

MODEL BYE LAWS 2014

PRESENT BY:- CA. Ramesh S. Prabhu ,
Chairman, MahaSeWA

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I. PRELIMINARY

Name of the Society

1. (a) The Name of the Society shall be

Procedure for changing the name

(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.

Classification

(c) The Society is classified under major class "Housing" with sub- class "Tenant Ownership/Tenant Co-partnership/ Other Housing Society."

I. PRELIMINARY

Address of the Society

2. (a) The registered address of the Society shall be as under:

Address for Correspondence

(b) Address for Correspondence (as decided by the Managing Committee)

Procedure for changing the address of the Society

(c) 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.

(d) Any change in the registered address of the Society shall be made after following the procedure laid down in Rules.

I. PRELIMINARY

Exhibition of Name Board

- (e) The Society shall exhibit at a conspicuous place at the main entrance of the building, a Board indicating its name, Registration number and the registered address.

II. INTERPRETATIONS

Interpretations of the words and terms

3. Unless otherwise separately provided in these Bye-laws, the following words and terms shall have the meaning assigned to them here in :

- (i) **'Act'** means the Maharashtra Co-operative Societies Act; (MCS Act) 1960.
- (ii) **“Bye-laws”** means by-laws consistent with Act and registered under this Act for the time being in force and includes registered amendments of such bye-laws.
- (iii) **“Chief Promoter”** means the person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief Promoter lies vacant, till the first General Body Meeting.

II. INTERPRETATIONS

- (iv) **"Committee"** means the Committee of management or board of directors or the governing body or other directing body of a cooperative Housing Society, by whatever name called, to which the management of the affairs of a Society is entrusted and vested under section 73 of the Act.
- (v) **'..... Days'** Clear notice means the number of calendar days intervening between the day of posting the notice and the day of the meeting;
- (vi) **'Flat'** means a separate and self contained set of premises used or intended to be used for residence, or office, or show-room, or shop, or godown and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or coaching classes, or palnaghar, beauty parlour, the

II. INTERPRETATIONS

premises forming part of a building and includes an apartment;

- (vii) **'Housing Society Federation'** means the federation of co- operative housing societies, registered and notified under the Act;
- (viii) **'Ownership Flats Act'** means the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act. 1963
- (ix) **'Papers'** means all or any of the items mentioned in the bye-laws Nos. 141 and 142
- (x) **'Parking Space'** means open space within the premises of the Society earmarked by it for parking of vehicles and includes a stilt, basement, podium , mechanized parking;

II. INTERPRETATIONS

- a. **'Parking Slot'** means demarcated and numbered individual parking slot for a single vehicle (for four wheeler LMV or two wheeler) within the Parking Space available with the Society
- (xi) **'Prescribed Form'** means the form included in the Annexure II indicating the bye-law No. under which it is prescribed and the Appendix at which it is enclosed;
- (xii) **'Promoter'** means a person, who has signed the application for registration of the Society
- (xiii) **"Promoter Builder"** means a person and includes a partnership firm or a body or association of persons, [whether registered or not] who constructs or causes to be constructed a block or building of flats [or apartments] for

II. INTERPRETATIONS

the purpose of selling some or all of them to other persons, or to a company, Co-operative Society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both.

- (xiv) **'Rules'** means the Maharashtra Co-operative Societies Rules, 1961;
- (xv) **'Reserve Fund'** means the fund constituted under the provisions of Section 66 (1) of the Act and the Bye-law No. 12(a)
- (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)

II. INTERPRETATIONS

- (xviii) **"Major Repair Funds"** means a Fund created by the Society and constituted under Bye-law No. 13 (b), for the purpose of Major Repairs including Plastering, building of compound wall, pavement, total painting, reconstruction.
- (xix) **"Municipal Act"** means the Maharashtra Municipalities Act 1965 (Mah. XL of 1965).
- (xx) **"Open space"** means an Area, forming 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 and Facilities"** means
 - (a) The land on which the building is located;
 - (b) The foundations, columns, girders, beams, supports,

II. INTERPRETATIONS

(e) Installations of central services such as power, light, gas, water storage and water heating, water harvesting, pump houses, refrigeration, air conditioning, generators, roof top solar devices, common antennas and mass communication and data sharing devices,

(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;

II. INTERPRETATIONS

- (xxiii) **'Society'** means the Co-operative Housing Society Ltd registered under the Act
- (xxiv) **"Member"** means a person joining in an application for the Registration of a Cooperative Society which is subsequently registered, or a person duly admitted to Membership of a Society after Registration and who holds the right, title and interest in the property individually or jointly;
- (a) **"Active Member"** means
- (i) One who has purchased and owns a Flat / Unit in the Society.
 - (ii) One who attends at least one General Body Meeting of the Society in the previous five consecutive years.

II. INTERPRETATIONS

Provided that nothing in this clause shall apply to the members whose absence has been condoned by the General Body Meeting of the Society.

(iii) Who has paid the Society Maintenance Service and other charges at least once in previous consecutive five years.

(b) **"Associate Member"** means a Members who holds the right, title and interest in the property individually or jointly with others, but whose name does not stand first in the share certificate;

(c) **"Nominal Member"** means a person who does not hold the right, title and interest in the property

II. INTERPRETATIONS

individually or jointly admitted to Membership as such after registration ;

- (xxv) **"Family"** means Group of persons which includes husband, wife, father, mother, sister, brother, son, daughter, son-in-law, brother-in-law, sister-in-law, daughter-in-law, grandson /daughter.
- (xxvi) **'Transfer Fees'** means the sum payable by a transferor to the Society for the transfer of his shares along with occupancy right as provided under the Bye-law No. 38(e)(vii).
- (xxvii) **'Premium'** shall mean and include the amount payable to the Society by the Member, transferring his shares and interest in the capital/property of the Society, in addition

II. INTERPRETATIONS

to the transfer fee as provided under bye-law No. 38(e)(ix);

- (xxviii) **"Working Capital"** means funds at the disposable of the Society inclusive of the paid up capital, share capital, funds created out of profits, and money raised by borrowing or by any other means.
- (xxix) **'Authorized Person'** means a person duly authorized to take action under the provisions of this Act.
- (xxx.) **"State Co-operative Election Authority"** means an Authority constituted or nominated by the State Government for the purposes of superintendence, direction, and control of the preparation of the Electoral Roll for and conduct of the Elections of Committee of a Society or such class of Societies as may be notified.

II. INTERPRETATIONS

- (xxxix) **“Expert Director”** means and includes a person having experience in the field of Housing, cooperation and the field relating to the objects and activities undertaken by the Society.
- (xxxii) **“Functional Director”** means and includes a Chief Executive Officer or Manager or by whatever designation called, Nominated by a Committee and discharges duties and functions as may be assigned to him by the Committee.
- (xxxiii) **“Officer”** means a person elected or appointed by a Society to any office of such Society and includes any office bearer such as a Chairman, Vice-Chairman, Chairperson, President, Secretary, Joint Secretary, Treasurer, Joint

II. INTERPRETATIONS

Treasurer, Member of the Committee, Manager, and any other person elected or appointed to give directions in regard to the business of such Society.

III. AREA OF OPERATION

Area of Operation

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

Explanation :

- 1) For the Society in the Bruhan Mumbai insert City Survey no / Gat no. / Final Plot no / Ward No.
- 2) For the Societies at other places, insert City Survey no / Gat no. / Final Plot no/ Ward/ Corporation-Municipal limits/ Town/ Village of.....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, in accordance with the provisions of the Ownership Flats Act and the Rules made there under, of the right, title and interest, in the land with building/buildings thereon, the details of which are as hereunder :

The building / buildings known / numbered as
constructed on the plot / plots nos/ Survey
no..... / CTS no..... of (village
/taluka) admeasuring..... sq. mts, more particularly
described in the application for registration of the Society;

IV. OBJECTS

OR (APPLICABLE FOR PLOT PURCHASED TYPE SOCIETY)

*(a) To buy or take on lease a plot or plots nos/
Survey no. / CTS no of
admeasuring. sq. mts. and to construct flats
thereon for allotment to the Members of the Society for
their authorised use.

OR

To purchase a building or buildings known as
..... Constructed on the plot / plots nos / survey
no. / CTS no..... of admeasuring sq.
mts. for allotment of flats therein to the Members of the
Society for their authorized use.

IV. OBJECTS

- (b) To manage, maintain and administer the property of the Society;
- (c) To raise funds for achieving the objects of the Society;
- (d) To undertake and provide for, on its own account or jointly with a cooperative or other Institution Social, Cultural or Recreational activities;
- (e) To provide Co-operative Education and Training to develop co- operative skills of its Members, Committee Members, Officers and Employees of the Society.
- (f) To do all things, necessary or expedient for the attainment of the objects of the Society, specified in these bye-laws.

V. AFFILIATION

Affiliation of the Society to other Coop Institutions

6. The Society, immediately after its registration, shall become a Member of the Co-operative Housing Federation of the District/ Ward / Taluka, the District Central Co-operative Bank of the District, and shall pay sums, from time to time, payable by it, under the bye-laws of the respective organisations referred to above.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

(A) Raising of Funds

Modes of raising Funds of the Society

7. The funds of the Society may be raised in one or more of the following ways:

Modes of raising the funds of the

- 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,

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

- g. by fee on transfer of shares, along with the occupancy right, assignment
- h. by premium on transfer of occupancy right over the flats, i. by corpus fund from Promoter Builder,
- j. by any other mode permitted under these bye-laws, k. by way of statutory requirements,
- l. by way of non-occupancy charges, leasing / hiring of open spaces
- m. by way of corpus fund, in case of redevelopment

B) Share Capital

Authorised share Capital

8. The Authorised Share Capital of the Society shall be Rs..... divided into shares of Rs. 50/- each.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

Issue of Share Certificates to the Members of the Society

9. **a) 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 there on, 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.
- b) The Committee of the Society shall issue a duplicate share certificate, **“So Marked”**, on application to its members on production of following documents.
 1. If the share certificate is lost - copy of police complaint lodged, and an affidavit in that regard.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

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

10. Every such **Share Certificate shall bear the seal of the Society** and be signed and by the Chairman, the Secretary and one Member of the Committee, duly authorised by the Committee. The same shall be issued by the Secretary of the Society.

(C) Limit of Liabilities

Restriction on incurring liabilities by the Society

11. Deposits from Members and loans may be received by the Society for such period and at such rate of interest and upto such

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

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.

(D) Constitution of the Reserve Fund

How the Reserve Fund shall be constituted

12. (a) The Reserve Fund of the Society shall comprise of —
- (i) all entrance fees received by the Society from its Members;
 - (ii) all transfer fees received by the Society from its Members on transfers of the shares, along with the occupancy rights;
 - (iii) all premium received by the Society from its Members

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

- on transfers of their interest in the capital or property of the Society;
- (iv) the amounts carried to the said fund, from year to year, out of the net profit / surplus of that year, subject to the provisions of Section 66 (1) and (2) of the Act;
 - (v) all donations received by the Society, except those received by it for the specific purpose.

Appropriation of amounts to the Reserve Fund of the Society

- (b) The Society shall, while finalising the accounts for the preceding cooperative year, appropriate all amounts referred to in the bye-law No. 12(a)(i) to (v) to the Reserve Fund of the Society.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

(E) Creation of Other Funds

Other Funds to be created by the Society

13. The Society shall create and establish the following funds by collecting contributions from its Members at the rates mentioned hereunder :

Creation of Repairs & Maintenance Fund

(a) The **Repairs and Maintenance Fund**, at the rate fixed at the general body subject to the minimum of 0.75 per cent per annum of the construction cost of each flat, incurred during the construction of the building of the Society and certified by the Architect, for meeting expenses of normal recurring repairs of the Society's buildings/property.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

Creation of Major Repairs Funds

- (b) **Major Repairs Funds**, as and when required and decided by the General Body at the rate fixed on area basis.

Creation of Sinking Funds

- (c) The **Sinking Fund** at the rate decided at the meeting of the general body, subject to the minimum of 0.25 per cent per annum of the construction cost of each flat incurred during the construction of the building of the Society and certified by the Architect, excluding the proportionate cost of the land.

Creation of Education & Training Fund

- (d) To create **Education and Training Fund** from contribution by the members Rs 10 per month / per unit or as decided by the General Body.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

(F) Utilisation of the Funds by the Society

14. The Society may utilise its Funds in the manner indicated below:

Utilisation of Reserve Fund

- 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.

Utilisation of Repair Funds

- b. **Repairs and Maintenance Fund:** The Repairs and Maintenance Fund- may be utilised for meeting the expenditure on maintenance of the Society's property and repairs and renewals thereof.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

Utilisation of Sinking Fund

- c. **Sinking Fund:** On the resolution passed at the meeting of the general. Body of the Society, the Sinking Fund may be used by the Society for reconstruction of its building/ buildings or for carrying out such structural additions or alteration to the building / buildings, as in the opinion of the Society's Architect, would be necessary to strengthen it / them or for carrying out such heavy repairs as may be certified by the Architect and on approval of General Body.

Utilisation of Education & Training Fund

- d. **The Education and Training Fund** be utilized as provided under section 24 (A) of the Act

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

(G) Investment of Funds

Investment of Funds

15. The funds of the Society, when not deployed in its objects, may be invested or deposited as required under Section 70 of the Act. Provided that Society's funds collection shall be invested on long term basis, along with the interest earned thereon by one of the modes permitted under the said section of the Act.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

I. MEMBERSHIP

(A) Classes of Members

Classes of Members

16. The Membership of the Society shall consist of (i) Members, including Associate Members and (ii) Nominal Members.

(B) Eligibility for Membership

Eligibility for Membership of the Society

17. (a) No individual shall be admitted as a Member of a Society except the following that is to say –

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

- (i) Individual who is competent to contract under the Indian Contract Act, 1872;
- (ii) A Firm, Company or any other Body Corporate constituted under any Law for the time being in force, or a Society registered under the Societies Registration Act, 1860;
- (iii) A Society registered, or Deemed to be Registered, under the Act;
- (iv) The State Government or the Central Government;
- (v) A Local Authority;
- (vi) A Public Trust registered under any Law for the time being in force for the registration of such trusts;

Eligibility of Minor or a Person of unsound mind for Membership of the Society

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

- (b) A minor or a person of unsound mind, inheriting shares and/or interest of the deceased Member in the capital / property of the Society, or if nominated may be eligible for admission to Membership of the Society through his guardian or legal representative on an application in the prescribed form, along with undertakings / declarations, in the prescribed forms, mentioned in the application.

- (c) Notwithstanding anything contained in these bye-laws, admission of a person to Membership of the Society directly or as a result of Transfer of Shares and interest of the existing Member, in the capital/property, of the Society, shall be subject to the approval of the concerned Competent Authorities such as Collector of the District and

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

the land grant terms as applicable, (provided if the Society has been given land by Government/ CIDCO/ MHADA/SRA" or any other authority)

Note (1) : "Family" means as defined under Bye law No. 3 (xxv)

Note (2) : Signatories to the application for Registration of the Society shall be Deemed to be the Members of the Society after its Registration.

Note (3) : The number of Members in the Society shall be limited to the number of Flats/ Units constructed in the building /buildings. It shall be binding on the committee to restrict the Members to the extent of the number of Flats/Units in the Society.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

Eligibility of Corporate Bodies for Membership of the Society

18. A Firm registered under the Indian Partnership Act, 1932, a Company registered under the Companies Act 1949, a Society registered under the Societies Registration Act, 1860 or a Co-operative Society registered or deemed to be registered under the Maharashtra Co-op. Societies Act, 1960, a Local Authority, the State/Central Government, a Public Trust or any other Body Corporate, registered under the law for the time being in force, as provided under Section 22(1) (b), (c), (d), (e) and (f) of the Act may be eligible for admission to Membership of the Society. However, admission of Firms and Companies to Membership of the Society and holding of flats by them shall be regulated in accordance with the notifications issued by the State

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

Government from time to time under the Second Proviso to Section 22 of the Act.

Note: For existing terms and conditions of the Government Notification referred to above, see Annexure to these Bye-laws.

(C) Conditions for Membership

Conditions for Individuals desiring to be Member of the Society

19. (a) An individual / applicant who is eligible to be the Member and who has applied for Membership of the Society in the prescribed form, may admitted as Member by the Committee on complying with the following conditions :-

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

- (i) applicant has fully paid the value of at least Ten shares of the Society, along with his Application for Membership;
- (ii) applicant has paid the Entrance Fee of Rs. 100/-, along with the Application for Membership;
- (iii) applicant has given the application, as prescribed the particulars in regard to any house, plot or flat owned by him or any of the Members of his family, anywhere in the area of operation of the Society;
- (iv) applicant has given the undertaking in the prescribed form to the effect that he shall use the flat / unit for the purpose for which it was purchased by him;
- (v) applicant has furnished an undertaking in the prescribed form, if he / she has no independent source of income;

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

- (vi) applicant has submitted, along with the application for Membership of the Society, a certified copy of the agreement, duly stamped and registered entered into by him /her/ them with the Promoter (Builder) or Transferor under Section 4 of the Maharashtra Ownership of Flats Act;
- (vii) Applicant has furnished such other under takings / 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.
- (viii) In case of Societies registered under the jurisdiction of special planning Authority like CIDCO / MHADA / SRA / MMRDA etc. the applicant should be eligible person as per the provision of respective Act and the directives of the Govt. / the Planning Authorities, if any.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

Note : The conditions at (iii), (iv), (v), and (vii) above shall not be applicable to the Promoter Builder, applying for Membership of the Society, in respect of the unsold flats.

Conditions for Individual Firm, Company or Body Corporate desiring to be associate Member of the Society

(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 shall apply through Member in the prescribed form for such Membership, along with the entrance fee of Rs. 100/-, may be admitted as Associate Member by the Committee.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

Conditions for Corporate bodies desiring to become Member of 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 has made an application for Membership of the Society in the prescribed form may be admitted as a Member by the Committee of the Society on complying with the following conditions :-

(i) applicant has sent, along with application for Membership of the Society, a certified copy of the agreement duly stamped entered into by it, with the Promoter (Builder) or transferor under Section 4 of the Ownership Flats Act.1963, with certified copy of resolution of the firm or company as the case may, authorizing to sign the application.

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- (ii) applicant has paid, alongwith application for Membership, full value of at least 10 shares and entrance fee of Rs. 100/-
- (iii) applicant has complied with the conditions mentioned in the notifications, issued by the State Government, from time to time, under the Second Proviso to Section 22 of the Act.
- (iv) applicant 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.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

Conditions for Nominal Membership of the Society

20. A sublettee, a licensee, a care-taker, or occupant who is eligible to be a Nominal Member and who shall apply through Member for such Membership in the prescribed form applicable, along with entrance fee of Rs. 100/- may be admitted as Nominal Member by the Committee.

Procedure for disposal of Membership Applications

21. The procedure for disposal of Application for Membership of the Society, as laid under the bye-law No. 63 (a) to (g) shall be followed by the Secretary and the Committee of the Society.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

2. RIGHTS AND DUTIES OF MEMBERS

22. (A) Rights of Members

- a. A Member shall be entitled to exercise such rights as provided in the Act, Rules and Bye-laws. Provided that no Member shall exercise the rights of Member of a Society, until he has made such payment to the Society in respect of Membership, or acquired such interest in the Society.
- b. Provided further that, in case of increase in minimum contribution of Member in share capital to exercise right of Membership, the Society shall give a due notice of demand to the Members and give reasonable period of time to comply with.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

ACTIVE MEMBER

- (c) A Member shall be termed as an 'Active Member' if he / she fulfill the following conditions: viz.
- (i) He /She has attended at least One General Body Meeting in previous consecutive period of five years, Provided that nothing in this clause shall apply to the member whose absence has been condoned by the General Body Meeting of the Society.
 - (ii) He / She has purchased and owns Flat / Unit in the Society. And
 - (iii) He / She has paid the Society Maintenance Service and other charges regularly.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

- (d) A Member who is not an 'Active Member' shall be 'Non-Active Member'.
- (e) Society shall classify the Members as 'Active' or 'Non-Active' Member at the close of every financial year.
 - (i) Society shall communicate to every Non-Active Member about his classification, within a period of 30 days from 31st March of every year as prescribed under these Bye- laws as per Appendix
 - (ii) In case of a dispute about classification of a Member being Active or Non-Active, an appeal shall lie with the Registrar within a period of 60 days from the date of communication of such classification.
- (f) A ' Non Active Member' can be reclassified as 'Active Member' from the date he satisfies the conditions laid down under Bye- law no. 22 (c).

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

(B) Getting Copy of the Bye-laws, Audit Report & Inspection of Books & Records and getting copies thereof

Inspect Society's record and getting copies thereof

23. (a) 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. 171.

(b) A Member shall be entitled to receive a copy of the Approved Bye-laws, Audit Report of the Society, on payment of charges prescribed thereof.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES

(c) Occupation of Flats

Occupation of Flats

24. (a) The Member, who is deemed to have been allotted the flat under the Bye-law No. 75(a) of the Society shall have a right to occupy the flat subject to the terms and conditions set out in the letter in the prescribed form under the said bye-law.
- (b) The Associate / Nominal Member may have a right to occupy the flat with the consent of the Member and written intimation to the Society, subject to the conditions set out by the General Body Meeting.

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(D) Restrictions on Rights of Associate and Nominal Members

No rights of Membership for Associate Member except that under Section 27 (2)

25. No Associate Member shall have any rights or privileges of an active Member except as provided under Section 27(2) of the Act and he fulfills the conditions of bye-law 22(a)

No rights of Membership to a Nominal Member

26. A nominal Member shall have no rights such as Member.

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(E) Resignation of Membership

(1) Resignation by a Member

Notice of resignation of Membership of the Society

- (a) A Member may resign from Membership after giving three months notice in the prescribed form to the Secretary of the Society as provided under Rule 21(1) of the Rules.

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

- (b) No resignation of a Member of the Society shall be accepted unless such Member has made payment of the charges payable to the Society in full.

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Communication of outstanding charges of the Society are Outstanding

- (c) Where any charges are found payable by the Member to the Society, the Secretary of the Society shall intimate the same giving full details and reasons of dues thereof to the Member within 15 days of the receipt of the notice of resignation, advising him to make payment thereof within 30 days of the date of intimation.

Acceptance of resignation where no charges of the society are outstanding

- (d) Where there are no charges of the Society outstanding with the Member, the Committee shall accept the resignation of the Member and the Secretary of the Society

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shall communicate the same to the Member within a period of 3months from the date of the receipt of the notice of the resignation.

(2) Resignation by an Associate Member

Resignation by an Associate Member

28. An Associate Member may resign his Membership at any time by writing the letter of resignation to the Secretary of the Society, through the Member, with whom he held the shares of the Society jointly. The Secretary of the Society shall place the letter of the resignation of the Associate Member, before the meeting of the Committee, held next after the receipt of the letter of the resignation, duly recommended by the Member for acceptance

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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 thereof in the minutes of its meeting and the Secretary shall communicate the same to the Member and his associate Member within the time specified above.

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

Resignation by a Nominal Member occupying the flat on behalf of a firm company or any other body corporate

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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

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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.

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(4) Resignation by a Nominal Member, who is Sub-lettee, Licensee, Caretaker etc.

Resignation by the sub-lettee licensee or caretaker

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 intimated the Committee to sub-let, give 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 the resignation duly recommended by the Member concerned

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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.

Acquisition of shares and interest of the Member in the capital/ Property of the Society

31. On acceptance of the resignation of the Member, under

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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. 64.

(F) Nomination by Members

Procedure for Nomination by a Member and its revocation / revision

32. A Member and / or Associate 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

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deemed to be the acceptance of nomination by the Secretary. No fees shall be charged for recording the first nomination. A Member may revoke or revise his nomination, at any time, by making an application, in writing, under his hand, to the Secretary of the Society. The acknowledgement of the variation in Nomination / subsequent nomination by the Secretary, shall be deemed to be the cancellation of earlier nomination. Every revision of the nomination shall be charged a fee of Rs. 100/-

Recording of Nomination or revocation / revisions thereof

33. On receipt of the Nomination form, or the letter for 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

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nomination, by the Secretary of the Society for recording the same in the minutes of the Committee. Every such nomination or revocation thereof shall be entered in the register of nominations by the Secretary of the Society within 7 days of the meeting of the Committee, in which it was recorded.

Transfer of Shares and interest of the deceased Member in the Capital / Property to Nominee / Nominees

34. Subject to the provisions of the Section 30 of Maharashtra Co-operative Societies Act. 1960, Bye-law No.17(a) or 19, on the Death of a Member, the Society shall transfer the shares and interest of the deceased Member in the Capital/Property of the Society to the Nominee/Nominees and in proportion with the shares and interest held by the deceased Member, in case

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property is purchased by Member and associate Member jointly. In the event of death of the Member, Nominee/ Nominees shall submit the Application for Membership, within six months from the death of a Member. If there are more than one Nominee, on the death of a Member, such Nominees shall make Joint Application to the Society and indicate the name of the Nominee who should be enrolled as Member. The other nominees shall be enrolled as Joint/Associate Members unless the nominees indicate otherwise. The nominees shall also file an Indemnity Bond in the prescribed form Indemnifying the Society against any claims made to the shares and interest of the deceased Member in the Capital/ Property of the Society by any of them, in case only one nominee is indicated by the Nominees for Membership of the Society

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Note:- In case of acquiring Membership on the basis of Nomination, such Member shall hold the flat / unit in 'trust' till all the Legal Heirs are brought on record and shall not have the right to ownership and shall not create third party interest or alienation in any way whatsoever.

Transfer of Shares and interest of the deceased Member in the Capital / Property of the Society to the heir

35. Where a Member of the Society dies without making a nomination, or no nominee comes forward for transfer, the Society shall invite within six month from the information of his death, claims or objections to the proposed transfer of Shares and interest of the deceased Member, in the capital/property of the Society, by a public notice, in the prescribed form, exhibited on

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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 shares and interest of the deceased Member in the capital/ property of the Society. After taking into consideration the claims or objections received, in response to the said notice, and after making such inquiries as the committee considers proper in the circumstances prevailing, the committee shall decide as to the person, who in its opinion is the heir or legal representative of the deceased Member. Such a person will be eligible to be a Member of the Society subject to the provisions of the bye-laws Nos. 17(a) or 19, provided that he gives an Indemnity Bond along with his application for Membership in the prescribed form, indemnifying the Society against any claims

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made to the shares and interest of the deceased Member in the capital/ property of the Society, at any time in future, by any person. If there are more claimants than one, they shall be asked to make the affidavit as to who should become a Member of the Society and such person, named in the affidavit shall furnish the indemnity bond as indicated above along with application for Membership, referred to above. If however, the committee is not able to decide as to the person who is the heir/legal representative of the deceased Member or the claimants do not come to the agreement, as to who should become the Member of the Society, the Committee shall call upon them to produce succession certificate from the Competent Court. If, however, there is no claimant, the shares and interest of the deceased Member in the capital/property of the Society shall vest in the Society.

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Payment of the Value of Shares and Interest of the deceased Member in the Capital

36. If there is the single nominee and if he demands payment of the value of Shares and interest of the deceased Member, in the capital / property of the Society, the Society shall acquire the same and pay him the value thereof as provided under the bye-law No.64. 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 value thereof as provided under the bye-law referred to above in the proportion mentioned in the nomination form. If no proportion is mentioned in the nomination form, the payment shall be in equal proportions.

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Payment of the Value of Shares and Interest of the deceased Member in Capital/ Property of the Society to heir / legal Representative

37. If, in the opinion of the Committee, there is only one heir / legal representative of the deceased Member and if he demands payment of the value of the shares and interest of the deceased Member in the capital/property of the Society, the Society may acquire the same and pay him the value thereof as provided under the bye-law No. 64 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

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as provided under the bye-law No. 64, after obtaining the Indemnity Bond referred to in the bye-law No. 35, from all the heirs/legal representatives jointly.

(G) Transfer of Shares and interest in the Capital/Property of the Society

Notice of transfer of Shares and Interest in the capital / property of the Society

38. (a) A Member, desiring to transfer his shares and interest in the capital/property of the Society shall give 15 days' notice of his intention to do so to the Secretary of the Society in the prescribed form, along with the consent of the proposed transferee in the prescribed form.

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- (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 prime -facia eligible to transfer his shares and interest in the capital/property of the Society, in view of the provisions of Section 29(2)(a) of the Act.
- (c) In the event of ineligibility in view of the provisions of section 29(2)(a) & (b) of the Act of the Member to transfer his shares and interest in the capital/property of the Society, the Committee shall direct the Secretary of the Society to inform the Member accordingly within 8 days of the decision of the Committee.
- (d) "No Objection Certificate" of the Society is not required to transfer the shares and interest of the transferor to

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transferee. However in case such a certificate is required by the transferor or transferee, he shall apply to the Society and Committee of the Society may consider such application on merit, within one month.

- (e) The Transferor / Transferee shall submit following documents and fulfill compliance as under:
- (i) application in the prescribed form, for transfer of his shares and interest in the capital / property of the Society, along with the Share Certificate;
 - (ii) application in the prescribed form for Membership of the proposed Transferee ;
 - (iii) resignation in the prescribed form Member / Transferor;
 - (iv) Registered Agreement with Stamp Duty paid;

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- (v) valid reasons for the proposed transfer;
- (vi) undertaking to discharge all the liabilities to the Society by Transferor;
- (vii) payment of the transfer fee of Rs. 500/-
- (viii) remittance of entrance fee of Rs. 100/- payable by the proposed Transferee;
- (ix) payment of amount of premium at the rate to be fixed by the General Body Meeting but within the limits as prescribed under the circular, issued by the Department of Co-operation / Government of Maharashtra, from time to time. No additional amount towards donation or contribution to any other funds or under any other pretext shall be recovered from transferor or transferee.

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- (x) submission of 'No Objection Certificate', required under any law for the time being in force or order or sanction issued by the Government, any financing agency or any other authority;
- (xi) the undertaking / declaration in compliance with the provisions of any law for the time being in force, in such form as is prescribed under these bye-laws.

Note: The condition at Sr. no. (ix) above shall not apply to transfers of shares and interest, of the transferor in the capital / property of the Society to the Member of his family during his life time or to his nominee or his heir / legal representative after his death and in case of mutual exchange of flats amongst the Members.

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Disposal of transfer Application

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. 63 shall be followed by the Secretary and the Committee of the Society.

The Committee / General Body not to ordinarily refuse any application for Membership or transfer of Shares

(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

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issued by the Government in exercise of the statutory powers vested in it.

Deemed to have been Admitted if not communicated within three months

(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 three 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.

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Unauthorised transfer void.

- (d) Any transfer made in contravention of the Act, Rules or the Bye-laws shall be void and not effective against the Society.

Rights of Membership when to be exercised by the transferee.

40. The Transferee shall be eligible to exercise the rights of Membership on receipt of the letter in the prescribed form from the Society or order under section 22 or 23 of the Act from the Registrar; subject to the provisions of the MCS Act 1960, Rules and Bye-laws.

(H) Exchange of Flats

Application for exchange of flats by the Members of the Society

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41. The Members, desiring to exchange their flats, shall make a joint application to the Secretary of the Society, containing the following details:

- (a) The names of the Members concerned;
- (b) The distinctive numbers of their respective flats;
- (c) The carpet areas (in sq. metres), of their respective flats;
- (d) The building number/numbers or name/names of the building /buildings in which the respective flats are situated;
- (e) The reasons for exchange of flats.

Disposal of applications for exchanges of flats by Members

42. The procedure for disposal of applications for exchanges of flats as indicated in the bye-law No. 63 shall be followed by the Secretary and the Committee of the Society.

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(I) Sub-letting etc. of Flats

Sub-letting etc. not permissible except under the Society's permission

43. (a) A member shall intimate to the society, of subletting his flat or giving on leave and license basis or care taker basis or parting with its possession in any other manner. However the member shall submit a copy of leave and license agreement and copy of intimation report to the police station.

Application for permission to sublet etc.

(b) No permission of the Society is required to sublet the flat / shop. However the intimation needs to be given to the society 8 days before such subletting.

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Registration on assignment of Occupancy right in the flat

(c) He shall pay non-occupancy charges to society. Non-occupancy charges shall be charged in accordance with the circular issued by the Government of Maharashtra 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.

44. 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 Society. 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

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flat or for liquidating the liability incurred by him for the said purpose by way of loan or advance from the employer or the Member or from the Life Insurance Corporation of India or from a Bank or the Society or any other agency approved by the Commissioner for Co-operation and Registrar, C.S.M.S. Pune.

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(A) Maintenance of Flats by Members

45. Every Member shall keep his flat / unit in good maintenance.

Additions and alterations in a flat permissible with committee's approval

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

Application for permission for making additions and alterations in a flats

(b) The Member, desirous of making any additions to or alterations in his flat shall make an application to the

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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. 63.

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

Examination of flats and report about Repairs to Flats

47. (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

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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.

Notice to the Member about carrying out repairs in his flat by the Society at its 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. 159(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

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there-upon the Member concerned shall allow the workmen engaged by the Society directly or through its architect, access to his flat for carrying out the repairs. If the Member concerned fails to give access to his flat, without reasonable and convincing reasons, the Secretary of the Society shall have authority to enter upon the flat and carry out the work under the Supervision of the Member of the Committee duly authorised by it in that behalf or the architect appointed by the Society.

Notice to the Member for carrying out repairs to his flat at his cost

- (c) In respect of the repairs to be carried out by the Member at his cost, the Committee shall cause the notice to be

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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

48. No Member, without the previous permission of the Committee, in writing shall stock or store any kind of goods or

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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 anything in flat causing inconvenience, nuisance or annoyance to other Members.

- 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.

Committee to take action on complaints

- b. It shall be competent for the Committee either sou-moto or on receipt of the complaint from any Member, to take steps

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to stop all such practices referred to in the bye-law No. 48(a) forthwith.

(B) Expulsion of a Member

Grounds on which a Member could be expelled

49. A Member may be expelled from the. Membership of the Society, if such a Member :

- (a) has persistently failed to pay the charges due to the Society,
- (b) has willfully deceived the Society by giving false information,
- (c) has used his flat for immoral purposes or misused it for illegal purposes habitually,
- (d) 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,

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- (e) has furnished false information or omitted to furnish the material information to the Registering Authority at the time of registration of the Society.
- (f) A Non-Active Member who does not attend at least one meeting of the general body in next five years from the date of classification as Non- Active Member

Procedure for expulsion of a Member

50. (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 Rule 28 of MCS Rule 1961.
- (b) Expulsion from Membership may involve forfeiture of the shares held by the Member. Where the Committee decides that expulsions from Membership should also

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involve forfeiture of the shares, it shall make necessary reference to the proposed forfeiture of the shares in the notice to be issued under Rule 29 of the Rules.

Effect of expulsion on Membership of the Society.

51. The Member, duly expelled from Membership of the Society, shall cease to be the Member of the Society, with effect from the date on which the resolution of expulsion from the Membership of the Society is approved by the Registering Authority' The forfeiture of shares may take effect simultaneously with expulsion, and handing over vacant possession of the flat by the expelled Member.

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Handing over vacant possession of the flat by the expelled Member.

52. 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.

Acquisition of the Share and interest of the expelled Member

53. 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

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Eligibility of the expelled Member for readmission

54. No Member of the Society, who has been expelled from its Membership, shall be eligible for readmission to Membership in the Society, until expiry of the period of one year from the date of his expulsion, provided that on the recommendations of the meetings of the general body of the Society, the expelled Member may be re admitted to its Membership, as a special case before the expiry of the period of one year, with the prior permission of the Registering Authority.

(c) Cessation of Membership

Circumstances under which a person ceases to be a Member

55. The person shall cease to be the Member of the Society:

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- (a) On his resignation from Membership of the Society having been accepted by the committee.
- (b) On transfer of all his shares and interest in the capital/property of the Society.
- (c) On his death.
- (d) On his expulsion from the Membership of the Society.
- (e) On being adjudged as an insolvent or legally disabled from continuing as Member.
- (f) If the whereabouts 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.
- (g) On cessation of right/title and interest of a Member in the property of the Society, by way of legal attachment or sale.

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- (h) Any transfer if void as provided under bye law number 39 (d), the Committee shall take further action in the matter as indicated in the bye-law No.59.

Circumstances under which the person cease to be Associate Member.

56. The person shall cease to be the Associate Member of the Society, when the Member, whose name stands first, 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.

However the associate member shall not cease to be Associate Member when the First Member ceases to be the member of the

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society if Associate Member holds title and interest in the property jointly with the member.

The Committee shall take further action in the matter as indicated in the Bye-law No. 59.

Circumstances under which the person occupying the flat on behalf of the firm / company ceases to be the Nominal Member.

57. 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 :

- (a) On his death.
- (b) On the acceptance of his resignation by the Committee.

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- (c) On cessation of Membership of the original Member on whose behalf he occupies the flat in the Society.
- (d) On cessation of his nomination on account of expulsion of the original Member.
- (e) On intimation from the original Member of termination of the occupants nomination.

The Committee shall take further action in the matter as indicated in the bye-law No.59.

Circumstances under which a Sub lettee, licensee carelaker ceases to be the Nominal Member

58. The Nominal Member, who is the sublettee, 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:

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- (a) On his death.
- (b) On his resignation having been accepted by the Committee.
- (c) On the cessation of the Membership of the original Member.
- (d) On the expiry of the period for which the flat or part thereof was intimated to be sub-let, given on leave and license or care-taker basis or occupied in any other manner.

Note: The words 'original Member' used in the bye-laws Nos. 55, 56, 57, and 58 mean the Member, with whom the Associate Member/s hold 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 whose name has been intimated to sub-let, give on leave and license or care-taker basis his flat or part thereof or part with its possession in any other manner. The Committee shall take further action in the matter as indicated in the bye-law No. 59.

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59. The Committee shall record the facts of cessation of Members Membership of the Society under the bye-law No. 55 and of Associate and Nominal Member's Membership respectively under the bye-laws Nos. 56, 57 and 58, in the Minutes of its Meetings and accordingly the Secretary of the Society shall inform the concerned Members in writing within 7 days of the dates of such decision of the committee.

(D) Restrictions on Holding more than One Flat

Holding of multiple flats by Member

60. Individual Member of the Society may hold more than one flat, in the building/s of the Society in his name or in the name of any of the Members of his family subject to the conditions as provided under the provisions of Section 6 of the "Act".

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

(E) Liabilities of a Member and the Past Member

Liability limited to paid up Share Amount

61. The liability of a Member of the Society shall be limited to his shares - holding in the Society.

Liability of the past and Deceased Members

62. The liability of the past Members 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.

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

(F) Other Matters

- 63 (a) All the applications for (i) admission to Membership of the Society, including associate and nominal Membership, (ii) approval to the transfers of Shares and interest in the capital/property of the Society, (iii) intimation for subletting or giving flats or parts thereof on leave and license or caretaker 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) complaint application of the members (xi) for any other purpose provided under

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

the byelaws 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 scrutinize them and bring any short-coming therein to the notice of the Members concerned within 15 days of their receipt for compliance;
- (c) The Secretary shall place all the applications, complete in all respects, or incomplete, before the meeting of the Committee or the general body, as the case may be, held next after receipt of the applications;
- (d) The Committee or the General Body, as the case may be, shall consider all such applications at its meetings and take decisions thereon;

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

- (e) The Committee shall ensure that all the applications received by the Secretary of the Society are disposed off within the maximum period of 3 months from the dates of their receipt; except application for subletting which shall be disposed off in one month.
- (f) If the Committee or the General Body, as the case may be, rejects any applications, it shall record, in the minutes of its meetings, the reasons for rejection of the applications;
- (g) The Secretary of the Society shall communicate the decisions of the Committee or the General Body, as the case may be, to the applicants concerned within 15 days of the decisions of the Committee or the General Body, as the case may be, with reasons, where the applications are rejected by the Committee or the General Body, as the case may be, If the

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

Society does not communicate the decision to the applicant within three months from the date of receipt of application for Membership; including nominal or associate Membership, the applicant shall be deemed to have been admitted as a Member as provided under Section 22(2) of the Act.

Payment of Value of shares and interest

64. 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:

- (a) The value of Shares or interest in the share capital of the society shall be decided in accordance with the provisions of Section 29 read with Rule 23 of the MCS Rules,

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

- (b) The interest of the expelled Member in the property/capital of the Society, shall be valued by the Government approved valuer.
- (c) Within one month of the date of demand for payment of the value of the shares and interest in the capital/property of the Society, or acquisition of the same by the Society, the Committee shall, by publication of the notice in at least two widely circulated news papers and exhibition thereof on the notice board of the Society, invite offers for price proposed to be paid for acquiring interest in the flat, within such period as is mentioned in the notice.
- (d) On receipt-of the offers, the Committee, in its meeting, shall scrutinize the same and decide to accept the offer which is the highest, which shall not be less than the approved value as determined in (b) above.

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

- (e) 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/-.
- (f) 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.
 - (i) To the Member whose resignation has been accepted by the Committee, or
 - (ii) 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

VIII. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

- (iii) To the expelled Member Together with the value of the shares as determined under (a) above and after deducting the following
- (1) Outstanding amounts, if any, due from such Member.
 - (2) the entire expenses of the publication of the notice.
 - (3) Expenses incurred for the disposal of the interest of the Member in the property/capital of the Society. The payment shall be made in the manner provided under the bye-laws Nos. 36, 37 and 53 to the nominee/ nominees or heir /heirs, respectively.

IX. LEVY OF CHARGES OF THE SOCIETY

Composition of the Charges of the Society

65. The contribution to be collected from the Members of the Society, towards outgoing and establishment of its funds, referred to in these bye-laws as 'the charges' may be in relation to the following: (a) Property Taxes, (b) Water Charges, (c) Common Electricity Charges, (d) Contribution to Repairs and Maintenance Fund, (e) Expenses on repairs and maintenance of the lifts of the Society, including charges for running the lift. (f) Contribution to the Sinking Fund, (g) Service Charges, (h) Car Parking Charges, (i) Interest on the defaulted charges, (j) Repayment of the installment of the loan and interest, (k) Non-occupancy Charges, (l) Insurance Charges, (m) Lease rent, (n) Non- agricultural tax. (o) Education and Training Fund (p) Election Fund (q) Any Other Charges.

IX. LEVY OF CHARGES OF THE SOCIETY

66. The Service charges of the Society referred to at 65 (g) above shall include the following:

Break - up of Service Charges of the Society

- (a) Salaries of the office staff, liftman, watchmen, malis and any other employees of the Society.
- (b) Where the Society has independent Office, the property taxes, electricity charges, water charges etc. for the same.
- (c) Printing, Stationery and Postage,
- (d) Travelling Allowance and conveyance charges to the staff and the Members of the Committee of the Society.
- (e) Sitting fees paid to the Members of the Committee of the Society,
- (f) Subscription to the Education Fund of the Maharashtra Rajya Sahakari Sangh Ltd.

IX. LEVY OF CHARGES OF THE SOCIETY

- (g) Annual Subscription of the Housing Federation and any other co-operative institution to which the Society is affiliated.
- (h) Entrance fees for affiliation to the Housing Federation and any other cooperative institution.
- (i) Audit Fees for internal, Statutory and reaudit, if any.
- (j) Expenses incurred at meetings of the general body, the Committee and the Sub-Committee, if any ;
- (k) Retainer fees, legal charges, statutory enquiry fees.
- (l) Common electricity charges.
- (m) 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.

IX. LEVY OF CHARGES OF THE SOCIETY

Sharing of the Society's Charges by the Members.

67. (a) The Committee shall apportion the Share of each Member towards the charges of the Society on the following basis:
- (i) Property taxes: As fixed by the Local Authority
 - (ii) Water Charges: On the basis of total number and size of inlets provided in each flat.
 - (iii) Expenses on repairs and maintenance of the building / buildings of the Society: At the rate fixed at the general body from time to time, subject to the minimum of 0.75 percent per annum, of the construction cost of each flat for meeting expenses of normal recurring repairs.
 - (iv) Expenses on repairs and maintenance of the lift, including charges for running the lift: Equally by all the Members of

IX. LEVY OF CHARGES OF THE SOCIETY

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 / units.
- (vii) Parking Charges: At the rate fixed by the General Body of the Society at its meeting under the bye-law No. 83 and 84.
- (viii) Interest on the delayed payment of Charges: At the rate fixed under the bye-law No. 71 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 (b)

IX. LEVY OF CHARGES OF THE SOCIETY

- (xi) Insurance Charges: The built up areas of each flat, provided that if there is increase in the insurance premium due to storing any specific goods in any flat, used for commercial purposes, the extra burden of insurance premium shall be shared by those who are responsible for such increased premium in proportion of the built up areas to their flats.
- (xii) Lease Rent: The built up area of each flat / unit.
- (xiii) Non-Agricultural tax: The built up area of each flat / unit
Education & Training Fund: Rs. 10 per Flat/unit per month.
Election Fund: Equally by the Members and as prescribed by the Election Authority in the Rules made thereof and as decided by the General Body Meeting of the Society.
Any other charges: As may be decided by the General Body Meeting of the Society

IX. LEVY OF CHARGES OF THE SOCIETY

Committee to fix Society's Charges in respect of every flat.

(b) The Committee shall fix in respect of every flat the Society charges on the basis as laid down under the bye-law No. 67(a).

68. The following repairs and maintenance of the property of the Society shall be carried out by the Society at its costs:

Repairs and maintenance to be carried out by Society

(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,

IX. LEVY OF CHARGES OF THE SOCIETY

(xiii) External walls of the building/ buildings, (xiv) All leakages of water including leakages due to rain water, and leakages due to external common pipe line and drainage line, (xv) Electric lines upto main switches in the flats (xvi) Lifts, (xvii) The damaged ceiling and plaster thereon in the top floor flats, on account of the leakage of the rain water through the terrace.(xviii) Generators,(xvix) Security Appliances (CCTV, Intercom, Group Mobile, Mass Data Sharing Devices, Siren Bell) (xx) Rain Water Harvesting,(xxi) Sewerage, Storm water Drain & Water Treatment Plant (xxii) Common areas not specifically allotted, Swimming Pool, Gym, Sauna Bath, Coffee House (xxiii) Common Parking Space (xxiv) Solar and alternate energy devices. (xxv) Garden (xxvi) Community hall

IX. LEVY OF CHARGES OF THE SOCIETY

- (b) All the repairs, not covered by the bye law No. 159 (a) shall be carried out by the Members at their cost. The expenditure of the internal leakage due to toilet, sink etc. should be borne by concerned flat holders, with intimation to the Society.

Payment of the Society's Charges

69. 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. 67 (a) and issue the same to all the Members on or before the date fixed by the Committee in that behalf. Every Member of the Society shall pay the amount mentioned in the bill /demand notice in full within such period as may be fixed by the Committee.

IX. LEVY OF CHARGES OF THE SOCIETY

Review of payment defaults cases of Society Charges

70. a. A Member shall be deemed to have committed default in payment of the charges of the Society, if the payment mentioned in the demand notice/bill is not made within the period as prescribed under Section 73CA of the Act. The Secretary of the Society shall bring the cases of defaults in payment of the Society's charges to the notice of the Committee for taking further necessary action.
- b. In case of default by Member in payment of maintenance and service charges, the committee shall initiate a recovery proceeding under section 101 of the Act.

Interest on defaulted Charges

71. A Member shall be required to pay simple interest at 21

IX. LEVY OF CHARGES OF THE SOCIETY

percent per annum, or such lower rate as is fixed by the General Body of the Society on the dues to the Society, from the date the amount was delayed till its payment remains unpaid by the Member within the period as prescribed under Bye-law No. 70(a).

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X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Incorporation.

72. The registration of the Society shall render it a body corporate by the name under which it is registered, with perpetual succession and common seal and with power to acquire, hold and dispose of the property, to enter into contracts and other legal proceedings and to do all such things as are necessary for the purpose for which it is constituted.

Common Seal.

73. 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 on 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

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Chairman, the Secretary and one Member of the Committee, authorised by the Committee in that behalf along with their name and designation.

Charges and set off in respect of Shares and Interest of a Member of the Society

74. The Society shall have a charge on the shares and/or interest of a Member, present or past, in the capital/property of **Policy for allotment of flats**

(b) The allotment of flats in the building/buildings of the Society shall be made to its Members on the basis of (i) the first come first served, (ii) full payment of the demands, made by the Society from time to time or (iii) by drawing lots as may be decided by the General Body Meeting. The

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

- (b) Secretary of the Society shall issue letters of allotment of flats in the prescribed form to the respective Members and obtain confirmation letters from them.

Cancellation of allotment of flats.

- (c) Where any Member fails to pay any calls made by the Society under the bye-law No. 75(a), within the time allowed to him by the committee the allotment of flat made in his favour, shall stand cancelled and the Secretary of the Society, under instructions from the Committee, shall inform the Member accordingly. Where such cancellation has been made, the flat may be allotted to other applicant approved by the committee, if a Member, whose allotment is cancelled, makes payment of the calls

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

and Committee at its meeting may consider the matter regarding re allotment of any other flat to him if it is available for allotment.

Handing over possession of flat on full payment

(d) No Member shall be eligible to get possession of the flat allotted to him unless he has made full payment towards shares, cost of construction, repayment of the loan instalments, which have fallen due and/or any other charges demanded by the Society, under these bye-laws.

Change of user not permissible without the sanction of the Committee.

(e) No Member of the Society shall use the flat / unit deemed

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

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.

Society to carry out Structural Audit.

76. (a) The Society shall cause to undertake the Structural Audit of the building as follows.

- (1) for buildings aged between 15 to 30 years....once in 5 years
- (2) for the buildings aged more than 30 years..... once in 3 years

(b) Such Structural Audit by Societies which are in Municipal Corporations limits shall be conducted by approved Engineers from the Corporations panel. In case of other Societies such structural audit shall be carried by the Govt.

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Approved Structural Engineers/Architect, and maintain record thereof

- (c) The Society shall undertake to carry out periodical Fire Audit of its property as per the State Fire Policy, and maintain record thereof.
- (d) The Society shall carry out periodical Inspection of Lifts / Elevators and maintain record thereof

Handing over possession of flat to the allottee

77. The committee shall, after getting occupation or completion certificate from the local authority, scrutinize the allotment register from time to time and issue instructions to the Secretary of the Society to hand over possession of flats to the respective Members who have complied with the provisions of the bye-law no.17 and 19.

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Policy for allotment of parking slots

78. a. The Society shall in the General Body meeting frame and adopt Parking Rules to regulate the Parking slots, in accordance with the Act and Rules there under.
- b. The allotment of Parking Space shall be made by the Committee on the basis of "First Come First Served", for available parking slots However the Member shall have no right to sell or transfer the Parking Slot allotted by the Society.
- c. No Member shall be entitled to utilize more parking slots than the officially allotted to him by the society.

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Marking of parking slots

79. Where any parking slots have been built or open space in the Society's compound is available for parking of cars, the Society shall number and demarcate the slots and/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 parking slots.

80. A Member having a vehicle will be eligible to have parking slot. Normally no Member shall be eligible for being allotted more than one parking slot. The vehicles may be owned by him or allotted to him by his employer, or the firm of which he is the

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

partner or the company of which he is the director. If any parking slots remain unallotted for want of applicants, additional parking slots may be allotted to such Members who already have a slot allotted to them in normal course. Such allotment of additional parking slots shall be made on year to year basis, provided the same are not required by other Members, who have not been allotted even a single parking slot.

81. In case the number of eligible Members for parking slots is in excess of the available parking slots, then the Managing Committee shall allot parking slots on annual basis by fair and transparent process, in concurrence with the General Body regulations.

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Applications for allotment of parking slot.

82. The Member, desiring to have parking slot, may make an application to the Secretary of the Society giving necessary details. The procedure laid down under the bye-law No. 63 for disposal of applications, shall be followed by the Secretary and the Committee of the Society.

Payment of charges for parking of vehicles.

83. Every Member shall pay the for parking charges for the number of slots allotted to him / her 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 vehicle or not.

X. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Parking of other vehicles.

84. Every Member, having a scooter, a motor cycle, or an autorickshaw 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.

XI. GENERAL MEETINGS

(A) First General Meeting

Holding of the first General Meeting within the stipulated period

85. The First General Body meeting of the Promoters, who have signed the Application for Registration within the period of 3 months of the date of the registration of the Society, as provided under Rule 59 of the Rules. It shall be the responsibility of the Chief Promoter Society to convene First General Body meeting within the stipulated period.

Calling the first general meeting by the Registering Authority

86. On failure of the Chief Promoter of the Society to hold the First General Body meeting within the period mentioned in by-law no 85, the Registering Authority shall cause it to be convened.

XI. GENERAL MEETINGS

Period of notice for the first general meeting

87. Clear Fourteen days Notice of the First General Body Meeting of the Society shall be given by the Chief Promoter of the Society or as the case may be, by the Officer Authorized by the Registering Authority, to all the promoters, who have signed the application for Registration of the Society.

Functions of the First General Meeting

88. (a) At the First General Body Meeting of the Society, the following business shall be transacted:

- (i) Election of a President for the meeting,
- (ii) Admission of new Members (other than the promoters) who have applied for Membership of the Society.

XI. GENERAL MEETINGS

- (iii) Receiving and Approving the Statement of Accounts, as prepared by the Chief Promoter of the Society, as on 14 days prior to the date of the First General Meeting of the Society (ie: as on the Date of Notice).
- (iv) Constitution of a Provisional Committee until regular elections are held under bye-laws of the Society. The Provisional Committee shall have the all powers and functions as that of the Committee elected in accordance with the Act, Rules & 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.

XI. GENERAL MEETINGS

- (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 bye-law no. 6,
- (x) Consider any other matter to be brought before the meeting with the permission of the Chair, excepting those requiring proper notice.

(IN ADDITION FOLLOWING ARE APPLICABLE FOR PLOT - PURCHASED TYPE SOCIETY)

- (xi) To review and approve the Report of the Chief Promoter of the Society regarding the work done and proposed to be

XI. GENERAL MEETINGS

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 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 Recording of minutes at the first General Meeting

XI. GENERAL MEETINGS

(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.

89. The person, who presides over the First General Meeting shall record the Minutes of the Meeting, sign them and hand them over to the Secretary of the Society elected at the first meeting of the Provisional Committee or nominated by the Registration Authority under the bye-law no. 88(b).

Handing over records by the Chief Promoter of the Society.

90. The Chief Promoter of the Society shall, immediately after election of the Office Bearers of the Society, at the first meeting of

XI. GENERAL MEETINGS

the Provisional Committee or its nomination by the Registering Authority under the bye-law no. 88(b), hand over to the Chairman of the Society in any Member of the Provisional Committee authorised by it on that behalf :-

- (a) all records of the Society, particularly the copy of the application for registration of the Society, received back from the Registering Authority,
- (b) the copy of the bye-laws of the Society registered by the Registering Authority,
- (c) the certificate of registration of the Society,
- (d) the challans for amounts credited into the bank,
- (e) the counterfoils of the used cheques and the unused cheques, forms
- (f) the bank pass books,

XI. GENERAL MEETINGS

- (g) the copies of all the agreements entered into by him with different parties,
- (h) the statement of accounts as prepared by him, (i) the applications for Membership,
- (j) the statement of information of the promoters, (k) the vouchers for amounts expended,
- (l) the cash balance, if any,
- (m) the site plan/ the scheme of construction (for plot purchase type)
- (n) the minutes of the first general meeting of the Society,
- (o) the files of the correspondence with the Registering Authority, the Local Authority,
- (p) and all such other records, also in digital form and assets of the Society as are in his possession, not withholding anything with him

XI. GENERAL MEETINGS

(q) prepare a documents handover report

Powers of the Provisional Committee

91. The Provisional Committee or the Nominated Committee shall have the all powers and functions as the committee duly elected in accordance with the Act, Rules & Bye-laws of the Society.

92. 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.

Handing over charge by the Provisional Committee.

93. The Chairman of the Provisional Committee or the

XI. GENERAL MEETINGS

Nominated Committee shall handover charge of all the assets and documents 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. 90.

(B) Annual General Body Meetings

Holding of Annual General Body Meeting

94. (a) The Annual General Body Meeting of the Society shall be held on or before 30th September each year as provided under Section 75(1) of the Act. (as there is no provision for extension of time to hold AGBM)

XI. GENERAL MEETINGS

- (b) In case of default in calling the Annual General Body Meeting as stipulated in bye-law no. 94(a) above shall attract disqualification and action as provided under section 75(5) of the Act.

Functions of the Annual General Body meeting of the Society

95. The Annual General Body Meeting of the Society shall transact the following business:

- (a) 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.
- (b) to receive from the committee, the Annual Report of its activities on the preceeding co-operative years working, together with the statement of accounts in form 'N'

XI. GENERAL MEETINGS

prescribed under Rule 62(1) of the Rules, showing the Income And Expenditure during the preceeding cooperative year and the Balance Sheet as at the close of the preceeding co-operative year.

- (c) to consider Audit Report, received from the Auditor appointed as provided in section 75(2A) of the Act for the previous co- operative year.
- (d) to receive from committee the Audit Rectification Report and Action taken thereon.
- (e) to place Annual Budget for the next Financial Year for consideration.
- (f) to appoint an Auditor, for the Audit, from the panel approved by State Government.
- (g) to receive from the Committee the Annual Return as stipulated in section 75(2A)

XI. GENERAL MEETINGS

- (h) to consider any other matters, specifically requiring decisions, concurrence or sanction of the General Body Meeting of the Society, by virtue of the provisions in the Act, Rules and the Bye-laws of the Society,
- (i) to consider any important communications received from the Registering Authority, the Statutory Auditor, Government, Collector, Local Authority or any other Competent Authority.
- (j) to declare date and conduct of election of its Committee when due,
- (k) to consider any other matter, with the permission of the Chair, excepting those requiring proper notice, after the regular agenda is over and which are permitted under the provision of the Act, Rules & Bye-laws.

XI. GENERAL MEETINGS

(C) Special General Body Meetings

When a Special General Body Meeting should be convened

96. A Special General Body Meeting of the Society may be called at any time at the instance of the Chairman or by the decision of the majority of the Committee and shall be called within one month of the date of the receipt or requisition, in writing signed by at least $\frac{1}{5}$ th 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.

XI. GENERAL MEETINGS

97. The requisition for the special general body meeting of the Society, under the bye-law no. 96 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.

Notice of the General Body Meetings

98. 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 as provided in Bye-law no. 162. On his failure to issue the notice, the Chairman shall issue it.

XI. GENERAL MEETINGS

Period of notice of a General Body Meeting

99. In case of the Annual General Body Meeting, 14 clear day's Notice and in the case of the special general body meeting, 5 clear day's notice of the meeting shall be given to all the Members of the Society, as provided under Bye-law No. 162, under intimation to the Federation and to the Registering Authority. In case of an emergency, the Special General Body Meeting may be called even at a shorter notice, if the Committee unanimously decides to call the Special General Body Meeting at a shorter notice. The Agenda of such emergency meeting and the reasons of emergency for which the meeting is called shall be communicated in writing to all the Members. Also the decision of such meeting shall be communicated in writing to all the Members, within two days of such meeting.

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Quorum for the General Body Meeting

100. 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.

Holding of the adjourned General Body Meeting

101. If within half an hour after the time appointed for general body meeting of the Society, there is no quorum, the meeting, if convened upon the requisition of the Members, shall be dissolved. In any other case, it shall be adjourned to a later hour on the same day and at the same place, as may have been specified in the notice, calling the general body meeting of the Society or to a subsequent date, not earlier than 7 days and not later than 30 days and at such adjourned general body meeting, the business on

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the agenda of the original general body meeting shall be transacted, whether there is requisite quorum or not.

Postponement of General Body Meeting

102. If all the business on the agenda of the General Body Meeting of the Society cannot be transacted on the day on which the General Body Meeting is convened, the meeting shall be postponed to any other suitable date as may be decided by the Members present at the meeting, however not later than 30 days from the date of the meeting.

Chairman of the Society to preside over all General Body Meetings

103. The Chairman of the Society shall preside over all General

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Body Meetings of the Society, provided that if the Chairman is absent or if present and is unwilling to preside, the Members present may elect a person from amongst themselves to preside over the meeting.

Restrictions on attending a General body Meeting by a Proxy

104. 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.

Voting right of a Member

105. Voting right of a Member and the Associate Member of the Society shall be regulated in accordance with the provisions of Section 27 of the Act.

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One Member One vote

106. At the General Body Meeting of the Society, every Active Member of the Society and in his absence, his Associate Member shall have one vote only. In case of equality of votes, the Chairman of the meeting shall have a casting vote.

How decisions shall be taken

107. Unless otherwise specifically provided under the Act, the Rules and the Bye-laws of the Society, all questions at a General Body Meeting of the Society shall be decided by a simple majority of Members present and voting at the meeting.

Recording of the minutes of the general body meeting.

108. The committee shall finalise the draft minutes of every

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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.

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Cancellation of the previous resolution of the general body meeting

109. No resolution can be brought at a General Body Meeting of the Society, cancelling its previous resolution, unless six clear months have elapsed, after passing of the previous resolution.

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General body meeting to be the supreme authority

110. Subjects to the provisions of the Act, the Rules and the Bye-laws of the Society, the final authority of the Society shall vest in its General Body Meeting, summoned in such manner as is specified in these Bye-laws.

Management of the Society to vest in the Committee.

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

Exercise of powers by the Committee

112. Subject to the direction given or regulation made by a Meeting of The General Body of the Society, the Committee shall

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exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No. 138.

Opening of Banking account and Investment of Funds

113. A Banking Account shall be opened by the Society in the nearest State or District Central Co-op Bank/ a Scheduled Bank having awarded "A" Audit Class in last three consecutive years, Nationalised Bank, and in any other mode permitted by general or special order of the State Government, as provided under section 70 of the Act and the account shall be operated upon and all acquaintances and discharges shall be signed by the Secretary jointly with the Chairman or Treasurer.

Strength of the Committee

114. The Committee shall consist of *11/13 / 15 / 17 / 19

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Members of the Society. This strength includes the reservation of seats as provided under section 73B and 73C 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 of the Society	Strength of the Managing Committee						Quorum for Meeting *
	General	Reserved				Total	
		Women	SC/ST	OBC	VJ/NT/SBC		
Upto100	6	2	1	1	1	11	6
101 to 200	8	2	1	1	1	13	7
201 to 300	10	2	1	1	1	15	8
301 to 500	12	2	1	1	1	17	9
501 and above	14	2	1	1	1	19	10

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* Quorum for the Meeting will be simple majority of the existing Committee Members

Election of the Committee

115. (a) Election of all the Members of the Committee shall be held once in 5 years, before the expiry of its term, in accordance with the provisions of Sec 73- CB of the Act and the Rules / procedure framed there under. It shall be the duty of the Committee to intimate to the State Co-operative Election Authority (SCEA) for holding of its election before expiry of its term. On failure the Committee Members shall cease to hold office after expiry of its term, and attract action by the Registrar under section 77 A.

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- (b) The Committee of the Society may co-opt two “Expert Directors” relating to the objects and activities under taken by the Society. The number of such co-opted Members shall not exceed two in addition to the strength of the committee as provided in bye-laws No. 114., such co-opted Members shall not have the right to vote in any election of the Society in their capacity as such Member or to be eligible to be elected as office bearers of the committee.
- (c) The Committee of the Society may co-opt two “Functional Directors”, such Members shall be excluded for the purposes of counting the total numbers of the committee and shall have no right to vote.
- (d) In respect of housing society having contribution of the Government towards its share capital, then the members of

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the committee shall include two officers of the Government nominated by the State Government, which shall be in addition to the number of members specified as above, and as provided under section 73 AAA of the Act.

- (e) The Election of the Society shall be conducted by the State Cooperative Election Authority under section 73CB.

Prohibition Against being Interested in the Society

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

- (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

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residential accommodation by the Society to any paid employee of the Society.

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

- a. he / she has been convicted of the offence, involving moral turpitude, unless the period of six years has elapsed since his conviction;
- b. he / she has defaulted the payment of dues to the Society, within three months from the date of service of notice in writing, served either by hand delivery or by registered post, demanding the payment of dues;
- c. he /she has been held responsible under Section 79, 88, 147 of the Act or has been held responsible for the payment of the costs of enquiry under Section 85 of the Act.

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- d. In case of an Associate Member, non-submission of the no-objection certificate and undertaking, as prescribed under these bye-laws, by the Member.
- e. he / she is not an Active Member
- f. he / she has without previous intimation in writing has sublet his / she flat or part thereof or given it on leave and license or care taker basis or has parted with its possession in any other manner or has sold his shares and interest in the society.

118. 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

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declaration of results of the election of such Members, the committee has, for whatever reason, has not been so far constituted, forward their names together with their permanent addresses to the Registrar, who shall, within fifteen days from the date of receipt thereof by him, publish or cause to be published such names and addresses by affixing a notice on the Notice Board or at any prominent place in his office; and upon Constitution of the Committee such publication, the Committee of the Society shall be deemed to be duly constituted. In determining two-thirds of the number of Members, a fraction shall be ignored.

Cessation of a Member of the Committee

119. a. A person shall cease to be the Member of the Committee, if;

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- i. he / she has incurred any of the disqualifications mentioned under the bye-law No. 117 or;
- ii. he / she has failed to attend any three consecutive monthly meetings of the Committee, without leave of absence.

Intimation of Cessation of Membership of the Committee

- b. If a Member of the Committee attracts any of the disqualifications under the bye-law no. 119 (a) (i) 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

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120. 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.

121. The period of office of the Committee elected under the bye-law No. 115(a) shall be for 5 years from the date of assuming the office.

First Meeting of new committee

122. (a) The first meeting of the newly elected jointly with outgoing Committee shall be held within 30 days from the date of constitution of the new committee as per bye-law No. 118 and the provisions of Section 73AAA.

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Issue of Notice of First Meeting of New committee

(b) Subject to the provisions of the bye-law No. 122(a) the Secretary of the outgoing Committee shall issue notice of the first meeting to the Members of the newly elected Committee and the outgoing Committee thereof. On the failure of the Secretary of the outgoing Committee to convene the joint meeting, the Chairman of the outgoing Committee shall call it. On the failure of both, the Registration Authority may call such a meeting.

Custody of the records of the Society.

123. All records of the Society shall be kept at its premises, convenient to the secretary, with the approval of the Committee of the Society.

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Outgoing Chairman to handover charge to new Chairman

124. 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.

Note: The word 'Paper' used in this bye-laws and any other bye-laws shall mean all or any items mentioned in the bye-laws Nos. 141 and 142 and data / information in digital form.

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At the first meeting New Committee to Election New Office Bearers

125. a. Every Committee, at its first meeting, after its election shall elect a Chairman, Secretary and Treasure from amongst the Members of the Committee.
- b. The Officer of the Society shall hold office for the period of 5 years from the date on which he is elected to be the Chairman as the case may be the Secretary and Treasurer but not beyond the expiry of term of the Committee.

Motion of no confidence against office bearers

Provided that he shall cease to be the Officer, if the motion of 'No Confidence' is moved in the special meeting of the Committee called and presided by the Registrar or such officer not below the

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rank of a Assistant Registrar upon the notice given by 1/3 rd Members of the Committee and the motion of 'No confidence' is passed by the 2/3 rd Members present at such meeting, who are entitled to vote at the election of such Chairman, Secretary or Treasurer.

Provided further that another motion of 'No Confidence' shall not be brought against the Chairman or as the case may be the Secretary or Treasurer of the Society unless the period of 6 months has elapsed from the date of preceding motion of the 'No Confidence'.

Quorum for Committee Meeting

126. The Committee meeting shall be normally held in the

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premises of the Society. The quorum for Committee Meeting shall be as mentioned in Bye-law No. 114. 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.

Frequency of Committee meetings

127. (a) The Committee shall meet as often as necessary but at least once in a month.
- (b) 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 subsequent meeting.

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Filling up casual vacancies

128. The committee may fill a casual vacancy on the Committee by nomination out of a same class of Active Members in respect of which the casual vacancy has arisen as per section 73 CB and as per the instructions issued by State Co-operative Election Authority.

Tenure of Office of co-opted members

129. The period of office of the co-opted Member of the Committee shall be coterminous with tenure of Office of the Committee.

Registration of Committee Member of the Society

130. A Member of the Committee may, by a letter addressed to the Chairman of the Society, resign his Membership of the committee.

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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 the receipt of the letter or resignation by the Chairman or the Secretary of the Society, whichever is earlier.

Resignation of Office Bearers of the Society

131. (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

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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. This fact of acceptance of resignations of the entire

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Committee by the General Body, shall be communicated to the Registrar by the outgoing officers and Registrar may take necessary action as provided under section 77 A of the Act. However the existing Committee shall continue to carry on with only routine functioning of the Society, till alternate arrangement is made by the Registrar.

Notice of Committee Meetings

132. The Secretary of the Society shall give 3 clear day's notice of meetings of the Committee to all the Members of the Committee which shall state the date, time and place of the meeting and the business to be transacted there at, in consultation with the Chairman of the Society. Where the Secretary of the Society fails to issue such a notice and agenda of any meeting of the

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Committee, the Chairman of the Society shall issue it. If the Chairman and the Secretary of the Society fail to issue a notice and agenda of any meeting of the Committee, the concerned Housing Federation, of which Society is affiliated, on its receipt of such information and request may call such a meeting.

Chairman to preside over committee Meetings

133. 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.

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

One Member one Vote. Decision by Majority

134. Every Member of the Committee shall have one vote. However in case of equality of votes the chairman of the meeting will have a second or casting vote. All decisions shall be taken by majority of vote.

Requisitioned Special Meeting of Committee

135. On a requisition by 1/3rd of the Members of the committee, the Secretary of the Society shall convene a special meeting of the Committee within 7 days of the date of receipt of the requisition to discuss the matter mentioned in the requisition on the failure of the Secretary of the Society to convene such a meeting within the time stipulated the procedure laid down under the bye-laws No. 132 shall be followed.

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Minutes of Meetings

136. The Secretary of the Society shall attend every meeting of the committee and record its minutes and place the same for confirmation before the next meeting of the committee, after the minutes are signed by the Secretary of the Society and the chairman of the meeting in the absence of the Secretary the Chairman of the Society shall make alternate arrangement for recording minutes of the meeting.

Liability of Committee Members

137. The Members of the Committee shall be jointly and severally responsible for all the decisions taken by the committee during its term relating to the business of the Society. The Members of the committee shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the Society.

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

Power, duties and functions of the Committee

138. Subject to the bye-law 112 the Committee shall exercise the powers and discharge the functions and duties as mentioned hereunder.

Sr. No.	Items of the powers, functions and duties	The bye-law no. under which the Power, Function or Duties falls
1	To consider acceptance of deposits from Members and raising of funds	11
2	To consider and recommend to the meeting of the general body, the rates of contribution	13 (a) and 13 (c)

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3	To consider all matter relating to the creation, investment and utilization of the Repairs & maintenance, Reserve Fund and Sinking Fund.	12(a) (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 nomination and revocations thereof are recorded in the minutes of the committee.	33
6	To take action on the report of the Secretary on inspection of the Flats.	47 (b)
7	To take action on cases of cessation of Membership including associate and nominal Membership	59

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8	To consider and decide the applications for various purposes received by the Society	63
9	To Consider and decide cases of refund of shares and interest in the capital/ property of the Society where the shares and interest in the capital / property are acquired by the Society	64
10	To fix the rate of insurance premium in respect of commercial use of flats.	67 (a) (xi)
11	To fix in respect of every flat the Society's charges on the basis of the proportion laid down under the bye-law 67 (a)	67 (b)
12	To review the position of recovery of the charges due to the Society from Members and to initiate action against defaulted charges of the Society.	70

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13	To verify compliance of the provisions relating to charging of interest in defaulted charges of the Society	70
14	To authorize 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.	73
15	To issue letters of allotment of flats to those who have purchased flats from the Promoter (Builder)	75
16	To make available papers of the Society for perusal if asked for by the Members	23
17	To ensure holding of every annual meeting of the general body are kept on the agenda of the meeting	94

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

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	94
19	To call a Special meeting of the General body when required	96
20	To arrange for election of a new Committee prior to the expiry of the period of the existing committee	115
21	To ensure that after elections new committee is duly constituted	118
22	To elect office - bearers of the Society	125
23	To ensure that a meeting of the committee is held once in a month	127
24	To fill in vacancies of the Committee	128

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

25	To consider resignation of a Member of the committee	130
26	To consider resignation of an office bearer of the Society	131
27	To obtain securities from the paid employees of the Society	147
28	To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned	153
29	To execute deed of conveyance of the land and building / buildings thereon	154

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

30	To take steps to maintain the property of the Society in good condition and to carry out repairs to it and renewals thereof	155 and 158
31	To Insure the property of the Society	160
32	To suggest to the general body meeting the rates of penalties for breaches of bye -laws and to issue show cause notices	165
33	To regulate operation of the lift of the Society	167
34	To suggest to the meeting of the general body the games to be allowed to be played in the compound of the Society	168

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35	To consider and decide any other matters provided under the MCS Act 1960, the MCS Rules 1961 and the Bye-laws of the Society, but not expressly indicated hereinabove	77 to 84
36	To regulate parking in the Society	78 to 84
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.	173
39	To enter into contract with the Architect of the Society.	157 (f)
40	To scrutinize the tenders, received for construction work and to submit the same along with Committee's report to the meeting of the General Body and to enter into contract with the contractor.	157 (i)

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

139. The Chairman of the Society shall have the power of overall superintendence, control and guidance in respect of management of the affairs of the Society within the frame-work of the MCS Act 1960. Rule 1961 and the 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 thereof in writing Any decision, so taken by the chairman of the Society shall be got ratified in the next meeting of the Committee.

140. The functions of the Secretary of the Society shall be those mentioned below:

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

Sr. No.	Items of the powers, functions and duties	The bye-law no. under which the Powers, Functions or Duties falls
1	To issue share certificate to Members within the stipulated period and the prescribed manner	9 & 10
2	To deal with resignations from Members including associate and nominal Members	27 to 30
3	To enter nominations and revocations thereof in the Nominations Register.	32
4	To inspect the property of the Society.	47 (a)
5	To issue notices regarding repairs to be carried out in flat.	47 (b)(C)

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

Sr. No.	Items of the powers, functions and duties	The bye-law no. under which the Powers, Functions or Duties falls
7	To deal with cases of cessation of Membership including associate and nominal Membership.	55
8	To deal with the applications for various purposes received by the Society.	63
9	To prepare and issue demand notices/bills for payment to the Society's charges.	69
10	To bring cases of defaults in payment of the Society's charges to the notice of the Committee.	70
11	To issue letter of allotment of flats.	75 (a)

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

Sr. No.	Items of the powers, functions and duties	The bye-law no. under which the Powers, Functions or Duties falls
12	To issue notices and agenda of all meetings of the general body.	98
13	To record the minutes of all the meetings of the general body.	108
14	To call the first meeting of the newly constituted committee.	122 (b)
15	To issue notices of all the meetings of the Committee.	132
16	To attend meetings of the Committee and to record minutes thereof	136

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

Sr. No.	Items of the powers, functions and duties	The bye-law no. under which the Powers, Functions or Duties falls
17	To attend meeting accounts books, register and other records, unless otherwise decided by the committee.	143
18	To finalize account of the Society in the required manner	146 (a)
19	To produce records of the Society before different authorities concerned with the working of the Society with the consent of Chairman.	152

XII. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

20	To prepare the audit rectification reports in respect of audit memos received from the Statutory and Internal Auditors.	153
21	To bring beaches of the Bye-laws by the Members of their notices under instructions from the Committee and Penalties there to.	165
22	To discharge such other functions under the MCS Act 1960, the Rules and the bye-laws 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.	173

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

Books of accounts, Registers and other books to be maintained

141. The Society shall maintain the following books of accounts, records and Registers.

- (i) The Register of Members in "I" form prescribed under Rule 32 of the MCS Rules 1961.
- (ii) The List of Members in 'J' form prescribed under Rule 33 of the MCS Rules 1961.
- (iii) The Cash Book,
- (iv) The General Ledger, (v) The Personal Ledger.
- (vi) The Sinking Fund Register.
- (vii) The Audit Rectification Register in 'O' form, prescribed under the MCS Rules 1961.

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

- (viii) The Investment Register.
- (ix) The Nomination Register.
- (x) The Society / Members Loan Register/Mortgage Register.
- (xi) The Minutes Book for the meetings of the Committee of the Society.
- (xii) The Minutes Book for the meetings of the General Body of the Society.
- (xiii) The Property register and furniture, fixtures and office equipment Register.
- (xiv) The Structural and Fire Audit Register and Lift Inspection Record
- (xv) The Register of Nominal Members (Tenant occupant)
- (xvi) The Register for Active Members

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

Other records to be maintained

142. The Society shall maintain separate files for the following items:

- (i) Applications for Membership.
- (ii) Applications for nominal / Associate Membership
- (iii) Letters of resignation of Membership including associate and Nominal Membership.
- (iv) Applications for transfer of shares and/or interest in the Capital /property of the Society.
- (v) Cases of expulsion of Members.
- (vi) Nominations made by Members including revocations thereof.
- (vii) Separate file for correspondence entered into with each Member.

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

- (viii) Correspondence with the Co-operative Registrar.
- (ix) Correspondence on Property Taxes including Non-agricultural taxes.
- (x) Correspondence on common electric supply.
- (xi) Correspondence about Conveyance of the property.
- (xii) All types of Agreements, with papers connected thereto.
- (xiii) Approved plans of construction and correspondence thereon.
- (xiv) Applications for allotment of parking spaces.
- (xv) Vouchers, along with the bills relating thereto arranged in order of entries in the cash book and the journal.
- (xvi) Counterfoils of challans for credits of amounts into the bank, arranged in order of dates of credits.
- (xvii) Counterfoils of cheques issued.

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

- (xviii) Counterfoils of share certificates.
- (xix) Applications for duplicate share certificates.
- (xx) Application for registration of the Society, the copy of the bye-laws and amendments thereto.
- (xxi) A certificate of registration fully framed.
- (xxii) Counterfoils of receipts or carbon copies of receipts issued by the Society.
- (xxiii) Counterfoils of bills or carbon copies of bills for the Society's charges.
- (xxiv) Correspondence about loan received and property of the Society mortgaged.
- (xxv) Notices and Agenda of the Meetings of the Committee and general body of the Society.
- (xxvi) Periodical statements of Accounts prepared by the Society.

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

- (xxvii) Committee's annual reports on the working of the Society.
 - (xxviii) Audit memos received from the Statutory Auditors, with rectification reports thereon.
 - (xxix) Audit reports received from Internal Auditors, with rectification reports thereon.
 - (xxx) Papers pertaining to the election of the Committee. (xxxi) Complaint from Members and correspondence thereof.
- Note: The Society shall also maintain separate files relating to other subjects not expressly indicated above

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

Responsibility for maintaining records

143. Unless otherwise decided by the Committee, it shall be the responsibility of the Secretary of the Society to maintain and keep up to date the Account Books, Registers and other Records mentioned under the bye-laws Nos. 141 and 142.

Limit for cash on hand

144. 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. 5,000 (Rupees Five Thousand only), for petty expenses. If due to unavoidable circumstances, the cash in hand has exceeded the above limit, the excess cash shall be credited into the bank within the next three days by the Secretary or any other person authorised by the Committee to keep cash in hand.

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

Limit for cash payments

145. All payments in excess of Rs.1500/- (Rupees Fifteen Hundred) shall be made by means of crossed a/c payee's cheques.

Filing of annual returns

146. (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 preceeding co-operative year, prepare the Receipts and Payments Statement, the Income and Expenditure Statement for the said year and the Balance Sheet as at the close of the said year in the forms prescribed under Rule 62(i) of MCS Rules 1961 alongwith the list of Active Members and Non-Active Members as at the close of the preceeding co-operative

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture, the fixtures and the office equipments etc.

- (b) The Society shall prepare and file Annual Returns as prescribed in the Act and the Rules. The Society shall file Annual Returns on or before 30th September of every year with the Registrar including the following matters, namely-
- (i) Annual Reports of Societies activities.
 - (ii) Societies Audited Statement of Accounts;
 - (iii) Plans for surplus disposal as approved by the General Body of the Society;
 - (iv) List of amendments to the Bye-laws of the Society, if any;

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

- (v) Declaration regarding date of holding of its General Body Meeting and conduct of elections when due;
- (vi) Any other information required by the Registrar in pursuance of any of the provisions of the Act.
- (vii) List of Active and Non-Active Members.
- (viii) Every Society shall also file a Return regarding the name of the Auditor or Auditing Firm from a Panel Approved by a State Government in this behalf, appointed in the General Body Meeting together with his written consent within a period of one month from the date of Annual General Body Meeting.
- (ix) If the Society fails to intimate and file the Returns as provided by section 75(2A) and section 79(1B), the

XIII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

Registrar may cause Societies accounts to be audited by appointing an Auditor from the panel of Auditors

Security by Employees

147. 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

XIV. APPROPRIATION OF PROFITS

Contributions to Statutory reserve Fund

148. (a) After providing for the interest upon any loans and deposits and after making such other deductions as required under Section 65(1) and 66 of the MCS Act 1960 and Rule 49A of MCS Rules 1961, twenty five percent (25%) of the net profit of all the business carried on by or on account of the Society, shall be placed at the credit of the Reserve Fund of the Society.
- (b) The remaining seventy five percent (75%) of the net profit of the Society shall be utilised as provided under Rule 50, 51, 52, 53 of MCS Rule 1961.
- (i) To pay dividend not exceeding 15 percent per annum, upon the paid up share capital at such rate as the Committee may recommend and the Annual General

XIV. APPROPRIATION OF PROFITS

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 preceeding co-operative year.

- (ii) To pay honorarium to office-bearers of the Society not exceeding fifteen percent (15%) of the net surplus to reward them for the sacrifice of their valuable time for the working of the Society or as decided by the General Body Meeting.
- (iii) To allocate to a Common Welfare Fund, such part of the profit as the Annual Meeting of the General Body may determine, to be utilised in furtherance of the objects specified in the bye-law No. 5(d).

XIV. APPROPRIATION OF PROFITS

- (iv) The balance, if any, shall be carried forward or dealt with in such manner as the Annual General Body Meeting, on the recommendations of the Committee, may determine.

XV. TO WRITE OFF OF IRRECOVERABLE DUES.

Amounts which could be written off

149. Subject to the bye-law no. 150, the Society may write off Society's charges due from the Members, the expenses incurred on recovery thereof and the accumulated losses, which are certified as irrecoverable by the Statutory Auditor, appointed under section 81 of the Act.

Procedure for write off amounts

150. The amounts mentioned in the bye-law no. 149 shall not be written off unless:

- (a) the meeting of the General Body of the Society has given due sanction for writing off the amounts;
- (b) the approval of the financing agency to the writing off of the amounts, if the Society is indebted to it.
- (c) the approval of the Registering Authority is obtained.

XV. TO WRITE OFF OF IRRECOVERABLE DUES.

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.

XVI. AUDIT OF ACCOUNTS OF THE SOCIETY

Appointment of Auditor

151. (a) The Society shall appoint the Statutory Auditor in its General Body Meeting from the panel of Auditors approved by State Govt. and same Statutory Auditor shall not be appointed for more than two/three consecutive years. The Statutory Auditor shall submit his Audit Report as provided in section 81 of the Act.
- (b) It shall be the responsibility of the Committee to get the Accounts Audited within a period of six months from the closure of financial year and in any case before issuance of Notice of the holding of the Annual General Body Meeting.
- (c) The Remuneration of Auditors so appointed shall be decided by the General Body Meeting of the Society as per Govt. notification.

XVI. AUDIT OF ACCOUNTS OF THE SOCIETY

- (d) The Society may, if it considers it necessary, appoint an internal Auditor, to audit the accounts of the Society, at the Annual General Body Meeting.

Production of books and records for audit

152. 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.

XVI. AUDIT OF ACCOUNTS OF THE SOCIETY

Preparation of audit rectification report

153. (a) On receipt of the audit reports from the Statutory and Internal Auditors, the Secretary of the Society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the Audit rectification Report in 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. The Audit Rectification shall be done by the Committee within three months from the date of audit report. The committee shall submit Audit Rectification Report to the Registrar and the Annual General Body Meeting of the Society.

XVI. AUDIT OF ACCOUNTS OF THE SOCIETY

- (b) If the Committee of the Society fails to submit Audit Rectification Report to the Registrar and the Annual General Body Meeting, all the Members of the Committee shall be deemed to have committed an Offence under section 146 of the Act and shall be liable for Penalty under section 147 of the Act.

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

154. (a) The committee shall with the approval of General Body, take necessary steps for Conveyance/Deemed Conveyance of the land/building/buildings in favour of the Society.

Finalisation of deed of Conveyance

- (b) The Committee shall examine, in consultation with the Advocate of the Society, the Deed of the Conveyance/ Deemed Conveyance of the land and the building/buildings thereon and place the same before the Meeting of the General Body of the Society for its approval.

Execution of deed of Conveyance

- (c) On approval of the Draft Deed by the General Body

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

Meeting of the Society, the Committee shall execute it as per law.

Committee's responsibility to maintain the Society's property

155. It shall be the responsibility of the Committee to maintain the property of the Society in good condition at all times and to redevelop the Society buildings/property, if necessary, as per Government directives from time to time and as per prevailing laws.

Inspection of Society's property for repairs

156. (a) The Secretary of the Society, on receipt of any complaints about the maintenance of the property of the Society from any Members of the Society or on his own

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

motion, shall inspect the property of the Society (if necessary along with technical expert appointed for the purpose), from time to time and make the report to the Committee, stating the need of the repairs, if any, considered necessary. The Committee shall consider the report made by the Secretary of the Society and decide as to which of the repairs should be carried out.

- (b) The Members of the Society shall allow access and cooperate in the inspection of the premises for repairs and maintenance

Limits for expenses on repairs and maintenance

157. (a) The Committee shall be competent to incur

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

expenditure on the repairs and maintenance of the Society's property once in a financial year, the one time expenditure does not exceed:

Up to 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 limit as mentioned under bye-law No. 157(a) prior sanction of the meeting of the General Body of the Society shall be necessary.
- (c) The meeting of the General Body of the Society shall decide the limit upto which the expenditure on repairs and maintenance of the property of the Society could be

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

incurred by the Committee without calling for tenders for the work. In respect of the work, the cost of which exceeds the limit, so fixed, the Committee shall follow the procedure of inviting tenders, placing them before the General Body Meeting for approval and entering into contract with the Architect (if appointed) and the Contractor.

Appointment of Architect for Redevelopment

(d) The appointment of An Architect: In respect of redevelopment of Society buildings the procedure to be followed as per Government Resolutions (as amended from time to time) and provisions in Architect Act 1972.

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

Appointment of Architect if builder has not Appointed one

- (e) If no appointment of an Architect is made by the Promoter , the meeting of the General Body of the Society shall appoint an Architect on such terms and conditions as it deems fit and as per the provisions of Architect Act 1972.

Contract with Architect

- (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 as per the provisions of Architect Act 1972.

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

Plans and estimates of construction

- (g) The Architect shall prepare the plans and estimate and feasibility report of the construction of the building/buildings in consultation with the committee, which shall place the same before the meeting of the General Body of the Society. The Architect shall submit ,the plans as per the feasibility report of the of the construction of the building/buildings, approved by the meeting of the General Body of the Society to the Local Authority for sanction as per finally approved tenders.

Inviting tenders for Redevelopment

- (h) As per procedure mentioned in redevelopment G. R. dated

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

03-01- 2009 the Committee shall invite tenders in consultation with the Architect appointed by Society.

Opening and approval of tenders

- (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.

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Settlement of disputes

- (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 through the sole Arbitrator appointed by the Society.

Work on repairs and Redevelopment

158. Subject to the provisions of the bye-law no. 157 , the Committee shall proceed to carry out the construction, repairs and maintenance of the property of the Society and Redevelopment of the Society buildings as per Govt Directives from time to time. It shall be the responsibility of the Committee

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till the completion of the work and to see that the repairs and redevelopment of Society buildings are carried out as per the provisions of the contract executed by the Society.

Repairs at Society's Cost

159. The following repairs and maintenance of the property of the Society shall be carried out by the Society at its costs:

- (a) (i) All internal roads, (ii) Compound walls, (iii) External water pipe lines, (iv) Water pumps, (v) Water storage tanks, (vi) Drainage lines, (vii) Septic tanks, (viii) Stair cases, (ix) Terrace and parapet walls, (x) Structural repairs of roofs of all flats, (xi) Stair-case lights, (xii) Street lights,

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

(xiii) External walls of the building/ buildings, (xiv) All leakages of water including leakages due to rain water, and leakages due to external common pipe line and drainage line, (xv) Electric lines upto main switches in the flats (xvi) Lifts, (xvii) The damaged ceiling and plaster thereon in the top floor flats, on account of the leakage of the rain water through the terrace.(xviii) Generators, (xvix) Security Appliances (CCTV, Intercom, Group Mobile, Mass Data Sharing Devices, Siren Bell) (xx) Rain Water Harvesting,(xxi) Sewerage, Storm water Drain & Water Treatment Plant (xxii) Common areas not specifically allotted, Swimming Pool, Gym, Sauna Bath, Coffee House (xxiii) Common Parking Space (xxiv) Solar

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and alternate energy devices. (xxv) Garden (xxvi)
Community hall (xxvii) Wi-Fi setup of the Society

Repairs at member's cost

(b) All the repairs, not covered by the bye-law No. 159(a) shall be carried out by the Members at their cost. The expenditure of the internal leakage due to toilet, sink etc. should be borne by concerned flat holders, with the intimation to the Society.

Insurance

160. (a) The Society shall insure its building/s necessarily against risk of natural calamities, fire, flood, earthquake, third party liability and like.

XVII. CONVEYANCE/DEEMED CONVEYANCE OF THE PROPERTY, AND REDEVELOPMENT AND REPAIRS/ MAINTENANCE OF THE PROPERTY

Emergency plans

- (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 disaster management.
 - (3) Response Machinery e. g. Police/ Fire Brigade/ Municipal council etc.
 - (4) Important Telephone Numbers.
 - (i) Emergency Telephone Numbers of each and every Member.

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- (ii) Telephone Numbers of the officers of the Government Machinery concerned with the emergency management. The management committee shall hold discussion with all the Members in the General Body Meeting over the plan prepared as aforesaid and shall inform about the same to the Members. The plan such prepared shall be displayed on the Notice Board of the Society, and the same shall be made up-to-date from time to time as per the requirement.
- (c) As per the Child Labour Act 1986, it is prohibited to employ child labours for house hold and other works. As per the provisions of the said Act, if any person/ Member

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is found to have employed child labour for household work and other work then a punishment of imprisonment of one year and a fine up to Rs. 20,000/- or both can be awarded to him. The managing committee of the Society shall display the said legal provision on the notice board and shall create awareness in the minds of all the Members for eradication of the said evil, child labour practice.

- (1) The office bearers of the Society shall ensure that no Member of the Society/ person/ contractors has employed child labour and shall make arrangement of informing the Labour Commissioner Office that the Society is totally free from child labour practice.

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(2) If any Member/person/contractors is found to have employed child labour, the managing committee shall inform immediately to the office of the Labour Commissioner or the nearest Police station or the concerned voluntary organizations and shall inform to that effect in writing to the office of Labour Commissioner

d) The managing committee of the Society shall take necessary precaution to see that no injustice is done to any widow in the cooperative housing Society after the death of a Member before transferring the flat in her name. In such cases Society shall verify the nomination form duly submitted by the deceased Member or

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succession certificate /heirship certificate obtained from Civil Court under the Indian Succession Act 1925 or Will of the deceased Member duly probated by the Civil Court through the executor of the will. After verifying and taking legal guidance Society then only can take appropriate action within the time limit to avoid the further legal complications. This procedure can be followed in all the cases after the death of a Society Member.

Trees in the Society

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

XVIII. OTHER MISCELLANEOUS MATTERS

Mode of Service of notice

162. (a) It shall be open to the Society, having regard to the importance of the matter and the specific provision made thereof under the MCS Act1960, the MCS Rules1961 and the Bye-laws of the Society, to give notice of every General body meeting and communicate the resolution or the decision, to the Members of the Society on their last known addresses, by one of the following modes:
- (i) Hand delivery,
 - (ii) Dispatch through post office or by registered post, with or without acknowledgement due, or by email.
- (b) 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

XVIII. OTHER MISCELLANEOUS MATTERS

Co-operative year

163. The accounting year of the Society shall be that commencing on 1st April and ending on the 31st March of the subsequent year.

Notice Boards

164. The Society shall have its Notice Board, fixed at a conspicuous part of the building/s, on which shall be exhibited all notices and communications referred to in the bye-law No.162 (a), 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 Act1960 and, the MCS Rules1961 and the Bye-laws of the Society. If there is more than one building, the similar Notice Board shall be fixed in all the buildings.

XVIII. OTHER MISCELLANEOUS MATTERS

Penalties for breach of Bye-laws

165. (a) The meeting of the General Body of the Society may prescribe penalties for different breaches of the Bye-laws of the Society. The Secretary of the Society, under instructions from the Committee, shall bring to the notice of the Member concerned, the breach/ breaches of the bye-law/bye-laws committed by him. If the Member persists in continuing the breach/breaches, the Committee shall give the notice to the Member to show cause as why the penalty should not be inflicted on him for breach/breaches of the bye - law / bye- laws. The General Body Meeting, after considering the Say of the Member and after giving him hearing, may levy penalty to the extent of maximum consolidated penalty not exceeding Rs. 5,000/- in any one financial year.

XVIII. OTHER MISCELLANEOUS MATTERS

- (b) Save except other provision in the Act, the A.G.M/ Special G.B.M. can penalize a Member for committing breaches in his Responsibilities. Such penalty should be reasonable and equal to all such erring Members. A.G.M./ Special G.B.M. is empowered to frame the penalty amount. The managing committee shall recover such penalties with proper care.

Amendments to the Bye-laws of the Society

166. 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, and,
- (ii) the resolution is passed by not less than 2/3rd majority of

XVIII. OTHER MISCELLANEOUS MATTERS

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.

Regulating the facilities

167. The Committee shall regulate the operation of the lifts, solar water heaters taking into consideration the convenience of the majority of the Members of the Society.

Restriction on playing games

168. 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

XVIII. OTHER MISCELLANEOUS MATTERS

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.

Letting out common spaces

169. The Society shall not let out or give on leave and license basis or permit any subletting, any open space available under the Staircases, Terraces/Open ground/Lawns/Club house/Common Hall etc. to any person whether the Member of the Society or not, for any purpose whatsoever.

XVIII. OTHER MISCELLANEOUS MATTERS

Penalties for encroachment of common spaces

- (a) All open/common area meant for use of all Members for eg. staircase, steps, landing areas, parking spaces, lift, corridor, and such other spaces, cannot be occupied by any Member for his own use. The use of such areas shall be restricted to the cause for which these are meant. Any Member found to be violating the above condition by encroachment shall have to vacate the encroachment and further he/she shall pay an amount equal to five times the monthly maintenance charges per month for the period for which he/she has encroached such spaces and further Members must not carry out any constructions, structural changes over and above the sanctioned plan without prior permission of the Society and Concerned Municipal Authorities/Competent Authorities.

XVIII. OTHER MISCELLANEOUS MATTERS

Also Members must use the flat /unit for purpose it was meant / sanctioned.

Any Member violating the above directives shall pay an amount equal to five times the monthly maintenance charges, per month with retrospective effect for the period for which such violation is existed.

Temporary usage of terraces and open spaces

170. Notwithstanding the provisions under the bye-law no. 169, 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

XVIII. OTHER MISCELLANEOUS MATTERS

meeting of the General Body of the Society may decide. The committee may, with the previous permission of the Local Authority, if needed, allow exhibition of advertisement boards on any part of the building including terrace, on such terms and conditions as are approved by the General Body Meeting any Member /Members want to install a solar energy water heating systems or solar energy electrical system, then space shall be made available to such Member/Members on the terrace as per availability.

The said systems may include

- (i) Solar collector stand, hot water tank, cold water tank, stand for the tank and hot water pipeline etc,

XVIII. OTHER MISCELLANEOUS MATTERS

- (ii) Solar Panels, battery, inverter charging controller, cabling etc. for solar energy/electricity/photo voltaic devices/ renewable energy devices If any application requesting to provide space for solar/ renewable energy/energy efficiency devices is received, then it shall be binding on the Society to allocate space thereof as per the availability of the space in the Society's premises.

Fees for supply of copies of Documents

171. The Member of the Society, requiring copies of the documents shall pay copying fees and other charges at the rates mentioned against them:

1. Certified copy of the approved Bye-laws of the Society Rs. 5/- per page.

XVIII. OTHER MISCELLANEOUS MATTERS

2. Amendment of the bye-laws of the Society Rs. 5/- per page.
3. Last audited Balance Sheet of the Society Rs. 10/- per page.
4. Application for membership of the Society Rs. 25/-
5. Second and Subsequent Nomination by the member of the Society Rs.100/-
6. Share Certificate of the Society (Duplicate) Rs. 100/-
7. List of members of the Society Rs. 10/- per page.
8. Correspondence / Documents (related to member) Rs. 10/- per page.
9. Minutes of the general body meetings and committee Meetings Rs. 10/- per page.

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10. Indemnity Bond Rs. 20/-
11. Copy of Audit Report, Annual Returns and Periodicals Rs 10/- per page.
12. List of Non-Active members Rs 5/- per page.
13. Any other document as per section 32 of the Act Rs. 5/- per page

XIX. REDRESSAL OF MEMBERS COMPLAINTS

Complaint application

172. 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.

173. After receipt of such, complaint application, the committee shall take decision thereof, in the immediate next Managing Committee meeting. Such decision shall be communicated to the concerned Member, within 15 days thereafter.

174. If the Member/Members are not satisfied by the decision of the Committee, or does not receive any communication from the committee within 15 days, the complainant Member may approach below mentioned Competent Authority.

XIX. REDRESSAL OF MEMBERS COMPLAINTS

(A) THE REGISTRAR

Complaint to Registrar

Complaints to be made to the Registrar. Matters pertaining to following issues:-

- (i) Registration of Society on Misrepresentation,
- (ii) Non-issuance of the Share Certificates,
- (iii) Refusal of Membership
- (iv) Non registration of Nomination by the Society,
- (v) Non Occupancy charges,
- (vi) Demand of excess premium for transfers,
- (vii) Non supply of the copies of record and documents,
- (viii) Tampering, suppression and destruction of the records of the Society,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

- (ix) Non acceptance of the cheques or any other correspondence by the committee.
- (x) Non maintenance or incomplete maintenance of records and books of the Society,
- (xi) Non preparation of the annual accounts/reports, within the prescribed period
- (xii) Misappropriation/ Misapplication of the Funds of the Society,
- (xiii) Defaulter/Disqualified Member on the committee,
- (xiv) Investment of Funds without prior permission of G.B.M.
- (xv) Reconciliation of Accounts,
- (xvi) Audit, Audit Rectification reports.
- (xvii) Non conducting of election before expiry of the term of the Committee as per law. (xviii) Rejection of Nomination,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

- (xix) Non convening of General Body meetings within prescribed period on or before 30th September of each year
- (xx) Non calling of Managing Committee meeting as prescribed in Bye-laws,
- (xxi) Resignation by the Committee,
- (xxii) Any other like matters which falls within jurisdiction of the Registrar.
- (xxiii) Non filling of Returns and statements.
- (xxiv) Classification as Active and Non-Active Members

(B) CO-OPERATIVE COURT

Matters for Co- operative court

Disputes between the Members and/or the Members and Society,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

which falls under Section 91 of the MCS Act 1960 such as:-

Disputes pertaining to:-

- (i) Resolutions of the Managing Committee and General Body.
- (ii) The elections of the Managing Committee, except the Rejection of Nominations, as provided under section 152-A of the MCS Act 1960.
- (iii) Repairs, including Major Repairs, Internal Repairs, Leakages,
- (iv) Parking,
- (v) Allotment of Flats/Plots,
- (vi) Escalation of Construction Cost,
- (vii) Appointment of Developer/Contractor, Architect,
- (viii) Unequal water-supply,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

- (ix) Excess recovery of dues from the Members,
- (x) Any other, like, disputes which fall within jurisdiction of the Co-operative Court.

(C) CIVIL COURT

Matters for Civil Court

Disputes pertaining to:-

- (i) Noncompliance of the terms and conditions of the Agreement, by and between the Builder/developer, (specific performance)
- (ii) Substandard Constructions,
- (iii) Conveyance Deed in favour of the Society,
- (iv) Escalation of construction cost,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

- (v) Any other, like, disputes which fall within jurisdiction of the Civil Court.

(D) MUNICIPAL CORPORATION/LOCAL AUTHORITY

Matters for Local Authorities

Matters pertaining to:-

- (i) Unauthorized constructions/additions/alterations, made by builder/Member/ occupant of the flat,
- (ii) Inadequate Water supply to the Society and Members. (iii) Change of use by the Members/occupants,
- (iv) Building's structural problems.
- (v) Any other, like, matters which fall within jurisdiction of the Corporation/ local authority for eg. Property tax, streetlights, garbage, and other civil amenities etc.

XIX. REDRESSAL OF MEMBERS COMPLAINTS

(E) POLICE

Matters for Police

Matters pertaining to:-

- (i) Nuisance carried by the Unauthorised user of the Flat / Shop / Parking slot / Open space in the Society, by the Members, builder, occupants or any other persons,
- (ii) Threatening/Assault by or to the Members of the Society and official body.
- (iii) Any other like matters which fall within jurisdiction of the Police.

(F) GENERAL BODY MEETING

Matters for General BodySociety,

XIX. REDRESSAL OF MEMBERS COMPLAINTS

Matters pertaining to:-

- (i) Non maintenance of the property of the Society by the Managing Committee.
- (ii) Non display of Board of the name of the
- (iii) Levy of excess Fine, by the Managing Committee for act of the Member which is in violation of the Bye-laws.
- (iv) Not allowing the authenticated use of the available open spaces of the Society, by the Managing Committee.
- (v) Non Insuring the property of the Society, by the Managing Committee,
- (vi) Appointment of Architect,
- (vii) All other like matters which fall within jurisdiction of the General Body.

Complaints made by the Member Societies of the Federation

XIX. REDRESSAL OF MEMBERS COMPLAINTS

(G) FEDERATION-DISTRICT / STATE

Matters for Federation

Matters pertaining to:-

- (i) Not allowing of the entry to the Secretary of the Society, by the Member.
- (ii) Non acceptance of any communication by the Member/ Managing Committee.
- (iii) Convening Special General Body Meeting provided under the Bye-law no. 96 and Managing Committee meeting provided under Bye-law no. 132 as per the directions given by concern Dist/Asst Registrars
- (iv) All other like matters as per the Bye - laws provision of the Federation.

XX - REGARDING REDEVELOPMENT OF BUILDINGS THE CO-OPERATIVE HOUSING SOCIETIES

175. (a) Redevelopments of the Property / Building of the Society including vacant spaces shall be done strictly in accordance and confirmation with the Directions issued by the Government of Maharashtra vide Government Resolution no. CHS 2007/ M.No. 554 /14-5 dated 03 January 2009, under section 79{A} of the Maharashtra Cooperative Societies Act 1960 (as amended from time to time).
- (b) If the development Agreement is not executed with the developer in that case, the Society after cancelling the same resolution, the Society may appoint a new developer from the short list of approved developer, and if it is not possible, fresh procedure can be initiated.
The Representative of the Registrar must be invited for the

XX - REGARDING REDEVELOPMENT OF BUILDINGS THE CO-OPERATIVE HOUSING SOCIETIES

aforesaid General Body Meeting & his attendance is compulsory.

- (c) In case of increase of membership on account of redevelopment the Society shall increase the Authorised Share Capital and amend the bye laws accordingly and the list of new members be submitted to the Registrar for appropriate approvals.

XX - REGARDING REDEVELOPMENT OF BUILDINGS THE CO- OPERATIVE HOUSING SOCIETIES

Full Name of the Promoter	Signature of the Promoter
1) Shri/Smt.	1)
2) Shri/Smt	2)
3) Shri/Smt	3)
4) Shri/Smt	4)
5) Shri/Smt	5)
6) Shri/Smt	6)

Thank
you

