

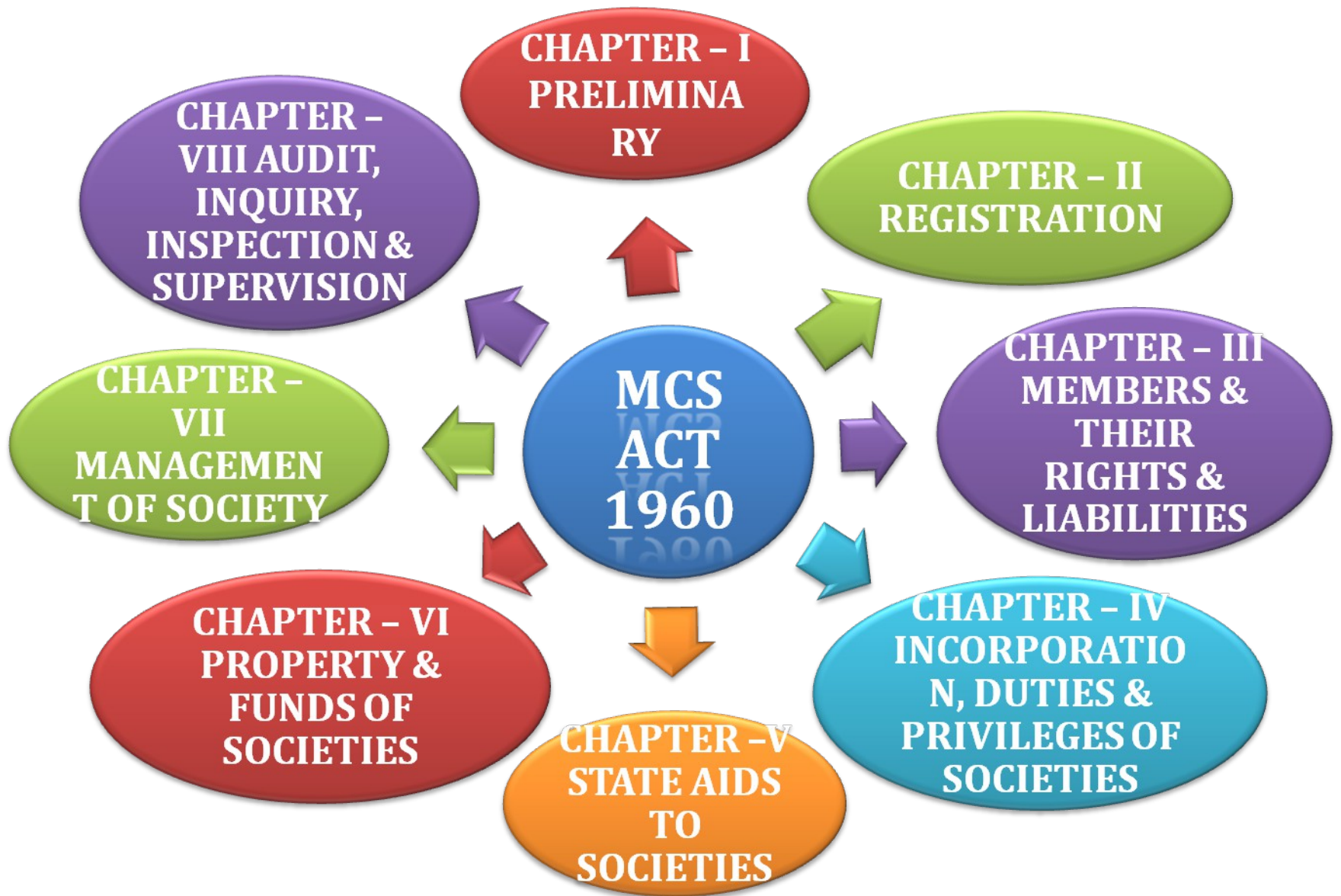
THE MAHARASHTRA CO-OP. SOCIETIES ACT - 1960



APPLICATION, APPEAL, REVIEW AND REVISION UNDER MCS ACT 1960

PRESENTATION BY:

CA. Ramesh S. Prabhu, Chairman – MSWA

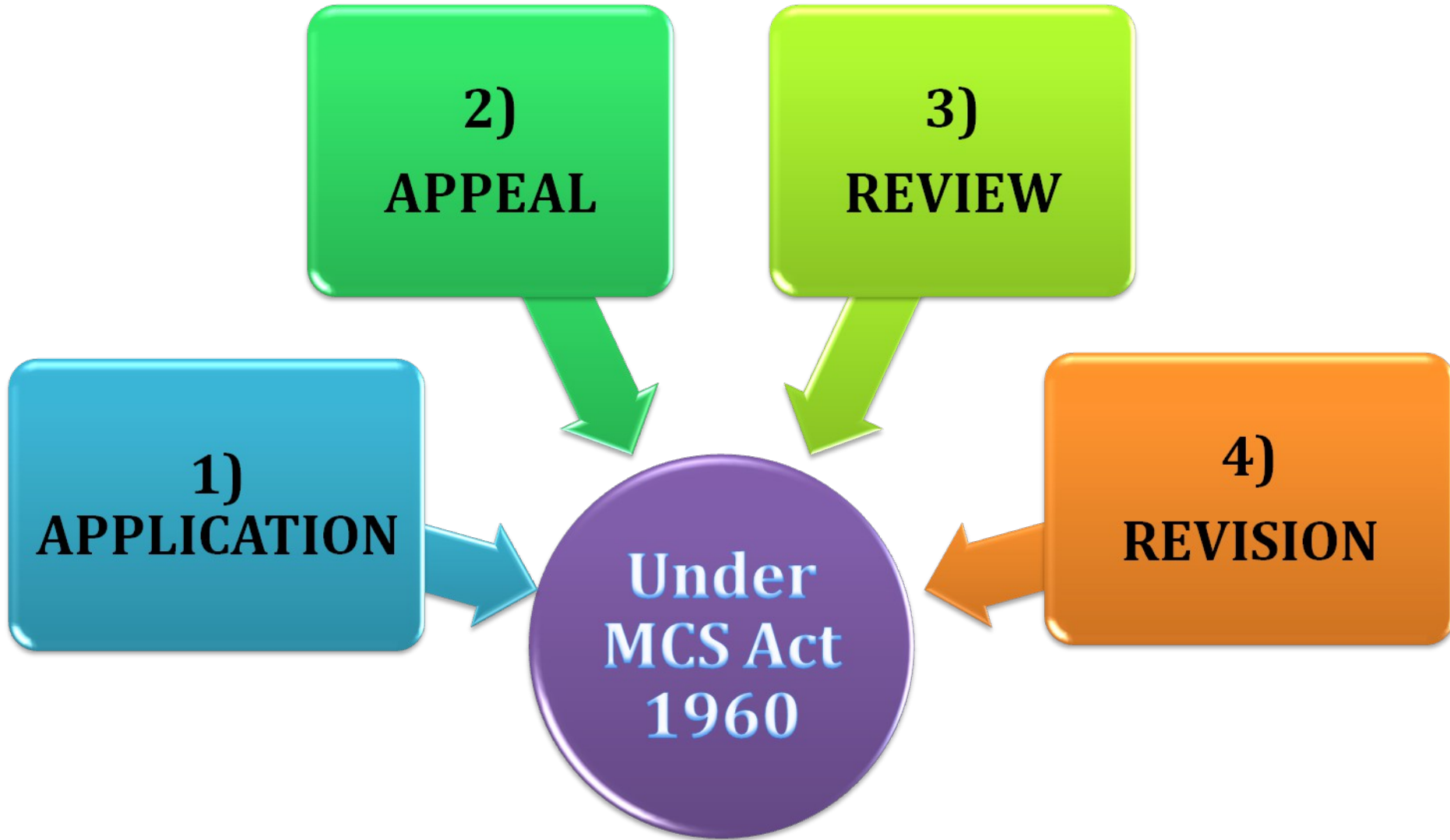




CHAPTER – XIII- APPEALS REVIEW AND REVISION.

- ✓ 149. MAHARASHTRA STATE CO-OPERATIVE APPELLATE COURT.
- ✓ 150. REVIEW OF ORDERS OF CO-OP APPELLATE COURT.
- ✓ 151. CO-OPERATIVE APPELLATE COURT TO HAVE POWER OF CIVIL COURT.
- ✓ 152. APPEALS.
- ✓ 152A. APPEAL AGAINST REJECTION OF NOMINATION PAPER AT ELECTION.
- ✓ 153. EXTENSION OF PERIOD OF LIMITATION BY APPELLATE AUTHORITY IN CERTAIN CASES.
- ✓ 154. REVISIONARY POWERS OF STATE GOVERNMENT AND REGISTRAR.

CHAPTER - XIII



APPLICATION UNDER MCS ACT 1960



WHO CAN MAKE AN APPEAL UNDER MCS ACT 1960

SOCIETY

ANY MEMBER OF THE SOCIETY

REGISTRAR

PROMOTER

AUDITOR

AUTHORISED OFFICER

AUTHORISED REPRESENTATIVE

**WHO CAN MAKE AN
APPLICATION UNDER MCS ACT**

PROMOTERS to Registrar

For Registration of the Society-Sec- 4 and 9

ANY PERSON to the Society

To Become member U/s 22 and 23

ANY MEMBER to Society

FOR DOCUMENT/FOR ANY TYPE OF COMPLAINT

**WHO CAN MAKE AN
APPLICATION UNDER MCS ACT**

PAST MEMBER to Society

FOR RECEIVE DUES from the society

Society or Any Members to Registrar

FOR RE-AUDIT ON BEHALF OF THE SOCIETY

GROUP OF MEMBERS- Not less than 20%

**FOR REQUISITION OF SGM U/S 76 or Enquiry U/s 83
OR 88**

**WHO CAN MAKE AN
APPLICATION UNDER MCS ACT**

AUDITOR

**For his Fees or to Inform registrar to defects
not rectified as pointed out in the Audit.**

**Authorised officer/Committee to Election
Authority**

FOR CONDUCTING ELECTION

AUTHORISED REPRESENTATIVE

ON BEHALF OF ANY PERSON Before ANY AUTHORITY

**WHO CAN MAKE AN
APPLICATION UNDER MCS ACT**

SOCIETY

FOR AN AMALGAMATION

REGISTRAR to Higher Officers /Govt

FOR REFERRING CERTAIN MATTER FOR REGISTRATION

CREDITOR

FOR INSPECTION U/S 84

WHOM APPLICATION CAN BE MADE

TO THE
SOCIETY

TO THE
REGISTRAR

TO THE JOINT
REGISTRAR

TO THE
COMMISSIONER

TO THE
GOVERNMENT

**TO WHOM APPLICATION
SHOULD BE MADE**

SOCIETY

GRIEVANCES SETTLEMENT

REGISTRAR

GENERAL BODY

FEDERATION

MUNICIPAL CORPORATION (BMC)

POLICE

**TO WHOM APPEAL SHOULD BE
MADE**

CO-OPERATIVE COURT



CITY CIVIL COURT



CONSUMER COURT



APPELLATE COURT



HIGH COURT



SUPREME COURT

APPEAL AND REVISION UNDER MCS ACT 1960



APPEAL U/s 152 and REVISION U/s 154



U/S. 4. SOCIETIES WHICH MAY BE REGISTERED

U/S. 9. REGISTRATION

**U/S. 11. POWER OF REGISTRAR TO DECIDE
CERTAIN QUESTIONS**

U/S. 12. CLASSIFICATION OF SOCIETIES

**U/S. 13. AMENDMENT OF BYE-LAWS OF
SOCIETY**

APPEAL UNDER MCS ACT-1960



**U/S. 14. POWER TO DIRECT AMENDMENT OF
BYE-LAWS**

**U/S. 17. AMALGAMATION, TRANSFER,
DIVISION OR CONVERSION OF SOCIETIES**

**U/S. 18. POWER TO DIRECT AMALGAMATION,
DIVISION AND REORGANIZATION IN PUBLIC
INTEREST, ETC**

U/S. 19. RECONSTRUCTION OF SOCIETIES

U/S. 21. CANCELLATION OF REGISTRATION

APPEAL UNDER MCS ACT-1960



U/S. 21-A. DE-REGISTRATION OF SOCIETIES

**U/S. 29. RESTRICTIONS ON TRANSFER OR CHARGE
ON SHARE OR INTEREST**

U/S. 35. EXPULSION OF MEMBERS

**U/S. 77-A. APPOINTMENT OF MEMBER OF
COMMITTEE, NEW COMMITTEE OR
ADMINISTRATOR, WHERE THERE IS FAILURE TO
ELECT MEMBER, TO CONSTITUTE COMMITTEE OR
WHERE COMMITTEE DOES NOT ENTER UPON
OFFICE**

APPEAL UNDER MCS ACT-1960



U/S. 78. POWER OF REMOVAL OF COMMITTEE OR MEMBER THEREOF

U/S. 79. REGISTRAR'S POWER TO ENFORCE PERFORMANCE OF OBLIGATIONS

U/S. 85. COSTS OF INQUIRY AND INSPECTION

U/S. 88. POWER OF REGISTRAR TO ASSESS DAMAGES AGAINST DELINQUENT PROMOTERS, ETC

U/S. 105. POWERS OF LIQUIDATOR

WHOM TO APPEAL

- (i) Appeal to the State Govt :
 - Whenever an order or decision is made under any section specified in sub-section (1) of 152 appealable to the State Government against the orders and Sanctions approved by the Registrar or the Additional or Joint Registrar.
- (ii) Appeal to, the Registrar. -
 - Whenever an order or a decision made under any section specified in sub-section (1) of Section 152 made appealable to the Registrar against the order of the Additional or Joint Registrar.

WHOM TO APPEAL

- (ii) Appeal to, the Registrar. -
-Appeal lies to the Registrar u/s 23 against a decision of the Society, refusing admission to membership.
- (iii) Appeal to the Co-operative Appellate Court. - An appeal against an order or decision given under Section 79, 85 and 88 and any order passed by the Registrar for paying compensation to Society, and any other order for which an appeal can be made to the Co-operative Appellate Court.

WHOM TO APPEAL

- Appeal before Joint Registrar: The authorities below passed an order.
- Stay cannot be denied by the joint-Registrar on the ground of maintainability of the appeal specially when the appeal was filed upon the direction of the High Court in earlier writ petitions, *Aitwade Ktiurd. Serva seva Sahakari Society Ltd., v. State of Maharashtra*, 1994 (1) Mah. L.R.

Presented By :

**CA. Ramesh S Prabhu
(Chairman) MSWA**