

CO-OPERATIVE HOUSING SOCIETIES

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1. Cooperative Matters:

(a) MCS (3rd Amendment) Ordinance, 2020 is notified on 2nd Nov, 2020 in which following amendments have been done:

- (i) Proviso to section 65(2) has been inserted to authorise the committee to appropriate profits for Financial Year 2019-20 subject to ratification in the AGM.
- (ii) Section 75(2B) is inserted. “(2B) The Committee shall, in the financial year 2020-2021, have the power to decide on the disposal of surplus and annual budget for the next year and to appoint an auditor or auditing firm from a panel approved by the State Government in this behalf having such minimum qualifications and experience as laid down in section 81. The decisions of the Committee in respect of the above matters shall be laid in the annual general body meeting of a society held thereafter for ratification”

2. Redevelopment of Housing Societies.:

- (a) HIGH COURT OF JUDICATURE AT BOMBAY WRITPETITION (L) NO. 3324 OF 2019 in Vijay H. Mulchandani and Ors. Vs. The Municipal Corporation of Gr. Mumbai and Ors, it is held on 10th Nov, 2020 that the developer need to clear the outstanding rent without any excuses.
- (b) HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION ARBITRATION PETITION (L) NO. 3237 OF 2020 Goverdhangiri CHS Ltd ...Vs Bharat Infrastructure & Engineering Ltd decided on 2nd Nov, 2020 upheld the termination of development agreement by society for various violations and allowed the society to proceed with self redevelopment or appoint another developer.

3. RERA Orders:

HIGH COURT OF PUNJAB AND HARYANA in. CWP Nos. 8548, 8550, 8557, 10087, 10095 to 10097, 10115 to 10118, 10124 and 10125 of 2020 in Janta Land Promoters Private Limited Vs Union of India and others decided on 16th Oct, 2020 that : All members in the Authority collectively need to hear the complaints and decide on the matter and such powers cannot be delegated to any single member. Similarly, the Appellate Tribunal at least two members need to decide the appeal.