

MODEL BYE - LAWS

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1. PRELIMINARY

- 1. (a) The name of the society shall be..... Name of the Society.
- (b) The society shall follow the procedure laid down under Section 15 of the Act and Rule 14 of the Rules for the change of its name. Procedure for changing the name.
- (c) The society is classified under major class "Housing" with sub-class "Tenant Ownership/Tenant Co-partnership Housing Society." Classification. Address of the society.

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

- (b) Any change in the registered address of the society shall be intimated by it to the Registering Authority and all others concerned within 30 days of such change. Intimation of change in the address of the society.
- (c) Any change in the registered address of the society shall be made after following the procedure laid down in Rule 31 of the Rules. Procedure for changing the address of the society.
- (d) 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. Exhibition of Name Board.

II. INTERPRETATIONS

- 3. Unless otherwise separately provided in these bye-laws, the following words and terms shall have the meaning assigned to them herein : Interpretations of the words and terms.
 - (i) 'Act' means the Maharashtra Co-operative Societies Act; (MCS Act) 1960;
 - (ii) 'Bye-laws' means the registered bye-laws of the society;
 - (iii) 'Chief Promoter' means the person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief Promoter lies vacant, till the first general meeting.
 - (iv) 'Committee' means the committee of members or other directing body to which the management of the affairs of the Society is entrusted;
 - (v) Days' Clear Notice means the number of calender 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 go down and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or coaching classes, or palnaghar, beauty parlour, the premises forming part of a building and includes an apartment;

- (vii) 'Housing Federation' means the federation of co-operative housing societies, registered under the Act;
- (viii) 'Ownership Flats Act' means the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act. 1963
- (ix) 'Papers' means all or any of the items mentioned in the bye-laws Nos. 142 and 143
- (x) 'Parking Space' means open space within the premises of the society earmarked by it for parking of vehicles and includes a stilt;
- (xi) 'Prescribed Form' means the form included in the Annexure II indicating the bye-law No. under which it is prescribed and the Appendix at which it is enclosed;
- (xii) 'Promoter' means a person, who has signed the application for registration of the society.
- (xiii) "Builder-Promoter" means a person who constructs or causes to be constructed a block or building of flats or apartments for the purpose of selling some or all of them to other persons, or to a company, co-operative society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both.
- (xiv) 'Rules' means the Maharashtra Co-operative Societies Rules, 1961;
- (xv) 'Reserve Fund' means the fund constituted under the provisions of Section 66(1) of the Act and the Bye-law No. 12(i);
- (xvi) 'Repairs and Maintenance Fund' means the fund constituted under the Bye-law No. 13(a);
- (xvii) 'Sinking Fund' means the fund constituted under the Bye-law No. 13(c);
- (xviii) "Major Repair Funds" means a Fund created by the society and constituted under Bye-law No. 13 (b), for the purpose of Major Repairs, such as Plastering, building of compound wall, pavement, total painting, reconstruction.
- (xix) "Municipal Act means" the Maharashtra Municipalities Act 1965 (Mah. XL of 1965).
- (xx) "Open space" means An Area, forming a 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, main walls, roofs, halls, corridors, lobbies, stairs, stair-ways, fire escapes and entrances and exits of the building;

- c) the basements, cellars, yards, gardens, parking areas (unless not specifically sold), and storage spaces;
 - d) the premises for the lodging of janitors-or persons employed for the management of the property;
 - e) installations of central services, such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and generators.
 - f) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
 - g) such community and commercial facilities as may have been provided for,
 - h) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use;
- (xxiii) 'Society' means the.....
Co-operative Housing Society Ltd
- (xxiv) "Member" means a person joining in an application for the Registration of a Co-operative Society which is subsequently registered, or a person duly admitted to membership of a Society after Registration and includes a Nominal and Associate member;
- (a) "Associate Member" means a member who holds jointly a share of a society with others, but whose name does not stand first in the share certificate;
 - (b) "Nominal Member" means a person admitted to membership as such after registration in accordance with the Bye laws;
- (xxv) "Family" means Group of persons which includes husband, wife, father, mother, sister, brother, son, daughter, son-in-law, borther-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 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.

III. AREA OF OPERATION

4. The area of operation of the society shall be confined to.....Area of operation of the society.

Explanation :

- i) For the Society in the Bruhan Mumbai insert ward in the gap.
- ii) For the Society at other place, insert Corporation/Municipal limits/Town/
Village of Taluka
District in the gap.

IV. OBJECTS

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

Objects of the
Society

- *(a) To obtain conveyance from the owner/Promoter (Builder), in accordance with the provisions of the Ownership Flats Act and the Rules made thereunder, 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..... of
admeasuring sq. metres, more particularly described in the
application for registration of the Society;

**OR (APPLICABLE FOR PLOT-
PURCHASED TYPE SOCIETY)**

Objects of the
Society.

- *(a) To buy gr-take on lease a plot or plots nos 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 of admeasuring sq. mts.
for allotment of flats therein to the members of the society for their authorised
use.

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

V. AFFILIATION

Affiliation of the soci
ety to other co-op in-
stitutions.

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

* Struck out whichever is not applicable.

VI. FUNDS, THEIR UTILISATION AND INVESTMENT

(A) Raising of Funds

7. The funds of the society may be raised in one or more of the following ways: Modes of raising the funds of the society.
- (a) by entrance fees,
 - (b) by issue of shares,
 - (c) by loans and subsidies,
 - (d) by deposits.
 - (e) by voluntary donations, but not from Transferor and Transferee.
 - (f) by contributions towards cost of building or buildings,
 - (g) by fee on transfer of shares, along with the occupancy right,
 - (h) by premium on transfer of occupancy right over the flats,
 - (i) by any other mode permitted under these bye-laws. (j) by way of statutory requirements.

(B) Share Capital

8. The authorised share capital of the society shall be Rs Authorised share Capital of the society.
divided into shares of Rs. 50 each.
9. A share certificate, prescribed in bye-laws, bearing distinctive number and indicating the name of the member, the number of shares issued and the value paid thereon, shall be issued by the society to every member for the shares -subscribed by him, within a period of six months of the allotment of the shares. issue of share certificates to the members of the society
10. Every such share certificate shall bear the seal of the society and be signed by the Chairman, the Secretary and one member of the committee, duly authorised by the Committee in that behalf. The same shall be issued by _____ Society's seal and signatures of office-bearers on every share certificate.
the Secretary of the society.

(C) Limit of Liabilities

11. Deposits from members and loans may be received by the society for such Restriction
on incur-
period and at such rate of interest and upto such amount and on such terms ring liabilities by the society
- 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 Rules.

(D) Constitution of the Reserve Fund

12. (i) The Reserve Fund of the society shall comprise of — How the Reserve Fund shall be consti-
- (a) the amounts carried to the said fund, from year to year, out of the net profit of that year, subject to the provisions of Section 66 (1) and (2) of the Act;
 - (b) all entrance fees received by the society from its members;

- (c) all transfer fees received by the society from its members on transfers of the shares, along with the occupancy rights;
- (d) all premium received by the society from its members on transfers of their interest in the capital or property of the society;
- (e) all donations received by the society, except those received by it for the specific purpose.

Appropriation of the amounts to the Reserve Fund of the society

- (ii) The society shall, while finalising the accounts for the preceding co-operative year, appropriate all amounts referred to in the bye-law No. 12(i)(b) to (e) to the Reserve Fund of the society.

(E) Creation of Other Funds

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 the Repairs and Maintenance Fund by the society.

- (a) The Repairs and Maintenance Fund, at the rate fixed at the general body from time to time, subject to the minimum of 0.75 per cent per annum of the construction cost of each flat for meeting expenses of normal recurring repairs;

Creation of the Sinking Fund by the society.

- (b) Major repairs funds, as and when required and decided by the General Body at the rate fixed on area basis.
- (c) The Sinking Fund at the rate decided at the meeting of the general body, subject to the minimum of 0.25 per cent per annum of the construction cost of each flat, excluding the proportionate cost of the land.

(F) Utilisation of the Funds by the Society

14. The society may utilise its funds in the manner indicated below :

Utilisation of the 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 the Repairs and Maintenance Fund.

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

Utilisation of the Sinking Fund.

- (c) **Sinking Fund** : On the resolution passed at the meeting of the general Body of the society and with the prior permission of the Registering Authority, 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.

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

- (d) Notwithstanding anything contained in any other by-laws, a member may be paid remuneration at such rate, as may be decided by the general body meeting for the services rendered by him to the society,

- (e) Utilisation of major repairs fund with the prior permission of General Body.-

(G) Investment of Funds

15. The funds of the society, when not employed in its business, may be invested of investment
or deposited as required under Section 70 of the Act. Provided that the sinking society's
funds
fund collections shall be invested on long term basis, along with the interest
earned thereon by one of the modes permitted under the said section.

VII. MEMBERS, THEIR RIGHTS, RESPONSIBILITIES AND LIABILITIES**I. MEMBERSHIP****(A) Classes of Members**

16. The membership of the society shall consist of (i) members, including associate Classes of
members
members and (ii) nominal members.

(B) Eligibility for Membership

- 17 (a) No individual shall be admitted as a member of a society except the Eligibility of individu-
following, that is to say - als for membership
of the society.
- 1) who is competent to contract under the Indian Contract Act, 1872;
 - 2) 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;
 - 3) a society registered, or deemed to be registered, under the Act;
 - 4) the State Government or the Central Government;
 - 5) a local authority;
 - 6) a public trust registered under any law for the time being in force for the registration of such trusts;
- (b) A minor or a person of unsound mind, inheriting shares and/or interest of the deceased member in the capital/property of the society, or if nominated may be eligible for admission to membership of the society through his guardian or legal representative on an application in the prescribed form, along with undertakings/declarations, in the prescribed forms, mentioned in the application. Eligibility of a minor or a person of un-
sound mind for
membership of the
society.
- (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, if the Society has been given land by Government/CIDCO/MHADA." Admission of person to
society's membership
subject to the
Collector's approval.

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

Note (2) : Signatories to the application for registration of the society shall be deemed to be the members of the society after its registration.

Note (3): The number of members in the society shall be limited to the number of Flats constructed in the building/buildings.

Eligibility of Corporate Bodies for membership of the society.

18. A firm registered under the Indian Partnership Act, 1932, a company registered under" the Indian 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 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 members of the society.

19. A) An individual who is eligible to be the member and who has applied for membership of the society in the prescribed form, may be admitted as member by the committee on complying with the following conditions :-

- (i) he has fully paid the value of at least five shares of the society, along with his application for membership;
- (ii) he has paid the entrance fee of Rs. 100/-, along with the application for membership;
- (iii) he has given the application, 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) he has given the undertaking in the prescribed form to the effect that he shall use the flat for the purpose for which it was purchased by him;
- (v) he has furnished an undertaking in the prescribed form, if he has no independent source of income;
- (vi) he has sent, along with the application for membership of the society, a certified copy of the agreement, duly stamped entered into by him with the Promoter (Builder) or transferor under Section 4 of the Ownership Flats Act;
- (vii) he has furnished such other undertakings/declarations, in the prescribed forms as are required under any law for the time being in force and such other information as is required under the Bye-laws of the society along with the application for membership.

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

Conditions of associate membership 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 has made an application in the prescribed form for such membership, along with the entrance fee of Rs. 100/-, may be admitted as such member by the Committee.

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

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

(i) it has sent, along with 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.

(ii) it has paid, along with application for membership, full value of atleast 10 shares and entrance fee of Rs. 100/-.

(iii) the firm or the company has complied with the conditions mentioned in the notifications, issued by the State Government, from time to time, under the Second Proviso to Section 22 of the Act.

(iv) the firm or the company has furnished the undertakings/declarations in the prescribed forms required under any law for the time being in force along with the application for membership.

Note : The conditions at (i) and (iii) shall not be applicable to the firm/company of the Promoter (Builder), applying for membership of the society in respect of the unsold flats.

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

Conditions for nominal membership of the society.

21. The procedure for disposal of application for membership of the society, as laid under the bye-law No. 65 (a) to (g) shall be followed by the Secretary and the Committee of the society.

Procedure for disposal of applications for membership.

II RIGHTS OF MEMBERS

(A) Getting Copy of the Bye-laws

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

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

(B) Inspection of Books and Records

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

Right of inspection of documents and getting copies thereof.

(C) Occupation of Flats

24. (a) The member, who is deemed to have been allotted the flat under the Bye-law No. 76(a) of the Society shall have a right to occupy the flat subject to the terms and conditions set out in the letter in the prescribed form under the said bye-law.

Right of occupation of the Flat.

(b) The associate/nominal member may have a right to occupy the flat with the consent of the member and permission of the society, subject to the conditions set out by the society.

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

No rights of membership to a nominal member.

(D) Restrictions on Rights of Associate and Nominal Members

25. No associate member shall have any rights or privileges of a member except as provided under Section 27(2) of the Act.

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

(E) Resignation of Membership

(1) Resignation by a Member

Notice of resignation of membership of the society.

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

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

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

Communication of reasons for rejection of resignation.

27. (a) A member may resign his membership after giving three months notice in the prescribed form to the Secretary of the society as provided under Rule 21(1) of the Rules.

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

(c) Where any charges are found payable by the member 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.

(d) Where there are no charges of the society outstanding with the member, the Committee shall accept the resignation of the member and the Secretary of the society shall communicate the same to the member within a period of 3 months from the date of the receipt of the notice of the resignation.

(e) Where any resignation is rejected, the Committee shall record the reasons therefor and communicate the same to the member concerned within 3 months from the date of receipt of notice of resignation.

(2) Resignation by an Associate Member

Resignation by an associate member

28. An Associate Member may resign his membership any time by writing the letter of resignation to the Secretary of the society, through the member, with whom he held the shares of the society jointly. The Secretary of the society shall place the letter of the resignation of the Associate Member, before the meeting of the Committee, held next after the receipt of the letter of the resignation, duly recommended by the member for acceptance by the Committee. The decision of the Committee, accepting the resignation of the Associate Member shall be communicated by the Secretary of the society to the member and his associate member within 15 days of the decision by the Committee. If the resignation is rejected, the Committee shall record the reasons therefor 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

29. If there is a nominal member, occupying the flat on behalf of a firm, company or any other body corporate, he/she may resign his nominal membership, at any time, by writing the letter of the resignation to the Secretary of the society through the firm, the company or any other body corporate, on whose behalf he is occupying the flat. The Secretary of the society shall place the letter of resignation, before the meeting of the committee, held next after the receipt of the letter of the resignation of the Nominal Member, duly recommended by the firm, the company or any other body corporate for acceptance by the Committee. The decision of the Committee, accepting the resignation shall be communicated by the Secretary of the society to the firm, company or the body corporate and the nominal member, within 15 days of the decision by the Committee. If the resignation is rejected, the Committee shall record reasons therefor in the minutes of its meeting and the Secretary shall communicate the same to the firm, company or the body corporate and the nominal member within the time specified above.

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

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

30. A sub-lettee, licensee, caretaker or possessor of a flat or part thereof, who has been admitted as a nominal member of the society may resign his nominal membership at any time, by writing the letter of the resignation to the Secretary of the society, through the member who has been permitted by the Committee to sub-let, 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 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.

Resignation by a sub-lettee, licensee- or caretaker.

31. On acceptance of the resignation of the member, under bye-law No. 27, the society shall acquire the shares and interest of the member in the capital/ property of the society and pay him the value thereof as provided under the bye-law No. 66.

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

(F) Nomination by Members

32. A member of the society may, by writing under his hand, in the prescribed form, nominate a person or persons to whom the whole or part of the shares and/or interest of the member in the capital/property of the society shall be transferred in the event of his death. The acknowledgement of the nomination by the Secretary, shall be deemed to be the acceptance of nomination by the Secretary. No fees shall be charged for recording the first nomination. A member may revoke or vary his nomination, at any time, by making an application, in writing, under his hand, to the Secretary of the Society. The acknowledgement of the variation in nomination/subsequent nomination by the

Procedure for Nomination by a member and its revocation.

- Secretary, shall be deemed to be the cancellation of earlier nomination. Every fresh nomination shall be charged a fee of Rs. 50/-.
- Recording of Nomination or revocations thereof.
33. On receipt of the nomination form, or the letter of revocation of the earlier nomination, the same shall be placed before the meeting of the Committee. held next after the receipt of the nomination form, or the letter of revocation of the earlier nomination, by the Secretary of the Society for recording the same in the minutes of the Committee. Every such nomination or revocation thereof shall be entered in the register of nominations by the Secretary of the society within 7 days of the meeting of the Committee, in which it was recorded.
- Transfer of shares and interest of the deceased member in the capital/property of the Society to the nominee-
34. Subject to the provisions of the Section 30 of MCS Act. 1960 bye-law No. 17A or 19, on the Death of a member, the society shall transfer the shares and interest of the deceased member in the Capital/Property of the society to the Nominee/Nominees and in proportion with the shares and interest held by the deceased member, in case property is purchased by member and associate member jointly.
- In the event of death of the member, Nominee/Nominees shall submit the Application for membership, within six months from the death of a member.
- If there are more than one Nominee, on the death of a member, such Nominees shall make Joint Application to the Society and indicate the name of the Nominee who should be enrolled as member. The other nominees shall be enrolled as Joint/Associate Members unless the nominees indicate otherwise.
- The nominees shall also file an Indemnity Bond in the prescribed form indemnifying the society against any claims made to the shares and 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.
- 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 one month from the information of his death, claims or objections to the proposed transfer of Shares and interest of the deceased member, in the capital/property of the society, by a public notice, in the prescribed form, exhibited on the notice board of the the society. It shall also publish such notice in atleast 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 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.

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. 66. If, however, there are more nominees than one and if they demand payment of the value of the shares and interest of the deceased member in the capital/property of the society, the society shall acquire the same and pay them 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.

Payment of the value of Shares and interest of the deceased member in the capital/property of the Society to the nominee/nominees

37. If, in the opinion of the Committee, there is only one heir/legal representative of the deceased member and if he demands payment of the value of the shares and interest of the deceased member in the capital/property of the society, the society may acquire the same and pay him the value thereof as provided under the bye-law No. 66 after obtaining the indemnity bond referred to in the bye-law No. 35. If, in the opinion of the Committee, there are more heirs/legal representatives than one and if they demand payment of the value of Shares and interest of the deceased member in the capital/property of the society, the society may acquire the same and pay them value thereof in equal proportion as provided under the bye-law No. 66, after obtaining the indemnity bond referred to in the bye-law No. 35, from all the heirs/legal representatives jointly.

Payment of the value of Shares and interest of the deceased member in the capital/property of the Society to the heir/legal representative

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

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

Notice of transfer of Shares and interest in the capital/property of the Society.

(b) On receipt of such notice, the Secretary of the Society shall place the same before the meeting of the Committee, held next after the receipt of the notice, pointing out whether the member is prima-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 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 make the compliance as under :

- (i) application, for transfer of his shares and interest in the capital/property of the society, in the prescribed form, along with the share certificate;
 - (ii) application for membership of the proposed transferee in the prescribed form;
 - (iii) resignation in the prescribed form;
 - (iv) stamp duty paid agreement;
 - (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.
- (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 or to his nominee or his heir/legal representative after his death and in case of mutual exchange of flats amongst the members.

39. (a) The procedure for disposal of applications for transfers of shares and/ or interest of members in the capital/property of the Society as laid down under the bye-law No. 65 shall be followed by the Secretary and the Committee of the society.

(b) A meeting of the Committee or the General Body, as the case may be, shall not refuse any application for admission to membership of transfer of shares and interest in the capital/property of the society except on the ground of non-compliance of the provisions of the Act, the Rules and the Bye-laws of the society or any other law or order issued by the Government in exercise of the statutory powers vested in it.

Disposal of applications for transfer of Shares and interest of the member in the capital /property of the society-
The Committee/ General Body not to ordinarily refuse any application for membership or transfer of Shares and/or interest in the capital/ property of the society.

- (c) If the decision of the Committee/General Body meeting as the case may be, on the application for transfer of Shares and/or interest in the capital/ property of the society is not communicated to the applicant within 3 months of its receipt, the transfer application shall be deemed to have been accepted and the transferee shall be deemed to have been admitted as a member of the society as provided under Section 22(2) of the Act.
- (e) Any transfer made in contravention of the Act, Rules or the bye-laws shall be void and not effective against the society.
40. The transferee shall be eligible to exercise the rights of membership on receipt of the letter in the prescribed form from the society; subject to the provisions of the MCS Act 1960 & Rules made thereunder.
- (H) Exchange of Flats**
41. The members, desiring to exchange their flats, shall make a joint application to the Secretary of the Society, containing the following details:
- (1) The names of the members concerned;
 - (2) The distinctive numbers of their respective flats;
 - (3) The carpet areas (in sq. metres), of their respective flats;
 - (4) The building number/numbers or name/names of the building/buildings in which the respective flats are situated;
 - (5) The reasons for exchange of flats.
42. The procedure for disposal of applications for exchanges of flats as indicated in the bye-law No. 65 shall be followed by the Secretary and the Committee of the Society.
- (1) Sub-letting etc. of Flats**
43. (1) A member may, apply to the society, of his intention of sub-letting of his flat and on receipt of the permission in writing of the Committee, sublet or give on leave and licence basis or care-taker basis his flat or part thereof or part with its possession in any other manner under the following circumstances :
- (i) Where the member is required to go out of the area of operation of the society for a long duration on account of exigencies of service or business or on account of the prolonged illness; (ii) Where the member is unable to occupy the flat owing to absence of facilities for education of his children or is unable to secure admission to the school in the locality for them; (iii) Where the employer, with a view to ensure efficient discharge of duties, requires him to stay in the accommodation allotted to him by his employer; (iv) Where a member satisfies the committee about his inability to occupy or continue to occupy the flat for any other genuine reasons.
- (2) No member shall be permitted by the Committee to sub-let, give on leave and licence basis or care-taker basis his flat or any part thereof or part with its possession in any manner unless:
- (i) he has made an application in the prescribed form;

When application for transfer of Shares and interest in the capital / property of the Society deemed to have been admitted

Unauthorised transfer void.

Rights of membership when to be exercised by the transferee.

Application for exchange of flats by the members of the Society.

Disposal of applications for exchanges of flats by the members of the Society.

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

Application for permission to sub-let etc.

(ii) he has furnished the application for nominal membership of the proposed sub-lettee, licensee, care-taker or possessor in the prescribed form;

(iii) his application contains the undertaking that -

(a) he shall, by joining the society as a party to the proceedings, initiate necessary legal proceedings against the sub-lettee, licensee, care-taker or possessor, on his failure to get vacant possession of the flat or part thereof on expiry of the period of subletting giving on leave and licence or care-taker basis the flat or part thereof or parting with its possession in any other manner and meet the cost of the legal proceedings required to be incurred by the society;

(b) he shall pay the charges of the society every month during the « period of sub-letting, licence etc;

(c) he shall pay non-occupancy charges to society. Non-occupancy charges shall be charged *tu* accordance with the circular issued by the Government of Maharashtra/Commissioner for Cooperation from time to time and shall not be levied if the flat is occupied by the "Family" of the member as defined under these bye-laws.

Provided that while permitting sub-letting, giving on leave and licence or care-taker basis the flat or part thereof or permitting parting with its possession in any other manner, the Committee shall restrict the period thereof to 11 months or for more period as desired by the Managing Committee which may, on the request of the member be extended for similar period or part thereof from time to time.

(d) Non-occupancy charges shall not be levied to the flat purchaser who is intending to become a member and who submits the documentary evidence thereof.

Procedure for disposal of applications for sub-letting etc.

44. The procedure for disposal -of the application for permission lor sub-letting, giving on leave and licence or care-taker basis', flats or part thereof or parting with their possession in any other manner, as laid down under the bye-law No. 65 shall be followed by the Secretary and the Committee of the society.

Restrictions on assignment of occupancy right in the flat.

45. No member of the society shall assign, mortgage or create any charge on his occupancy right in the flat without the previous permission in writing of the Committee.

Provided that such permission of the society will not be required for assigning, mortgaging or creating any charge on the occupancy right in the flat for the * purpose of obtaining loan, either for purchase of the flat or for liquidating the liability incurred by him for the said purpose by way of loan or advance from the employer of the member or from the Life Insurance Corporation of India or from a Bank or the Society or any other agency approved by the Commissioner for Co-operation and Registrar, C.S.M.S. Pune.

III. RESPONSIBILITIES AND LIABILITIES OF MEMBERS

(A) Maintenance of Flats by Members

46. Every member shall keep his flat clean.

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

Flats to be kept clean. Additions and alterations in a flat permissible with the Committee's permission.

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

Application for permission for making additions and alterations in a flat

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

Examination of flats and report about Repairs to Flats.

(b) On receipt of such report, the committee shall ascertain the cost involved in the repairs, which are required to be carried out by the society at its cost as provided under the bye-law No. 160(a) and cause the notice to be served on the member for such period as the Committee thinks adequate, of its intention to carry out the repairs and there-upon the member concerned shall allow the workmen engaged by the society directly or through its architect, access to his flat for carrying out the repairs. If the member concerned fails to give access to his flat, without reasonable and convincing reasons, the Secretary of the society shall have authority to enter upon the flat and carry out the work under the Supervision of the member of the Committee duly authorised by it in that behalf or the architect appointed by the society.

Notice to the member about carrying out repairs in his flat by the society at its 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 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.

Notice to the member for carrying out repairs to his flat at his cost.

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

Restrictions on storing of certain goods.

Not to do anything in a flat causing inconvenience, nuisance or annoyance to other members.
Committee to take action on complaints about infringement of the bye-law No.50 (a)

Grounds on which a member could be expelled.

Procedure for expulsion of a member.

Forfeiture of shares of the expelled member

Effect of expulsion on membership of the Society.

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

Acquisition of the Shares and interest of the expelled member.

50. (a) No member shall do or suffer anything to be done in his fiat which may cause nuisance, annoyance or inconvenience to any of the members of the society or carry on practices which may be repugnant to the general decency or morals of the members of the society.

(b) It shall be competent for the Committee either sou-moto or on receipt of the complaint from any member, to take steps to stop all such practices referred to in the bye-law No. 50(a) forthwith.

(B) Expulsion of a Member

51. A member may be expelled from the. membership of the society, if such a member :

- (i) has persistently failed to pay the charges due to the society,
- (ii) has wilfully deceived the society by giving false information,
- (iii) has used his flat for immoral purposes or misused it for illegal purposes habitually,
- (iv) has been in the habit of committing breaches of any of the provisions of the bye-laws of the society, which, in the opinion of the Committee, . are of serious nature,
- (v) has furnished false information or omitted to furnish the material information to the Registering Authority at the time of registration of the Society.

52. (a) The cases of expulsion from the membership of the society shall be dealt with in the manner provided under Section 35 of the Act, read with Rules 28 and 29 of Rules.

(b) Expulsion from membership may involve forfeiture of the shares held by the member. Where the Committee decides that expulsions from membership should also involve forfeiture of the shares, it shall make necessary reference to the proposed forfeiture of the shares in the notice to be issued under Rule 29 of the Rules.

53. 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.

54. 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.

55. If the meeting of the general body of the society has decided not to forfeit the shares, the interest of the expelled member in the capital/property of the society and the value thereof shall be acquired by the society and the value thereof shall be paid to the expelled member, within 3 months of his handing over possession of his flat or his eviction from it, after following the procedure as laid down under the bye-law No. 66 in respect of payment of the value of the shares and interest in the capital/property of the society acquired by the society.

56. 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 readmitted to its membership, as a special case before the expiry of the period of one year, with the prior permission of the Registering Authority.

Eligibility of the expelled member for re-admission to membership of the Society.

(C) Cessation of Membership

57. The person shall cease to be the member of the society:

- (i) On his resignation from membership of the society having been accepted by the committee.
- (ii) On transfer of all his shares and interest in the capital/property of the Society.
 - (iii) On his death.
 - (iv) On his expulsion from the membership of the Society.
 - (v) On being adjudged as an insolvent or legally disabled from continuing as member.
 - (vi) If the whereabouts of the member are not known for continuous seven years and if his shares & interest in the property/capital of the society is not claimed by anybody else.
 - (vii) On cessation of right/title & interest of a member in the property of the society, by way of legal attachment or sale.

Circumstances under which a person ceases to be a member of the society.

The Committee shall take further action in the matter as indicated in the bye-law No. 61.

58. The person shall cease to be the associate member of the society, when the original member ceases to be the member of the society or on the death of the associate member or on the acceptance of the resignation of the associate member by the Committee.

Circumstances under which the person shall cease to be associate member.

The Committee shall take further action in the matter as indicated in the Bye-law No. 61.

59. If there is a nominal member, occupying the flat on behalf of the firm, company or any other body corporate he shall cease to be as such member of the society :

- (i) On his death.
- (ii) On the acceptance of his resignation by the Committee.
- (iii) On cessation of membership of the original member on whose behalf he occupies the flat in the Society.
- (iv) On cessation of his nomination on account of expulsion of the original member.
- (v) On intimation from the original member of termination of the occupant's nomination.

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

Circumstances under which a Sub-lettee, licensee, care-taker ceases to be the nominal member.	<p>The Committee shall take further action in the matter as indicated in the bye-law No. 61.</p> <p>60. 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:</p> <p>(i) On his death.</p> <p>(ii) On his resignation having been accepted by the Committee.</p> <p>(iii) On the cessation of the membership of the original member.</p> <p>(iv) On the expiry of the period for which the flat or part thereof was permitted to be sub-let, given on leave and licence or care-taker basis or occupied in any other manner.</p> <p>Note : The words 'original member' used in the bye-laws Nos. 57, 58, 59 and 60 mean the member, with whom the associate members held the shares of the society jointly, the Firm, the Company or any other Body Corporate, on whose behalf the nominal member occupies flat in the society's building or the member who has been permitted to sub-let, give on leave and licence or care-taker basis his flat or part thereof or part with its possession in any other manner.</p> <p>The Committee shall take further action in the matter as indicated in the bye-law No. 61."</p>
Action by the Committee on cases of cessation of membership of the society.	<p>61. The Committee shall record the facts of cessation of members membership of the society under the bye-law No. 57 and of associate and nominal member's membership respectively under the bye-laws Nos. 58, 59 and 60, in the minutes of its meetings and accordingly the Secretary of the society shall inform the concerned members in writing within 7 days of the dates of such decision of the committee.</p>
Holding of flats by member.	<p>(D) Restrictions on Holding more than One Flat</p> <p>62. Individual member of the Society may hold more than one flat, in the building/s of the Society in his name or in the name of any of the members of his family subject to the conditions as provided under the provisions of Section 6 of the "Act".</p>
Liability limited to unpaid amount on Shares- Liability of the past member.	<p>(E) Liabilities of a Member and the Past Member</p> <p>63. The liability of a member of the Society shall be limited to his shares-holding in the Society.</p> <p>64. The liability of the past member of the Society for the debts of the Society, as they stood on the date of the cessation of his membership and the liability of the estate of the deceased member of the Society for the debts of the society as they stood on the date of his death shall continue for the period of 2 years from the date of his cessation or death respectively as per the provisions of Section 33(1) of the Act.</p>

(F) Other Matters

65. (a) AH the applications for (i) admission to membership of the Society, including Disposal of applications
 associate and nominal membership, (ii) approval to the transfers of Shares and
 interest in the capital/property of the Society, (iii) permission for subletting or giving flats
 or parts thereof on leave and licence or care-taker basis, (iv) permission for
 additions and alterations in flats, (v) allotment of parking spaces and stilts (vi)
 permission for exchange of flats (vit) permission for holding, additional flats, (viii)
 permission for assigning, mortgaging or creating charge or interest in flats, (ix)
 permission for use of terrace, and (x) for any other purpose provided under the bye-
 laws but not specifically mentioned above, shall be addressed to the Secretary of the
 Society. Every application received by the Secretary shall be acknowledged by him.

(b) On receipt of the applications, the Secretary of the Society shall scrutinise them
 and bring any short-coming therein to the notice of the members concerned within 7
 days of their receipt for compliance;

(c) The Secretary shall place all the applications, complete in all respects, or
 incomplete, before the meeting of the Committee or the general body, as the case
 may be, held next after receipt of the applications;

(d) The Committee or the General Body, as the case may be, shall consider all
 such applications at its meetings and take decisions thereon;

(e) The Committee shali 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;

(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 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.

66. Wherever the question of payment of the value of the shares and the interest of any Payment of the value of
 member of the society, in its capital/property, as the result of acquisition of the same Shares and interest of a
 by the Society arises, the following procedure shall be followed : member or past member
 of the Society.

(i) The value of Shares shall be decided in accordance with the provisions of
 Rule 23 of the Rules,

(ii) The interest of the expelled member in the property/capital of the society, shall
 be valued by the Government approved valuer.

(iii) Within one month of the date of demand for payment of the value of the shares
 and interest in the capital/property of the Society, or acquisition of the same by the
 Society, the Committee shall, by publication of the notice in atleast 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.

(iv) On receipt of the offers, the Committee, in its meeting, shall scrutinise the same and decide to accept the offer which is the highest, which shall not be less than the approved value as determined in (ii) above.

(v) The Committee shall then advise the person, offering the highest price, to make an application for membership of the society, in the prescribed form along with a demand draft for the price offered, value of 5 Shares of the Society and the entrance fee of Rs. 100/-.

(vi) On realisation of the demand draft and within one month of the admission of the said person to membership of the Society, the Committee shall arrange to pay the value of the interest in the flat realised by the society, (a) To the member whose resignation has been accepted by the Committee, or

(b) To the nominee/s legal heir/s of the deceased member who demanded payment of the value of the Shares and the interest in the capital or property of the Society or

(c) To the expelled member

Together with the value of the shares as, determined under (i) above 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 55 to the nominee/nominees or heir/heirs, respectively.

VIII. LEVY OF CHARGES OF THE SOCIETY

Composition of the Charges of the Society.

67. 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 :

(i) Property Taxes, (ii) Water Charges, (iii) Common Electricity Charges, (iv) Contribution to Repairs and Maintenance Fund, (v) Expenses on repairs and maintenance of the lifts of the Society, including charges for running the lift. (vi) Contribution to the Sinking Fund, (vii) Service Charges, (viii) Car Parking Charges, (ix) Interest on the defaulted charges, (x) Repayment of the instalment of the loan and interest, (xi) Non-occupancy Charges, (xii) Insurance Charges, (xiii) Lease rent, (xiv) Non-agricultural tax. (xv) Any Other Charges.

Break-up of Service Charges of the Society.

68. The Service charges of the society referred to at (vii) above shall include the following:

(i) Salaries of the office staff, liftmen, watchmen, malis and any other employees of the Society.

(ii) Where the Society has independent Office, the property taxes, electricity charges, water charges etc. for the same.

- (iii) Printing, Stationery and Postage,
- (iv) Travelling Allowance and conveyance charges to the staff and the members of the Committee of the Society.
- (v) Sitting fees paid to the members of the Committee of the Society,
- (vi) Subscription to the Education Fund of the Maharashtra Rajya Sahakari Sangh Ltd.

(vii) Annual Subscription of the Housing Federation and any other co-operative institution to which the Society is affiliated.

(viii) Entrance fees for affiliation to the Housing Federation and any other co-operative institution.

(ix) Audit Fees for internal, Statutory and reaudit, if any.

(x) Expenses incurred at meetings of the general body, the Committee and the Sub-Committee, if any

(xi) Retainer fees, legal charges, statutory enquiry fees.

(xii) Common electricity charges.

(xiii) Any other charges approved by the General Body at its Meeting. However such charges should not contradict the provisions of the Act, Rules and bye-laws of the Society.

69. (a) The Committee shall apportion the Share of each member towards the charges of the Society on the following basis:

Sharing of the Society's Charges by the members.

(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 the building in which lift is provided, irrespective of the fact whether they use the lift or not.

(v) *Sinking Fund* : As provided under the bye-law No. 13(c).

(vi) *Service Charges* : Equally divided by number of flats.

(vii) *Parking Charges* : At the rate fixed by the general body of the society at its meeting under the bye-law No. 84/85.

(viii) *Interest on the delayed payment of Charges* : At the rate fixed under the bye-law No. 72 to be recovered from the defaulter member.

(ix) *Repayment of the instalment of the loan and interest* : The amount of each - instalment with interest fixed by the financing agency.

(x) *Non-occupancy charges* : At the rate fixed under the bye-law No. 43(2)(iii)(c).

(xi) *Insurance Charges* : 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.

(xiii) *Non-Agricultural tax* : The built up area of each flat.

(xiv) *Any other charges* : As may be decided by the general body of the Society at its meeting.

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 laid as down under the bye-law No, 69 (a).

Payment of the Society's Charges.

70. The Secretary of the Society, shall prepare bill/demand notice in respect of the charges of the society payable by members on the basis of the bye-law No. 69 (a) and issue the same to all the members on or before the date fixed by the Committee in that behalf. Every member of the Society shall pay the amount mentioned in the bill/demand notice in full within such period as may be fixed by the Committee.

Review of the cases of defaults in payment of the charges of the Society.

71. A member shall be deemed to have committed default in payment of the charges of the Society, if the payment mentioned in the demand notice/bill is not made within the period as prescribed under Section 73FF(c) of the 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.

Interest on the defaulted charges.

72. A member shall be required to pay simple interest at such rate as is fixed by the general body of the Society at its meeting, subject to the maximum of 21 percent per annum, on the charges of the Society, from the date the amount was delayed till its payment not paid by the member within the period as prescribed under bye-law No. 70.

IX. INCORPORATION, DUTIES AND POWERS OF THE SOCIETY

Incorporation.

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

Common Seal.

74. The common seal of the Society shall be in the custody of the Secretary of the Society and shall be used under the authority by means of a resolution of the Committee and the deeds of conveyance, share certificate or any other documents, to which the seal is affixed on behalf of the Society, shall be attested by the Chairman, the Secretary and one member of the Committee, authorised by the Committee in that behalf.

75. The society shall have a charge on the shares and/or interest of a member, present or past, in the capital/property of the Society and upon any dividend, bonus or profits, payable to a member in respect of any charges due from such member or past member to the Society and may set off any sum credited by or payable to a member, in or towards the repayment of such charges, as provided under Section 46 of the Act.

Charge and set off in respect of Shares and interest of a member of the Society.

76. (a) The member, person/firm who had purchased the flat under an agreement under Section 4 of the Ownership Flats Act, or acquired interest in the flat on transfer of the same by existing member with previous permission of the society, shall be deemed to have been allotted the same flat by the society subject to the terms and conditions set out in the letter of allotment in the prescribed form, including subsequent modifications made by the society to it.

Flat purchased is deemed to have been allotted.

(b) No member of the Society shall use the flat deemed to have been allotted to him under (a) above, for a purpose other than that mentioned in the letter of allotment, without the previous consent in writing of the Committee.

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

OR

(APPLICABLE FOR PLOT-PURCHASED TYPE SOCIETY)

76. (a) 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 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.

Policy for allotment of flats

(b) i) 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.

Handing over possession of flats.

ii) The committee shall, after getting occupation or completion certificate from the local authority, scrutinise 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. 76(a), as per allotment register and obtain certificates of possession from the allottee members.

To obtain certificate of possession from the allottee members.

(c) Where any member fails to pay any calls made by the society under the bye-law No. 76(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 and Committee at its meeting may consider the matter regarding re allotment of any other flat to him if it is available for allotment.

Cancellation of allotment of flats.

(d) No member of the Society shall use the flat deemed to have been allotted to him under (a) above, for a purpose other than that mentioned in the letter of allotment, without the previous consent in writing of the Committee.

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

- Society to carry out Structural Audit.
77. The Society shall cause the STRUCTURAL AUDIT of the Building of the society as follows :-
- 1) For the building ageing between 15 to 30 years _____ Once in 5 years.
 - 2) For the building ageing above 30 years _____ Once in 3 years.
- Such STRUCTURAL AUDIT shall be conducted by the Architects from the panel of the Municipal Corporations in case of the societies which are in the limits of Municipal Corporations. In case of other societies such structural audit shall be carried by the Govt. Approved Architect.
- Policy of allotment of parking spaces, and stilts.
78. (a) Member may hold Parking Space/stilt if he has purchased the same, and he shall have a right to sell the same to transferee or other eligible member of the same society.
- (b) The allotment of Parking Space/stilts shall be made by the Committee on the basis of "First Come First Served", for unsold and available parking spaces. However in case of Parking Space/stilts allotted by the society, the member shall have no right to sell or transfer the said allotted Parking Space/stilts, to anybody.
- Restriction on parking spaces, stilts.
79. No member shall be entitled to utilize more parking spaces/stilts than what is allotted to him by the Committee, or which he has Purchased.
- Marking of parking spaces, or stilts
80. Where any stilts have been built or open space in the Society's compound is available for parking of cars, the Society shall number the stilts or the open space in such a way that no inconvenience would be caused to any of the member of the Society. The Committee shall ensure that the space is used by the members for the purpose for which it is allotted to them.
- Eligibility for allotment of stilts or parking spaces.
81. A member, having a motor vehicle, will only be eligible to have stilts or a parking space. No member shall normally be eligible for being allotted more than one stilt or a parking space for parking the car owned by him or allotted to him by his employer, or the firm of which he is the partner or the company of which he is the director. If any stilts or parking spaces remain unallotted for want of applicants for allotment, a second or third stilt or parking space may be allotted to the same member who has earlier been allotted the stilt or the parking space. Such allotment of 2nd or 3rd stilts/parking space shall be made on year to year basis, provided the same is not required by another member, who is not allotted even a single stilt/parking space.
82. In case the number of vehicles of eligible members are in excess then the available parking space/stilts, the managing committee shall allot such parking space/stilts by "lot" on yearly basis.
- Applications for allotment of stilts or parking spaces.
83. The member, desiring to have a stilt or a parking space, may make an application to the Secretary of the Society giving necessary details. The procedure for disposal of applications for permission under this bye-law, as laid down under the bye-law No. 65, shall be followed by the Secretary and the Committee of the Society.

84. Every member, who has been allotted the still or the parking space shall be required to pay the parking charges at such rate as may be decided by the general body of the society at its meeting, irrespective of the fact whether he actually parks his motor vehicle or not. Where a member has been allotted more than one still/parking space, he shall pay parking charges in respect of every such still or parking space, as decided by the General Body Meeting. Payment of charges for parking of vehicles.
85. Every member, having a scooter, a motor cycle, or an 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. Parking of other vehicles.

X. GENERAL MEETINGS

(A) First General Meeting

86. The first general body meeting of the promoters, who have signed the application for registration of the Society, shall be held within the period of 3 months of the date of the registration, of the Society, as provided under Rule 59 of the Rules. It shall be the responsibility of the chief Promoter of the Society to convene the said meeting within the stipulated period. Holding of the first general meeting within the stipulated period.
87. On failure of the Chief Promoter of the Society to hold the first general body meeting within the period, mentioned in the bye-law No 86, the Registering Authority shall cause it to be called. Calling the first general meeting by the Registering Authority.
88. Fourteen clear days' Notice of the first general body meeting of the Society shall be given by the Chief Promoter of the Society or as the case may be, by the officer authorised by the Registering Authority, to all the promoters, who have signed the application for registration of the society. Period of notice for the first general meeting.
89. (a) At the first general meeting of the society, the following business shall be transacted. Functions of the first general meeting.
- (i) Election of a President for the meeting,
 - (ii) Admission of new members (other than the promoters) who have applied for membership of the society.
 - (iii) Receiving and approving the statement of accounts, as prepared by the Chief Promoter of the Society, upto 14 days prior to the date of the first general meeting of the Society.
 - (iv) Constitution of a Provisional Committee until regular elections are held under bye-laws of the society. The Provisional Committee shall have the same powers and functions as the committee elected in accordance with the bye-laws.
 - (v) Fixing the limit upto which funds may be borrowed.
 - (vi) Authorising the Committee to secure conveyance of the right, title and interest in the- property, in the name of the Society, from the Promoter (Builder),

- (vii) Appoint internal auditor of the Society for the year, if necessary and fix his remuneration.
- (viii) Authorise one of the members of the Provisional Committee to call the first meeting of the Provisional Committee,
- (ix) Consider affiliation of the society as member of the Housing Federation of the District and other institutions mentioned in the bye-law No. 6,
- (x) Consider any other matter to be brought before the meeting with the permission of the Chair, excepting those requiring proper notice.

**(IN ADDITION FOLLOWINGS 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 done with reference to the financial and physical aspects of the scheme of construction.
- (xii) To confirm the agreement for purchase of the plot/building for the society, entered into by the Chief Promoter of the society with the vendors.
- (xiii) To approve the site plan and the scheme of construction.
- (xiv) To confirm the appointment of the architect of the society made by the Chief Promoter of the society or to appoint an architect if no such appointment is made by the Chief Promoter of the Society or -to appoint a new architect in place of the one already appointed.

Nomination of a provisional committee by the Registering Authority.

- (b) Where the first general meeting fails to elect a Provisional Committee, the Registering authority shall be competent to nominate such a committee, including the Chairman and the Secretary of the Society for a period of one year.

Recording of minutes at the first general meeting.

90. The person, who presides over the first general meeting shall record the minutes of the meeting, sign them and hand them over to the Secretary of the Society elected at the first meeting of the Provisional Committee or nominated by the Registration Authority under the bye-law No. 89(b).

Handing over records by the Chief Promoter of the Society.

91. The Chief Promoter of the Society shall, immediately after election of the officebearers of the society, at the first meeting of the Provisional Committee or its nomination by the Registering Authority under the bye-law No. 89(b), hand over to the Chairman of the Society or any member of the Provisional Committee authorised by it in that behalf :-
- (i) all records of the society, particularly the copy of the application for registration of the society, received back from the Registering Authority,
 - (ii) the copy of the by-laws of the society registered by the Registering Authority,
 - (iii) the certificate of registration of the society,
 - (iv) the challans for credit of amounts into the bank,
 - (v) the counterfoils of the used cheques and the unused forms of the cheques,

- (vi) the bank pass books,
- (vii) the copies of all the agreements entered into by him with different parties,
- (viii) the statement of accounts as prepared by him,
- (ix) the applications for membership,
- (x) the statement of information of the promoters,
- (xi) the vouchers for amounts spent,
- (xii) the cash balance, if any,
- (xiii) the site plan/The scheme of construction (for plot purchase type)
- (xiv) the minutes of the first general meeting of the society,
- (xv) the files of the correspondence with the Registering Authority, the Local Authority,

(xvi) and all such other records and assets of the society as are in the possession, leaving nothing with him.

92. The Provisional Committee or the Nominated Committee shall have the same powers and functions as the committee duly elected in accordance with the bye-laws of the society. Powers of the Provisional Committee.

93. The Provisional Committee or the Nominated Committee shall be in office for a period of one year, or until the regular elections are held under the Bye-laws of the Society. Period of Office of the Provisional Committee.

94. The Chairman of the Provisional Committee or the Nominated Committee shall hand over charge of all the assets and papers of the Society to the Chairman of the newly elected Committee at the time of its first meeting, leaving nothing with him/them including the record mentioned under bye-law No. 91. Handing over charge by the Provisional Committee.

(B) Annual General Body Meetings

95. The annual general body meeting of the society shall be held on or before 14th August each year or within the extended period as provided under Section 75(f) of the Act. Period of AGM meeting

96. The annual general body meeting of the Society shall transact the following business : Functions of the annual general body meeting of the society.

(i) to read the minutes of the last annual general body meeting of the society and the special general body meeting of the society, if any and to note the action taken thereon,

(ii) to receive from the committee, the report on the preceding co-operative year's working, together with the statement of accounts in form 'N' prescribed under Rule 62(1) of the Rules, showing the income and expenditure during the preceding co-operative year and the balance sheet as at the close of the preceding co-operative year.

(iii) to consider audit memorandum, if received from the Statutory Auditor, for the previous co-operative year or years, along with audit rectification report of the committee thereon,

(iv) to declare the result of election to the Committee, if election to the Committee has taken place prior to the annual general body meeting of the Society ;

(v) to appoint an auditor, for the Statutory Audit, from the panel maintained by the Registrar.

(vi) to consider any other matters, specifically requiring decisions, concurrence or sanction of the general body meeting of the society, by virtue of the provisions in the Act, Rules and the bye-laws of the society,

(vii) to consider any important communications received from the Registering Authority, the Statutory Auditor, Government, Collector, Local or any other competent authority.

(viii) to consider any other matter, with the permission of the Chair, excepting those requiring proper notice, after the regular agenda is over and which are permitted under the provision of the Act, Rules & bye-laws.

(C) Special General Body Meetings

When a special general body meeting should be called.

97. A special general body meeting of the Society may be called at any time at the instance of the Chairman or by the decision of the majority of the Committee and shall be called within one month of the date of the receipt or requisition, in writing signed by at least 1/5th of the members of the Society or from the Registering Authority or from the Housing Federation, to which the Society is affiliated. The meeting so convened shall not transact any business, other than that mentioned in the notice of the meeting.

Fixing date, time and place (or a special general body meeting requisitioned.

98. The requisition for the special general body meeting of the Society, under the bye-law No. 97 shall be placed within 7 days of its receipt, before the meeting of the Committee, by the Secretary of the Society, for fixing the date, time and place for the special general body meeting of the Society.

Notice of a general body meeting.

99. The committee shall decide the date, time and place of every general body meeting of the society and the business to be transacted thereat; provided that the business to be transacted at the requisitioned special general body meeting shall be only that mentioned in the requisition. The notice convening the general body meeting shall be issued by the Secretary of the Society accordingly. On his failure to issue the notice, the Chairman shall issue it.

Period of notice of a general body meeting.

100. In case of the annual general body meeting, 14 clear day's notice and in the case of the special general body meeting, 5 clear day's notice of the meeting shall be given to all the members of the Society, under intimation to the Federation and to the Registering Authority. In case of an emergency, the special general body meeting may be called even at a shorter notice, if the Committee unanimously decides to call 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.

Quorum for the general body meeting.

101. The quorum for every general body meeting of the Society shall be 2/3rd of the total number of members of the Society or 20, whichever is less.

102. 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 the agenda of the original general body meeting shall be transacted, whether there is quorum or not.
103. 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 held, the meeting shall be postponed to any other suitable date, not later than 30 days from the date of the meeting, as may be decided by the members present at the meeting.
104. The Chairman of the Society shall preside over all general 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 it.
105. No proxy or a holder of power of attorney or letter of authority shall be eligible to attend a general body meeting of the society on behalf of a member of the society.
106. Voting right of a member and an associate member of the society shall be regulated in accordance with the provisions of Sections 27(1) and (2) (3) & (3) A of the Act.
107. At a general body meeting of the society, every member of the society and in his absence, his associate member shall have one vote only. In case of equality of votes, the Chairman of the meeting shall have a casting vote.
108. 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 those present and voting at the meeting.
109. The committee shall finalise the draft minutes of every general body meeting of the society within 3 months of the date of the meeting and circulate the draft minutes amongst all the members of the society within 15 days of the meeting of the Committee at which the draft minutes were finalised. The members of the society may communicate to the Secretary of the Society, their observations, if any, on the draft minutes, within 15 days of the date of their circulation. The committee, at its subsequent meeting, shall prepare the final minutes of the general body meeting after taking into consideration the observations, if any, made by the members on the draft minutes and cause them to be recorded in the minutes book, by the Secretary of the Society or any other person authorised in that behalf.

Holding of the adjourned general body meeting.

Postponement of the general body meeting which cannot complete the business on the agenda.

Chairman of the Society to preside over all general body meetings.

Restrictions on attending a general body meeting by a proxy.

Voting right of a member.

One member One vote.

How decisions shall be taken.

Recording of the minutes of the general body meetings.

Cancellation of the previous resolution of the general body meeting. 110. No resolution can be brought at a general body meeting of the society, cancelling its previous resolution, unless 6 clear months have expired, after passing of the previous resolution.

XI. MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

General body meeting to be the supreme authority. 111. 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. 112. 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 113. Subject to the direction given or regulation made by a meeting of the general body of the Society, the Committee shall exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No. 139.

Opening to Banking Account. 114. A Banking Account shall be opened by the society in the nearest State or District Central Co-op. Bank or it's branch and the account shall be operated upon and all acquittances and discharges shall be signed by the Secretary jointly with the Chairman or treasurer.

Strength of the Committee. 115. The Committee shall consist of 5/7/9/11 members of the society. This strength includes the reservation of seats for women members as provided under section 73 BBB of the Act.

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

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

**Strike out whichever is not required.*

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

Election of the Committee. 116. (a) Election of all the members of the Committee shall be held once in 5 years, in accordance with the Election Regulations annexed hereto (Vide Annexure III). The retiring members of the Committee shall be eligible for re-election.

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

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

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

Prohibition against being interested in the society.

(a) in any contract made with the society.

(b) in any property sold or purchased by the society.

(c) in any other transaction of the society, except as investment made in or loan taken from the society for provision of residential accommodation by the society to any paid employee of the society.

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

Disqualification for election to the Committee.

(i) he has been convicted of the offence, involving moral turpitude, unless the period of six years has elapsed since his conviction,

(ii) he defaults the payment of dues to the society, within three months from the date of service of notice in writing, served either by hand delivery or by post (under certificate of posting), demanding the payment of dues.

(iii) he has been held responsible under Section 79 or 88 of the Act or has been held responsible for the payment of the costs of enquiry under Section 85 of the Act.

(iv) he has without the previous permission of the society, in writing, sublet his flat or part thereof or given it on leave and licence or caretaker basis or has parted with its possession in any other manner or has sold his shares and interest in the Society.

(v) In case of an associate member, non-submission of the no-objection certificate and undertaking, as prescribed under these bye-laws, by the member.

119. In a general election of members of the committee of a society, on the election of two-thirds or more number of members, the returning officer or any other officer or authority conducting such election shall within seven days after the declaration of results of the election of such members, or where such election is held before the date of commencement of the Maharashtra Co-operative Societies, (Second Amendment) Act, 1986 (Mah. XXXVII of 1986), and such number of members have been elected but the committee has, for whatever reason, not been so far constituted, forward their names together with their permanent 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.

120. (1) A person shall cease to be the member of the Committee, if:
- (a) he has incurred any of the disqualifications mentioned under the bye-law No. 118 or;
 - (b) he has failed to attend any three consecutive monthly meetings of the Committee, without the leave of absence.

Intimation of cessation of membership of the Committee.

(2) If a member of the Committee attracts any of the disqualifications under the bye-law No. 120 (1), the Committee shall record the fact in the minutes of its meeting and the Secretary of the Society shall inform the member and Registrar accordingly. Such member shall cease to be the member of Managing Committee on the order of the Registrar.

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

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

Period of Office of the elected Committee.

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

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

123. (a) The first meeting of the newly elected and outgoing Committee shall be held within 30 days from the date of constitution of the new committee as per bye-law No. 119.

Issue of notice of the first meeting of newly elected committee.

(b) Subject to the provisions of the bye-law No. 123(a) the Secretary of the outgoing Committee shall issue notice of the first meeting of the newly elected Committee and the outgoing Committee to the members thereof. On the failure of the Secretary of the outgoing Committee to convene the said meeting, the chairman of the outgoing Committee shall call it. On the failure of both, the Registration Authority may call such a meeting.

Custody of the records of the society.

124. All records of the society shall be kept at its premises, convenient to the Secretary, with the approval of the committee of the Society.

Handing over charge by the outgoing committee.

125. When the new Committee is elected, the Secretary of the outgoing Committee shall prepare the list of papers and property of the society in his custody and hand over the charge thereof to the outgoing Chairman. The retiring Chairman shall hand over 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 Act.

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

126. (a) Every Committee, at its first meeting, after its election, shall elect a Chairman, Secretary and Treasurer from amongst the members of the Committee. Election of office bearers of the Society.
- (b) The Chairman, Secretary and Treasurer of the Society shall hold office for the period of 5 years from the date on which he is elected to be the Chairman or as the case may be the Secretary and Treasurer, but not beyond the expiry of term of the Committee. Period of office of the Chairman/ Secretary and 'No Confidence' motion against either.
- Provided that he shall cease to be the Chairman, or as the case may be the Secretary or Treasurer of the society, if the motion of 'No Confidence' is moved in the special meeting of the Committee called, and presided by Registrar or such officer not below the rank of a Assistant Registrar, upon the notice given by 1/3rds members of the Committee and the motion of 'No Confidence' is passed by 3/4th members present at such meeting, having attendance of at least 2/3rd members of the Committee, who are entitled to vote at the election of such Chairman, Secretary and Treasurer.
- Provided further that another motion of 'No Confidence' shall not be brought against the Chairman or as the case may be the Secretary or Treasurer of the society unless the period of 6 months has elapsed from the date of the preceding motion of the 'No Confidence'.
127. The quorum for a Committee meeting shall be $\frac{3}{4}$ members of the Committee. It shall not be competent for the Committee to transact any business unless there is the quorum at the time of consideration of every item on the agenda of the meeting of the Committee. Quorum for Committee meeting.
128. The Committee shall meet as often as necessary but at least once in a month. Number of Committee meeting to be held in a month.
129. In the event of vacancies in the Committee, caused on account of the death, resignation, disqualification or removal of any members of the Committee, by the Registrar the Committee may fill in such vacancies by co-option on the Committee of any other members eligible to be on the Committee, irrespective of the fact whether there is the quorum or not, notwithstanding anything contained in the bye-law No. 127. Casual vacancies in the Committee to be filled in by co-option.
130. The period of office of the co-opted member of the Committee shall be co-terminus with tenure of office of the Committee. The period of office of the member co-opted on the Committee.
131. A member of the Committee may, by a letter, addressed to the Chairman of the Society, resign his membership of the Committee. The resignation shall be effective from the date it is accepted by the Committee or on expiry of the period of one month from the date of the receipt of the letter of the resignation by the Chairman or the Secretary of the Society, whichever is earlier. Resignation by a member of the Committee.
132. (a) The Chairman of the Society may resign his office as Chairman by a letter addressed to the Secretary of the Society; . Resignation of officebearship of the society.

- (b) The Secretary or Treasurer of the society may resign his office as Secretary or Treasurer by a letter addressed to the Chairman of the Society.
- (c) Chairman/Secretary/Treasurer's resignation will be effective only after its acceptance and handing over the charge to the newly elected Chairman/Secretary/Treasurer, as the case may be.
- (d) The Committee may accept the resignation of the office of the Chairman/Secretary/Treasurer only after it is satisfied that the Chairman or as the case may be the Secretary or Treasurer of the society has brought upto date the work entrusted to him and has produced the entire papers and property of the society, in his possession, before the Committee.
- (e) In case entire committee intends to resign, the resignations of the committee shall be placed before the general body and such resignations shall be effective from the date of acceptance of such resignations by the General Body. The committee shall continue in office till alternate arrangement is made for the management of the society.

Notice of meeting
Of the Committee.

133. The Secretary of the society shall give 3 clear day's notice of every meeting of the Committee to all the members of the Committee. Which shall state the date, time and place of the meeting and the Committee. Which shall Secretary of the society fails to issue such a notice and agenda of any meeting of the Committee, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fail to issue a notice and agenda of any meeting of the Committee, the concerned Housing Federation, of which society is affiliated, on its receipt of such information, may call such a meeting.

The Chairman of
The society to
Preside over the
Committee.
One member one
Vote. Decisions by
Majority of the
Committee.

134. The Chairman of the society shall preside over all the meetings of the Committee, provided that if at any meeting of the Committee, he is absent, those members of the Committee present shall elect one of them to be the Chairman for that occasion, who shall preside over the meeting.

135. Every member of the Committee shall have one vote. However, in case of equality of votes, the Chairman of the meeting will have a second or casting vote. All Decisions shall be taken by majority of votes.

Of the Committee at
The instance of the
1/3rd members of
the Committee.

A Special meeting 136. 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 matters mentioned in the requisition. On the failure of the Secretary of the society to convene such a meeting, within the time stipulated, the procedure laid down under the bye-law No. 133 shall be followed.

Attending meetings
of the Committee
and recording their
minutes by the
Secretary of the

137. The Secretary of the society shall attend every meeting of the Committee and record its minutes and place the same for confirmation before the next meeting of the Committee, after the minutes are signed by the Secretary of the society and the Chairman of the meeting. In the absence of the Secretary of the society, the Chairman of the society shall make alternate arrangement for recording minutes of the meeting.

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

Joint and several liability of the members of the Committee.

139. Subject to the bye-law No. 113 the Committee shall exercise the powers and discharge the functions and duties as mentioned hereunder :

Powers, duties and functions of the Committee.

Sr.	Items of the powers, functions and duties No.	The bye-law No. under which the power, function or duty falls
(1)	(2)	(3)
1.	To consider acceptance of deposits from members and raising of funds.	— 11
2.	To consider and to recommend to the meeting of the general body, the rates of contribution of the Repairs and Maintenance Fund and the Sinking Fund.	13(a) and 13(c)
3.	To consider all matters relating to the creation, investment and utilisation of the Repairs and Maintenance Fund, Reserve Fund and Sinking Fund.	12(i) and (ii) 14(a), (b) and (c) 15
4.	To consider and decide the resignations received from members, associate members and nominal members.	27 to 30
5.	To ensure that, nominations and revocations thereof are recorded in the minutes of the meetings of the Committee.	33
6.	To take action on the report of the Secretary on inspection of the flats.	48(b)
7.	To take action on cases of cessation of membership, including associate and nominal membership.	61
8.	To consider and decide the applications for various purposes received by the Society.	65
9.	To consider and decide cases of refund of shares and interest in the Capital/Property of the Society where the shares and interest in the capital/property are acquired by the society	66
10.	To fix the rate of insurance premium in respect of commercial use of the flats.	69(a)(xi)
11.	To fix in respect of every flat the society's charges on the basis of the proportion laid down under the bye-law No. 69(a).	69(b)

(1)	(2)	(3)
12. To review the position of recovery of the Charges due to the society from members and to initiate action against defaulting members		71
13. To verify compliance of the provisions relating to charging of interest in defaulted charges of the society.		72
14. To authorise a member of the Committee to attest deed of conveyance, share certificates and any other documents to which the seal of the society is affixed.		74
15. To issue letters of allotment of flats to those who have purchased flats from the Promoter (Builder)		76(a)
OR (FOR PLOT PURCHASED TYPE SOCIETY)		
15.(1)To decide, subject to the Policy laid down by the meeting of the General body, allotment of flats and to consider cancellation thereof.		76(a)
(2) To scrutinise, the Register of Allotment of flats and ensure handing over possession of flats.		76(b)(ii)
16. To ensure holding of every annual meeting of the general body within the prescribed period.		95
17. To ensure that all matters required to be considered at an annual meeting of the general body are kept on the agenda of the meeting.		96
18. To call a special meeting of the general body when required.		97
19. To arrange for election of a new Committee prior to the expiry of the period of the existing Committee.		116(a)
20. To ensure that after elections new committee is duly Constituted.		119
21. To elect office-bearers of the society.		126(a)
22. To ensure that a meeting of the Committee is held once in a month.		128
23. To fill in vacancies on the Committee.		129
24. To consider resignation of a member of the Committee.		131
25. To consider resignation of an officebearer of the society.		132(c) (d)
26. To obtain securities from the paid employees of the society.		148

(1)	(2)	(3)
27.	To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned.	154
28.	To execute deed of conveyance of the land and building/buildings thereon.	155(b)
29.	To take steps to maintain the property of the society in good condition and to carry out repairs to it and renewals thereof.	156 and 159
30.	To insure the property of the society.	161
31.	To suggest to the general body meeting the rates of penalties for, breaches of bye-laws and to issue show cause notices.	166
32.	To regulate operation of the lift of the society.	168
33.	To suggest to the meeting of the general body the games to be allowed to be played in the compound of the society.	169
34.	To consider-and decide any other matters provided under the Act, the Rules and the Bye-laws of the society but not expressly indicated hereinabove.	
35.	To regulate parking in the society.	78 to 85
36.	To ensure that the society is affiliated to Housing Federation and its subscription is regularly paid.	6
37.	To take the decision on the complaint application in the coming committee meeting and inform the concerned member of its decision accordingly.	174
(IN ADDITION FOLLOWING ITEMS AT SR. NOS. 38 AND 39 ARE APPLICABLE TO PLOT PURCHASED TYPE SOCIETY)		
38.	To enter into contract with the Architect of the society.	158(f)
39.	To scrutinise the tenders, received for construction work and to submit the same along with Committee's report to the meeting of the General Body and to enter into contract with the contractor.	158 (i)

140. The Chairman of the society shall have the power of overall superintendence, control and guidance in respect of management of the affairs of the Society, within the frame-work of the Act, the Rules and the bye-laws of the society. In case of any emergency, the Chairman of the society may be competent to exercise any of the powers of the Committee. However while doing so he shall record the reasons thereof in writing. Any decision, so taken by the Chairman of the Society shall, be got ratified in the next meeting of the Committee.

Powers of the chairman of the society.

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

Functions of the Secretary.

Sr. No.	Items of the Functions	Bye-law No. under which it tails
(1)	(2)	(3)
1.	To issue share certificate to members within the stipulated period and in the prescribed manner.	9 and 10
2.	To deal with resignations from members, including associate and nominal members.	27 to 30
3.	To enter nominations and revocations thereof in the Nomination Register.	33
4.	To inspect the property of the society.	48 (a) and 159
5.	To issue notices regarding repairs to be carried out in flats:	48 (b) (c)
6.	To deal with cases of expulsion of members.	51 to 56
7.	To deal with cases of cessation of membership, including associate and nominal membership.	61
8.	To deal with the applications for various purposes received by the society.	65
9.	To prepare and issue demand notices/bills for payment of the society's charges.	70
10.	To bring cases of defaults in payment of the society's charges to the notice of the Committee.	71
11.	To issue letter of allotment of flats.	76(a)
12.	To issue notices and agenda of all meetings of the general body.	99
13.	To record the minutes of all the meetings of the general body.	109
14.	To call the first meeting of the newly constituted Committee.	123(b)
15.	To issue notices of all the meetings of the Committee.	133
16.	To attend meetings of the Committee and to record minutes thereof.	137
17.	To maintain account books, registers and other records, unless otherwise decided by the Committee.	144
18.	To finalise account of the society in the required manner.	147(a)
19.	To produce records of the society before different authorities concerned with the working of the society with the consent of the Chairman.	153
:		

(1)	(2)	(3)
20.	To prepare the audit rectification reports in respect of audit memos received from the Statutory and Internal Auditors.	154
21.	To bring breaches of the bye-laws by the members to their notices under instructions from the Committee.	166
22.	To discharge such other function under the Act, the Rules and the Bye-laws of the society and directions of the Committee and the general body meetings, as are not expressly mentioned hereinabove.	
23.	To place the complaint application with facts, before The Committee, in the coming meeting	174

(IN ADDITION THE FOLLOWING ITEMS AT SR. NOS. 24 AND 25 ARE APPLICABLE TO PLOT PURCHASED TYPE SOCIETY)

24.	To issue letters of allotment of flats or cancellation thereof.	76(a)&(c)
25.	To hand over possession of flats to members under instructions from the committee.	76(b)(ii)

XII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

142.	The society shall maintain the following books of accounts, records and the registers	Books of accounts Registers and other Books to be
	(i) The Register of Members in 'I' form, prescribed under Rule 32 of the Rules. (ii) The List of Members in 'J' form, prescribed under Rule 33 of the rules,	maintained.
	(iii) The Cash Book, (iv) The General Ledger, (v) The Personal Ledger. (vi) The Property Register, (vii) The Share Register, (viii) The Sinking Fund Register, (ix) The Audit Rectification Register in 'O' form, prescribed under Rule 73 of the Rules.	
	(x) The Investment Register,	
	(xi) The Nomination Register,	
	(xii) The Loan Register (if loan is raised),	
	(xiii) The Mortgage Register (if the property is mortgaged),	
	(xiv) The Minutes Book for the meetings of the Committee of the society,	
	(xv) The Minutes Book for the meetings of the general body of the society,	
	(xvi) Register of deposits made with the Local Authority, the Electric Supply Company and any other Authorities.	

- (xvii) The Register of Furniture, Fixtures and Office Equipments.
- (xviii) The Register of Library Books,
- (xix) The Register of Allotment of Flats,
- (xx) Structural Audit Register (wherever applicable)

Other records to be maintained.

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

- (1) Applications for membership.
- (ii) Application for associate membership.
- (iii) Applications for nominal membership.
- (iv) Letters of resignations of membership including associate and nominal membership.
- (v) Applications for transfer of shares and/or interest in the capital/property of the society.
- (vi) Cases of expulsion of members.
- (vii) Nominations made by members including revocations thereof.
- (vii) Separate file for correspondence entered into with each member.
 - (ix) Correspondence with the Registering Authority.
 - (x) Correspondence on property taxes including Non-agricultural taxes.
 - (xi) Correspondence on water charges.
 - (xii) Correspondence on electric supply.
 - (xiii) Correspondence about conveyance of the property.
 - (xiv) Agreements, Contract deeds with papers connected thereto.
 - (xv) Approved plans of construction and correspondence thereon.
 - (xvi) Application for exchange of flats.
 - (xvii) Correspondence about allotment of flats.
 - (xviii) Applications for allotment of parking spaces and stilts.
 - (xix) Vouchers, along with the bills relating thereto arranged in order of entries in the cash book and the journal.
 - (xx) Counterfoils of challans for credits of amounts into the bank, arranged in order of dates of credits.
 - (xxi) Counterfoils of cheques issued.
 - (xxii) Counterfoils of share certificates.
 - (xxiii) Applications for duplicate share certificates.
 - (xxiv) Application for registration of the society, the copy of the bye-laws and amendments thereto.
 - (xxv) A certificate of registration fully framed.
 - (xxvi) Counterfoils of receipts or carbon copies of receipts issued by the society.
 - (xxvii) Counterfoils of bills or carbon copies of bills for the society's charges.
 - (xxviii) Correspondence about loan received and property of the society mortgaged.
 - (xxix) Notices and agenda of the meetings of the general body of the society.

- (xxx) Periodical statements of accounts prepared by the society.
 (xxxi) Committee's annual reports on the working of the society.
 (xxxii) Audit mernos received from the Statutory Auditors, with rectification reports thereon.

(xxxiii) Audit reports received from Internal Auditors, with rectification reports thereon.

(xxxiv) Notice and agenda of the meetings of the Committee, (xxxv) Papers pertaining to the election to the Committee, (xxxvi) Complaint from members and correspondence thereof.

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

144. Unless otherwise decided by the Committee, it shall be the responsibility of the Secretary of the society to maintain and keep upto date the account books, registers and other records mentioned under the bye-laws Nos. 142 and 143. Responsibility for maintenance of account books registers, records etc.

145. The Secretary of the society or the paid employee, authorised by the Committee in that behalf, may retain in his personal custody, at the close of every day, a sum, not exceeding Rs. 300 (Rupees three hundred only), for petty expenses. If due to unavoidable circumstances,* the cash on hand has exceeded the above limit, the excess cash shall be credited into the bank within the next 3 days by the Secretary or any other person authorised by the Committee to keep cash on hand. Limit for maintaining cash on hand.

146. All payments in excess of the following limits shall be made by means of crossed A/c payee's cheques. Payment beyond certain limit by cheques.

Upto 20 members	Rs. 1500/-
21 to 50 members	Rs. 3000/-
Above 50 members	Rs. 4500/-

147. (a) Within 45 days of the close of every co-operative year, the Secretary of the society or any other person, authorised by the Committee in that behalf, shall finalise the accounts of the preceding co-operative year, prepare the Receipts and Payments Statement, the Income and Expenditure Statement for the said year and the Balance Sheet as at the close of the said year in the forms prescribed under Rule 62(i) of the Rules, along with the list of members, as at the close of the preceding co-operative year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture, the fixtures and the office equipments etc. Finalisation of accounts.

(b) In case it is not possible to finalise the annual Statements of Accounts within the period mentioned in the bye-law No. 147(a), the extension of time shall be sought for under Rule 61 of the Rules, from the Registering Authority, by furnishing a copy of the resolution of the Committee meeting, explaining the reasons for the delay. Extension of time for finalisation of accounts.

Security by the employees.

148. Every paid employee, holding any- office in the society and handling cash and/or securities of the society, shall furnish such security, as is provided under Rule 107B of the Rules.

XIII. APPROPRIATION OF PROFITS

Contribution to the Statutory Reserve Fund of the Society.

149. (a) After providing for the interest upon any loans and deposits and after making such other deductions as required under Section 65(1) and 66 of the Act and Rule 49A. Twenty five percent of the net profit of all the business carried on by or on account of the society, shall be placed at the credit of the Reserve Fund of the society.

Distribution of the remaining profit of the society.

(b) The remaining 75 percent of the net profit of the society shall be utilised as provided under Rule 50, 51, 52, 53.

(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 body meeting may approve. The dividend on shares shall be paid to the registered holders of such shares according to the books of the society as on the last day of the preceding cooperative year.

(ii) To pay honorarium to office-bearers of the society not exceeding 15 percent of the net profit to reward them for the sacrifice of their valuable time for the working of the society.

(iii) To allocate to a common welfare fund, such part of the profit as the annual meeting of the general body may determine, to be utilised in furtherance of the objects specified in the bye-law No. 5(d).

(iv) The balance, if any, shall be carried forward or dealt with in such manner as the annual meeting of the general body, on the recommendations of the Committee, may determine.

XIV WRITING OFF OF OUTSTANDING FOUND IRRECOVERABLE

Amounts which could be written off.

150. Subject to the bye-law No. 151, the society may write off any loan and interest thereon, Society's charges due from the members, the expenses incurred on recovery thereof and the accumulated losses, which are certified as irrecoverable by the Statutory Auditor, appointed under section 81 of the Act.

Procedure to be followed before writing off any amount.

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

(i) the meeting of the general body of the society has given due sanction for writing off the amounts;

(ii) the approval of the financing agency to the writing off of the amounts, if the society is indebted to it, is obtained;

(iii) the approval of the Registering Authority is obtained.

Provided that, if the society is affiliated to the District Central Co-operative Bank or any other financing agency but is not indebted to it. the permission of the Bank or the financing agency is not necessary.

As per section 67 as amended in 1994

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.

XIV. AUDIT OF ACCOUNTS OF THE SOCIETY

152. The society may, if it considers it necessary, appoint an Auditor, to audit the accounts of the society, at the annual meeting of the general body and fix his remuneration. Appointment of an Auditor.
153. The Secretary of the society shall produce or cause to be produced all the books, registers, records before the internal auditor and the Statutory Auditor, in the office of the society or where the records are normally kept and furnish such information as may be required by him for the conduct of the audit of the accounts of the society. Production of books and records for audit.
154. On receipt of the audit reports from the Statutory and Internal Auditors, the Secretary of the Society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the form 'O' prescribed under Rule 73 of the Rules and place the same before the meeting of the Committee, held next after the date of the receipt of the audit reports, for its approval. Further action on the audit rectification report shall be taken as provided under the said Rule. Preparation of the audit rectification report.

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

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

OR (FOLLOWING SHALL BE APPLICABLE TO PLOT PURCHASED TYPE SOCIETY)

155. (a) The committee shall in consultation with the General Body, take necessary steps for conveyance of the land/building/buildings in favour of the society. Finalisation of the deed of conveyance
- (b) The Committee shall examine, in consultation with the Solicitor or the Advocate of the Society, the deed of Conveyance of the land, prepared by the vendor or the lessor and place the same before the meeting of the General Body of the Society for its approval. Execution of the deed of conveyance.

(c) On approval of the draft deed by the General Body meeting of the society, the Committee shall execute it.

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

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

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

157. 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 motion, shall inspect the property of the society from time to time and make the report to the Committee, stating the need of the repairs, if any, considered necessary. The Committee shall consider the report made by the Secretary of the society and decide as to which of the repairs should be carried out.

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

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

Upto 25 members Rs. 25.000/-

26 to 50 members Rs. 50,000/-

51 and above Upto Rs. 1,00,000/-

(b) If one time expenditure on repairs and maintenance of the society's property exceeds the limits as mentioned under bye-law No. 158(a), prior sanction of the meeting of the general body of the society shall be necessary.

(c) The meeting of the general body of the society shall decide :

The limit upto which the expenditure on repairs and maintenance of the property of the society could be incurred by the Committee without calling for tenders for the work. In respect of the work, the cost of which exceeds the limit, so fixed, the Committee shall follow the procedure of inviting tenders, placing them before the general body meeting for approval and entering into contract with the architect (if appointed) and the contractor.

**(IN ADDITION FOLLOWING SHALL BE APPLICABLE
TO PLOT PURCHASED TYPE SOCIETY)**

Confirmation of the appointment of the Architect made by the Chief Promoter.

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

Appointment of an Architect, if the Chief Promoter has not made it.

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

Committee to enter into contract with the 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.

Preparation of the plans and estimates Of the construction.

(g) The Architect shall prepare the plans and the estimate 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 and the estimates of the construction of the building/buildings, approved by the meeting of the General Body of the society to the Local Authority for sanction.

(h) After approval of the plans of the construction of the building/buildings by the Local Authority, the Committee shall invite tenders in consultation with the Architect of the society. Inviting tenders for construction of building/s.

(i) The Secretary shall open the tenders received by him in the meeting of the Committee, which shall scrutinise 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. Approval of the meeting of the General Body.

(j) The Contract deeds, entered into with the Architect of the society and the Contractor, shall provide a stipulation for settlement of the disputes arising out of execution of the Contracts, under Section 91 of the Act. The Contract Deeds shall be registered under the Registration Act, 1908. Settlement of disputes with the Architect and the Contractor.

159. Subject to the provisions of the bye-law No. 158(a), (b) and (c), the Committee shall proceed to carry out the repairs and maintenance of the property of the society. It shall be the responsibility of the Committee to see that the repairs are carried out as per the contract. The Committee to execute the work of repairs and maintenance of the society's property.

160. The following repairs and maintenance of the property of the society shall be carried out by the society at its costs: Various items of repairs and maintenance to be carried by the society at its cost.

(a) (i) All internal roads, (ii) Compound walls, (iii) External water pipe lines, (iv) Water pumps, (v) Water storage tanks, (vi) Drainage lines, (vii) Septic tanks, (viii) Stair cases, (ix) Terrace and parapet walls, (x) Structural repairs of roofs of all flats, (xi) Stair-case lights, (xii) Street lights, (xiii) Outside walls of the building/buildings, (xiv) All leakages of water including leakages due to rain water, and leakages due to external common pipe line and drainage line, (xv) 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.

(b) All the repairs, not covered by the bye-law No. 160(a) shall be carried out by the members at their cost. Repairs by the members at their cost.

161. The society shall insure its building/buildings necessarily against risk of fire and earthquake. Insurance of the building/buildings of the society.

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

XVII. OTHER MISCELLANEOUS MATTERS

Service of notice of the meeting. Communication of resolution or decision.

163. (ii) It shall be open to the society, having regard to the importance of the matter and the specific provision made thereof under the Act, the Rules and the Bye-laws of the society, to give notice of every General meeting and communicate the resolution or the decision, to the members of the society on their last known addresses, by one of the following modes:
(a) hand delivery,

(b) despatch through post office under certificate of posting or by registered post, with or without acknowledgement due.

(ii) A copy of such notice/communication of the decision/resolution shall be displayed on the notice board of the society and thereupon, the notice shall be deemed to have been duly given or communication shall be deemed to have been duly made and the complaints received or made that the notice/communication was not received or was not sent to the correct address shall not affect the validity of the notice or the communication.

Co-operative Year.

164. The accounting year of the society shall be that commencing on 1st April and ending on the 31st March.

Notice Board of the society.

165. The society shall have its Notice Board, fixed at a conspicuous part of the building, on which shall be exhibited all notices and communications referred to in the bye-law No. 163(H), 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 Act, the Rules and the Bye-laws of the society. If there is more than one building, the similar Notice Board shall be fixed in all the other buildings.

Penalties for breaches of the bye-laws of the society.

166. The meeting of the general body of the society may prescribe penalties for different breaches of the bye-laws of the society. The Secretary of the society, under instructions from the Committee, shall bring to the notice of the member concerned, the breach/breaches of the bye-law/bye-laws committed by him. If the member persists in continuing the breach/breaches, the Committee shall give the notice to the member to show cause as 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 at the rate fixed by the meeting of the general body of the society.

Amendments to the bye-laws of the society.

167. No bye-law shall be made, altered or abrogated unless (i) a proposal to do so has been communicated to all members, 14 days before the meeting of the general body of the society, at which it is proposed to be considered (ii) the resolution is passed by not less than 2/3rd majority of the members present and voting at the meeting of the general body of the society and (iii) the making, alteration or abrogation is approved and registered by the Registering Authority.

Hours of operation of the lift.

168. The Committee shall regulate the operation of the lifts, taking into consideration the convenience of the majority of the members of the society.

Restrictions of playing of games in the society's compound.

169. The meeting of the general body of the society may, after taking into consideration the location of the building or buildings of the society and their surroundings and the open space available for playing games by the members

of the society and their children, allow such games to be played during such hours as may be fixed by the meeting of the general body of the society and subject to such restrictions, charges and penalties as it may impose.

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

Restrictions on letting or giving on leave and licence basis open space.

171. Notwithstanding the provisions under the bye-law No. 170, the Committee may allow temporary use of the terrace or available open space of the society's building by any member, on his written application, for any function, subject to such restrictions and on payment of such charges to the society as the meeting of the general body of the society may decide. The committee may, with the previous permission of the Local Authority, if needed, allow exhibition of advertisement boards on any part of the building including terrace, on such terms and conditions as are approved by the general body meeting.

Permission for use of terrace or open space of the Society

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

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

1. Bye-laws of the Society	Rs. 10/- more than the cost price
2. Amendment of the bye-laws of the society	Rs. 21- per page.
3. Last audited Balance Sheet of the Society	Rs. 10/- per page.
4. Application for membership of the Society	Rs. 5/-
5. Second and Subsequent Nomination by the member of the Society	Rs. 5/-
6. Share Certificate of the Society	Rs. 50/-
7. List of members of the Society	Rs. 5/- per page.
8. Correspondence (related to member)	Rs. 5/- per page.
9. Minutes of the general body meetings and committee meetings	Rs. 5/- per page.
10. Indemnity Bond	Rs. 10/-

XVIII REDRESSAL OF COMPLAINTS

173. Member/Members shall submit their complaint application to any of the Office bearers of the society, in writing, giving thereby the details of the complaint.

Complaint application to be submitted to the society.

174 After receipt of such, complaint application, the committee shall take decision thereof, in the coming Managing Committee meeting. Such decision shall be communicated to the concerned member, within 15 days thereafter.

175 If the Member/Members are not satisfied by the decision of the Committee, or does not receive any communication from the committee within the time specified above, he/ they may approach the Competent Authorities, depending upon the nature of the complaints, as enumerated below :-

A) REGISTRAR

Complaints to be made to the Registrar.

Matters pertaining to following issues :-

- a) Registration of Society on Misrepresentation,
- b) Non-issuance of the Share Certificates,
- c) Refusal of Membership,
- d) Non registration of Nomination by the society,
- e) Non Occupancy charges,
- f) Demand of excess premium for transfers,
- g) Non supply of the copies of record and documents,
- h) Tampering, suppression and destruction of the records of the society,
- i) Non acceptance of the cheques or any other correspondence by the committee.
- j) **Non** maintenance or incomplete maintenance of records and books of the society,
- k) Non preparation of the annual accounts/reports, within the prescribed period,
 - 1) Misappropriation/Misapplication of the funds of the society,
- m) Defaulter/Disqualified member on the committee,
- n) Investment of Funds without prior permission,
- o) Reconciliation of Accounts,
- p) Audit,
- q) Non conducting of election before expiry of the term of the committee,
- r) Rejection of Nomination,
- s) Non calling of General Body meetings within prescribed period,
- t) Non calling of Managing Committee meeting as prescribed in Bye-laws,
- u) Resignation by the Committee,
- v) Any other, like, matters which falls within jurisdiction of the Registrar.

B) CO-OPERATIVE COURT

Complaints to be made to the Co-operative Court.

Disputes between the members and/or the members and society, which falls under Section 91 of the Act, such as:-

Disputes pertaining to :-

- a) Resolutions of the Managing Committee and General Body.
- b) The elections of the Managing Committee, except the Rejection of Nominations, as provided under section 152-A of the Act,
- c) Repairs, including Major Repairs, internal repairs, leakages,
- d) Parking,

- e) Allotment of Flats/Plots,
- f) Escalation of construction cost,
- g) Appointment of Developer/Contractor, Architect,
- h) Unequal water-supply,
- i) Excess recovery of dues from the members,
- j) Any other, like, disputes which fall within jurisdiction of the Co-operative Court.

C) CIVIL COURT

Disputes pertaining to :-

- a) Non compliance of the terms and conditions of the Agreement, by and between the Builder/developer,
- b) Substandard Constructions,
- c) Conveyance,
- d) Escalation of construction cost,
- e) Any other, like, disputes which fall within jurisdiction of the Civil Court.

Complaints to be made to the Civil Court.

D) CORPORATION/LOCAL AUTHORITY

Matters pertaining to :-

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

Complaints to be made to the Corporation / local Authority.

E) POLICE

Matters pertaining to :-

- a) Nuisance carried by the Unauthorised use of the Flat/Shop/Parking Space/ Open space in the society, by the members, builder, occupants or any other persons,
- b) Threatening/Assault by or to the members of the society,
- c) Any other, like, matters which fall within jurisdiction of the Police.

Complaints to be made to the Police.

F) GENERAL BODY

Matters pertaining to :-

- a) Non maintenance of the property of the society by the managing committee,

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

- b) Non display of Board of the name of the society,
- c) Levy of excess Fine, by the managing committee for act of the member which is in violation of the Bye-laws,
- d) Not allowing the authenticated use of the available open spaces of the society, by the managing committee.
- e) Non Insuring the property of the society, by the managing committee,
- f) Appointment of Architect,
- g) All other, like, matters which fall within jurisdiction of the General Body.

G) FEDERATION

Complaints to be made to the Federation

Matters pertaining to :-

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

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)
- 7) Shri/Smt 7)
- 8) Shri/Smt 8)
- 9) Shri/Smt 9)
- 10) Shri/Smt 10)
- 11) Shri/Smt 11)
- 12) Shri/smt..... 12)
- 13) Shri/Smt 13)

- 14) Shri/Smt 14)
- 15) Shri/Smt 15)
- 16) Shri/Smt 16)
- 17) Shri/Smt 17)
- 18) Shri/smt..... 18)

- 19) Shri/Smt 19)
- 20) Shri/Smt 20)
- 21) Shri/Smt 21)
- 22) Shri/Smt 22)
- 23) Shri/Smt 23)
- 24) Shri/Smt 24)
- 25) Shri/smt..... 25)

ANNEXURE - 1
(UNDER BYE-LAW NO. 18)

MEMBERSHIP OF CORPORATE BODIES IN CO-OPERATIVE HOUSING SOCIETIES,
TERMS AND CONDITIONS

No. CHS 1791 /CR-148/14-C - In exercise of the powers conferred by the second provisions to Sub-section 1 of Section 22 of the Maharashtra Co-operative Societies Act. 1960 (MAH. XXIV of 1961), and in supersession of Government Order No. CSL 1062 / 13480 - J dated 7th July, 1963, CSH, 166-C-4, dated 13th June, 1966, CSH 1768/12608 - C-4 dated 6th January, 1969, CSH, 1663/36188-C-4 dated 26th June, 1971, CSH 1079/53609/14-C dated 24th March, 1980 and CHS 1791/ CR.148/14-C dated 9th November 1993, the Government of Maharashtra hereby lays down the following terms and conditions subject to which the firm or a company may be admitted as a member of a society which is a federal or urban society or which conducts or intends to conduct an industrial undertaking namely:

1. The applicant of the firm or company for admission to the membership of the society is made as provided by rule 19 of the Maharashtra Co-operative Societies Rules, 1961 and is signed by the person duly authorised in that behalf by the firm or company, as the case may be.
2. The Head Office or branch of the firm or company is within area of operation of the society.
3. The firm or company carries on its business within the area of operation of the society.
4. The firm or company purchases at least 10 shares of such society

and

5. The aims and objects of the firm or company are not contrary to those of the society. Provided that in the case of an urban society which is a housing society the following special terms and conditions shall apply subject to which a firm or company may be admitted as a member of such society, namely:
 - a) the bye-laws of the society concerned do not contain any provision prohibiting the firm or the company from becoming its member;
 - b) the firm or the company concerned is a corporate body or registered body;
 - c) the memorandum and the articles of association of the firm or the company concerned provide for the provision of dwelling houses by them to their employees ;
 - d) the firm or the company concerned holds land or building only for the purpose of providing residential accommodation to its employees;
 - e) the memorandum and the articles of association (if any) allow the firm or the company, as the case may be, to utilise its funds for providing its employees with dwelling houses and the firm or the company agrees to pay out of its own funds the full cost of dwelling houses to be allotted to its employees.

- f) the firm or company concerned pays to, or deposits with the society, in advance, the whole of the proportionate cost of construction and other charges;
- g) the firm or company concerned gives an undertaking to the society that it shall not allow any of its employees to occupy or to continue to occupy any tenement from time to time, unless the employee makes an application through such firm or company and is admitted as nominal member and continues to be such membership of the society.
- h) the number of firms and companies admitted to the membership of any such society shall not exceed 50 percent of the total membership of the society.
- i) the number of tenements allotted to firms and companies shall not exceed 50 percent of the total number of tenements in the society.
- j) the management of the society or committee shall consist of not more than one fourth members of the firms and companies and the remaining shall be from the individual members and such provisions shall be made in the bye-laws of the society.

By order and in the name of The
Governor of Maharashtra.

ANNEXURE - II**LIST OF FORMS PRESCRIBED UNDER THE BYE-LAWS**

The Bye-law No. which the form is prescribed	Name of the Form	Appendix at which under the form in column No. 2 is enclosed
1	2	3
9	Share Certificate	1
17(b)	The Form of application for membership, of the Society by a Nominee/heir, who is a minor, through his Guardian/Legal Representative.	2
19 and 66(iv)	The Form of application for membership of the Society by an individual	3
17(b) and 19(iv)	The Form of Undertaking to be furnished by the Prospective Member to use the flat for the purpose for which it is purchased.	4
19A(v)	The Form of Undertaking to be furnished by the person, on whom the Prospective non-earning member is dependent for discharge of liabilities to the Society	5
19(C)	The Form of Application for membership of the Society by a Firm, a Company or a Body Corporate.	6
19(B)	The Form of Application for Associate membership by an individual, who desires to hold shares jointly, with another person, who is already admitted to membership of the Society.	7
19(B)	The Form of Application for Associate membership where both the persons apply for Associate membership at a time.	8
19(B)	The Form of Application for Associate membership by a Firm or a Company or a Body Corporate with the Person already admitted to membership of the Society.	9
19(B)	The Form of Application of Associate membership where the Firm, the Company or the Body Corporate and the other person desires to apply for such membership at a time.	10
118(v)	No Objection Certificate and Undertaking from the Original Member to be submitted by the Associate Member intending to be a Member of the Managing Committee of the Society	10(A)
20 and 43(2)(ii)	The Form of Application for Nominal membership by the Sub-lettee, the Licensee or the Caretaker.	11

1	2	3
24and 76(a)	The Form of letter of allotment of flats to member.	12
27(a)	The Form of Notice of Resignation of membership of the Society by a member.	13
32*	The Form of Nomination by a member	14
34	The Form of Application for membership by the Nominee/Nominees	15
35	The Form of Notice, inviting claims or objections to the transfer of the shares and the interest of the Deceased Member in the Capital/Property of the Society.	16
35	The Form of Application for membership by the Heir of the Deceased Member of the Society	17
34	The Form of Indemnity Bond.	18
35	(1) Where there are more nominees than one (2) Where there is no nomination.	19
38(a)	The Form of Notice of intention of a member to transfer his shares and interest in the Capital/ Property of the Society.	20(1)
38(a)	The Form of letter of consent of the Proposed Transferee for the transfer of the shares and interest of a member (Transferor) to him (Transferee).	20(2)
38(e)(1)	The Form of application for the transfer of shares and interest in the Capital/Property of the Society by the Proposed Transferor. (i) Being an individual (ii) Being a Body Corporate	21 22
38(e)(ii)	The Form of Application for membership of the Society by the Proposed Transferee (i) Being an individual (ii) Being a Body Corporate	23 24
38(e)(xi)	The Form of Declaration for not holding immovable Property in any Urban Agglomeration Specified under the Urban Land (Ceiling and Regulation) Act, 1976, exceeding 500 sq. metres (to be given by the Transferor).	25

1	2	3
17(b), 19A(vii) 19C(iv) and 38(e)(xi)	The Form of Declaration for not holding immove-able property in any Urban Agglomeration specified under the Urban Land (Ceiling and regulation) Act, 1976, exceeding 500 sq. metres, To be given by the Transferee or the Person seeking direct admission to membership of the society.	26
	The Form of Undertaking about registration of the Transfer of a flat under Section 269 AB of the Income Tax Act.	
38(e)(xi)	(i) To be given jointly by the transferor and the Transferee.	27(1)
19A(vii) and 19C(iv)	(ii) To be given by the person seeking direct admission to the membership of the Society	27(2)
40	The Form of Intimation by the Society to the Transferee about exercise of rights of Membership by him.	28
43(a)(1)	The Form of Application for permission to sub-let give on leave and licence or caretaker basis his flat or part thereof.	29
62	The Form of application for permission to hold more than one flat in the building/buildings of the Society	30

ANNEXURE - III**ELECTION RULES**

1. These Rules shall be called the Rules of Election of a member of the Managing Committee of the Co-operative Housing Society Ltd. They shall be deemed to have come into force from the date of their approval by the Registering Authority.
2. Every Managing Committee shall hold elections before expiry of its term.
3. The members of the society on the Register of Members as on 31 st December, if the election is due during subsequent period between 1st January to 30th June, and as on 30th June if election is due during subsequent period between 1st July to 31st December, and who has completed two years from the date of enrollment as a member should only be eligible to vote in the election to the Managing Committee of the Society.
4. The provisional list shall be prepared by the Managing Committee as per (3) above and shall be notified on the Notice Board of the society, 60 (sixty) days before the date of election, inviting suggestions and objections in respect of the names of the members, within a period of 8 (eight) days, from the publication of such list.
5. After considering the suggestions and objections, if any, received, the Managing Committee shall publish a final list of members eligible to vote, within two days of the last date as mentioned at 4 above.
6. The provisional and final list of members referred to above shall be in the Appendix 'A' Appended to these Rules.
7. After the final list, the Managing Committee shall appoint from amongst the members who are not candidates for election or who have neither proposed nor seconded candidature of any member, Or any other person, as Returning Officer. However in case of member being appointed as Returning Officer, the managing committee shall obtain an undertaking from such member that he will not contest the election nor propose or second any candidate. The Returning Officer shall have authority to appoint such polling staff as he deems necessary.
8. Where the Managing Committee has failed to appoint a Returning Officer, the Registering Authority shall appoint a Returning Officer and polling staff. The cost of the Returning Officer and Polling Staff shall be borne by the society.
9. The Returning Officer shall draw and declare a Programme of various stages of election, on the Notice Board of the society, as indicated herein below, not later than seven days of the date of publication of final list of voters of the society.

The Returning Officer shall submit copy of such Programme to the Registrar and the concerned Housing Federation

(i) Last date for making nominations	7 days from the date of declaration of election programme.
(ii) The date of publication of list of nominations received	On the last date and after the expiry of the time for Nomination.
(iii) Date of scrutiny of nominations	Next day of the last date for making nomination.
(iv) Date of publication of list of valid Nominations	Next day after the date of completion of scrutiny.
(v) Date by which candidature may Be withdrawn	After clear 15 days from the date of scrutiny.
(vi) Date of publication of final list of Contesting candidates.	The date next succeeding the last day fixed for Withdrawal of candidature.
(vii) Date and time during which and the place at which the poll shall be taken	Minimum 5 days after the date of withdrawal (time & place to be fixed by Returning Officer.)
(viii) Date, time and place for counting Votes.	Immediately after polling is over.
(ix) Date of declaration of results of voting	Immediately after counting of votes.

Explanation :- If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events;

10. The functions of the Returning Officer shall be as under :

- (i) To draw up a detailed programme of election to the managing committee of the society, after taking into consideration the various stages of election process, as enumerated in 9 above.
- (ii) To invite nominations, to receive and scrutinise them, to exhibit list of valid nominations and list of final nominations remaining after withdrawal of nominations, if any.
- (iii) To arrange for election by ballot in accordance with the provisions of the Election - Rules.
- (iv) To furnish the result of election to the Chairman of the society for being declared at the General body meeting / Special general body meeting of the society.
- (v) To take such other actions as are necessary for and incidental to the election to the managing committee of the society.

11. The nominations from the members shall be in form at Appendix 'B' appended to the Rules.
12. No members of the society shall be eligible to participate in the election of the managing committee of the society, if
 - (i) he is in arrears in respect of any charges and any other amounts due to the society, as on the date of scrutiny of nomination papers.
 - (vi) he has incurred any of the disqualifications as mentioned in the Maharashtra Co-operative Societies Act. 1960 and Maharashtra Coop. Societies Rules, 1961 and the bye-laws of the society.
 - (vii) He has not completed two years of his enrollment as a member of the society as on the last date of nomination.
13. The nominations received till the last date and hour fixed for receiving nominations shall be scrutinized by the Returning Officer on the date fixed for scrutiny of nominations, in the presence of the candidates or their duly authorised representatives and the list of the valid nominations shall be published on the Notice Board of the society as per election programme. The candidates whose nominations are rejected shall be informed by the Returning Officer, in writing, of the reasons for rejection of their nominations on the same day, in form at Appendix 'B-2'.
14. The candidates, whose nominations have been declared valid shall be allowed a^vtime of 15 days (as required u/s 152 A of M.C.S. Act 1960) from the date of publication of the list of valid nominations, to withdraw their candidature by means of a letter handed over to the Returning Officer.
15. Immediately after the expiry of period allowed for withdrawal of candidature, a final list of the candidates contesting the election shall be notified on the notice board of the society.
16. The voting at the election shall be by Secret Ballot.
17. The ballot paper shall be in the form at Appendix "C appended to these Rules. It shall bear the seal of the society and the counterfoil thereof shall bear the initials of the Returning Officer.
18. The names of the candidates in the ballot paper shall be arranged in alphabetical order with surname appearing first.
19. The date, time and place of voting shall be as declared in the election programme.
20. The ballot box shall be so constructed that ballot papers could be conveniently put into it but could not be taken out, without the box being unlocked.
21. On the date of the polling, the empty ballot box shall be shown to the candidates or their authorised agents, if any and present 15 minutes before the time fixed for commencement of the poll and shall be locked and sealed in their presence.

22. Each member-voter shall be supplied with an authenticated ballot paper, after satisfying his identity and obtaining his signature on the counterfoil of the ballot paper.
23. Member-Voter coming to the polling station after expiry of the time allowed for voting shall not be allowed to vote.
24. Immediately after the completion of voting, the ballot box shall be sealed in the presence of the candidates or their authorised representative if present.
25. The counting of votes shall be done immediately after the polling is over.
26. The Returning Officer shall submit to the Chairmen of the society a report indicating the Number of voters who voted, number of valid and invalid votes, and the votes polled by each Candidate along with his certificate that the polling was peaceful and in accordance with the Election Rules.
27. The names of the candidates with votes polled by each of them shall be put on the Notice Board of the society at the conclusion of the counting of votes.
28. The final result of the election shall be declared in the ensuing Annual General Body Meeting Or Special General Body Meeting as the case may be.
29. All the records pertaining to the election shall be carefully preserved in box duly locked and sealed by the Secretary of the Society for a period of 3 months and destroyed thereafter. However, if the result of the election is disputed, the records pertaining to election shall be preserved until the final decision of the dispute.
30. The Committee shall be constituted as enumerated under section 73(3) of MCS Act 1960.
31. If for any reasons beyond the control of the society, it is not possible to observe the time Schedule prescribed under these Rules, the returning Officer of the society may revise the same with due notice to members and with due consent of the concerned Housing Federation. The Returning Officer shall inform such revision of schedule to the Registrar.

APPENDIX 'A'

Provisional/Final list of members of the

Co-operative Housing Society Ltd.....

as on 31st December/ 30th June

Sr. No.	Sr. No. in the Members Register (T Form)	Name of the member and his flat/ house No.	Date of admission to member- ship	Remarks
1	2	3	4	5

(SEAL)

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

Place :

Dated :

APPENDIX 'B'

Form of nomination paper for election to the post of the Members of the Managing Committee of the
 Co-operative Housing Society Ltd.....
 for the period from..... to.....
 Name of the Candidate
 Address of the Candidate
 Contesting for Reserve seat *Yes/No
 (for Lady Candidate only)
 Name of the Proposer
 Address of the Proposer.....
 Name of the Seconder.....
 Address of the Seconder

Signature of the Seconder

Signature of the Proposer

Place :

Date :

'Struck out which ever is not applicable.

DECLARATION BY THE CANDIDATE

I, Shri/Shrimati hereby signify my willingness to serve as Member of the Managing Committee of the
 Co-operative Housing Society Ltd.
 If I am elected to the said post.

Place :

.....

Date :

Signature of the Candidate

APPENDIX 'B'-1

RECEIVED the nomination paper proposing and seconding
Shri/Shrimati as a candidate for election to the
post of the Member of the Managing Committee *(General / Reserve seat) of the
.....Co-operative Housing Society Ltd.,
..... for the period from.....to.....

Place :

Date :

Signature of the Returning Officer

* Struck out which ever is not applicable.

APPENDIX B - 2

The nomination received from Shri/Smt.....
Is rejected for the following reasons :-

- 1.
- 2.
- 3.

Date :

Signature of the Returning Officer

Place :

APPENDIX 'C',
FORM OF BALLOT PAPER

Election to the post of the Members of the Managing Committee of the
..... Co-operative Housing Society
Ltd.,
for the period from to

Full Name of the Candidate

Mark of Vote

FOR GENERAL POSTS

- 1) Shri/Smt.....
- 2) Shri/Smt.....
- 3) Shri/Smt.....
- 4) Shri/Smt.....
- 5) Shri/Smt.....
- 6) Shri/Smt.....
- 7) Shri/Smt.....

FOR RESERVE POSTS

- 1) Smt.....
- 2) Smt.....
- 3) Smt.....



Signature of the Returning Officer

APPENDIX - 1
[Under the Bye-law No. 9]
Specimen of Share Certificate

Share Certi. No. _____ Members Regn. No. _____ No. of Shares _____ SHARE CERTIFICATE Co-op. Housing Society Ltd. _____ (Registered under the MCS Act, 1960) Regn. No. _____ Date _____ This is to certify that Shri/Smt./M/s. _____ is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____ Hsg. Socy. Ltd., _____ Co-op. subject to the Bye-laws of the said Society. Given under the Common Seal of the said Society at _____ this _____ day of _____ 20 _____	Share Certificate No. _____ Member's Register No. _____ No. of Shares _____ SHARE CERTIFICATE CO-OPERATIVE HOUSING SOCIETY LIMITED _____ (Registered under Maharashtra Co-operative Societies Act, 1960) Registration No. _____ Date _____ <i>This is to certify that Shri/Smt./M/s</i> _____ is the Registered Holder of _____ fully paid up shares of Rs. FIFTY each numbered from _____ to _____ both inclusive, in _____ CO-OPERATIVE HOUSING SOCIETY LTD., _____ subject to the Bye-laws of the said Society Given under the Common Seal of the said Society at _____ this _____ day of _____ 20 _____	Seal of the Society _____ Authorised Secretary Chairman M.C. Member Received the Share Certificate _____ Date _____ 20 _____ Receiver's Signature _____ Authorised Secretary Chairman M. C. Member _____ Secretary _____ (P.T.O.)
---	---	---

MEMORANDUM OF TRANSFERS OF THE WITHIN MENTIONED SHARES					
Date of Transfer	Transfer No.	Regn. No. of Transferor	To Whom Transferred	Regn. No. of Transferee	
			Authorised M. C. Member	Chairman	Secretary
			Authorised M. C. Member	Chairman	Secretary
			Authorised M. C. Member	Chairman	Secretary
			Authorised M. C. Member	Chairman	Secretary
			Authorised M. C. Member	Chairman	Secretary

APPENDIX - 2

[Under the Bye-law No. 17 (b)]

The Form of application for membership of the Society by a Nominee/ Heir, who is a minor, through his Guardian/Legal Representative.

To

The Secretary,

..... Co-op. Housing Society Ltd.

Sir,

Shri/Shrimati who was the

member of the Co-operative

Housing Society Ltd., having address at

Holding 5 shares of Rs. Fifty each and the flat No..... died on

His/Her death certificate is enclosed. He/She had nominated Shri/Shrimati

..... who is a minor/He had not made nomination.

His/Her heir Shri/Shrimati is a minor.

I, Shri/Shrimati being his/her natural guardian/guardian

appointed by the deceased member/legal Representative hereby make an

application on behalf of the said minor for membership of the Co

operative Housing Society Ltd., having address at..... and

for transfer of shares and interest of the deceased member in the capital/ property of the society to me on behalf of the minor nominee/heir as provided under Rule 20 of the Maharashtra Co-operative Society Rules,1961. The share certificate held by the deceased member is enclosed.

An entrance fee of Rs. 100/- is sent herewith.

The particulars of the plot/flat/house owned by the minor nominee heir or any of the members of the minor's family or the person dependent on the minor in the operation of society are given below :

S. No.	Name of the minor nominee or heir of his/her family member or the person dependent on the minor.	Particulars regarding plot/Flat/ house owned by the minor nominee/heir or any of the members of the minor's family or the person dependent on the minor.	Place where situated.
1	2	3	4

My particulars for the purpose of consideration of this application are as under :

Age :

Occupation :

Office Address :

Permanent Resi. Address :

Monthly Income : Rs.....

I undertake to discharge all the present and future liabilities to the society on behalf of the minor/As I have no independent source of income, I enclose herewith undertaking in the prescribed form, from the person on whom I am dependent to the effect that he will discharge all the present and future liability to society on my behalf.

I enclose the undertaking in the prescribed form (Appendix-3) to use the flat on behalf of the minor for the purpose for which it was held/acquired by the deceased member and that any change of user will be made with prior approval of the society.

I enclose herewith the undertaking, in the prescribe form of behalf of the minor about registration of the transfer of the flat to the minor's name through me under Section 269 AB of the income-tax Act. (Appendix 26)

I also enclose herewith the undertaking in the préscribe form regarding non-holding of any immoveable property in any urban agglomeration, specified of which exceeds 500 Sq. meters. (Appendix 25)

I have gone through the registered Bye-laws of the society and undertake to abide by the same with any modification the Registering Authority may make in them.

I undertake to discharge all outstanding liabilities against the deceased member and also pay the charges of the society in future on behalf of the minor.

I also hereby undertake to convey on the "attainment of age of majority" by the minor on whose behalf I am holding membership. I also declare that I shall be ceased to hold the membership on behalf of the said minor, as soon as he attains age of majority.

I declare that I will take all actions as a member of the Society on behalf of the minor in his/her interest only.

On behalf of the minor, I request you to admit me as a member of the Society.

Yours faithfully,

Place

(Nominee/Heir who is a minor)

Date :

(Through his Guardian/Legal Representative)

Note : The undertaking about registration of the transfer of the flat is not necessary where the minor is related to the deceased member within the meaning of Section 2(41) of the income-tax Act.

APPENDIX - 3

[Under the Bye-law Nos. 19 (B) and 66 (v)]

The Form of application for membership of the Society by an individual

To,

The Chief Promoter-Secretary

..... Co-operative Housing Society Ltd., (Proposed)*

Sir,

I, Shri/Smt..... hereby make an application for membership of the.....

Co-operative Housing Society Ltd.,

I intend to settle down and reside in the area of operation of the society.

My particulars for the purpose of consideration of this application are as under:

Age :

Occupation :

Monthly Income Rs.....

Office Address :

Residential Address :

I have purchased the flat No..... in the building, named numbered as admeasuring sq. metres from the Promoter (Builder) or Shri/Shrimati/Messrs under an agreement under Section 4 of the Ownership Flats, Act, a copy of which, duly attested is enclosed.

I declare that the said agreement is duly stamped as required under Bombay Stamp Act-19 as to registration, the copy of which is enclosed.

OR

I give below the particulars of the Plot/flat/house owned by me or by any : of the members of my family or the person dependent on me in the area of operation of the society :

Sr. No.	Name of the Person	Particulars of the plot/flat/house owned by the applicant or any of the members of his faml/ or the person dependent in the area of operation of the society.	Location Of the plot/flat/house	Reason as to why it is necessary to have a flat in this society.
1	2	3	4	5

I remit herewith a sum of Rs. 250/- towards value of 5 shares of Rs. 50 each and Rs.100 for entrance fee.

I undertake to discharge all the present and future liabilities to the society.

OR

As I have no independent source of income, I enclose herewith the undertaking, in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

I also enclose the undertaking and the declaration in the prescribed forms about registration of the proposed acquisition of right over the flat under Section 269 AB about non-holding of immovable property exceeding 500 sq. meters, under the urban land (Ceiling and Regulation) Act.

I undertake to use the flat for the purpose for which it is purchased by me and that any change of user will be made with the prior approval of the society. An undertaking to that effect in the prescribed form is enclosed herewith.

I have gone through the registered Bye-law of the society and undertake to abide by the same and any modification the Registering Authority may make in them.

I request you to please admit me as the member of the society.

Yours faithfully,

Place :

Date :

Attested by,

Chief Promoter/Chairman

The expression "a member of family" means as defined under bye-law No. 3 (xxv).

APPENDIX - 4

ON A TWENTY RUPEE
STAMP PAPER

[Under the Bye-law Nos. 17(b) and 19 A(iv)]

*The form of Undertaking to be furnished by the
Prospective member to use the flat for the purpose
for which it is allotted.*

I/We, Shri/Shrimati/Messrs.....

am present residing/having address at

member/intending member of the

Co-operative Housing Society Ltd. Proposed /Registered.

having address at

hereby give the undertaking that I/We will use the flat allotted to me/us/proposed to be acquired by me/us on cessation of membership of the earlier member under the bye-law of the society for the purpose mentioned in the letter which will be issued under bye-law No.76(a) of the bye-law of the society proposed/registered.

I/we further give the undertaking that no change of user will be made by me/us without the previous permission in writing of the committee of the society.

Place:

Signature.....

Date:

APPFNDIX – 5

ON A TWENTY RUPEE

STAMP PAPER

[Under the Bye-law No. 19 A(v)]

The Form of Undertaking to be furnished by the person, on whom the Prospective Non-earning member is dependent for discharge of liabilities to the Society.

To

The Chief. Promoter/Secretary

..... Co-op. Housing Society Ltd.

Sir,

Shri/Smt

had made an application for membership of the Co-operative
operative

Housing Society Ltd, having address at

..... He/She has no independent source of income and is dependent on me. I, therefore, undertake to discharge all the liabilities present and future, payable by him/her on his/her admission to membership of the society, on his/her behalf as communicated to me directly or through him/her from time to time, by the Society. On failure of such discharge in respect of dues, I shall also be liable for recovery for recovery v/s 101 of MCS Act 1960 alongwith the said member who is dependent on me.

Me details are given below :-

- (1) Name :
- (2) My address :
 - (a) Office :
 - (b) Residence :
 - (c) Telephone No.:
- (3) Occupation :
- (4) Name and full address of the employer :
- (5) Monthly Income Rs.....

place :

Yours faithfully

.Date :

APPENDIX - 6

[Under the Bye-law No. 19(C)]

*The Form of application for membership of
the Co-operative Housing Society by a Firm a Company/Public Trust
or any other Body Corporate*

To

The Secretary/Chief Promoter

..... Co-operative Housing Society Ltd.

Sir,

We M/s having address at hereby make an application for membership of the Co-operative Housing Society Ltd., having address at

We send herewith an amount of Rs. 600 (Rupees six hundred only), being the value of 10 shares of Rs. 50 each and entrance fee of Rs. 100/-.

Shri/Shrimati has been authorised by us to sign the application for membership of the society on our behalf and furnish such information as is needed by you for the purpose of consideration of our the authority is enclosed for your record.

We have purchased flat in the building/buildings known/number as constructed by the Promoter (Builder)/(Seller) for housing our following bonafide employees viz-

- (1) Shri/Smt.....:
- (2) Shri/Smt.....
- (3) Shri/Smt.....
- (4) Shri/Smt.....
- (5) Shri/Smt.....

We will not allow any other employee to occupy any of the flats purchased by us without the previous permission of the society.

We declare that the said agreement duly stamped as required and BSA a copy of which is enclosed herewith.

We undertake to use the said flat/flats for the purpose mentioned in the letter to be issued to us, the bye-law No. 76(a) of the bye-laws of the society and that

no change of user will be made without the previous consent in writing of the committee of the society, the undertaking to that effect in the prescribed form is enclosed herewith. (Appendix 3)

The undertaking and the declaration in the prescribed forms about registration of the proposed acquisition of right over the flat, under of section 269 AB of the income-tax Act about non-holding of immoveable property in excess of 500 sq. mtrs. under the Urban Land (ceiling and Regulation) Act are also enclosed.

Our head office is situated in the area of operation of the society, where we are carrying on our business.

The aims and objects of our firm /company are not contrary to those of the society.

We have gone through the reg.stered* Bye-law of the society and the notifications issued by Government from time to time under Section 22 of the Maharashtra Co-operative Societies Act. 1960, regulating membership of corporate bodies, and we undertake to abide by the same with any modifications that the Registering Authority/Government respectively may make in them.

The Articles and Memorandum of Company and also the Registration Certificate of our company is enclosed herewith.

Place :

FOR AND ON BEHALF OF THE

Date

.....

(Signature of the Applicant)

APPENDIX - 7

[Under the Bye-law Nos. 19B & 19C]

The Form of application for Associate Membership by an Individual, who desires to hold shares jointly with another person, who is already admitted to membership of the Society.

To,

The Secretary,

..... Co-op. Housing Society Ltd.,

Sir,

Shri/Shrimati is already a member of the Co-operative Housing Society Ltd. having address at holding five fully paid shares of Rs. Fifty each.

He/She desires Shri/Shrimati to join him/her as an Associate member for the purpose of holding the shares jointly with Shri/Shrimati

Accordingly, I make this application for admitting me as an Associate member to Shri/Shrimati and remit herewith the entrance fee of Rs. 100/-.

On my/our admission as an Associate member by the society, we shall be jointly and severally liable to discharge the present and future liabilities of the society.

The right of attending general body meetings and voting at them will ordinarily be exercised by Shri/Shrimati..... whose name stands first in the share certificate. The name of Shri/Smt..... shall stand second in the share certificate and he/she (the Associate member) shall have no rights or privileges of a member, except attending general body meetings of the society and voting at them, provided that the member whose name stands first in the share certificate is absent at such meetings other than mentioned in section 27 of MCS Act 1960.

I/we request you to admit me/us as an Associate member and include my name as an associate member in the share certificate just after the name of the first member.

The consent of the first member for my/our admission as an Associate member is given below.

Yours faithfully

Place : (Signature of the applicant whose
Date : name to stand second in the
Share Certificate)

I, Shri/Shrimati.....
a member of theCo-operative Housing
Society Ltd., having address at
and holding five paid up shares of Rupees fifty each recommend the application
made by Shri/Shrimati
.....for Associate membership of the Society for the purpose
of holding the shares jointly on terms and conditions set out in the above application.
The name of Shri/Shrimati
..... be added in the share certificate (enclosed herewith),
after my name.

Place : Signature of the First Member

Date :

APPENDIX - 8

[Under the Bye-law No. 19B)

The Form of application for Associate Membership by an individual, where both the persons apply for associate membership at a time.

To,

The Secretary /Chief Promoter

..... Co-operative Housing Society Ltd ('Proposed)

Sir,

We the undersigned Shri/Shrimati
and Shri/Shrimati hereby make
application for Associate membership of the
Co-operative Housing Society Ltd., (Proposed), having address at
for the purpose of holding the shares of the society jointly.

We have paid the full value of five shares of Rupees fifty each along with entrance fee at Rs. 100 each, as required under the bye-law of the society.

We will be jointly and severally liable to discharge the present and future liabilities to the society.

The right of attending and voting at general body meetings of the society will ordinarily be exercised by Shri/Shrimati whose name should stand first in the share certificate. The name of Shri/Shrimati shall stand second in the share certificate and he/she (associate member) shall have no rights or privileges of a member except attending general body meetings of the society and voting at them provided the member whose name stands first in the share certificate is absent at such meetings.

The name should be included in the share certificate in the order mentioned above.

Yours faithfully

Place : (1)
(Signature of the applicant whose
Date : name to stand first in the
Share Certificate)

Place : 2)
(Signature of the applicant whose
Date : name to stand second in the
Share Certificate)

APPENDIX - 9
[Under the Bye-law No. 19B)

The Form of application for Associate Membership by a Firm, or a Company or any other Body Corporate with the person already admitted to membership of the Society.

To,
The Secretary,
..... Co-operative Housing Society Ltd.,

Sir.

Shri/Shrimati is already a member of the..... Co-operative Housing Society Ltd., having address atholding five fully paid shares of Rs. Fifty each.

He/She desires M/s

having address at to join him/her as an associate member for the purpose of holding the shares jointly with him/her.

Accordingly, we make this application for admitting us as an associate member to Shri/Shrimati and remit herewith the entrance fee of Rs. 100/-.

(The signatory to the application for associate membership is duly authorised by us to sign the application on our behalf. A certified copy of the authority in this behalf is enclosed.)

On our admission as an associate member by the Society, we shall be jointly and severally liable to discharge the present and future liabilities to the society.

The right of attending general body meeting and voting at them will ordinarily be exercised by Shri/Shrimati whose name stands first in the share certificate. We, M/s have no rights or privileges of a member, except attending and voting at general body meetings at which Shri/Shrimati remains absent.

We hereby declare that we are eligible for membership of the society as provided under bye-law No. 18

We hereby submit the Article of Association & Memorandum of Association & Company registration Certificate.

We request you to admit us as an associate member and include our name in the share certificate next after the name of Shri/Shrimati

The consent of Shri/Shrimati

for our admission as an associate member is given below.

FOR AND ON BEHALF OF THE

Place :

Date : (Signature of the Applicant)

I, Shri/Shrimati a member of the Co-operative Housing Society Ltd., having address at.....and holding five Fully paid up shares of Rupees fifty each recommend the application made by M/sfor associate membership with me for the purpose of holding the shares of the society jointly on terms and conditions set out in the above application. The name of M/s..... be added in the share certificate, (enclosed herewith) after my name.

Place : (Signature of the First Member)

Date :

APPENDIX-10

[Under the Bye-law No. 19B]

The form of application for Associate Membership where the Firm, the Company or any other Body Corporate and the other person desire to apply for such membership at a time.

To.

The Secretary/Chief Promoter,

..... Co-operative Housing Society Ltd.....

Sir,

We, the undersigned, Shri/Shrimati.....
and M/shereby make application for associate membership
of the Co-operative Housing Society Ltd..having
address at for the purpose of holding shares of the Society jointly.

Both of us have paid the full value of Ten shares of Rupees fifty each along with entrance fee of Rs. 100/- each, as required under the bye-laws of the society.

Both of us, on admission to associate membership of the society, shall be jointly and severally liable to discharge the present and future liabilities to the society.

The right of attending and voting at general body meetings of the society will ordinarily be exercised by Shri/Shrimati.....
whose name should stand first in the share certificate.

The second signatory to the application is duly authorised to sign the application on behalf of M/s A certified copy of the authority is enclosed herewith. The name of M/s..... should stand second in the share certificate.

M/s..... shall have no rights or priviiages of a member except the right of attending and voting at general body meetings at which Shri/Shrimati whose name would stand first in the share certificate, remains absent at such meetings.

Both of us request you to please accept the application for associate membership of the society and issue share certificate in the joint names arranged in the order suggested above.

Yours faithfully

Place : (1)
(Signature of the applicant whose
Date : name to stand first in the share certificate)

For and on behalf of

Place : (2)
(Signature of the applicant whose
Date : name to stand second in the share certificate)

APPENDIX -10A

[Under the Bye-law No. 118(v)]

*No Objection Certificate and Undertaking from the Original Member
to be submitted by the Associate Member intending to be a
Member of the Managing Committee of the Society*

From :

Shri/Smt.....

Flat No.....

Murnbai Date :

To,

The Chairman,

..... Co-operative Housing Society Ltd.

Dear Sir,

I Shri/Smt a member of the society holding share certificate no jointly with Shri/Smt do hereby state that my name stands first in the share certificate and that Shri/Smt..... whose name stands second in the share certificate desires to contest election to the managing committee of the society for the year

Since I do not wish to participate in the said election and since I have no objection to Shri/Smt contesting-the said election I hereby surrender all my voting rights in favour of Shri/Smt..... to enable him/her to contest the ensuing election to the managing committee and to hold office of the committeeman, if elected.

I hereby declare that I will not participate in any manner in general meeting of the society or in election matter till such time as Shri/Smt..... if elected, continues to hold the office of the committeeman.

Yours faithfully,

(Signature of the Original Member)

APPENDIX-11

[Under the Bye-laws Nos. 20 and 43 (2) (ii)]

The Form of application for Nominal Membership by the sub-lettee the Licensee or the Caretaker or occupant.

To,

The Secretary

..... Co-operative Housing Society Ltd..

Sir,

Shri/Shrimati/Messrs

..... have entered into an agreement as per copy enclosed, with Shri/Shrimati and holding Flat No in the building of the Society, for sub-letting/giving on care-taker basis/leave and licence basis the said flat/part of the said flat.

I/We request you to admit me as a nominal member of the society

I/We remit herewith the entrance fee Rs. 100/-.

I/We are aware that being a nominal member, I/We have no rights or privileges of a member and cannot claim any share in any form in the profits or assets of the society.

I/We undertake to vacate the flat/part of the flat peacefully immediately on expiry of the period of agreement or the extended period.

I/We have gone through the bye-law of the society and undertake to abide by them with any modifications, the Registering Authority may make in them. I/ We hereby undertake that we shall be liable for the payment of all the outgoings of the society.

The consent of Mr for my/our admission as a nominal member of society is given below.

Place :

Yours faithfully

Date :

I, Shri/Shrimati a member of the Co-operative Housing Society Ltd., give my consent for Mr to be admitted as a Nominal Member of the Society

(Signature of the Member)

APPENDIX-12

[Under the Bye-laws No. 24 and 76 (a)]

*The form of Letter of Allotment of the Flat to the
Member of the Society.*

To.

Shri/Smt./Messrs

Dear Sir,

You are the member of the Co-operative
Housing Society Ltd. having address at
registered or deemed to be registered under the Maharashtra Co-operative Societies Act,
1960 by the Assistant /Deputy /Joint Registrar of Co-operative
Societiesunder No dated

2. You have purchased the Flat No admeasuring
..... sq. metres, constructed in the building
No...../known as..... on the plot No.....
of..... admeasuring..... sq. metres. The said
flat is deemed to have been allotted to you under bye-law No. 76(a) of «
the bye-laws of the society/The Flat No admeasuring
..... sq. metres, in the building of the society numbered/known
as Constructed on the plot No..... of
..... admeasuring sq. metres stand allotted
to you under bye-law No. 76 (a) of the society on transfer of interest in the said
flat by Shri/Shrimati
to you and approved by the general body meeting of the society held
on

3. You will enjoy the right of occupation of the said flat as provided under the bye-law
No. 24(a) of the bye-laws of the society.

4. So long as the said flat stands in your name in the records of the society, your right
of occupying as per the bye-laws of the Society, concerning sub-letting, giving on leave and
licence or care-taker basis the said flat or part thereof or parting with its possession in any
other manner, maintenance of the flat by the member and repairs to it, additions and
alterations in the flat, avoiding any kind
of nuisance, annoyance or inconvenience to other member of the society, stocking
or storing of any kind of goods or materials, which are combustible, abnoxious

or other goods for the storing of which permission of the authority, under any law, relating thereto, is necessary, restrictions on holding more than one flat, payment of charges of the society, transfer of shares held by you and your interest in the capital/ property of the Society, use of the flat for the purpose mentioned in para 5 below, change of user and any other conditions laid down under these bye-laws but not specifically mentioned hereinabove.

5. The flat deemed to have been allotted to you shall be used for the purpose mentioned below :

(State here specifically the purpose for which the flat in question was allotted / deemed to have been allotted by the society).

6. Any breach/breaches of the bye-law / bye-laws of the Society which is/ are considered by the Managing Committee of the Society of serious nature shall render you liable for expulsion from membership of the society and consequent eviction from the flat.

Yours faithfully,

Place

Date :

Secretary/Chairman

..... Co-op. Housing Society Ltd.

APPENDIX-13

[Under the Bye-law No. 27 (a)]

The Form of Notice of Resignation of Membership of the Society by a member.

To.

The Secretary

..... Co-operative Housing Society Ltd..

Sir.

I/We/Shri/Shrimati/Messrs

are a member of the Co-operative

Housing Society Ltd, having address at

holding Shares a Rupees fifty each, amounting to Rs.....

And the Flat No.....in the building of the society numbered/known as

I/We desire to withdraw from the society and therefore give you a notice of three months of our intention to resign membership of the society, as required under the Bye-law No. 27(a) of the bye-laws of the society.

I/We hereby state that I/we/am are prepared to discharge in full the amount of liability to the society as per records of the society before my/our resignation is considered by the Managing Committee of the society.

OR I/we authorise the society to recover the charges of the society, due to me from the value of my interest in the flat.

On acceptance of my/our resignation, I/we will surrender the share certificate Nofor shares numbering fromto..... (both inclusive) for Rs to the society and the vacant possession of the flat for being acquired by the society purchasers or transferee. I request you to please pay me/us the value of the shares referred to above and the value of my/our interest in the flat, due to me, after deducting the amount payable to the Society and outstanding against me /us.

Yours faithfully,

Place :

Date :

APPENDIX -14

[Under the Bye-law No. 32]

FORM OF NOMINATION TO BE FURNISHED IN TRIPLICATE

To,

The Secretary

..... Co-operative Housing Society Ltd.

Sir,

I, Shri/Shrimati am the member of the Co-operative Housing Society Ltd., having address at

2. I hold the share certificate no dated fully paid up shares of Rupees fifty each, bearing number from to (both inclusive), issued by the said society to me.

3. I also hold the Flat No..... admeasuring sq. metres, in the building of the said society, known'numbered as

4. As provided under Rule 25 of the Maharashtra Co-op. Societies Rules, 1961 I hereby nominate the person/s whose particulars are as given below.

Sr. No.	Name/s of the Nominee/s	Parmanent Addressess of the Nominee/s	Relationship with the Nominator	Share of each Nominee (percentage)	Date of Birth of Nominee/s if the Nominee/s is a minor
1	2	3	4	5	6
1)					
2)					
3)					
4)					
5)					

5. As provided under Section 30 of the Maharashtra Co-operative Societies Act, 1960, and the Bye-laws no 36 of the Society I state that on my death the Shares mentioned above and my interest in the flat, the details of which are given above, should be transferred to Shri/Shrimati..... the first named nominee, on his/her complying with the porvisions of the Bye-laws of the society regarding requirements of admission to membership and on furnishing Indemnity Bond, alongwith the application for membership, indemnifying the society against any claims made to the said shares and my interest in the said flat by othe other nominee/nominees.

'Indemnity Bond is not required to be furnished in case of a single nominee.

6. As the nominee at Sr. Nois the minor, i hereby appoint Shri/Shrimati..... as the guardian/legal representative of the minor to represent the minor nominee in matters connected with this nomination.

Place

Signature of the Nominator Member

Date

Witnesses :

Name and Addresses of Witnesses.

(1) Shri/Shrimati
Address

(1) Signature of the Witness

(2) Shri/Shrimati
Address.....

(2) Signature of the Witness

Place :

The nomination was placed in the meeting of the managing committee of the society held on _____ for being recorded in its minutes.

The nomination has been recorded in the nomination register at Sr. No. _____

Date :

Secretary

_____ Co-op. Housing Society Ltd.

Received the duplicate copy of the nomination.

Date

Nominator-Member

APPENDIX-15

[Under the Bye-law No. 34]

The Form of application for Membership by the Nominee /Nominees

To,

The Secretary,

..... Co-operative Housing Society Ltd.,

Sir,

I/We Shri/Smt./Messrs hereby make an application for membership of the Co-operative Housing Society Ltd., and for transfer of shares and interest of Shri/Shrimati Deceased member of the society, in the capital/property of the society.

Shri/Shrimati was a member of the society holding Shares of Rs. fifty each and Flat No in the society's building.

Shri/Shrimati the deceased member of the society died on A copy of the death certificate of the said member is enclosed.

The late Shri/Shrimati the deceased member of the society had nominated me/us under Rule 25 of the Maharashtra Co-operative Societies Rules 1961.

Being the only nominee/authorised nominees as per nomination filed with the society by the deceased member, I/we am/are entitled to make an application for membership of the society and for transfer of shares and interest of the deceased member in the capital/property of the society to my/our name.

I/We have executed the Indemnity Bond in favour of the society indemnifying it against any claim made at any subsequent time by other nominee/nominees to the shares and interest of the deceased member in the capital/property of the society. The said Indemnity Bond is enclosed herewith. [Appendix 18(1)]

IAA/e remit herewith an amount of Rs. 100/- as entrance fee. My particulars for the purpose of consideration of my application for membership of the society are as under :

Age	:
Occupation	:
Monthly Income	:	Rs.....
Office Address	:
Residential Address	:

I give below the particulars of the plot/flat/house owned by me or any of the members of my family/person dependent on me in the area of operation of the society.

S. NO	Name of the Person	Particulars of the plot/flat/house owned by the applicant or by any of the members of his family or a person dependent on him in the area of operation of the society.	Location of the plot/flat/house
1	2	3	4

I/We undertake to use the flat for the purpose for which it was allotted to or acquired by the deceased member and that any change of user will be made with prior approval of the society. The undertaking in the prescribed form to that effect is enclosed. (Appendix 3)

I/We enclose herewith the undertaking and the declaration, in the prescribed forms, in respect of the registration of transfer of the resignation of transfer of the flat to my/our name under Section 269AB of the Income-tax Act and about non-holding of immoveable property in excess of 500 sq. mtrs. under the Urban Ltnd (Ceiling and Regulation) Act. (Appendix 25)

IAA/e undertake to discharge the present and future liabilities to the society/ As I have no independent source of income, I enclose herewith the undertaking in the prescribed form (Appendix 4) from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

IAA/e have gone through the bye-laws of the society and undertake to abide by the same and any modifications that the Registering Authority may make in them.

I/AVe request you to please admit me/us as a member of the society and transfer the shares and interest of the deceased member in the capital/property of the society to my/our name. The share certificate held by the deceased member is enclosed herewith.

Yours faithfully,

Place :

Date :

Note : (1) The expression "a member of* a family" means as defined under bye-law No/ 3(xxv)

(2) The undertaking about registration of the flat is not necessary if the nominee is related .to the deceased member within the meaning of Section 2(41) of the Income-tax Act.

APPENDIX-1 6

{Under the Bye-law No. 35]

The Form of Notice, inviting claims or objections to the transfer of the shares and the interest of the Deceased

Member in the Capital/Property of the Society.

(To be published in two local newspapers having large publication)

NOTICE

Shri/Smt.....
a Member of the Co-operative Housing
Society Ltd., having address at and holding
Flat No..... in the building of the society, died on.....
without making any nomination. .

The society hereby invites claims or objections from the heir or heirs or other claimants/objector or objectors to the transfer of the said shares and interest of the deceased member in the capital/property of the society within a period of days from the publication of this notice, with copies of such documents and other proofs in support of his/her/their claims/objections for transfer of shares and interest of the deceased member in the capital/property of the society. If no claims/objections are received within the period prescribed above, the society shall be free to deal with the shares and interest of the deceased member in the capital/property of the society in such manner as is provided under the bye-laws of the society. The claims/objections, if any, received by the society for transfer of shares and interest of the deceased member in the capital/property of the society shall be dealt with in the manner provided under the bye-laws of the society. A copy of the registered ! bye-laws of %the society is available for inspection by the claimants/objectors, in the office of. the society/with the Secretary of the society between A.M. / P.M. to A.M./P.M. from the date of publication of the notice till the date of expiry of its period.

For and on behalf of

The..... Co-op. Housing Society Ltd.

Place : Hon. Secretary

Date :

APPENDIX-17

[Under the Bye-law No.. 35]

*Application for Membership by the Heir of the Deceased
Member of the Society.*

To,
The Secretary,
..... Co-operative Housing Society Ltd.

Sir,
I, Shri/Smt..... hereby make an
application for membership of the
Co-operative Housing Society Ltd., having address at
and for transfer of shares and interest of the deceased member of the society, in
the capital/property of the society

Shri/Smt who was a member of the
society and holding shares of Rs. Fifty each and the
Flat No in the society's building, died on
without making a nomination, His/Her death certificate is enclosed.

I hereby state that I am the only heir of the said deceased member/
there are heirs of the deceased member and all of the
heirs have made an affidavit choosing me to make an application for membership
of the society and for transfer of shares and interest of the deceased member in the
capital/property of the society to my name. The affidavit in original is enclosed.

I have also executed an Indemnity Bond in favour of the society Appendix
18(2), indemnifying it against any claim made by any other person/persons or heir/
heirs at any subsequent time in respect of the shares and interest of the deceased
member in the capital/property of the society.

I remit herewith an amount of Rs.100/- as entrance fee.

My particulars for the purpose of consideration of my application for mem-
bership are as under:

Age :
Occupation :
Monthly Income : Rs.....
Office Address :
Residential Address :

I give below the particulars of the plot/flat/house owned by me or any of the members of my family or person dependent on me, in the area of operation of the society.

S. No	Name of the Person	Particulars of the plot/flat/house owned by the applicant or by any of the members of his family or a person dependent on him in the area of operation of the society.	Location of the plot/flat/house
1	2	3	4

I undertake to use the flat for the purpose for which it was held/acquired by the deceased member and that any change for user will be made with the prior approval of the society. The undertaking in the prescribed form to that effect is enclosed herewith. (Appendix 3)

I also enclose herewith the undertaking and the declaration in the prescribed forms that I will disclose of the Plot/flat/house, owned by me or any of the members of my family, or the person dependent on me, the details of which are given above.

I enclose herewith the undertaking and the declaration in the prescribed forms about registration of the transfer of the flat to my name under Section 269 AB to the Income-tax Act and about non-holding of immoveable property in excess of 500 sq.mtrs. under the Urban Land (Ceiling and Regulation) Act.

I undertake to discharge all the present and future liabilities to the society/ As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

I have gone through the bye-laws of the society and undertake to abide by the same and any modifications that the Registering Authority may make in them.

I request you to please admit me as a member of the society and to transfer the shares and interest of the deceased member in the capital/property of the society to my name. The share certificate held by the deceased member is enclosed herewith.

Place :

Yours faithfully

Date :

Note : (i) The expression "a member of a family" means as defined under Bye-law No. 3, (xxv) (ii) The undertaking about registration of the flat is not necessary if the heir is related to the deceased member within the meaning of Section 2(41) of the Income-tax Act.

APPENDIX-18

[Under the Bye-law No. 34]

FORM OF INDEMNITY BOND

To be given on Stamp Paper of Rs. 200 or to be affixed with adhesive stamps of the same denomination.

(To be given where there are more nominees than one)

1. Shri/Shrimatiof..... Indian inhabitant State as under :

2. Shri/Shrimati residing at was the member of the Co-operative Housing Society Ltd. having address at He/She was holding Share Certificate Nofor five fully paid up shares of Rupees Fifty each, bearing distinctive numbers from to (both inclusive).

3. The said Shri/Shrimati was holding the Flat No onfloor, in the building of the society, known/numbered as constructed on the plot of land, bearing No..... at

4. The said Shri/Shrimati had nominated the following persons under Rule 25 of the Maharashtra Co-op. Societies Rules 1961.

- (i) Shri*Shrimati.....
- (ii) Shri*Shrimati
- (iii) Shri*Shrimati
- (iv) Shri*Shrimati
- (v) ShrrShrimati.....

5. I am duly authorised by the above nominees to make an application for membership in the society

6. The said Shri/Shrimati died on or about.....

7. According to the bye-law No. 34 of the bye-laws of the said society I am entitled to make an application for membership of the said society and for transfer of the said shares and interest of the said shares and interest of the said deceased member in the said flat to our names. Accordingly, I have made an application for membership of the said society and for transfer of the Shares and the interest of the said deceased member in the said flat to my name.

8. We hereby indemnify and keep indemnified and harmless the said society and its office-bearers against any claim demand, suit or other legal proceedings by other nominee/nominees claiming either lawfully and/or equitably, through the said deceased Shri/Shrimati.....

We further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand, suit and/or legal proceedings which may be filed by other nominee/nominees either lawfully and/or equitably claiming through the said deceased member of the society.

9. We are conscious of the fact that the society will admit us as its Joint/ Associate members in place and instead of the said deceased member of the society on the basis of this indemnity and undertaking.

Signatures of applicant

Place :

Date :

Signatures of nominees

1)

2) 3)

Witnesses

(i) Name :..... (i) Signature of the Witness.....

Address :

(ii) Name (ii) Signature of the Witness

Address :

Place :

Date

APPENDIX-19

[Under the Bye-law No. 35]

FORM OF INDEMNITY BOND

To be given on Stamp Paper of Rs. 200 or to be affixed with adhesive stamps of the same denomination

(To be given where there is no nomination)

1. Shri/Shrmati :
of.....Indian inhabitant. State as under :

2. Shri/Shrimati residing
at..... who was the member of the
Co-operative Housing Society Ltd. having address at
died on or about..... :

3. the said Shri/Shrimati had not made
any nomination as provided under Rule 25 of the Maharashtra Co-operative Societies Rules,
1961.

4. The said Shri/Shrmati was
holding the share certificate No for five fully paid up
shares of Rupees Fifty each, bearing distinctive numbers from
..... to (both inclusive).

5. The said Shri/Shrimati was
holding the Flat No on floor, in the building
of the society, known/numbered asconstructed on
the plot of land bearing no..... at

6. The said Shri/Shrimati has left
behind me as his/her only heir/the following heirs.

- (i) Shri/Shrimati
- (ii) Shri/Shrimati
- (iii) Shri/Shrimati
- (iv) Shri/Shrimati
- (v) Shri/Shrimati

I am the only heir of the deceased Shri/Shrimati
..... I inherit his/her shares,

and his/her interest in the said flat. According to the bye-law No. 35 of the bye-- laws of the said society, I am entitled to make arj application for membership of the said society and for transfer of the said shares and the interest of the said deceased member in the said flat to my name. Accordingly, I have made an application for transfer of the said shares and the interest of the said deceased member in the said flat to my name.

OR

According to the bye-law No. 35 of the bye-laws of the society, all the above heirs have jointly made an affidavit, and to make an application for Joint/Associate membership of the said society and for transfer of the said shares and the interest of the said deceased member in the said flat to our names. Accordingly, we have made application for Joint/Associate membership of the said society and for transfer of the said shares and the interest of the deceased member in the said flat to our names.

7. We hereby indemnify and keep indemnified and harmless the said society and its office-bearers against any claim, demand, suit or other legal proceedings by any other heir/heirs, either lawfully and/or equitably, through the said deceased Shri/Shrimati
We further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand, suit and/or legal proceedings which may be filed by any other heir/heirs either lawfully and/or equitably claiming through the said deceased member of the society.

8. We are conscious of the fact that the society will admit us as its Joint/ Associate member in pffce and instead of the said deceased member of the society on the basis of this indemnity and undertaking.

Place :

Date :

Signatures

- 1)
- 2).....
- 3).....

Witnesses

(i) Name : (i) Signature of the Witness

Address :

(ii) Name : (ii) Signature of the Witness.....

Address :

Place :

Date :

APPENDIX-20 (1)

A From of Notice of intention of a member to transfer his Shares and Interest in the Capital/Property of the Society.

To,

The Secretary,

..... Co-op. Housing Society Ltd.

.....

Sir,

I/We Shrimati/M/s.....Member of the
..... Co-op. Housing Society Ltd. Having
address atand holding five fully paid up
shares of Rupees Fifty each, bearing distinctive numbers

From-.....to.....(both inclusive) and the
Flat No..... admeasuringsq.mtrs, in the building of the
society, numbered/known as..... hereby give you notice as required
under Rule 24 of the Maharashtra Co-operatives Societies Rules, 1961 as under:

I/We Shri/Shrimati/M/s.....
Intend to transfer my/our shares and my/our right, title and interest in the flat in the building
of the society and my/our interest in the capital of the society
to Shri/M/s.....
for consideration of Rs.....

The consent of the transferee in enclosed.

Yours faithfully,

Place :

Date :

Encl : 1) Consent letter from the transferee.

APPENDIX-20 (2)

[Under the Bye-law No. 38 (a)]

*A Form of letter of consent of the Proposed Transferee for the transfer
of the shares and interest of the member (Transferor) to him (Transferee).*

To,
The Secretary,
..... Co-op. Housing Society Ltd.

Sir,
Shri/Shrimati/M/s
..... member of

Co-operative Housing Society Ltd. Propose/proposes to transfer his/her/their
shares and interest in the capital/property of the society to me/us, I/We hereby give
my/our consent for the proposed transfer of shares and interest of

Shri/Shrimati/M/s -
in the capital/property of the society to me/us as required under Rule 24(1)(b) of
the Maharashtra Co-operative Societies Rules, 1961.

My/our name and address is as under :

Place :

Yours faithfully,

Date :

APPENDIX-21

[Under the Bye-law No. 38(e)(i)]

*Form of application for Transfer of shares and interest in the
Capital/Property of the Society by the Transferor
(being an individual)*

To

The Secretary,

..... Co-op. Housing Society Ltd.

Sir,

1. I Shri/Shrimati :.....
am the member of the Co-operative Housing Society
Ltd. having address at..... and holding the
Share Certificate No..... for five fully paid up shares of
Rupees Fifty each, bearing distinctive numbers from to
..... (both inclusive) and holding the Flat No.....
admeasuring sq. mtrs., in the building of the said society
numbered/known as.....

2. I had given you notice of my intention to transfer the said shares and
my interest in the capital/property of the society on,.....
as required under Rule 24(1)(b) of the Maharashtra Co-operative Societies
Rules, 1961, along with the, consent of the proposed transferee,
Shri/Shrimati/M/s

3. I enclose herewith the application in the prescribed form for membership of
the said society by the said proposed transferee.

4. I remit herewith the transfer fee of Rs. 500/- (Rupees Five Hundred only.) I
also remit herewith the amount of the premium of Rs
(Rupee only), as provided under bye-law No. 38(e)(ix) of
the bye-laws of the society.

5. I state that the said shares and the interest in the capital/property
of the said society have been held by me for a period of not less than
a year.

6. I further state that the liabilities due to the said society by me, as on the date of this application, have been fully paid by me. I also undertake to pay the liabilities, which may become due till the transfer application is approved by the Society.

7. I hereby undertake to discharge any liabilities to the said society, which related to the period of my membership with the said society and have become payable by me after cessation of my membership of said society due to any demand made by the local authority, Government or by any other authority on any account, after cessation of my membership.

8. I propose to transfer the said shares and my interest in the capital/property of the said society on the following grounds:

(i)

(ii)

(iii)

9. I furnish herewith the declaration, in the prescribed form, on ten rupee stamp paper, about non-holding Of any vacant land or land with a building in any urban agglomeration, specified under the Urban Land (Ceiling and Regulation) Act, 1976, the area of which exceeds 500 sq. metres.

10. I also furnish herewith the undertaking in the prescribed form, on twenty rupee stamp paper, about the registration of the transfer, as required under Section 269 AB of the Income-tax Act.

11.1 request you to approve the proposed transfer and inform me accordingly.

Yours faithfully

Place :

Date :

(Signature of the Transferor)

APPENDIX 22

[Under the Bye-law No. 38(e) (i)]

*Form of application for transfer of the shares and interest in the
Capital / Property of the Society by the Proposed Transferor
(being a Corporate Body)*

To,
The Secretary,
..... Co-operative Housing Society Ltd.

Sir,

1. We, M/s
are the member of the.....
Co-operative Housing Society Ltd. having address at
..... and holding Share Certificate No.....
for ten fully paid shares of Rupees Fifty each, bearing distinctive numbers
from.....to (both inclusive) and holding the Flat
No admeasuring sq. mtrs., in the building of the said
society numbered/known as

2. We had given you notice of our intention to transfer the said shares
and our interest in the capital/property of the society on
as required under Rule 24(1)(b) of the Maharashtra Co-op. Societies Rules,
1961, along with the consent of Shri/Shrimati/M/s.....

3. We enclose herewith the application in the prescribed form for membership of the
said society, by the proposed transferee, named in the notice, referred to above.

4. We remit herewith the transfer fee of Rs. 500/- (Rs. Five Hundred only). We also
remit herewith the amount of the premium of Rs
(Rupees only) as provided under bye-law No 38(e)(ii) of
the bye-laws of the society.

5. We state that the said shares and the interest in the capital/property of the said society have been held by us for a period of not less than a year.

6. We further state that the liabilities due to the said society by us, as on the date of this application, have been fully paid by us. We also undertake to pay the liabilities, which may become due till the transfer application is approved by the society.

7. We hereby undertake to discharge any liabilities to the said society, which are related to the period of our membership with the said society and have become payable by us after cessation of our membership of the said society due to any demand made by the local authority, Government or by any other authority, on any account, after cessation of our membership.

8. We propose to transfer the said shares and our interest in the capital/ property of the said society on the following grounds:

- (i)
- ii)
- (iii)

9. We furnish herewith the declaration, in the prescribed form, on ten rupees stamp paper, about non-holding of any vacant land or land with a building, in any urban agglomeration, specified under the Urban Land (Ceiling and Regulation) Act, 1976, the area of which exceeds 500 sq. metres.

10. We also furnish herewith the undertaking in the prescribed form, on ten rupees stamp paper, about the registration of the transfer, as required under Section 269 AB of the Income-tax Act, and the Rules made thereunder.

11. We have authorised Shri/Shrimati to sign the application for transfer on our behalf. A certified copy of the authority is enclosed herewith.

12. We request you to approve the proposed transfer and inform us accordingly.

Yours faithfully.

Place :

Date :

(Signature of the Transferor)

APPENDIX - 23

[Under the Bye-law No. 38(e) (ii)]

Form of application for membership of the Society by the Proposed Transferee (Being an individual) To,

The Secretary,

..... Co-op. Housing Society Ltd.

1. I, Shri/Shrimat..... intend to become a member of the Co-operative Housing Society Ltd., having address at..... by transfer of the Shares Certificate No. for five fully paid up shares of Rupees Fifty each bearing distinctive numbers from to (both inclusive) held by Shri & Shrimati..... the member of the said society and his/her interest in the Flat No admeasuring..... sq.metres in the building of the said society numbered known as held by the said Shri/Shrimati to my name.

2. I had given my consent to the proposed transfer of the said shares and the interest of the said transferor in the captal/property of the said society to me on

3. I now make this application for membership of the said society and for transfer of the said shares and the interest of the said transferor in the capital/ property of the said society to my name.

4. The particulars for the purpose of consideration of my application for membership of the Co-op. Housing Society Ltd., are given below :

Age :
Occupation :
Monthly. Income : Rs.....
Office Address :
Residential Address :

5. I remit herewith the entrance fee of Rs. 100/- (Rupees One Hundred only).

6. I declare that there is no plot/flat/house owned by me/any of the members of my family/the person dependant on me, in the area of operation of the society.

OR

I give below the particulars of the plot/flat/house owned by me/any of the members of my family/person dependent on me, in the area of operation of the society.

S. No	Name of the Person	Particulars of the plot/flat/house owned by me/the member of my family/the person dependent on me, in the area of operation of the society.	Location of the plot/flat/house	Reason as to why it is necessary to have a flat in this society
12		3	4	5

7. I furnish herewith the declaration in the prescribed form, on ten rupees stamp paper, about non holding of any vacant land or land with a building, in any urban agglomeration, specified under the Urban Land (Ceiling and Regulation) Act, 1976, the area of which exceeds 500 sq. mtrs.

8. I also furnish herewith the undertaking in the prescribed form, on ten rupees stamp paper about registration of the transfer under Section 269AB of the Income-tax Act and the Rules made thereunder.

9. I undertake to use the flat, proposed to be transferred to me for the purpose, mentioned in the letter that will be issued to me by the said society, under bye-law No. 76(a) of the bye-laws of the said society and that no change of the user of the said flat will be made by me without the prior approval of the society in writing. The undertaking to that effect in the prescribed form is enclosed herewith.

10. I undertake to discharge all the liabilities to the society, which may become due from the date of my admission to the membership of the society. /As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent, to the effect that he will discharge all the liabilities of the society.

11. I enclose herewith the undertaking in the prescribed form that the plot/flat/house owned by me/any of the members of my family/the person dependent on me, the details of which are given in this application about the disposal of the said plot/flat/house.

12. I have gone through the bye-laws of the society and undertake to abide by the same and any modifications that the Registering Authority may make in them.

13. I request you to please admit me as a member of the said society and transfer the shares and the interest of the transferor in the capital/property of the said society to my name.

Yours faithfully,

Place :

Date :

(Signature of the applicant)

Note : The expression "a member of a family" means and includes as defined under bye-law No. 3(xv).

APPENDIX - 24

[Under the Bye-law No. 38(e)(ii)]

*Form of application for membership of the Society by the Proposed Transferee
(Being a Body Corporate)*

To,
The Secretary,
..... Co-operative Housing Society Ltd.

Dear Sir.

We, Messrs having address
at intend to become a
member of the.....Co-operative Housing Society Ltd., by
transfer of the Share Certificate No..... for five fully paid up shares,
bearing distinctive numbers from to (both inclusive)
held by Shri/Shrimati the
member of the said society and his/her interest in the Flat No
admeasuring sq.metres, in the building of the said society,
numbered/named as..... to our name.

2. We had given our consent to the proposed transfer of the said shares
and the interest of the said transferor in the capital/property of the said society
to us on

3. We now make this application for membership of the said society and for
transfer of the said shares and. the interest of the said transferor in the capital/
property of the said society to our name.

4. We remit herewith the entrance fee of Rs. 100/- (Rupees One Hundred
only) & Rs. 250/- as value of additional five shares as per bye-law No. 19(B).

5. We hereby undertake to discharge all the liabilities to the society, which
may become due from the date of our admission to the membership of the society.

6. We declare on the basis of the information, given to us by the said society
that by admitting us to membership of the said society, the total membership of
corporate bodies of the said society will not exceed the limit mentioned in the
Government Order enclosed at Annexure 1, to the bye-laws of the society.

7. We furnish herewith the declaration in" the prescribed form, on ten rupees stamp paper, about hoiding/non-holding of any vacant land or land with a building in any urban agglomeration, specified under the Urban Land (Ceiling & Regulation) Act. 1976, the area of which exceeds 500 sq. mtrs.

8. We also furnish herewith the undertaking in the prescribed form, on ten rupees stamp paper, about registration of the transfer under Section 269AB of the Income-tax Act and the Rules made thereunder :

9. We undertake to use the flat proposed to be transferred to us for the purpose mentioned in the letter that will be issued to us by the said society, under bye-law No. 76(a) of the bye-laws of the said society and that no change of the user of the said flat will be made by us without the prior approval of the society in writing. The undertaking to that effect in the prescribed form is enclosed herewith.

i 10. We have gone through the bye-laws of the society and the Government Orders issued under Section 22 of the Maharashtra Co-op. Societies Act, 1960 and undertake to abide by the same and any modifications that the Registering Authority and the Government may respectively make in them.

11. Shri/Shrimati has been authorised to sign this application on our behalf. A certified copy of the authority is enclosed herewith.

12. We request you to please admit us as a member of the said society and to transfer the said shares and the interest of the transferor in the capital/property of the said society to our name.

FOR AND ON BEHALF OF THE

Place :

Date :

Signature of Authorised Person

ON A TWENTY RUPEE
STAMP PAPER

APPENDIX -25

[Under the Bye-law No. 38(e) (xi)]

A Form of declaration for not holding immoveable property in any Urban Agglomeration, specified under the Urban Land (Ceiling and Regulation) Act, 1976, exceeding 500 sq.metres

(To be given by the Transferor)

IA/ve, Shri/Smt./Messrs a member
of the Co-operative Housing Society Ltd.
at sq. metres area in the building of the society and intending
to transfer it to Shri/Smt..... intending
member of the society, hereby declare that IAA/e do not hold any vacant land or
land with a building thereon anywhere in any urban agglomeration, mentioned in
the Urban Land (Ceiling and Regulation) Act, 1976, the area of which, exceeds
500 sq. metres.

Place :

Date :

Signature of the Transferor-Member

ON A TWENTY RUPEE STAMP PAPER

APPENDIX - 26

[Under the Bye-law Nos. 17(b).- 19A (vii), 19C (iv) and 38(e) (xi)]

A Form of declaration for not holding immovable property in any Urban Agglomeration, specified under the Urban Land (Ceiling and Regulation) Act, 1976, exceeding 500 sq. metres

(To be given by the Transferee/Person seeking direct admission to membership of the Society)

IA/We, Shri/Smt/Messrs intending
member of the Co-operative Housing Society
Ltd, at Proposing to hold Flat No.....
having sq. metres area, in the building of the society,
hereby declare that I/We do not hold any vacant land or land with a building thereon
anywhere in any urban agglomeration, mentioned in the Urban Land (Ceiling and
Regulation) Act, 1976, the area of which, exceeds 500 sq. metres.

Place :

Date :

Signature of the Transferee Prospective Member

ON A TWENTY RUPEE STAMP PAPER

APPENDIX -27(1)

[Under the Bye-law No. 38(e)(xi)]

*A Form of Undertaking about the registration of the Transfer of a flat**under Section 269AB of the Income-Tax Act.*

(To be given jointly by the Transferor and the Transferee)

I/We, Shri/Smt./Messrs
a member of the Co-operative Housing Society Ltd..
..... holding Flat No in the building of the
society Shri/Smt./Messrs having
address at intending to
become a member of the abovenamed transferor, jointly undertake that we or either of us,
as is decided amongst ourselves shall furnish information in Form No. 37EE to the
Competent Authority under the Income-tax Act within 30 days of the general body meeting
at which the transfer will be approved for the purpose of registration of the transfer under
Section 269AB of the Income-tax Act.

Place : Signature of the Transferee

Date : Signature of the Transferor

Note : This undertaking is not necessary where the transfer is between two relatives, as defined in Section 2(41) of the Income-tax Act, or if the consideration for the transfer is Rs. 75,00,000/- or less.

ON A TWENTY RUPEE
STAMP PAPER

APPENDIX - 27(2)

[Under the Bye-law Nos. 19A (vii) and 19C (iv)]

*Form of Undertaking about the registration of the Acquisition of a flat under
Section 269AB of the Income-Tax Act.*

(To be given by a person seeking direct admission to the
membership of the society)

IAA/e, Shri/Shrimati/Messrs
intend to become a member of the
.....Co-operative Housing Society Ltd.,/Proposed in respect of the Flat
No in the building of the society, purchased by me/
us under the agreement under Section 4 of the Ownership Flats Act, entered into with the
Builder, declare that I shall furnish information in form 37EE to the Competent Authority,
under the Income-tax Act, within 30 days of the general body meeting at which the
application for membership will be approved, for being registered under Section 269AB of
the Income-tax Act.

Place :

Signature of the Applicant

Date :

Note : This undertaking is not necessary where the transfer is between two relatives, as
defined in Section 2(41) of the Income-tax Act, or if the consideration for the
transfer is Rs. 75,00,000/- or less.

APPENDIX-28

[Under the Bye-law No. 40]

*A Form of Intimation by the Society to the Transferee about
Exercise of Rights of Membership by him.*

To,

Shri/Shrimati/Messrs

Upon acceptance of the application for transfer of shares and interest of
Shri/Shrimati/Messrs in
the capital/property of the society, to you and upon acceptance of your application
for membership of this society simultaneously, in the meeting of the managing
committee of the society, held on on your name has
entered in the Register of Members in T Form and in the List of Members in 'J'
Form and necessary endorsement of transfer of shares held by the transferor
to your name has been made in the Share Certificate No.....
You are eligible to exercise the rights of membership of this society in accordance
with the Act, Rules and the Bye-laws of the society.

2. The said share certificate, duly endorsed in your name is enclosed
herewith.

Enclosure : Share certificate.

Place :

Yours faithfully,

Date :

Secretary

The Co-operative Housing Society Ltd.

APPENDIX-29

[Under the Bye-law No. 43 (2) (i)]

A Form of application for permission to sub-let, give on leave and licence or care-taker basis the flat or part thereof

To,
The Secretary,
..... Co-operative Housing Society Ltd.,

Sir,
I, Shri/Shrimati am the member of the Co-operative Housing Society Ltd., holding Flat No.....admeasuring sq. ft. on..... floor of the building number/named as of the society.

I propose to sub-let/give on leave and licence/care-taker basis my flat/part of the flat to the person named hereinafter under an agreement (copy enclosed) under the following circumstances :

- (i) I am required to go out of the area of operation of the society under conditions of service/on business proposition/my prolonged illness. The duration of my absence from the headquarters will not be less than years months. I cannot continue in occupation of my flat during the period of my absence from the headquarters.
- (ii) There are no facilities available at the moment in the locality of the society for education of my children. According to the information gathered by me, the provision of facilities for education of my children may require.. years/months. In the absence of these facilities, it will not be possible for me to occupy that flat/continue in occupation of the flat during the above period.
- (iii) I could not secure admission to the school for my children in the locality of the society. It may take..... months for me to secure adm*^ . to the school in the locality for my children. During this period, it will not be possible for me to occupy the flat/continue in occupation of the flat.

Note : State any reason other than those mentioned above to justify your inability to occupy or continue in occupation of the flat.

The name of the person to whom the flat/part Of the flat is proposed to be sub-let/proposed to be given on leave and licence/care-taker basis is Shri/Shrimati/
 Messrs
 residing at...../having office address
 at
 his/her/their application for nominal membership of the society in the prescribed form is enclosed herewith.

I undertake to initiate legal proceedings against the sub-lettee/licensee/care-taker on my failure to secure vacant and peaceful possession of the flat from the sub-lettee/licensee/care-taker on expiry of the original or extended period of sub-letting/licence/care-taking and to make the society the party to the proceedings required to incur and to reimburse the expenditure which the society i..w, on egal proceedings to get back the possession of the fiat/part

also undertake to pay all the charges of the society every month within the lme stipulated without any excuse from the date, I part with the possession of tre flat/part of the flat till I get possession thereof.

I also undertake to pay non-occupancy charges at the rate fixed under bye-law te). 43(C) during the period mentioned above.

request you please to grant necessary permission to sub-let/give on leave and licence/care-taker basis the flat/part of the flat to the person herein above msntioned for a period of Years/ months. In case, it becomes necessary for me to extend the period of sub-letting giving on leave and licence/care-taker basis the flat/part of the flat, I will submit an application for extending the period well in advance of expiry of the original period with due justification for extending the period.

Yours faithfully

Place :

Date :

Signature of the Applicant.

APPENDIX-30

[Under the Bye-law No. 62]

Form of application for permission to hold more than one flat

To,
 The Secretary/Chief Promoter,
 Co-operative Housing Society Ltd.,

1. I am the member/promoter of the Housing
 Society Ltd., at..... holding the Ftè Ne.
 admeasuring.....
 sq. metres, in the building NoVknown as.....

2. I intend to have additional flat in the building of your society, in my name/
 in the name of my wife/husband/son having no independent source of income/
 unmarried daughter/person dependent on me. The area of the additional flat is
 sq. metres.

3. As the number of members in the family is large/the number of persons
 dependent on me and required to stay with me is large/my business activities are
 such as need special arrangement to accommodate visitors, coming to me for
 business/(state here any other convincing reason), the additional Rat is absdutely
 necessary.

4. It is hereby declared that both the flats will be used for my/our bonafide
 residential purposes and would not be sub-let or giverr on leave and licence or
 care-taker basis or possession thereof would not be parted with any other manner,
 without the previous permission of the committee of the society.

5. I request you to please grant necessary permission for holding tha
 additional flat.

Place : Yours faithfully

Date : Signature of the applicant