील .



श्री. वि. विश्वनाथन

४. कोणताही माल किंवा ज्वालाग्राही पिदार्थ साठवायचे असतील त्यासाठी सक्षम अधिका-याची मंजूरीची आवश्यकता असते. असा माल समितीच्या लेखी पूर्वपरवानगीशिवाय कोणत्याही सभासदास भूभागावर साठा करता येणार नाही .
५. आपल्या भूभागात कोणाही सभासदाने इतर सभासदांस गैरसोईचे, उपद्रवकारक वा त्रासदायक होईल असे कृत्य स्वतः करू नये .
६. संस्थेच्या कोणत्याही सभासदांनी कोणत्याही कामासाठी बालकामगार ठेवू नयेत .
७. भूभाग भाड्याने देण्यामागचा त्याचा हेतू विशद करून आपला भूभाग किंवा त्याचा काही भाग पोटभाड्याने, परवाना पध्दतीने किंवा पेईगगेस्ट तत्त्वावर संस्थेची पूर्व परवानगी घेऊनच देऊ शकतात .
८. संस्थेच्या समितीच्या लेखी पूर्वपरवानगीशिवाय, संस्थेच्या सभासदास गाळ्यात राहण्याचा आपला हक्क बेचन करता येणार नाही, गहाण ठेवता येणार नाही किंवा त्यावर कोणत्याही प्रकारचा बोजा निर्माण करता येणार नाही .
९. संस्थेच्या देणे रकमा वेळेवर देणे .
१०. संस्थेस जाणूनबुजून खोटी माहिती देऊन संस्थेची फसवणूक न करणे .
११. सातत्याने अनैतिक कामासाठी किंवा बेकायदेशीर कृत्यांसाठी भूभागाचा वापर न करणे .

वरील अटी जर सभासदाने न पाळल्यास त्यास सभासद वर्गातून काढून टाकण्यात येईल . वरील विवेचनावरून प्रत्येक सभासदास समजून येईल कि त्याला सभासद म्हणून त्याच्यावरील जबाबदा-या पाळणे आवश्यक आहे .



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# DISTRIBUTION OF REDEVELOPMENT BENEFITS VS PAYMENT OF SOCIETY CHARGES

Payment of Maintenance and the ownership of the property and its benefit are governed by two different laws. Maintenance charge is collected as per the decision of the general body of the members and as provided in the bye-laws of the society and as per the provisions of MCS Act, 1960 and the Rules by which they are registered.

The Ownership of the Flat and the benefits accruing there from are governed by the Maharashtra Ownership Flats Act, 1963 and the Transfer of property Act, 1882.

All the members have purchased the flat as per the provisions of Maharashtra Ownership Flats Act, 1963.

Section 16 of Maharashtra Ownership Flats Act, 1963 (MOFA) provides that the provisions contained therein are in addition to the provisions of the T. P. Act and shall take effect notwithstanding anything to the contrary contained in the contract. **Section 45, 46 and 47 of the Transfer of property Act, 1882 has provided as to how the property and its benefit are shared by the co-owners when they are purchased in unequal value.**

**They are as under and are self explanatory.**

**Under the Maharashtra Ownership Flats Act, 1963, the promoter or the builder constructs the building as per the permitted FSI on such land as per the applicable provisions of Development Control Rules and then divides the same into number of self contained units communal known as flats or shops. Thus depending on the area of the flat or FSI consumed for such flat, the same is sold to different flat purchasers. When the society is formed, each member is considered to be co-partner/ owner of the flat and is entitled to the benefit , use, enjoyment, occupation and future**

**benefits as per the area purchased from the builder. Here the share of each co-owner as provided in the Transfer of Property Act, 1882 is determined by the area purchased by them and not by the amount contributed by them.**



CA. Ramesh S. Prabhu,  
Chairman, MSWA

**This is because, different purchasers purchase at different time as per the prevailing market rate and sometime members purchase on resale basis also. Therefore, the base for determining each persons share in the land and building is the area purchased by them jointly and not the amount contributed.**

**The details of section 45,46 and 47 of Transfer of property Act, 1882 is as under:**

## **45. Joint transfer for consideration:**

Where immovable property is transferred for consideration to two or more persons and such consideration is paid out of a fund belonging to them in common, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property identical, as nearly as may be, with the interests to which they were respectively entitled in the fund; and, where such consideration is paid out of separate funds belonging to them respectively, they are, in the absence of a contract to the contrary, respectively entitled to interests in such property in proportion to the shares of the consideration which they respectively advanced. In the absence of evidence as to the interests in the fund to which they were respectively entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property.

## **46. Transfer for consideration by persons having distinct interests**

Where immovable property is transferred for consideration by persons having distinct interests



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therein, the transferors are, in the absence of a contract to the contrary, entitled to share in the consideration equally, where their interests in the property were of equal value, and, where such interests were of unequal value, proportionately to the value of their respective interests.

#### **47. Transfer by co-owners of share in common property:**

Where several co-owners of immovable property transfer a share therein without specifying that the transfer is to take effect on any particular share or shares of the transferors, the transfer, as among such transferors, takes effect on such shares equally where the shares were equal, and, where they were unequal, proportionately to the extent of such shares.

In case the society in its general body decides to charge the maintenance , major repairs, welfare fund etc equally from the members, the redevelopment benefits of extra area, corpus, rent etc also cannot be claimed equally by the members irrespective of size of their respective flats. The base for distribution of corpus, extra area, rent receivable on redevelopment should be as per the area purchased by respective members as per the approved plan when the building was constructed. This is because, the rights, future benefits (like FSI/TDR or redevelopment benefits) accruing on the property is governed by Transfer of Property Act,1882 and Maharashtra ownership Flats Act, 1963(MOFA).

After owning the property/ flat as per the MOFA, all the flat owners have become the members of the society for the purpose of maintenance and up keep of the society. Thus the charges for the maintenance is based on the decision of the general body meeting of the society and as per the provisions of the By-laws, MCS Act and MCS Rules. If the society has decided to go redevelopment of the property, the benefits of Redevelopment is due to the facility of loading the TDR and the same is available as per the area of the land. The benefit of TDR or Extra FSI is provided as per the Development Control Rules which regulates the construction activities. Once a person has purchased bigger area, he is entitled for

the same area of TDR and therefore, all the benefits should be as per the area when the society goes for redevelopment. For example if one owns area of 1000 sq. ft. and other one holds area 500sq. ft. then his contribution towards purchase of flat is as per area. So any benefits arising out of redevelopment are distributed on the basis of area only and not on equal basis. As far as maintenance and other charges are concerned those are under the power of AGM .If any discrepancy is there regarding charges the same can be rectified by passing resolution in AGM with effective from the date of AGM because it is practically difficult to implement with retrospective effect. Regarding the availability of FSI/TDR due to surrender of part of the plot of the society to BMC as per Development Pan for extension of the Road, such benefits are to be distributed as per area owned by members individually. Further such decision was never challenged nor was taken into account considering the redevelopment in mind or to get the equal benefit.

However, any assets is created out of the equal contribution by the common pool, the same need to be shared equally for example, you have society office,the benefit of the same has to be equal. If you receive the hoarding charges, telecom tower rent etc the same should be distributed equally. Whether you have paid the same amount and at the same time to get the unequal area? If the answer is no, then you can not expect the benefit accruing from redevelopment to be given on equal basis.

The original FSI granted as per the Development Control Rules can be compared with the issue of shares of the society. Initially shares are issued at par and later some years at premium and many people purchase it from the market at a higher price. Later bonus shares or the right shares are issued. They are all issued as per the number of shares issued earlier and not based on any the methods. Similarly, when TDR is granted,it is like a bonus or right issue of shares. Therefore, the benefits of TDR also should be based on the original area purchased by the members which is nothing but the FSI granted during that time.

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# JUDGMENT ON DEEMED CONVEYANCE

IN THE HIGH COURT OF JUDICATURE  
AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Lodging) No. 1042 OF 2012.

Satyanarayan Malpani .. Petitioner.

VERSUS

Sai Mansarovar Co-operative Housing Society Ltd and others .. Respondents.

- **Mr Kevic Setalwad, senior counsel a/with Sheetal Shah, i/by M/s Mehta and Girdharlal, for the Petitioner.**
- **Dr Milind Sathe, senior counsel a/with Mr Parag Shah i/by M/s Mahesh Shah & Co. for Respondent No. 1.**
- **Mr Sharan Jagtiani a/with Mr A. Dasgupta i/by Jhangiani Narula & Asso for Respondent No.2.**
- **Mr P.G. Lad, Assistant Govt. Pleader – for the State – Respondent Nos. 3 to 5.**

**CORAM : S.J.VAZIFDAR & A.R. JOSHI, JJ.**

**Monday, 30th APRIL, 2012.**

**ORDER:-**

- (a) The petitioner and respondent No.2 shall be entitled to continue with the development only to the extent of the sanctioned plans. No construction in addition thereto shall be put up.
- (b) Respondent No.1 shall not put up any further construction on the plot of land which has been ordered to be conveyed in its favour by the impugned order.
- (c) Neither the petitioner nor respondent Nos. 1 and 2 shall make any application for the sub division in respect of the entire plot.
- (d) Rule on interim relief, returnable on 7th June, 2012. (e) No steps, that are proposed to be taken by respondent No.1 pursuant to the impugned order shall be finalized until after the expiry of a period of four weeks from the service of a notice upon the advocates of the petitioner and respondent no.2 stating the same. In that event liberty to apply.

**(A.R.JOSHI,J)**

**(S.J.VAZIFDAR,J)**

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# JUDGMENT ON DEEMED CONVEYANCE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10758 OF 2011

Mr. Hasanali Raje Jalal

....Petitioner.

Vs.

Sultanabad Manor -3 CHS Ltd. & Ors.

....Respondents

Mr. J. Reis, Sr. Advocate i/b. Mr. Yogendra Kanchan, Advocate for Petitioner.

Mr. I.A. Siddiqui, Advocate for Respondent Nos. 1 & 2. Ms. P.S. Cardozo, AGP for Respondent Nos. 3, 4 and 7.

**CORAM:- GIRISH GODBOLE, J**

**DATED:- JANUARY 17, 2012**

P.C.

1. Heard Mr. Reis, Sr. Advocate for Petitioner, Mr. Siddiqui, Advocate for Respondent Nos. 1 and 2 and Ms. Cardozo, AGP for Respondent Nos. 3, 4 and 7.
2. Mr. Reis, Sr. Advocate for Petitioner makes a statement that the Respondent Nos. 5 and 6 are not available for signing the Petition and hence they have been joined as proforma Respondents.
3. Rule made returnable forthwith and heard by consent of parties. Mr. Siddiqui waives service on behalf of the Respondent Nos. 1 and 2 and Ms. Cardozo, AGP waives service on behalf of the Respondent Nos. 3, 4 and 7. Service on Respondent Nos. 5 and 6 is dispensed with after recording the statement of Mr. Reis that they are supporting Petitioner and they are formal parties.
4. After arguing the Petition for some time, Mr. Siddiqui on instructions from Advocate of Respondent No. 1 Society makes a statement that the impugned Judgment and Order dated 30th November, 2011 may be quashed and set aside and the Application may be remanded back to the District Deputy Registrar, Co-op. Societies, Mumbai City (3), and Competent Authority under Section 5-A of M.O.F.A., 1963 with a view to enable the Respondent Nos. 1 and 2 to implead the land owners of land admeasuring 406.50 sq.mtrs. as party Respondents to the Application and also to enable the Respondent No. 1 to make appropriate application in High Court Suit No. 2613 of 2010 for withdrawal from the said Suit with liberty to prosecute the Application under Section 5-A of M.O.F.A., 1963.
5. This request of Mr. Siddiqui is reasonable and deserves to be accented. Hence, by consent of Respondent Nos. 1 and 2, the impugned order dated 30th November, 2011 is quashed and set aside since the Respondent Nos. 1 and 2 want to implead the land owners as party Respondents in the said Application and would also like to file an application in High Court Suit No. 2613 of 2010 for being permitted to withdraw from that suit and prosecute the Application under Section 5-A of M.O.F.A., 1963. Ordered accordingly.
6. Rule is partly made absolute in the aforesaid terms with no order as to costs.

**(GIRISH GODBOLE, J)**

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- e) Select User Type : Please select Society as User Type.
- f) Click on Create User:
- g) User created:

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- a) Filling Profile Details as given in this magazine.
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Click on File Upload ink:
- c) Click on Upload File and Browse File from the opened window:
- d) Once file gets successfully submitted, confirmation message would appear on the screen.



अभिनेता  
श्री. संदिप माळिका

## Step 4: Click on Submit Details:

- a) Click on Submit button
- b) Confirmation Message would appear

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- a) Go to Profile link.

## Step 6: Log Out from Website

- a) Click on Logout button: User would be redirected to Home Page if gets successfully logged out.

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## Society Registration Details

<b>Registration Details</b>			
1. Registration Number : *	<input type="text"/>	2. Registration Date : *	<input type="text"/>

<b>Society Basic Details</b>			
3. Society Type : *	<input type="text" value="Housing Society"/>	4. Society Code :	<input type="text"/>
5. Society Name : *	<input type="text"/>		
6. Society Class : *	<input type="text"/>		

<b>Address of Society during Registration</b>		
7. Address	: *	<input type="text"/>
8. Road / Street	: *	<input type="text"/>
9. Near / Opposite	: *	<input type="text"/>
10. District	: *	<input type="text"/>
11. Taluka	: *	<input type="text"/>
12. Village/City	: *	<input type="text"/>
13. Pincode	: *	<input type="text"/>

<b>Present Address of Society</b>		
14. Address	: *	<input type="text"/>
15. Road / Street	: *	<input type="text"/>
16. Near / Opposite	: *	<input type="text"/>
17. District	: *	<input type="text"/>
18. Taluka	: *	<input type="text"/>
19. Village/City	: *	<input type="text"/>
20. Pincode	: *	<input type="text"/>

**Other Contact Details**

21. E-mail Address	: *	<input type="text"/>
22. Landline	:	<input type="text"/>
23. Mobile No.	: *	<input type="text"/>

**Society Members Profile**

24. Jurisdiction	:	<input type="text"/>	25. No of Members	<input type="text"/>
26. No. of Active Members		<input type="text"/>	27. No. of Domant Members	<input type="text"/>
28. No of Units	:	<input type="text"/>		

(Applicable only in case of Housing)

**Society Management Profile**

29. Name of Chairman	:	<input type="text"/>			
30. Tel. No. / Mobile No.	:	<input type="text"/>			
31. Name of Secretary	:	<input type="text"/>			
32. Tel. No. / Mobile No.	:	<input type="text"/>			
33. Name of Liquidator	:	<input type="text"/>			
34. Tel. No. / Mobile No.	:	<input type="text"/>			
35. No. of Committee Members		<input type="text"/>	36. Last Election Date	: *	<input type="text"/>
37. Tenure of the Managing Committee (Months)		<input type="text"/>	38. Last AGM Date	:	<input type="text"/>
40. Last Audit Date	: *	<input type="text"/>	39. Audit Year	: *	<input type="text"/>
42. Audit Class	: *	<input type="text"/>	41. Paid of Share Capital	: *	<input type="text"/>

(as Per Last Audited Balance Sheet)

( as PerLast Audit )

43. Upload Society Registration Certificate : *	<input type="text"/>
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**Note : 1. \* Mandatory for Update**

**2. Society Compulsory Upload Scanned Society Registration Certificate Document Here.**

**This Would be used by DDR for Validation**

# PROCEDURE FOR BIFURCATION OF THE SOCIETY AND FURTHER COURSE OF ACTION

To bifurcate the existing society and register two separate societies, a resolution should be passed in the General body meeting of the society by 2/3 majority out of the members present. Thereafter, a proposal for division of the society along with the consent/ signature of all the existing flat owners/ members is required to be submitted to the Deputy Registrar. Thus, it is required that every member/ flat owner has to give consent for the same.

The power of bifurcation of society can only be exercised by the Deputy Registrar of the concern ward. In case the members are not in a position to take a 2/3 majority decision for division of the society, the aggrieved members may complain to the Deputy Registrar to conduct the hearings and then divide/bifurcate the society. This provision is given in section 18 of the MCS Act, 1960 to the Deputy Registrar.

The same matter was decided in *Bombay Catholic Co-operative Housing Society Ltd. V/s V. B. Mathankar, 2000(3)* (Case law is available in our office)

**Section 18 of MCS Act, 1960 is reproduced hereunder:-**

**Sec 18 POWER TO DIRECT AMALGAMATION, DIVISION AND REORGANISATION IN PUBLIC INTEREST, ETC.:-**

*(1) Where the Registrar is satisfied that it is essential in the public interest or in the interest of the co-operative movement, or for the purpose of securing the proper management of any society, that two or more societies should amalgamate or any society should be divided to form two or more societies or should be reorganized then notwithstanding anything contained in the last preceding section but subject to the provisions of this section, the Registrar may, after consulting such federal society as may be notified by the State Government by order notified in the Official Gazette, provide for the amalgamation, division or reorganization, of those societies in to a*

*single society, or into societies with such constitution, property rights, interests and authorities and such liabilities, duties and obligations, as may be specified in the order.*

*(2) No order shall be made under this section, unless-*

- a) a copy of the proposed order has been sent in draft to the society or each of the societies concerned.*
- b) The Registrar has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions and objections which may be received by him within such period (not being less than two months from the date on which the copy of the order as aforesaid was received by the society) as the Registrar may fix in that behalf, either from the society or from any member or class of members thereof, or from any creditor or class of creditors*

*(3) The order referred to in sub section (1) may contain such incidental consequential and supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation, the division or reorganization.*

*(4) Every member or creditor of [or the person inserted in] each of the societies to be amalgamated, divided or reorganized who has objected to the scheme of amalgamation, division or reorganization, within the period specified, shall be entitled to receive on the issue of the order of amalgamation, division or reorganization his share or interest if he be a member and the amount in satisfaction of his due if he be a creditor.*

*(5) On the issue of an order under subsection (1), the provisions in subsection (2), (3) and (4) of section 17 shall apply to the societies so amalgamated, divided or reorganized as if they were amalgamated, divided or reorganized under section, and to the society amalgamated, divided or reorganized.*



Adv. Rajlaxmi Pujari

(6) Nothing contained in this section shall apply for the amalgamation of [two or more co-operative banks or two or more primary agricultural credit societies].]

**Following things need to be done :-**

1. The application to be made by the members to the society by the maximum number of members of the proposed building for bifurcation of the society.
2. The same copy of the application should be sent to the Hon. Deputy Registrar, of the concern Ward for the formation and registration to form a separate society.
3. The application should mention the points that why they want to bifurcate the society.
4. The application should mention that members are ready to handle the day to day process of the future society.
5. Copy of the application should be addressed to the concern Deputy Registrar.
6. After giving the letter the meeting of the members of the society should be called for same purpose otherwise the Deputy Registrar will call for society meeting.
7. If Registrar has to call the meeting then he can pass in the meeting for formation of separate society.
8. Under section 18 of the MCS Act, 1960 the Deputy Registrar is given the powers of forming a separate society.
9. All the application of the proposed society should be made by the members itself.
10. In application it should be mentioned that all the amenities are separate and independent and separate entrance of the proposed building will be there. The Land owner's NOC will be given (if required).

## ABOUT OC AND ITS IMPORTANCE

**WHAT IS AN OC?**

- 1) Occupancy certificate, or OC, is a proof Of completion of a building as per Approved plan and compliance of law
- 2) Local civic agencies – BMC in Mumbai's case-issue it
- 3) It is difficult to get water and sanitary Connection without OC
- 4) It is also nearly impossible to get Home loans approved without OC

**WHY IS IT NEEDED?**

- 1) OC is essential requirement under DC Rules before occupying the Flat.
- 2) The law says one cannot legally move Into a building unless the developer Has got the OC from BMC

- 3) BMC can ask flat owners to leave such Illegally occupied flats or impose Heavy penalties

**WHO GETS IT?**

The builder has to get it. But experts say if developers are not coming forward, co-op societies and occupants must be allowed to approach BMC and apply for OC

**WHAT'S THE GROUND REALITY?**

- 1) Nearly 50,000 bldg. in Mumbai do not have Oc
- 2) This means though the building plans are approved, OC has been denied due to other violations
- 3) In Thane, nearly 70% buildings have been constructed without approved Plans, effectively making them illegal.

## MSWA BRANCH ADDRESS

Location	Address	Tel. No.
<b>Fort</b>	Bldg. No. 130, Modi Street, 3rd Floor, Fort, Mumbai - 400 001.	022 - 2265 65 82
<b>Vasai</b>	Swagat Bhavan Bldg., Near Indian oil, Opp. M. S. E. B. Colony, Vasai (E), Thane - 400 208.	0250 - 645 75 85 0250 - 645 75 86
<b>Dombivali</b>	1-B, Ram Govind Apartment, Opp. Vijya Bank, Near Brahman Sabha Hall, Dombivali (E) - 421 201.	0251 - 605 00 40 072 76 34 89 99

**APPLICATION FORM FOR SUBSCRIPTION FOR  
VASAI TALUKA HOUSING SOCIETIES REVIEW MAGAZINE.**

**VASAI TALUKA CO-OPERATIVE HOUSING FEDERATION LTD.,  
VASAI - 401202**

Regd. No. TNA/VSI/GNL/(O)/1453/2011 dated 25<sup>th</sup> August 2011.

Date- / /2014

To,  
The Hon.Secretary,  
Vasai Taluka Co-op. Housing Federation Ltd.  
Swagat Bhavan, Near Indian Oil, Opp. MSEB Colony,  
Station Road, Vasai Road (E) 401 202.

Sir,

I/We hereby apply for the subscription for the VASAI TALUKA HOUSING SOCIETIES REVIEW MAGAZINE which is published by your Federation.

I/We furnish my/our particulars as below :-

1. Name of the subscriber : .....
2. Address in full details of the subscriber : .....  
.....  
Pin code .....
3. Land mark to reach up to society/house : .....
4. E-mail ID : .....
5. Contact no.: - Mob.No ..... Resident..... Office.....

I/We do apply for the above said magazine for one year at Rs. 199/-for 12 monthly issue. The cheque of Rs. 199/- vide cheque no. ....dated.....drawn on .....towards magazine subscription starting from.....,2014 to.....,2014 is enclosed herewith in the name of Vasai Taluka Co-op.housing Federation Ltd. Kindly deliver the magazine at the above address.

Yours faithfully,

Name of the subscriber

**ACKNOWLEDGEMENT**

Received the subscription for VTHF Magazine for one year, starting from ....., 2014 to ....., 2014. Reference no. ....

Secretary /Authoritory  
Vasai Taluka Co-op.Housing Federation Ltd.

**FORM OF APPLICATION FOR MEMBERSHIP/And Allotment of the**  
**VASAI TALUKA CO-OPERATIVE HOUSING FEDERATION LTD.,**  
**VASAI - 401202**

Regd. No. TNA/VSI/GNL/(O)/1453/2011 dated 25<sup>th</sup> August 2011.

Date: \_\_\_\_\_

The Hon. Secretary,  
Vasai Taluka Co-op Housing Federation Ltd.  
Vasai. Dist : Thane 401 202.

Sir,

We hereby apply for the membership of the **THE VASAI TALUKA COOP. HOUSING FEDERATION LTD.,** and for allotment of Ten shares of Rs. 100/- each. We furnish below following particulars in respects of our society.

1. Name of the society (in Block Letters) : \_\_\_\_\_

\_\_\_\_\_

2. Registered Address : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Registration No. and Date if Registration : \_\_\_\_\_

4. Location of Land of building of the Society : \_\_\_\_\_

5. Total No. of member in a society : \_\_\_\_\_

The Bye-Laws of the Federation have been read by us and agreed to be binding on our society.

A copy of the resolution of the managing Committee of the society in this connection and a cheque of Rs.1600/- being the value of ten shares of Rs.100/- and Entrance Fee Rs.100/- and annual subscription of Rs 500/- is enclosed herewith.

Yours faithfully

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



Copy of the Resolution of the Meeting of the Managing Committee of the \_\_\_\_\_  
Co-op. Housing Society Ltd. \_\_\_\_\_ held on \_\_\_\_\_ . \_\_\_\_\_  
\_\_\_\_\_ Resolved that the \_\_\_\_\_ Co-op Housing  
Society Ltd \_\_\_\_\_

Do apply to **THE VASAI TALUKA CO-OP. HOUSING FEDERATION LTD., VASAI** and for allotment of TEN shares of the Federation of the Value of Rs. 100/- each, in the name of the society.

Further resolved that the Chairman / Secretary of the society be and is hereby authorized to sign the application for membership of the Federation on behalf of the society and to pay the amount of Rs. 1600/- towards ten shares of Rs. 100/- each. Entrance Fee of Rs. 100/- and Annul Subscription Expenses of Rs. 500/-..

Proposed By : Shri \_\_\_\_\_

Seconded By : Shri \_\_\_\_\_

Carried Unanimously.  
TRUE COPY

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

-----  
**DATA SHEET**

Name of the Society : \_\_\_\_\_

Address of the Society : \_\_\_\_\_  
\_\_\_\_\_

Land Mark to reach Society : \_\_\_\_\_

Registration No. : \_\_\_\_\_

No. of Flat : \_\_\_\_\_ No. of Shops : \_\_\_\_\_

Name of the Committee Members :

Designation	Name	Mobile	E-mail-ID
Chairman			
Secretary			
Treasurer			
Other			

## AVAILABILITY OF BOOKS -0250- 6457596

<b>BOOK NO.</b>	<b>TITLE OF THE BOOKS</b>	<b>COST PRICE</b>	<b>DIS. PRICE</b>
<b>BS - 02</b>	Deemed Conveyance - English	₹ 625	₹ 500
<b>BS - 02</b>	Deemed Conveyance - Marathi	₹ 725	₹ 600
<b>BS - 03</b>	Recovery of Dues	₹ 200	₹ 150
<b>BS - 04</b>	Practical guide on Stamp Duty	₹ 150	₹ 120
<b>BS - 05</b>	Registration of Documents	₹ 120	₹ 100
<b>BS - 06</b>	Registration of Housing Society	₹ 120	₹ 100
<b>BS - 07</b>	Statutory Obligation of Society	₹ 80	₹ 60
<b>BS - 08</b>	Transfer of Flat	₹ 150	₹ 120
<b>BS - 09</b>	Parking Rules & Regulations	₹ 150	₹ 100
<b>BS - 10</b>	Nomination & Will	₹ 125	₹ 100
<b>BS - 11</b>	Burning Issues	₹ 70	₹ 50
<b>BS - 12</b>	Leave & License	₹ 100	₹ 80
<b>BS - 13</b>	Redevelopment - Preparation	₹ 200	₹ 150
<b>BS - 14</b>	Redevelopment - Tender Process	₹ 150	₹ 120
<b>BS - 15</b>	Redevelopment - Documentation	₹ 200	₹ 150
<b>BS - 18</b>	Associate Member - Rights, Duties	₹ 80	₹ 50
<b>BS - 19</b>	Circular of Housing Societies	₹ 150	₹ 120
<b>BS - 21</b>	Rights and Duties of Members	₹ 120	₹ 100
<b>BS - 22</b>	Managers Manual	₹ 100	₹ 80
<b>BS - 24</b>	Minutes Writing	₹ 150	₹ 120
<b>BS - 26</b>	Secretarial Manual	₹ 100	₹ 80
<b>BS - 29</b>	Sinking Funds	₹ 70	₹ 50
<b>FAQ - 02</b>	Deemed Conveyance - FAQ	₹ 200	₹ 150
<b>FAQ - 13</b>	Redevelopment - FAQ	₹ 120	₹ 100
<b>BS - 15A</b>	Permanent Alternate Acco. Agreement	₹ 100	₹ 80
	Bye - Laws English	₹ 45	₹ 40
	Bye - Laws Marathi	₹ 35	₹ 30
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	HSG. Societies FAQ - Marathi / English	₹ 200	₹ 200

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