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## 1. PRELIMINARY

- |    |   |   |
|----|---|---|
| 1. | (a) The name of the Society shall be .....<br>.....<br>.....  | Name of the<br>Society                                    |
|    | (b) The Society shall follow the procedure laid down under Section 15 of the Act and Rule 14 of the Rules for the change of its name.                                 | Procedure for<br>changing the name                        |
|    | (c) The society is classified under major class "Housing" with sub-class "Tenant Co-partnership Housing Society".   | Classification<br>Address of the<br>society               |
| 2. | (a) The registered address of the society shall be as under:<br>.....<br>.....<br>.....   |   |
|    | (b) Any change in the registered address of the society shall be intimated by it to the Registering Authority and all others concerned within 30 days of such change. | Intimation of change<br>in the address of the<br>society. |
|    | (c) Any change in the registered address of the society shall be made after the following procedure laid down in Rule 31 of the Rules of 1961                         | Procedure for<br>changing the address<br>of the society.  |
|    | (d) The society shall exhibit at conspicuous place at the main entrance of the building, a Board indicating its name, registration number and the registered address. | Exhibition of Name<br>Board.                              |

## II. INTERPRETATIONS / Definitions

- |    |   |  |
|----|---|--|
| 3. | Unless otherwise separately provided in these bye-laws, the following words and terms shall have the meaning assigned to them herein:   | Interpretations of the<br>words and terms. |
|    | (i) "Act" means the Maharashtra Co-operative Societies Act; (MCS Act) 1960;   |  |
|    | (ii) "Bye-laws" means the registered bye-laws of the society;   |  |
|    | (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 the members or other directing body to which the management of the affairs of the society is entrusted;   |  |
|    | (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 showroom, or shop, or godown and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or the coaching classes, or palnaghar or beauty parlour, the premises forming part of building and includes an apartment; |  |

- (vii) "Housing Society Federation" means the federation of co-operative housing societies, registered 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 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) "Builder- Promoter" means a person 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) & 66(2) of the Act and the Bye- Law No. 12(i);
- (xvi) "Repairs and Maintenance Fund" means the fund constituted under the Bye-law 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 for the purpose of Major Repairs, such as 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 an 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 & 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-ways, fire escapes and entrances and exits of the building;

- (c) the basements, cellars, yards, gardens, parking areas and storage spaces;
  - (d) the premises for persons employed for the management of the property;
  - (e) installations of central services, such as power, light, gas, hot and cold 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.,.....
- (xxiv) "Member" means a person joining in an application for the Registration of a Co-operative Society which is subsequently registered, or a person duly admitted to membership of a society after Registration and includes a Nominal and Associate member.
- a) 'Associate Member' means a member who holds jointly a share of the Society with other member but whose name does not stand first in the share certificate.
- b) 'Nominal Member' means a person admitted to membership 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 of 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.

### III. AREA OF OPERATION

4. The area of operation of the Society shall be confined to .....
- .....

Area of operation  
of the Society.

**Explanation:**

- I) For the societies in Brihan Mumbai, insert City Survey Number / Gat Number and Ward in the gap.
- ii) For the societies at other places, insert City Survey Number/ Gat Number and Municipal Corporation /City/Village ..... Taluka ..... District

**IV. OBJECTS**

Objects of the society

5. The objects of the society shall be as under:

- \*(a) 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 to be reconstructed on the plot/plots Nos. .... S. No / CTS No. of ..... admeasuring .....sq. metres, more particularly described in the application for registration of the Society.

- (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 co-operative institution, social cultural or recreative activities.
- (e) To do all things, necessary or expedient for the attainment of the objects of the society, specified in these bye-laws.

**V. AFFILIATION**

Affiliation of the society to other co-operative institutions.

- 6. The Society, immediately after its registration, shall become a member of the Housing Federation of the District/Area, 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 RAISING, THEIR UTILISATION AND INVESTMENT

### A) Raising of Funds

7. The funds of the Society may be raised in one or more of the following ways:
- (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 rights over the flats, [ As per G.R.]
  - (i) by any other mode permitted under these bye-laws.
  - (j) by corpus fund from the Developer. (However, such fund cannot be taken while transferring tenement, flats, and right of society to the capital)
  - (k) by way of statutory requirement.

Modes of raising the funds of the society.

### (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 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 by the 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.

Authorised share capital of the society

Issue of share certificates to the members of the society.

Society's seal and signatures of office bearers on every share certificate.

### (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 MCS Rules 1961

Restriction on incurring liabilities by the society.

### (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;

How the Reserve Fund shall be constituted.

Appropriation of amount to the Reserve Fund of the society.

Other Funds to be created by the society.

Creation of the Repairs and Maintenance Fund by the society.

Major repairs fund

Creation of the Sinking Fund by the society.

Utilisation of the Reserve Fund.

Utilisation of the Repairs and maintenance Fund.

Utilisation of the Sinking Fund.

Payment of remuneration to a member for services rendered by him to the society.

- (c) all transfer fees received by the society from its members on transfer of the shares, along with the occupancy rights;
- (d) all premium received by the society from its members on transfer 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 account for the preceding Co-operative year, appropriate all amounts referred to in the bye-law No.12 (i) (b) to (e) 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 meeting of the general body from time to time, subject to the minimum of 0.75 per cent per annum of the construction cost of each flat for meeting expenses of normal recurring repairs.
  - (b) Major repairs fund, 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 0.25per cent per annum of the construction cost of each flat, excluding the proportionate cost of the land.

#### **(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 alterations 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 may be certified by the Architect and on approval of General Body.
  - (d) The society may create and utilise the corpus fund by making Rules with the approval of the general body. However, such fund cannot be taken from the person transferring flat/tenement/right to share/share capital in the society.
  - (e) Notwithstanding anything contained in any other bye-laws a member may be paid remuneration at such rate, as may be decided by the general body meeting for the services rendered by him to the society.

- (f) Utilisation of major repairs 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 the sinking fund collections shall be invested on long term basis, along with the interest earned thereon by one of the modes permitted under the said section.
- Investment of society's Funds.

**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.
- Classes of Members.

**(B) Eligibility for Membership**

17. (a) No individual shall be admitted as a member of the society except for the following, that is to say-
- (1) Who is competent to contract under the Indian Contract Act, 1872;
- (2) a firm, co-operative society 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;
- (3) a society registered, or deemed to be registered, under the MCS Act 1960
- (4) the State Government or the Central Government;
- (5) a local authority;
- (6) a public trust registered under any law for the time being in force for the registration of such trusts.
- Eligibility of Individuals for membership of the society.
- 17 (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.
- Eligibility of a minor or a person of unsound mind for membership of the society.
- © "Notwithstanding anything contained in these bye-laws, admission of a person to membership of the Society direct 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 approval of the concerned competent authorities such as collector of the District, if the society has been given land by Government/CIDCO/MHADA. or any other authority for constructing houses thereon.
- Admission of person to society's membership subject to the Collector's approval.

**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.

Eligibility of  
Corporate Bodies,  
Partnership firms  
for membership of  
the society.

**Note (3)** The number of members in the Society shall be limited to the number of flats constructed in the building. Excess members shall not have right, title or interest in the society's property or shall not be eligible for voting. It shall be binding on the committee to induct the members to the extent of the number of flats.

18. A firm registered under the Indian Partnership Act, 1932, a company registered under the Indian Companies Act, 1956, a Society registered under the Societies Registration Act, 1860 or a Co-operative Society registered under the Maharashtra Co-operative 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(i) (b), (c), (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 Provision to Section 22 of the Act.

### **(C) Conditions for Membership**

Conditions for  
individuals desiring  
to be members of  
the society.

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 in a prescribed form as prescribed the particulars in regard to any house, plot or flat owned by him or by any of the members of his family, anywhere in the area of operation of the society;
  - (iv) he has given an 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 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, 1963
  - (viii) 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 in respect of the unsold flats.



(B) An individual, a firm, a company or a body corporate, registered under any law for the time being in force, who/which is eligible to be an associate member and who/which has made an application in the prescribed form for such membership, along with the entrance fee of Rs. 100/- may be admitted as such member by the Committee.

Conditions for associate membership of the society.

(C) A firm, company or any other body corporate, registered under any law for the time being in force, which is eligible to be a member of the society and which has made an application for membership of the society in the prescribed form may be admitted as a member by the general body meeting of the society on complying with the following conditions:-

Conditions of membership for bodies corporate desiring to become members of the society.

- (i) it has sent, along with the 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
- (ii) it has paid, along with the application for membership, full value of at least 20 shares and entrance fee of Rs. 100/-
- (iii) 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 provision to Section 22 of the MCS Act, 1960;
- (iv) 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.

Conditions for nominal membership of the society.

Procedure for disposal of applications for membership.

## II. RIGHTS OF MEMBERS

### (A) Getting Copy of the Bye-Laws

- 22. A member shall be entitled to receive a copy of the registered bye-laws of the society on payment of the price thereof as per clause 172

Right to get a copy of the bye-laws of the society.

### (B) Inspection of Books and Records

- 23. A member shall have right to inspect free of cost books, registers documents etc. as provided in Section 32 (1) of the MCS Act 1960 and get copies of the documents as provided under Section 32(2) of the MCS Act 1960, on payment of the fees prescribed under the bye-law No. 172.

Right of inspection of documents and getting copies thereof.

Right of occupation of the Flat.

**(C) 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 of allotment 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 permission of the Society, subject to the conditions set out by the Society.

No right of membership to an associate member except that under Section 27(2) of the MCS Act, 1960.

**(D) Restrictions on Rights of Associate and Nominal Members**

25. No associate members shall have any rights or privileges of a member except as provided under Section 27(2) of the MCS Act, 1960
26. A nominal member shall have no rights as such member.

No rights of membership to nominal member.

**(E) Resignation of Membership**

**(1) Resignation by a 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 MCS Act, 1961.
- (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.
- (c) Where any charges are found payable by the member of 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 the intimation.
- (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. If nothing is communicated during the said period, then it shall be deemed that resignation is accepted.
- (e) Where any resignation is rejected, the Committee shall record the reasons therefor and communicate the same to the member concerned within 3 months of the date of receipt of notice of resignation.

Resignation not to be accepted unless charges of the society are fully paid.

Communication of the amount of charges of the society outstanding to the member.

Acceptance of resignation where no charges of the society are outstanding.

Communication of reasons for rejection 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 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 there of 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. If the resignation is not granted within the said period then the same shall be deemed to be accepted.

**(3) Resignation by a Nominal Member, Occupying the flat on behalf of the Firm, Company or any other Body Corporate**

29. If there is a nominal member, occupying the flat on behalf of a firm, company or any other body corporate, he/ she may resign his nominal membership, at any time, by writing the letter of the resignation to the Secretary of the Society through the firm, the company or any other body corporate, on whose behalf he is occupying the flat. The Secretary of the Society shall place the letter of resignation, before the meeting of the committee, held next after the receipt of the letter of the resignation of the nominal member duly recommended by the firm, the Company or any other body corporate for acceptance by the Committee. The decision of the committee, accepting the resignation shall be communicated by the Secretary of the society to the firm, company or the body corporate and the nominal member, within 15 days of the decision by the Committee. If the resignation is rejected, the committee shall record reasons therefor in the minutes of its meeting and the Secretary shall communicate the same to the firm, company or the body corporate and the nominal member within the time specified above. if the committee does not take any decision there of within 3 months, the said registration shall be deemed to be accepted.

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-lettee, 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, given on leave and licence 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 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. If the committee does not take any decision thereof within 3 months, then it shall be deemed that the resignation is accepted.

Resignation by a sublettee, licensee of caretaker.

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

Procedure for nomination by a member and its revocation.

Recording of Nomination or revocations thereof

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

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.

**(F) Nomination by Members**

32. A member of the Society may, by writing under his hand, in the prescribed form, nominate a person or persons, to whom the whole or part of the shares and/or interest of the member in the capital/property of the Society shall be transferred in the event of his death. The acknowledgement of the nomination by the Secretary, shall be deemed to be the acceptance or 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 the earlier nomination. Every fresh nomination shall be charged a fee of Rs. 100/-
33. On receipt of the nomination form, or the letter of revocation of the earlier nomination, the same shall be placed before the meeting of the Committee, held next after; the receipt of the nomination form, or the letter of revocation of the earlier nomination, by the Secretary of the Society for recording the same in the minutes of the committee. Every such nomination or revocation thereof shall be entered in the register of nominations by the Secretary of the society within 7 days of the meeting of the committee, in which it was recorded.
34. Subject to the provisions of the Section 30 of the M.C.S Act, 1960, bye-laws Nos. 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 the 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 the 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.

35. Where a member of the Society dies without making a nomination, or no nominee comes forward for transfer, the society shall invite, within one 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 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 share and interest of the deceased member in the capital/ property of the society. After taking in to 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 opinions, 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 share and interest of the deceased member in the capital/property of the society, at any time in future by any person.
- Transfer of shares & interest of the deceased member in the capital/property of the society to the heir.
- 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.
36. If there is a single nominee and if he demands payment of the value of shares and interest of the deceased member, in the capital/property of the society, the society shall acquire the same and pay him the value thereof as provided under the bye-law no. 66. If, however there are more nominees than one and if they demand payment of the value of the shares and interest of the deceased member in the capital/ property of the society, the society shall acquire the same and pay them the 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 proportion.
- Payment of the value of shares and interest of the deceased member in the capital/ property of the society to the nominee/nominees.
37. If, in the opinion of the Committee, there is only one heir /legal representative of the deceased member and if he demands payment of the value of the shares and interest of the deceased member in the capital/ property of the Society, the Society may acquire the same and pay him the value thereof as provided under the bye-law No.66 after obtaining the indemnity bond referred to in the bye-law No.35. If in the opinion of the Committee, there are more heirs/legal representatives than one and if they demand payment of the value of shares and interest of the deceased member in the capital/property of the Society, the Society may acquire the same and pay them value thereof in equal proportion as provided under the bye law No.66, after obtaining the indemnity bond referred to in the bye-law no. 35, from all their heirs/legal representatives jointly.
- Payment of the value of Shares and interest of the deceased member in the capital/ property of the society to the heir/legal representative.

Notice of transfer of shares and interest in the capital/property of the society.

**(G) 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-facie eligible to transfer his shares and interest in the capital/property of the Society, in view of the provisions of Section 39 (2) (a) of the MCS Act 1960.
- (c) In the event of ineligibility 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 the 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 an 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 original share certificate;
  - (ii) application for membership of the proposed transferee in the prescribed form,
  - (iii) resignation of outgoing member in the prescribed form byelaws No.27 (a) Appendix No. 13
  - (iv) Registered agreement duly stamped.
  - (v) valid reasons for the proposed transfer.
  - (vi) undertaking to discharge the liabilities to the society by the transferor;
  - (vii) payment of the transfer fee of Rs. 500/-.
  - (viii) remittance of the 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 transfer 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 or a registered gift deed executed by the member.

- |         |   |   |
|---------|---|---|
| 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 application for transfer of shares and interest of the member in the capital /property of the society.  |
| (b)     | A meeting of the committee or the general body, as the case may be, shall not refuse any application for admission to membership or transfer of shares and interest in the capital/property of the Society except on the ground of non compliance of the provisions of the Act, the Rules and the Bye-laws of the Society or any other law or order issued by the Government in exercise of the statutory powers vested in it.                  | The committee/General Body not to ordinarily refuse any application for membership or transfer of shares and /or interest in the capital/property of the society. |
| (c)     | If the decision of the Committee/General Body Meeting as the case may be, on the application for transfer of shares and /or interest in the capital/property of the society is not communicated to the applicant within 3 months of its receipt, the transfer application shall be deemed to have been accepted and the transferee shall be deemed to have been admitted as a member of the society as provided under Section 22(2) of the Act. | When application for transfer of shares and interest in the capital/property of the society deemed to have been admitted.   |
| (d)     | The transfer made in contravention of the Act, Rules or the bye-laws shall be void and not be effective against the society.  | Unauthorised transfer void.   |
| 40.     | The transferee shall be eligible to exercise the rights of membership on receipt of the letter in the prescribed form from the Society; subject to the provisions of the MCS Act 1960 & Rules made thereunder.  | Rights of membership when to be exercised by the transferee.  |

**(H) Exchange of Flats**

- |     |   |   |
|-----|---|---|
| 41. | The members, desiring to exchange their flats, shall make a joint application to the Secretary of the society, containing the following details:                      | Application for exchange of flats by the member of the society.               |
| (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 and name / names of the building / buildings in which their respective flats are situated;  |   |
| (5) | The reason for exchange of flats.   |   |
| (6) | Registered Deed of exchange with the necessary stamp-duty having been paid.   |   |
| 42. | The procedure for disposal of applications for exchanges of flats as indicated in the bye-law no.65 shall be followed the Secretary and the Committee of the Society. | Disposal of application for exchanges of flats by the members of the Society. |

Sub-letting etc. not permissible without the society's permission.

Application for permission to sub-let etc.

**(I) Sub-letting etc. of Flats**

43. (1) A member may, apply to the society, of his intention of sub-letting of his flat and on receipt of the permission in writing of the Committee, subject or give on leave and licence 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;

43(2) No member shall be permitted by the committee to sub-let, give on leave and licence basis or care-taker basis, his flat or any part thereof or part with its possession in any manner unless:

- (i) he has made an application in the prescribed form;
- (ii) he has furnished the application for nominal membership of the proposed sub-lettee, licensee, care-taker 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, on his failure to get vacant possession of the flat or part thereof on expiry of the period of sub-letting, giving on leave and licence or care-taker basis the flat or part thereof or parting with his 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, licence etc.;
  - © he shall pay non-occupancy charges to the Society. Non-occupancy charges shall be charged in accordance with the circular issued by the Government of Maharashtra and the Commissioner for Co-operation 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.



Provided that while permitting the sub-letting, giving on leave and licence 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 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.

- (d) 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.

44. The procedure for disposal of the application for permission for sub-letting, giving on leave and licence 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.

Procedure for disposal of applications for sub-letting etc.

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.

Restrictions on assignment of occupancy right in the flat.

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 of the member or from the Life Insurance Corporation of India or from the Bank or the Society or any other agency approved by the Commissioner for Co-operation and Registrar.

### III. RESPONSIBILITIES & LIABILITIES OF MEMBERS

#### (A) Maintenance of Flats by Members

46. Every member shall keep his flat clean.

Flats to be kept clean.

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

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

- (b) The member, desirous of making any additions or alterations in his flat, shall make an application to the Secretary of the Society, giving all the required particulars. Further action on such application shall be taken by the Secretary and the Committee of the Society as provided under the bye-law No. 65.

Application for permission for making additions and alterations in a flat

48. (a) For facilitating discharge of functions mentioned under the bye-law no.156 by the Committee, every member shall allow the Secretary of the Society, accompanied by any other member of the Committee, to enter upon his flat with prior intimation to the Member, to examine its condition for ascertaining the repairs, if any, necessary. The Secretary of the Society shall make a report to the Committee, indicating therein the particulars of the repairs to be carried out by the society at its cost and those by the members at their cost.

Examination of flat and report of committee

Notice to the member about carrying out repairs to his flat by the Society at his cost.

- (b) 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.
- (c) 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 .

Restriction on storing of certain goods.

- 49. No member, without the previous permission of the committee, in writing, shall stock or store any kind of goods or materials, which are combustible, obnoxious or other goods, for the storing of which requires permit/sanction of the competent authority under any law relating thereto.

Not to do any things in a flat causing inconvenience, nuisance or annoyance to other member.

- 50. (a) No member, shall do or suffer anything to be done in his flat which may cause nuisance, annoyance or inconvenience to any of the members of the Society or carry on practices which may be repugnant to the general decency or morals of the members of the Society.
- (b) It shall be competent for the committee either sou-moto or on receipt of the complaint from any member to take steps to stop all such practices referred to in the Bye-law No.50(a) forthwith.

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

#### **(B) Expulsion of a Member**

Grounds on which a member could be expelled

- 51. A member may be expelled from the membership of the society, if such a member:
  - (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 purpose or misused it for illegal purpose 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.

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| 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 the MCS Rules 1961.</p> <p>(b) Expulsion from membership may involve forfeiture of the shares held by the member. Where the Committee decides that expulsion 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 MCS Rules 1961</p>   | <p>Procedure for expulsion of a member.</p> <p>Forfeiture of shares of the expelled member.</p> |
| 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 the shares may take effect simultaneously with expulsion.</p>  | <p>Effect of expulsion on membership of the society.</p>  |
| 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>   | <p>Handing over vacant possession of the flat by the expelled member</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 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.</p>   | <p>Acquisition of the shares and interest of the expelled member.</p>                           |
| 56.                                       | <p>No member of the society, who has been expelled from its membership, shall be eligible for re-admission 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 readmitted to its membership, as a special case, before the expiry of the period of one year, with the prior permission of the Registering Authority.</p>  | <p>Eligibility of the expelled member for re-admission to membership of the society</p>         |
| <p><b>(C) Cessation of Membership</b></p> |  |   |
| 57.                                       | <p>The person shall cease to be the member of the Society.</p> <p>(i) on his resignation from membership of the Society having been accepted by the Committee.</p> <p>(ii) on transfer of all his shares and interest in the capital/property of the Society.</p> <p>(iii) on his death.</p> <p>(iv) on his expulsion from the membership of the Society.</p> <p>(v) on being adjudged as an insolvent or legally disabled from continuing as member.</p> <p>(vi) If the where abouts of the member are not known for continuous seven years and if his shares and interest in the property/capital of the Society is not claimed by anybody else.</p> <p>(vii) On cessation of right/title and interest as a member in the property of the Society by way of legal attachment or sale.</p> <p>The committee shall take further action in the matter as indicated in the bye-law No. 61.</p> | <p>Circumstances under which a person ceases to be a member of the society.</p>                 |

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.

Circumstances under which a sub lettee. Licensee care take ceases to be the nominal member.

Action by the committee on cases of cessation of membership 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.

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 sub-lettee, licensee or 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 licence or care-taker basis

**Note:** The words "original member" used in the by-laws Nos. 57, 58, 59 and 60 mean the member, with whom the associate member 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 licence or care-taker basis his flat or part thereof or part with its possession in any other manner.

61. 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 members 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 seven days of the dates of such decision of the Committee.

**(D) Restriction 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 provision of Section 6 of the MCS Act 1960

Holding of flats by member

**(E) 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.
64. The liability of the past member of the society for the debts of the society, as they stood on the date of 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 limited to unpaid amount on shares.

Liability of the past member.

**(F) Other Matters**

65. (a) All the applications for (i) admission to membership of the Society, including associate and nominal membership (ii) approval to the transfer of Shares and interest in the capital/property of the Society, (iii) permission for sub-letting or giving flats or parts thereof on leave and licence 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 comings therein to the notice of the members concerned within 7 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 ;

Disposal of applications

Payment of the value of shares and interest of a member or Past of the society

- (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 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 MCS Act 1960
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 MCS Rules 1961
  - (ii) The shares and 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 newspapers 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 10 shares of the Society and the entrance fee of Rs. 100/-.
  - (vi) On realisation 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, 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.



### VIII. LEVY OF CHARGES OF THE SOCIETY

67. The contribution to be collected from the members of the society towards outgoings and establishment of its funds, referred to in these bye-laws as 'charges' may be in relation to the following:
- Composition of the charges of the society
- (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 the 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) Any Other Charges.
68. The service charges of the Society referred to at 67 (vii) above shall include the following:
- Breakup of service charges of the society.
- (i) Salaries of the office staff, liftmen, watchmen, gardeners and any other employees of the Society.
- (ii) Where the Society has independent office, the property taxes, electricity charges, water charges etc. for the same,
- (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 of the Maharashtra Rajya Sahakari Sangh Ltd.
- (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 co-operative institution.
- (ix) Audit Fees for internal, statutory and Construction work reaudit, if any.
- (x) Expenses incurred at meetings of the general body, the Committee and the Sub-Committee, if any.
- (xi) Retainer fees, legal charges, statutory enquiry fees.
- (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 per cent per annum of the construction cost of each flat for meeting expenses of normal recurring repairs.
  - (iv) **Expenses on repairs and maintenance of the lift, including charges for running the lift:** Equally by all the members of the building in which lift is provided, irrespective of the fact whether they use the lift or not.
  - (v) **Sinking Fund:** As provided under the bye-law no. 13(c).
  - (vi) **Service Charges:** Equally divided by number of flats.
  - (vii) **Parking Charges:** At the rate fixed by the general body of the Society at its meeting under the bye-law No. 84/85.
  - (viii) **Interest on the delayed payment of charges:** At the rate fixed under the bye-law no. 72 to be recovered from the defaulter member.
  - (ix) **Repayment of the installment of the loan and interest:** The amount of each installment with interest fixed by the financing agency.
  - (x) **Non-Occupancy charges:** At the rate fixed under the bye-law no. 43(2)(iii)(c).
  - (xi) **Insurance Charges:** In the proportion the built up carpet 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 of their flats.
  - (xii) **Lease Rent:** The built up carpet area of each flat.
  - (xiii) **Non-Agricultural Tax:** The built-up carpet area of each flat.
  - (xiv) **Any other charges:** As may be decided by the General body of the Society at its meeting.
- (b) The Committee shall fix in respect of every flat the Society charges on the basis laid down as under the bye-law no. 69 (a).

Committee to fix society's charges in respect of every flat. Payment of the society's charges.

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 fixed by the Committee.

Review of the ceases of defaults in payment of the charges of the society.

71. 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 73FF(c) of the MCS Act, 1960. 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.
- (a) on the Death of the defaulter member of the society, the overdues can be recovered from the legal heirs of the deceased member or from the occupant of the flat.



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| 72. | A member shall be required to pay simple interest at such rate as is fixed by the general body of the society at its meeting, subject to the maximum of 21 percent per annum, on the charges of the Society, from the date the amount was delayed till its payment not paid by the member within the period as prescribed under bye-law no. 70. | Interest on the defaulted charges. |
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**IX. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY**

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| 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 do all such things as are necessary for the purpose for which it is constituted.  | Incorporation   |
| 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.  | Common seal   |
| 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 the repayment of such charges, as provided under Section 46 of the MCS Act, 1960  | Charges and set off in respect of shares and interest of a member of the society.   |
| 76. | <p>(a) The member, person/firm who had purchased the flat under any 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.</p> <p>(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.</p> | <p>Flat purchased is deemed to have been allotted.</p> <p>Change of user not permissible without the sanction of the committee.</p> |

Society to carry out Structural Audit.

77. The Society shall cause the STRUCTURAL AUDIT of the building of the society as follows:

- (1) For the building ageing 15 to 30 years.....once in 5 years.
- (2) For the building ageing above 30 years.....once in 3 years.

Such STRUCTURALAUDIT shall be conducted by the Engineers from the panel of Municipal Corporations in case of the societies which are in the limits of Municipal Corporations. In case of other societies such structural audit shall be carried out by the Govt. Approved Engineer.

Policy of allotment of parking spaces and stilts.

78 (a) Member may hold parking space/ stilt if he is allotted the same, and he shall have a right to transfer the same to transferee or other eligible member of the same society.

(b) The allotment of Parking Space/Stilts shall be made by the Committee on the basis of "First Come First Served", for available parking spaces. However in case of Parking Space/stilts allotted by the Society, the member shall have no right to sell or transfer the said allotted parking space/stilts, to anybody.

Restriction on parking spaces stilts

79. No member may be entitled to utilise more parking spaces/stilts than what is allotted to him by the Committee, Builder.

Marking of parking spaces or stilts.

80. Where any stilts have been built or open space in the society's compound is available for parking of cars, the society shall number the stilts or the open space in such a way that no inconvenience would be caused to any of the members 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 stilts or parking spaces.

81. A member, having a motor vehicle, will only be eligible to have stilts or a parking space. No member shall normally be eligible for being allotted more than one stilt or a 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 of the company of which he is the director. If any stilts or parking spaces remain unallotted for want of applicants for allotment, a second or third stilt or 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 stilt/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 stilt/parking space.

Eligibility for allotment of stilts or parking spaces by lots.

82. In case the number of vehicles of eligible members are in excess then the available parking space/stilts, the managing committee shall allot such parking space/stilts by 'lot' on yearly basis.

83. The member, desiring to have a stilt or a parking space, may make an application to the Secretary of the Society giving necessary details. The procedure for disposal of applications for permission under the bye-law, as laid down under the bye-law No. 65, shall be followed by the Secretary and the committee of the Society.

Applications for allotment of stilts or parking spaces

84. Every member, who has been allotted the stilt or 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 stilt/ parking space, he shall pay parking charges in respect of every such stilt or parking space, as decided by the General Body Meeting.

Payment of charges for parking of vehicles.

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.

Parking of other vehicles.

## **X. GENERAL MEETINGS**

### **(A) First General Meeting**

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 MCS Rules, 1961. It shall be the responsibility of the Chief Promoter of the Society to convene the said meeting within the stipulated period.

Holding of the first general 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.

Calling the first general meeting by the Registering Authority.

86. 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 authorised 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.

87. (a) At the first general meeting of the society the following business shall be transacted.

Functions of the first general meeting.

- i) Election of a President for the meeting,
- ii) Admission of new members (other than the Promoters) who have applied for membership of the society.

- iii) Receiving and approving the statement of accounts, as prepared by the Chief Promoter of the Society, up to 14 days prior to the date of first general meeting of the Society.
- iv) Constitutions 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 in the meeting with the permission of the Chair, excepting those requiring proper notice

**(IN ADDITION FOLLOWING ARE APPLICABLE FOR SOCIETY  
CONSTRUCTING FLATS FOR THEIR MEMBERS )**

- 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.

Nomination of a  
provisional committee  
by the registering  
authority.

- (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.

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| 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 Registering Authority under the bye-law No. 89(b).   | Recording of minutes at the first general meeting.         |
| 91. | <p>The Chief Promoter of the society shall, immediately after election of the office-bearers of the society, at the first meeting of the Provisional Committee or its nomination by the Registering Authority under the bye-law No. 89(b), hand over to the Chairman of the Society or any member of the Provisional Committee authorised by it in that behalf:-</p> <ol style="list-style-type: none"> <li>i) all records of the society, particularly the copy of the application for registration of the society, received back from the Registering Authority;</li> <li>ii) the copy of the bye-laws of the society registered by the Registering Authority;</li> <li>iii) the certificate of registration of the society;</li> <li>iv) the challans of the credit of amounts into the bank</li> <li>v) the counterfoils of the used cheques and the used forms of the cheques;</li> <li>vi) the bank pass books;</li> <li>vii) the copies of all the agreements entered into by him with different parties;</li> <li>viii) the statement of accounts as prepared by him;</li> <li>ix) the applications for membership;</li> <li>x) the statement of information of the promoters;</li> <li>xi) the vouchers for amount spent;</li> <li>xii) the cash balance, if any;</li> <li>xiii) the site plan</li> <li>xiv) the minutes of the first general meeting of the society;</li> <li>xv) the files of the correspondence with the Registering Authority, the Local Authority;</li> <li>xvi) and all such other records and assets of the Society as are in the possession, leaving nothing with him.</li> </ol> | 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;  | Power 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.             |
| 94. | The Chairman of the Provisional Committee or the Nominated Committee shall hand over the charge of all the assets and papers of the Society to the Chairman of the newly elected Committee at the time of its first meeting, leaving nothing with him/them including the record mentioned under bye-law No. 91.  | Handing over charge by the provisional committee.          |

	<b>(B) Annual General Body Meetings</b>	
Period of AGM meeting	95.	The annual general body meeting of the Society shall be held on or before the 14th of August of each year or within the extended period as provided under Section 75(1) of the MCS Act, 1960
Functions of the annual general body meeting of the society.	96.	<p>The annual general body meeting of the society shall transact the following business:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) to receive from the Committee, the report 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 co-operative year and the balance sheet as at the close of the preceding co-operative year.</li> <li>(iii) to consider audit memorandum, if received from the Statutory Auditor, for the previous co-operative year or years, along with the audit rectification report of the committee thereon.</li> <li>(iv) to declare the result of the election to the Committee, if election to the committee has taken place prior to the annual general body meeting of the society;</li> <li>(v) to appoint an auditor, for the Statutory Audit, from the panel maintained by the Deputy Registrar;</li> <li>(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 MCS Act, 1960, MCS Rules 1961 and the bye-laws of the society.</li> <li>(vii) to consider any important communications received from the Registering Authority, the Statutory Auditor, Government, Collector, Local or any other competent authority;</li> <li>(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 provisions of the MCS Act, 1960, MCS Rules, 1961 and bye-laws.</li> </ul>
	<b>(C) Special General Body Meetings</b>	
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 of 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. 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 day's notice of the meeting shall be given to all the members of the Society, 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 a 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
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.	Quorum for the general body meeting.
102.	If within half an hour after the time appointed for the 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 a quorum or not.	Holding of the adjourned general body meeting
103.	If all the business on the agenda of the general body meetings 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.	Postponement of the general body meeting which cannot complete the business on the agenda.
104.	The Chairman of the Society shall preside over all general body meeting of the society, provided that if the Chairman is absent or if present and is unwilling to preside, the members present may elect a person from amongst themselves to preside over it.	Chairman of the society to preside over all general body meetings.
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.	Restrictions on attending a general body meeting by a proxy
106.	Voting right of a member and an associate member of the Society shall be regulated in accordance with the provisions of Sections 27(1) and (2) (3) & (3)A of the MCS Act 1960.	Voting right of a member



One member one vote.

107. At the general body meeting of the society, every 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.

How decisions shall be taken

108. Unless otherwise specifically provided under the MCS Act, 1960, the MCS Rules, 1961 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.

Recording of the minutes of the general body meetings.

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.

Cancellation of the previous resolution of the general body meeting.

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.

#### **XI. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY**

General body meeting to be the supreme authority.

111. Subject to the provisions of the MCS Act, 1960, the MCS Rules, 1961 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.

Management of the society to vest in the Committee.

112. The Management of the affairs of the Society shall vest in the Committee duly constituted in accordance with the provisions of the MCS Act, 1960, the MCS Rules, 1961 and the Bye-laws of the Society.

Exercise of powers by 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.

Opening of Banking Account

114. A Banking Account shall be opened by the society in the nearest State or District Central Co-op. Bank or its branch or in any scheduled co-op Bank. if account is to be opened in Nationalised Bank, then prior permission of registering authority shall be necessary and the account shall be operated upon and all acquittances and discharges shall be signed by the Secretary jointly with the Chairman or treasurer After an account is opened, it should be informed to that affect to the Registrar within 15 days. However, investment in long term should be made in the District Central Co-operative Bank only.

Strength of the committee.

115. The Committee shall consist of 5\*/7/9/11 members of the Society. This strength includes the reservation of seats for women members as provided under Section 73 BBB of the Act.

**Note:** \*The strength of the managing committee and strength of the quorum for conducting the meeting would be as under:-

No. of Members	Strength of the M. C.			Quorum in M.C.
	General	Women	Total	
Up to 50	4	1	5	3
51 to 100	6	1	7	4
101 to 300	8	1	9	5
301 and above	9	2	11	6

\*Strike out whichever is not required

**\*Explanation:-** In case women members are not available or not willing to represent on the committee, the seats reserved for them may be filled from other eligible members.

116. (a) Election of all the members of the committee shall be held once in 5 years, in accordance with the Election Regulation annexed hereto. (Vide Annexure III). The retiring members of the Committee shall be eligible for re-election. If the paid up share capital is more than Rs. 10000/- then the voting shall be done by secret ballot.

Election to the committee.

(b) In the event of receipt of inadequate valid nominations, required to constitute the full Committee, the General body at its meeting shall fill in the vacancies by election. On the failure of the general body meeting to elect the required number of members to constitute the Committee, the elected members of the Committee shall be competent to fill in the same by co-option whether they form the quorum or not, notwithstanding the provision of the bye-law no. 127 regarding the quorum.

Action if the nominations received are less than the number of seats to be filled in.

117. No Officer of the Society shall have any interest, directly or indirectly, otherwise than as such officer:

Prohibition against being interested in the society.

- (a) in any contract made with the society.
- (b) in any property sold or purchased by the society.
- (c) in any other transaction of the society, except as investment made in or loan taken from the society for provision of residential accommodation by the society to any paid employee of the society.

118. No person shall be eligible for being elected as a member of the Committee or co-opted on it, if:

Disqualification for election to the committee

- (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 post (under certificate of posting), demanding the payment of dues;
- (iii) he has been held responsible under Section 79 or 88 of the MCS Act, 1960, or has been held responsible for the payment of the costs of enquiry under Section 85 of the MCS Act, 1960;
- (iv) he has without the previous permission of the society, in writing, sublet his flat or part thereof or given it on leave and licence or caretaker basis or has parted with its possession in any other manner or has sold his shares and interest in the Society;
- (v) in case of an associate member, non-submission of the no-objection certificate and undertaking, as prescribed under these bye-laws, by the member.
- (vi) he is declared as ineligible as per the provision of the Maharashtra co-operative societies Act. 1960 and Rules, 1961.

Constitution of the committee.

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, or where such election is held before the date of commencement of the Maharashtra Co-operative Societies, (Second Amendment) Act, 1966 (Mah. XXXVII of 1986), and such number of members have been elected but the committee has, for whatever reason, not been so far constituted, forward their names together with their permanent address 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 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 bye-law no. 118 or;  
(b) he has failed to attend any three consecutive monthly meetings of the committee, without 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.

Restrictions on being present at the time of consideration of a matter in which a member of the committee is interested and voting on such matter

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

Period of office of the elected committee.

122. The period of office of the committee elected under the bye-law no. 116(a) shall be for 5 years.

The first meeting of the newly elected committee to be held within 30 days of its election.

123. (a) The first meeting of the newly elected and outgoing Committee shall be held within 30 days from the date of constitution of the new committee as per bye-law No. 119.  
(b) Subject to the provisions of the bye-law no. 123(a), the Secretary of the outgoing committee shall issue notice of the first meeting of the newly elected committee and the outgoing Committee to the members thereof. On failure of the Secretary of the outgoing Committee to convene the said meeting, the Chairman of the outgoing Committee shall call it. On the failure of both, the Registering Authority call such a meeting.

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 office 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.

Handing over charge by the outgoing committee.

**Note:** The word "paper" used in this bye-law and any other bye-law shall mean all or any items mentioned in the bye-law Nos.142 and 143.

126. (a) Every Committee, at its first meeting, after its election, shall elect a Chairman, Secretary and Treasurer from amongst the members of the Committee.

Election of office bearers of the Society.

- (b) The Chairman, Secretary and Treasurer of the society shall hold office for the period of 5 years from the date on which he is elected to be the Chairman or as the case may be by the Secretary and Treasurer, but not beyond the expiry of term of the Committee.

Period of office of the Chairman /Secretary and No Confidence Motion against either.

Provided that he shall cease to be the Chairman, or as the case may be the Secretary or Treasurer of the society, 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 1/3rds members of the Committee and the motion of 'No Confidence' is passed by 3/4th members present at such meeting, having attendance of at least 2/3rd members of the Committee who are entitled to vote at the election of such Chairman, Secretary and 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 the preceding motion of the 'No Confidence'.

127. The quorum for a Committee Meeting shall be "3/4/5/6 members of the Committee. 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.

Quorum for Committee Meeting

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.

Number of committee meeting to be held in a month.

129. In the event of vacancies in the Committee, caused on account of the death, resignation, disqualification or removal of any members of the Committee, by the Registrar, the Committee may fill in such vacancies by co-option on the Committee of any other members eligible to be on the Committee, irrespective of fact whether there is the quorum or not, not withstanding anything contained in the Bye-law No. 127. However, such vacancies by co-option shall not be more than two.

To fill in vacancies of the committee

130. The Period of office of the co-opted member of the committee shall be co-terminus with tenure of office of the Committee.

The period of office of the member co-operated on the Committee.

Resignation by a member of the committee.

Resignation of office bearship of the society.

Notice of meeting of the committee.

The Chairman of the society to preside over the meeting of the committee.

One member one vote. Decisions by majority of the committee.

A special meeting of the committee at the instance of the 1/3<sup>rd</sup> members 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 of the period of one month from the date of receipt of the letter of 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 upto 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. The Committee shall continue in office till alternate arrangement is made for the management of the Society.
133. The Secretary of the Society shall give 3 clear days notice of even meeting 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 thereat, 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, 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 votes.
136. On a requisition by 1/3<sup>rd</sup> 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 matters 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-law 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 of the society, the Chairman of the Society shall make alternate arrangements for recording minutes of the meeting.

Attending meetings of the committee and recording their minutes by the secretary of the society.

138. The members of the Committee shall be jointly and severally liable for making good any loss, which the society may suffer on account of their negligence or omission to perform any of the duties and functions cast on them under the MCS Act, 1960, MCS Rules, 1961 and the bye-laws of the society.

Joint and several liability of the members of the committee.

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

Powers duties and functions of the committee.

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 of the Repairs and Maintenance Fund and the Sinking Fund.	13 (a) and 13 (c)
3.	To consider all matters relating to the creation, investment and utilisation of the Repairs and Maintenance Fund, Reserve Fund and Sinking Fund.	12(i) and (ii) 14(a), (b) and (c), 15.
4.	To consider and decide the resignations received from members, associate members & nominal members.	27 to 30
5.	To ensure that nominations and revocations thereof are recorded in the minutes of the meetings of the Committee.	33
6.	To take action on the report of the Secretary on inspection of the flats.	48 (b)
7.	To take action on cases of cessation of membership, including associate and nominal membership.	61
8.	To consider and decide the applications for various purposes received by the Society.	65
9.	To consider and decide cases of refund of shares & 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-laws 69(a).	69 (b)
12.	To review the position of recovery of the charges due to the society from the members and to initiate action against defaulting members.	71
13.	To verify compliance of the provisions relating to charging of interest on defaulted charges of the society.	72
14.	To authorise 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 within the prescribed period.	95
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) (d)
27.	To obtain securities from 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 & renewals thereof.	156 & 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 herein above.	
36.	To regulate parking in the society	73 to 85
37.	To ensure that the society is affiliated to Housing Federation and its subscription is regularly paid.	6
38.	To take the decision on the complaint application in the managing committee meeting and inform the concerned member of its decision accordingly.	174
39.	To enter into contract with the Architect of the society	158(f)
40.	To scrutinise 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)

Power of the chairman of the society

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, MCS Rules, 1961 the rules and the bye-laws of the society. In case of any emergency, the Chairman of the society may be competent to exercise any of the powers of the Committee. However, while doing so he shall record the reasons there of in writing. Any decision, so taken by the chairman of the society shall, be got ratified in the next meeting of the Committee.

Functions of the secretary.

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

Sr. No.	Items of the functions	Bye-law No. under which it falls.
(1)	(2)	(3)
1.	To issue share certificates to members within the stipulated period and the prescribed manner.	9 and 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 Nomination 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 of the society's charges.	70
10.	To bring cases of defaults in payment of the society's charges to the notice of the Committee.	71
11.	To issue letter of allotment of flats.	76(a)
12.	To issue notices and agenda of all meetings of the general body.	99
13.	To record the minutes of all the meetings of the general body.	109
14.	To call the first meeting of the newly constituted Committee.	123(b)
15.	To issue notices of all the meetings of the Committee.	133
16.	To attend meetings of the Committee and to record minutes thereof.	137
17.	To maintain account books, register and other records, unless otherwise decided by the Committee.	144

18.	To finalise account of the society in the required manner.	147(a)
19.	To produce records of the society before different authorities 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 to their notices under instructions from the committee.	166
22.	To discharge such other functions under the MCS Act, 1960 the MCS Rules 1961 and the Bye-laws of the society and directions of the Committee and 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

## **XII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS**

142. The Society shall maintain the following books of accounts, records and the 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 Property Register.
  - (vii) The Share Register.
  - (viii) The Sinking Fund Register.
  - (ix) The Audit Rectification Register in 'O' form, prescribed under Rules 73 of the MCS Rules, 1961
  - (x) The Investment Register.
  - (xi) The Nomination Register.
  - (xii) The Loan Register ( if loan is raised ).

Books and accounts registers and other books to be maintained.

Other records to be maintained.

- (xiii) The Mortgage Register (if the property is mortgaged).
  - (xiv) The Minutes Book for the meetings of the Committee of the society.
  - (xv) The Minutes Book for the meetings of the general body of the society.
  - (xvi) Register of deposits made with the Local Authority, the Electric Supply Company and any other Authorities.
  - (xvii) The Register of Furniture, Fixtures and Office Equipments.
  - (xviii) The Register of Library Books.
  - (xix) The Register of Allotment of Flats.
  - (xx) Structural Audit Register (wherever applicable).
143. The Society shall maintain separate files for the following items:
- (i) Applications for membership.
  - (ii) Applications for associate membership.
  - (iii) Applications for nominal membership.
  - (iv) Letters of resignation of membership including associate and nominal membership.
  - (v) Applications for transfer of shares and/or interest in the capital/property of the society.
  - (vi) Cases of expulsion of members.
  - (vii) Nominations made by members including revocation thereof.
  - (viii) Separate file for correspondence entered into with each member.
  - (ix) Correspondence with the Registering Authority.
  - (x) Correspondence on property taxes including Non-agricultural taxes.
  - (xi) Correspondence on water charges.
  - (xii) Correspondence on electric supply.
  - (xiii) Correspondence about conveyance of the property.
  - (xiv) Agreements, Contract deeds with papers connected thereto.
  - (xv) Approved plans of construction and correspondence thereon.
  - (xvi) Application for exchange of flats.
  - (xvii) Correspondence about allotment of flats.
  - (xviii) Applications for allotment of parking spaces and stilts.
  - (xix) Vouchers, along with the bills relating thereto arranged in order of entries in the cash book and the journal.
  - (xx) Counterfoils of challans for credits of amounts into the bank, arranged in order of dates of credits.
  - (xxi) Counterfoils of cheques issued.
  - (xxii) Counterfoils of share certificates.
  - (xxiii) Applications for duplicate share certificates.
  - (xxiv) Application for registration of the society, the copy of the bye-laws and amendments thereto.
  - (xxv) A certificate of registration fully framed.
  - (xxvi) Counterfoils of receipts of carbon copies of receipts issued by the Society.
  - (xxvii) Counterfoils of bills of carbon copies of bills for the society's charges.
  - (xxviii) Correspondence about loan received and property of the society mortgaged.

- (xxix) Notices & agenda of the meetings of the general body of the society.
- (xxx) Periodical statements of accounts prepared by the society.
- (xxxi) Committee's annual reports on the working of the society.
- (xxxii) Audit memos received from the Statutory Auditors, with rectification reports thereon.
- (xxxiii) Audit reports received from Internal Auditors, with recertification reports thereon.
- (xxxiv) Notice and agenda of the meetings of the Committee.
- (xxxv) Papers pertaining to the election to the Committee.
- (xxxvi) Complaint from members and correspondence thereof.

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

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| <p>144. Unless otherwise decided by the Committee, it shall be the responsibility of the Secretary of the society to maintain and keep upto date the account books, registers and other records mentioned under the bye-laws Nos. 142 and 143.</p>  | <p>Responsibility for maintenance of account books registers, Records etc.</p>      |
| <p>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.300 (Rupees Three Hundred only), for petty expenses. If due to avoidable circumstances, the cash on 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 on hand.</p>  | <p>Limit for maintaining cash on hand.</p>  |
| <p>146. All payments in excess of Rs. 1500/- shall be made by means of crossed A/c Payee's Cheques.</p>   | <p>Payment beyond certain limit by cheques.</p>                                     |
| <p>147. (a) 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 finalise the accounts 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 the MCS Rules, 1961 along with the list of 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 investment, the debtors, the creditors, the furniture, the fixtures and the office equipments etc.</p> | <p>Finalisation of accounts.<br/>Extension of time for finalization of accounts</p> |
| <p>(b) In case it is not possible to finalise the annual statements of Accounts within the period mentioned in the bye-law no. 147(a), the extension of time shall be sought for under Rule 61 of the MCS Rules, 1961 from the Registering Authority, by furnishing a copy of the resolution of the Committee meeting, explaining the reasons for the delay.</p>  | <p>Extension of time for finalisation of accounts</p>                               |
| <p>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</p>  | <p>Security by the employees.</p>   |

### XIII. APPROPRIATION OF PROFITS

Contribution to the Statutory Reserve fund of the society.

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 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.

Distribution of the remaining profit of the society.

- (b) The remaining 75% of the net profit of the society shall be utilized as provided under Rule 50, 51, 52, 53.
- (i) To pay dividend not exceeding \* 15 per cent per annum, upon the paid up share capital at such rate as the committee may recommend and the annual general body meeting may approve. The dividend on shares shall be paid to the registered holders of such shares according to the books of the society as on the last day of the preceding co-operative year.
  - (ii) To pay honorarium to office-bearers of the society not exceeding 15 percent of the net profit to reward them for the sacrifice of their valuable time for the working of the society. However, the office bearer may take such amount of annual limit 15% or Rs. 2000/-, whichever is less.
  - (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 within such manner as the annual meeting of the general body, on the recommendations of the Committee, may determine.

Amount which could be written off.

### XIV. WRITING OFF OF OUTSTANDING FOUND IRRECOVERABLE

150. Subject to the bye-law No. 151, the society may write off any loan and interest thereon. 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.

Procedure to be followed before writing off any amount.

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, is obtained;
  - (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. As per Section 67 as amended in 1994.

#### **XV. AUDIT OF ACCOUNTS OF SOCIETY**

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| 152. | The society may, if it considers it necessary, appoint an internal Auditor, to audit the accounts of the society, at the annual meeting of the general body and fix his remuneration.  | Appointment of an internal auditor             |
| 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.  | Production of books and records for audit.     |
| 154. | On receipt of the audit reports from the Statutory and internal Auditors, the Secretary of the Society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the form 'O' prescribed under Rule 73 of the MCS Rules, 1961 and place the same before the meeting of the Committee, held next after the date of the receipt of the audit reports, for its approval. Further action on the audit rectification report shall be taken as provided under the said Rule. | Preparation of the audit rectification report. |

#### **XVI. CONVEYANCE OF THE PROPERTY, AND REPAIRS TO AND MAINTENANCE OF THE PROPERTY**

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| 155. | (a) The committee shall in consultation with the general body, take necessary steps for conveyance of the land/ building/ buildings in favour of the society.  |  |
|      | (b) The committee shall examine, in consultation with the Solicitor or the Advocate of the society, the deed of the conveyance of the land and the building/buildings thereon prepared by the builder and place the same before the meeting of the general body of the society for its approval. | Finalization of the deed of conveyance |
|      | (c) On approval of the draft deed by the general body meeting of the Society, the committee shall execute it.  | Execution of the deed of conveyance.   |



Committee's responsibility to maintain the property of the society.

Inspection of the property of the society to see if it needs repairs.

Limits for incurring expenditure on repairs and maintenance of the society's property.

Confirmation of the appointment of the architect made by the chief promoter.

Appointment of an architect, if the chief promoter has not made it.

Committee to enter into contract with the architect.

156. It shall be the responsibility of the committee to maintain the property of the society in good condition at all times.

157. The Secretary of the society, on receipt of 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 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.

158. (a) The Committee shall be competent to incur expenditure on the repairs and maintenance of the society's property, if the one time expenditure does not exceed:

Upto 25 members	Rs. 25,000/-
26 to 50 members	Rs. 50,000/-
51 and above	Upto 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: 1) The limit upto 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 the approval and entering into contract with the architect (if appointed) and the contractor.

2) limits of expenditure to be incurred on repairing & maintenance during co-operative year.

(d) The appointment of the Architect, if made by the Chief Promoter of the society, under the specific authority given to him, by the promoters in their meeting, may be confirmed at the first General Body meeting.

(e) If no appointment of an Architect is made by the Chief Promoter of the society, the meeting of the General Body of the society shall appoint an Architect on such terms and conditions as it deems.

(f) 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.

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| <p>(g) The Architect shall prepare the plans and the estimate of 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 and estimates of the construction of the building/ buildings approved by the meeting of the General Body of the society to the local authority for sanction.</p>   | <p>Preparation of the plans and estimates of the construction.</p>                             |
| <p>(h) After approval of the plans of the construction of the building/buildings by the Local Authority, the committee shall invite tenders in consultation with the Architect of the society.</p>  | <p>Inviting tenders for construction of building/s.</p>  |
| <p>(i) 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. The tender for the work worth up to Rs. 100000/- should be approved by the committee within its authority, While doing so, for getting done the good quality work, if necessary, there is no problem to approve tenders of the rate more than 10% of the tender offering lowest rate. However, the committee should ensure the quality on its own responsibility.</p> | <p>Approval of the meeting of the General Body.</p>  |
| <p>(j) 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, under Section 91 of the Act. The Contract Deeds shall be registered under the Registration Act, 1908.</p>   | <p>Settlement of disputes with the Architect and the Contractor.</p>                           |
| <p>159. Subject to the provisions of the bye-law No. 158(a), (b) and (c), the Committee shall proceed to carry out the repairs and maintenance of the property of the society. It shall be the responsibility of the committee to see that the repairs are carried out as per the contract.</p>   | <p>The Committee to execute the work of repairs and maintenance of the society's property.</p> |
| <p>160. The following repairs and maintenance of the property of the society shall be carried out by the society at its costs:</p>  | <p>Various items of and maintenance to be carried by the society at its cost.</p>              |
| <p>(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) Lifts, (xvi) The damaged ceiling and plaster thereon in the top floor flats on account of the leakage of the rain water through the terrace.</p>   | <p>Repairs by the members at their cost.</p>   |
| <p>(b) All the repairs, not covered by the bye-law No. 160(a) shall be carried out by the members at their cost.</p>  | <p>Repairs by the members at their cost.</p>   |
| <p>161. (A) The society shall insure its building/buildings necessarily against risk of fire and earthquake and flood.</p>  | <p>Insurance of the building/buildings of the society. Emergency Arrangement</p>               |

- (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 probable danger.
  - 3) Response machinery.
  - 4) Important telephone numbers
    - a) Emergency telephone number of each and every member.
    - b) Telephone numbers of the officers of the Government machinery concerned with emergency management.

The Managing Committee shall hold discussion with all the members in the General Body Meeting over the plan prepared as aforesaid and shall inform about the same to the members. The Plan such prepared shall be displayed on the Notice Board of the society and the same shall be made up-to-date from time to time as per the requirement.

(c) As per the Juvenile Workers Act, 1986, it is prohibited to employ child labours for household work and other works and as per the provisions of said Act. If any person is found to have employed child labour for house hold work, then a punishment of one year imprisonment and a fine upto Rs. 20000/- 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.

C(1) The office bearers of the society shall ensure that no member of the society has employed child labours and shall make arrangements of informing the Labour Commissioner that the society is free from child labour practice.

C(2) If any member is found to have employed child labour, the Managing Committee shall immediately contact the office of the Labour Commissioner or the Police Station or the concerned voluntary organization and shall inform to that effect in writing to the office of the Labour Commissioner.

(D) The Managing Committee of the society shall take below mentioned precaution to see that no injustice is done to any widow in the Co-operative Housing Society.

After the death of a member of the society, while transferring the flat wherein his widow is residing, to her name, after checking the Nomination letter/Succession Certificate etc. only after her lawful right to the said property is established, appropriate action shall be taken as per the provisions of the Act and Rules.

Trees in the compound of the society

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

## **XVIII. 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 MCS Rules, 1961 and Bye-laws of the society, to give notice of every General meeting and communicate the resolution or the decision, to the members of the society on their last known addresses, by the one of the following modes:
- (a) hand delivery;
- (b) dispatch through post office under certificate of posting by registered post, with or without acknowledgment due.
- (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 the MCS Rules, 1961 and the Bye-laws of the society. If there is more than one building, the similar Notice Boards 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 to why the penalty should not be inflicted on him for breach/breaches of the bye-law/bye-laws. The General Body Meeting, after considering the say of the member and after giving hearing, may levy penalty at the rate fixed by the meeting of the General Body of the society, maximum penalty of Rs. 1000/-
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, taking into consideration the convenience of the majority of the members of the society.
- Service of notice of the meeting of communication of resolution or decision.
- Co-operative year.
- Notice board of the society.
- Penalties for breaches of the bye-laws of the society.
- Amendments to the bye-laws of the society.
- Hours of operation of the lift.

Restriction of playing of games in the society's compound

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.

Restriction of letting or giving on leave and licence basis open space.

170. The society shall not let out or give on leave and licence basis or permit any subletting, giving on leave and license basis any open space available under the staircases or to any person whether the member of the society or not, for any purpose whatsoever.

Permission for use of terrace or open space of the society.

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 or any part of the building including terrace on such terms and conditions as are approved by the General Body Meeting. If any member/members want/wants to install a solar energy water heating system or solar energy electrical system, then space shall be made available to such member/members on the terrace. The said system include A) Solar Collector, Solar Collector Stand, hot water tank, cold water tank, stand for the tank and hot water pipe line etc. and

(B) Panels, Battery, Inverter charge controller, cabling etc. for solar energy electricity. If any letter requesting to provide space therefor is received, then it shall be binding on the society to give space for use therefor.

Copying fees for supply or copies of documents to members of the society.

172. The member of the society, requiring copies of the following documents shall pay copying fees at the rates mentioned against them:

- |  |                                    |
|--|------------------------------------|
| 1. Bye-law of the society  | Rs. 10/- more than the cost price. |
| 2. Amendment of the bye-laws of the society                      | Rs. 2/- per page.                  |
| 3. Last audited Balance Sheet of the society                     | Rs. 10/- per page.                 |
| 4. Application for membership of the society                     | Rs.5/-                             |
| 5. Second and Subsequent Nomination by the member of the society | Rs.5/-                             |
| 6. Share Certificate of the society                              | Rs.50/-                            |
| 7. List of members of the society                                | Rs. 5/- per page.                  |
| 8. Correspondence (related to member)                            | Rs. 5/- per page.                  |
| 9. Minutes of the General Body meetings and Committee meetings   | Rs. 5- per page.                   |
| 10. Indemnity Bond   | Rs. 10/-                           |

Besides this, for certified copies of the documents a fee shall have to be paid as per Rule 27 of the M.C.S. Rules, 1961.

## **XVIII REDRESSAL OF COMPLAINTS**

173. 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.
174. 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.
175. 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, then he / they may make complaint to the Advisory Committee constituted by the General Body of the society. The formation and powers of such committee shall be as decided by the General Body. If the concerned member is not even satisfied with the decision given by such Advisory Committee, then as per the nature of the complaint, the complainant member may approach below mentioned authorised officer.

Complaint application to be submitted to the society.

### **A) 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 copies of the 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;
- o) Reconciliation of Accounts;
- p) Audit.
- q) Non conducting of election before expiry of the term of the committee;
- r) Rejection of Nomination;

Complains to be made to the registrar.

Complaints to be made to the Co-operative Court.

- s) Non calling of General Body Meetings within prescribed period;
- t) Non calling of Managing Committee as prescribed in laws;
- u) Resignation of the Committee;
- v) Any other, like matters which falls within jurisdiction of the Registrar;

#### **B) CO-OPERATIVE COURT**

Disputes between the members and/or the members of the society, which falls 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;
- 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 falls within the jurisdiction of the Co-operative Court.

Complaints to be made to the Civil Court.

#### **C) CIVIL COURT.**

Disputes pertaining to:-

- a) Non-compliance of the terms and conditions of the agreement, by and between the Builder/Developer;
- b) Substandard constructions;
- c) Conveyance;
- d) Escalation of Construction cost;
- e) Any other, like disputes which fall within jurisdiction of the Civil Court.

Complaints to be made to the corporation / local Authority.

#### **D) CORPORATION / LOCAL AUTHORITY**

Matters pertaining to:-

- a) Unauthorised constructions/addition/alterations, made by the builder/member/occupant of the flat;
- b) Inadequate Water supply to the society;
- c) Change of use by the member/occupants.
- d) Building's structural problems.
- e) Any other, like matters which falls within jurisdiction of the Corporation / Local authority.



**E) POLICE**

Matters pertaining to:-

Complaints to be made to the police.

- a) Nuisance carried by the unauthorised use 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;
- c) Any other like matters which falls within jurisdiction of the Police.

**F) GENERAL BODY**

Matters pertaining to:-

Complaints to be made to the General Body of the society.

- 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 falls within jurisdiction of the General Body.

**G) FEDERATION**

Matters pertaining to :-

Complaints to be made to the federation

- a) Non allowing of the entry of the Secretary of the society, by the member;
- b) Non acceptance of any communication by the member/managing committee;
- c) Convening Special General Meeting provided under Bye-law No. 97 and managing committee meeting provided under the Bye-law no. 133.
- d) All other like matters

**XIX- Regarding redevelopment of the buildings of the Co-operative Housing Societies :-**

- 176) As regards vacant spaces of the ownership of the Co-operative Housing Societies as well as redevelopment of the buildings, the Government of Maharashtra has issued Government Resolution No. CHS 2007/ M.No. 554/14-5, dated 3 rd Jan. 2009 under Section 79(A) of the Maharashtra Co-operative Societies Act, 1960. The redevelopment of the vacant space/building shall be made per the provision of the said Resolution.

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)
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25) Shri/Smt.	25)