

No. of Members	Strength of the M.C.		Total	Quorum in M.C.
	General	Women		
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 which is not required.

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

- 116 (a) Election of all the members of the committee shall be held once in 5 years, in accordance with the Election Regulation annexed hereto (Vide Annexure III). The retiring members of the Committee shall be eligible for re-election. If the paid up share capital is more than Rs. 10000/- then the voting shall be done by secret ballot.
- (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.
117. No Officer of the society shall have any interest, directly or indirectly otherwise than as such officer:
- (a) in any contract made with the society;
- (b) in any property sold or purchased by the society;
- (c) in any other transaction of the society, except as investment made in or loan taken from the society for provision of residential accommodation by the society to any paid employee of the society.
118. No person shall be eligible for being elected as member of the Committee or co-opted on it, if:
- (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 of 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 responsible under Section 79 or 88 of the MCS Act 1960 or has been held responsible for the payment of the costs of enquiry under Section 85 of the MCS Act 1960;
- (iv) he has without the previous permission of the society, in writing, sublet his flat or part thereof or given it on leave and licence or care-taker basis or has parted with its possession in any other manner or has sold his shares and interest in the society.
- (v) in case of an associate member, non-submission of the no-objection certificate and undertaking, as prescribed under these bye-laws, by the member.
- (vi) he is declared as ineligible as per the provisions of the Maharashtra Co-operative Societies Act, 1960 and Rules, 1961.

Election to the committee.

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

Prohibition against being interested in the society.

Disqualification for election to the Committee.

Constitution of the Committee.	119. In a general election of members, of the committee of the society on the election of two-thirds or more number of members, the returning officer or any other officer or authority conducting such election shall within seven days after the declaration of results of the election of such members, or where such election is held before the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 1966 (Mah.XXXVII of 1966), and such number of members have been elected but the committee has, for whatever reason, not been so far constituted, forward their names togetherwith their permanent address to the Registrar, who shall, within fifteen days from the date of receipt thereof by him, publish or cause to be published such names and addresses by affixing a notice on the Notice Board or at any prominent place in his office, and upon such publication the committee of the society shall be deemed to be duly constituted in determining two-thirds of the number of members, a fraction shall be ignored.
Cessation of a member of the committee.	120 (1) A person shall cease to be the member of the committee, if: (a) he has incurred any of the disqualifications mentioned under the bye-law No. 118 or; (b) he has failed to attend any three consecutive monthly meetings of the committee, without leave of absence.
Intimation of cessation if membership of the Committee.	(2) If a member of the committee attracts any of the disqualification under the bye-law No. 120(1), the committee shall record the fact in the minutes of its meeting and the Secretary of the Society shall inform the member and Registrar accordingly. Such member shall cease to be the member of managing committee on the order of the Registrar.
Restrictions on being present at the time of consideration of a matter in which a member of the Committee is interested and voting on such matter.	121. No member of the committee shall be present at the consideration of any matter, in which he is directly or indirectly interested.
Period of office of the elected committee.	122. The period of office of the committee elected under the bye-law No.116(a) shall be for 5 years.
The first meeting of the newly elected committee to be held within 30 days of its election.	123 (a) The first meeting of the newly elected and outgoing committee shall be held within 30 days from the date of constitution of the new committee as per bye-law No. 119. (b) Subject to the provisions of the bye-law No.123(a) the Secretary of the outgoing committee shall issue notice of the first meetings of the newly elected committee and the outgoing committee to the members thereof. On failure of the Secretary of the outgoing committee to convene the said meeting, the chairman of the outgoing committee shall call it. On the failure of both, the Registering Authority 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.

125. When the new committee is elected, the Secretary of the outgoing committee shall prepare the list of papers and property of the society in his custody and hand over the charge thereof to the outgoing Chairman. The retiring Chairman shall hand over the charge of the office of the Committee and all papers and property of the society, in his possession to the chairman of the new Committee, as per provisions contained in Section 160 of the MCS Act.1960.
- Note: The word 'paper' used in this bye-law and any other bye-law shall mean all or any items mentioned in the bye-law Nos. 142 and 143.
- 126 (a) Every Committee, at its first meeting, after its election, shall elect a Chairman, Secretary and Treasurer from amongst the members of the Committee.
- (b) The Chairman, Secretary and Treasurer of the society shall hold office for the period of 5 years from the date on which he is elected to be the Chairman or as the case may be by the Secretary and Treasurer, but not beyond the expiry of term of the Committee.
- Provided that he shall cease to be the Chairman, or as the case may be the Secretary or Treasurer of the society, if the motion of 'No confidence' is moved in the special meeting of the Committee called, and presided by the Registrar or such officer not below the rank of a Assistant Registrar, upon the notice given by 1/3rd 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 preceding motion of the 'No Confidence'.
127. The quorum for a Committee Meeting shall be "3/4/5/6 members of the committee. It shall not be competent for the committee to transact any business unless there is the quorum at the time of consideration of every item on the agenda of the meeting of the Committee.
128. (1) The Committee shall meet as often as necessary but at least once in a month
- (2)- In case of emergency, the Committee may place a resolutions and get the same passed by the Committee Members, However the same be placed before the next immediate meeting.
129. In the event of vacancies in the Committee, caused on account of the death, resignation, disqualification or removal of any members of the committee, by the Registrar, the Committee may fill in such vacancies by co-option on the Committee of any other members eligible to be on the Committee, irrespective of fact whether there is the quorum or not, not withstanding anything contained in the Bye-law No. 127. However, such vacancies by co-option shall not be more than two.
130. The Period of office of the co-opted member of the committee shall be co-terminus with tenure of office of the committee.
- Handing over charge by the outgoing committee.
- Election of office bearers of the Society.
- Period of office of the Chairman/ Secretary and 'No confidence' motion against either.
- Quorum for Committee Meeting.
- Number of Committee Meeting to be held in a month.
- To fill in vacancies of the committee
- The period of office of the member co-opted on the Committee.

- Resignation by a member of the Committee.
131. A member of the committee may, by a letter, addressed to the Chairman of the Society, resign his membership of the committee. The resignation shall be effective from the date it is accepted by the committee or on expiry of the period of one month from the date of the receipt of the letter of resignation by the Chairman or the Secretary of the society, whichever is earlier.
- Resignation of office-bearship of the society
132. (a) The Chairman of the society may resign his office as Chairman by a letter addressed to the Secretary of the society.
- (b) The Secretary or Treasurer of the society may resign his office as Secretary or Treasurer by a letter addressed to the Chairman of the society.
- (c) Chairman/Secretary/Treasurer's resignation will be effective only after its acceptance and handing over the charge of 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 resignation 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 even meetings of the committee to all the members of the committee, which shall state the date, time and place of the meeting and the business to be transacted thereat, in consultation with the Chairman of the society. Where the secretary of the society fails to issue such a notice and agenda of any meeting of the committee, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fail to issue a notice and agenda of any meeting of the committee the concerned Housing Federation, of which society is affiliated on its receipt of such information, may call such a meeting.
- The Chairman of the society to preside over the meetings 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.
- One Member one vote. Decisions by majority of the Committee.
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 vote.
- A special meeting of the Committee at the instance of 1/3 rd members of the Committee.
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.

137. The Secretary of the society shall attend every meeting of the committee and record its minutes and place same for confirmation before the next meeting of the committee, after the minutes are signed by the Secretary of the society and the Chairman of the meeting. In the absence of the Secretary of the Society, the Chairman of the society shall make alternate arrangements for recording minutes of the meeting.
138. The members of the Committee shall be jointly and severally liable for making good any loss, which the society may suffer on account of their negligence or omission to perform any of the duties and functions cast on them under the MCS Act 1960, MCS Rules 1961 and the bye-laws of the society.
139. Subject to the bye-law 113 the Committee shall exercise the powers and discharge the functions and duties as mentioned hereunder:

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

Joint and Several liability of the members of the Committee.

Powers, duties and functions of the Committee.

Sr.No.	Items of the Powers, functions and duties	The bye-law No. under which the powers, function or duty falls
(1)	(2)	(3)
1.	To consider acceptance of deposits from members and raising of funds	11
2.	To consider and recommend to the meeting of the general body, the rates of contribution of the Repairs and Maintenance Fund and the Sinking Fund.	13(a) and 13(c)
3.	To consider all matters relating to the creation, investment and utilisation of the Repairs and Maintenance Fund, Reserve Fund and Sinking Fund.	12(i) and (ii), 14(a), (b) and (c), 15
4.	To consider and decide the resignation received from members, associate members & nominal members	27 to 30
5.	To ensure that, nominations and revocations thereof are recorded in the minutes of the meetings of the committee.	33
6.	To take action on the report of the Secretary on Inspection of the Flats.	48(b)
7.	To take action on cases of cessation of membership, including associate and nominal membership	61
8.	To consider and decide the applications for various purposes received by the society.	65
9.	To consider and decide cases of refund of shares 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 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 69(a).	69(b)
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)
16.	To make available papers of the society for perusal if asked for by the members	32 and 27
17.	To ensure holding of every annual meeting of the general body within the prescribed period.	95
18.	To ensure that all matters required to be considered at an annual meeting of the general body are kept on the agenda of the meeting.	96
19.	To call a special meeting of the general body when required.	97
20.	To arrange for election of a new Committee prior to the expiry of the period of the existing committee.	116(a)
21.	To ensure that after elections new committee is duly constituted.	119
22.	To elect officer-bearers of the society	126(a)
23.	To ensure that a meeting of the committee is held once in a month	128
24.	To fill in vacancies of the Committee	129

25.	To consider resignation of a member of the Committee.	131
26.	To consider resignation of an office bearer of the society.	132(c)(d)
27.	To obtain securities from the paid employees of the society	148
28.	To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned.	154
29.	To execute deed of conveyance of the land and building/buildings thereon.	155(b)
30.	To take steps to maintain the property of the society in good condition and to carry out repairs to it and renewals thereof.	156 and 159
31.	To insure the property of the society	161
32.	To suggest to the general body meeting the rates of penalties for, breaches of bye-laws and to issue show cause notices	166
33.	To regulate operation of the lift of the society.	168
34.	To suggest to the meeting of the general body the games to be allowed to be played in the compound of the society.	169
35.	To consider and decide any other matters provided under the MCS Act 1960, the MCS Rules 1961 and the Bye-laws of the society, but not expressly indicated hereinabove.	
36.	To regulate parking in the society.	73 to 85
37.	To ensure that the society is affiliated to Housing Federation and its subscription is regularly paid.	6
38.	To take the decision on the complaint application in the Managing Committee Meeting and inform the concerned member of its decision accordingly.	174
39.	To enter into contract with the Architect of the society.	158(f)
40.	To scrutinise the tenders, received for construction work and to submit the same along with committee's report to the meeting of the General Body and to enter into contract with the contractor.	158 (i)

Powers of the
Chairman of the
society

140. The Chairman of the society shall have the power of overall superintendence, control and guidance in respect of management of the affairs of the society within the frame-work of the MCS Act 1960, MCS Rules 1961, the Rules and the bye-laws of the society. In case of any emergency, the Chairman of the society may be competent to exercise any of the powers of the Committee. However, while doing so he shall record the reasons thereof in writing. Any decision, so taken by the chairman of the society shall, be got ratified in the next meeting of the Committee.

Functions of the
Secretary

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

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

18.	To finalise account of the society in the required manner.	147(a)
19.	To produce records of the society before different authorities concerned with the working of the society with the consent of the Chairman.	153
20.	To prepare the audit rectification reports in respect of audit memos received from the Statutory and Internal Auditors.	154
21.	To bring breaches of the bye-laws by the members of their notices under instructions from the committee	166
22.	To discharge such other functions under the MCS Act 1960, the MCS Rules 1961 and the Bye-laws of the society and directions of the Committee and the general body meetings, as are not expressly mentioned hereinabove.	
23.	To place the complaint application with facts, before the Committee, in the coming meeting.	174

XII. MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

142. The Society shall maintain the following books of accounts, records and registers:

- (i) The Register of Members in 'I' form, prescribed under Rule 32 of the MCS Rules 1961.
- (ii) The List of Members in 'J' form, prescribed under Rule 33 of the MCS Rules 1961.
- (iii) The Cash Book
- (iv) The General Ledger
- (v) The Personal Ledger
- (vi) The Property Register
- (vii) The Share Register
- (viii) The Sinking Fund Register
- (ix) The Audit Rectification Register in 'O' form, prescribed under Rule 73 of the MCS Rules 1961.
- (x) The Investment Register
- (xi) The Nomination Register
- (xii) The Loan Register (If loan is raised).

Books and Accounts, Registers and other books to be maintained.

- (xiii) The Mortgage Register (If the property is mortgaged)
- (xiv) The Minutes book for the meetings of the Committee of the society.
- (xv) The Minute 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.

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

- (xxix) Notices 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 memos 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.

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| 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 accounts 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 avoidable circumstances, the cash on hand has exceeded the above limit, the excess cash shall be credited into the bank within the next 3 days by the Secretary or any other person authorised by the Committee to keep cash on hand. | Limit for maintaining cash on hand. |
| 146. | All payments in excess of Rs.1500/- shall be made by means of crossed A/c payee's cheques. | Payment beyond certain limit by cheques. |
| 147 | <p>(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 preceding co-operative year, prepare the Receipts and Payment 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(1) of the MCS Rules 1961, along with the list of members, as at the close of the preceding co-operative year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture, the fixtures and the office equipments etc.</p> <p>(b) In case it is not possible to finalise the annual statements of Accounts within the period mentioned in the bye-law No. 147(a), the extension of time shall be sought for under Rule 61 of the MCS Rules 1961 from the Registering Authority, by furnishing a copy of the resolution of the Committee meeting, explaining the reasons for the delay.</p> | <p>Finalisation of accounts.
Extension of time for finalisation of accounts.</p> <p>Extension of time for finalisation of accounts</p> |
| 148. | Every paid employee, holding any office in the society and handling cash and/or securities of the society, shall furnish such security as is provided under Rule 107B of the MCS Rules 1961. | Security by the employees. |

XIII. APPROPRIATION OF PROFIT

Contribution to the Statutory Reserve Fund of the society.

149. (a) After providing for the interest upon any loans and deposits and after making such other deductions as required under Section 65(1) and 66 of the MCS Act 1960 and Rule 49A of MCS Rules 1961 Twenty five percent of the net profit of all the business carried on by or on account of the society shall be placed at the credit of the Reserve Fund of the society.

Distribution of the remaining profit of society.

- (b) The remaining 75 per cent 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 preceeding co-operative year.
 - (ii) To pay honorarium to office-bearers of the society not exceeding 15 percent of the net profit to reward them for the sacrifice of their valuable time for the working of the society. However, the office bearer may take such amount of annual limit 15% or Rs.2000/-, whichever is less.
 - (iii) To allocate to a common welfare fund, such part of the profit as the annual meeting of the general body may determine to be utilised in furtherance of the objects specified in the bye-law No.5(d).
 - (iv) The balance, if any shall be carried forward or dealt within such manner as the annual meeting of the general body, on the recommendations of the Committee, may determine.

XIV. WRITING OFF OF OUTSTANDING FUND 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.

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 financial agency to the writing off the amount if the society is indebted to it, is obtained.
 - (iii) the approval of the Registering Authority is obtained. Provided that, if the society is affiliated to the District Central Co-operative Bank or any other financing agency but is not indebted to it, the permission of the Bank or the financing agency is not necessary.

Provided further that, if the society is classified as A or B at the last Audit, no such permission of the Bank or the financing agency or the Registering Authority is necessary, if there is sufficient balance in the bad debt fund, specially created for the purpose to cover the amount proposed to be written off. As per Section 67 as amended in 1994.

XV. AUDIT OF ACCOUNTS OF THE SOCIETY

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| 152. | The society may, if it considers it necessary, appoint an internal Auditor, to audit the accounts of the society, at the annual meeting of the general body and fix his remuneration. | Appointment of an Internal Auditor |
| 153. | The Secretary of the society shall produce or cause to be produced all the books, registers, records before the internal auditor and the Statutory Auditor, in the office of the society or where the records are normally kept and furnish such information as may be required by him for the conduct of the audit of the accounts of the society. | Production of books and records for audit |
| 154. | On receipt of the audit reports from the Statutory and internal Auditors, the Secretary of the society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the form 'O' prescribed under Rule 73 of the the MCS Rules 1961 and place the same before the meeting of the committee, held next after the date of the receipt of the audit reports, for its approval. Further action on the audit rectification report shall be taken as provided under the said Rule. | Preparation of the audit rectification report. |

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

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

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

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

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

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

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

Committee to enter into contract with the Architect.

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

157. The Secretary of the society, on receipt of complaints about the maintenance of the property of the society from any members of the society or on his own motion, shall inspect the property of the society from time to time and make the report to the committee, stating the need of the repairs, if any, considered necessary. The committee shall consider the report made by the Secretary of the society and decide as to which of the repairs should be carried out.

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

Upto 25 members Rs.25,000/-

26 to 50 members Rs.50,000/-

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

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

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

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

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

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

(f) The Committee shall enter into the contract with the Architect, on the basis of the terms and conditions approved at the meeting of the General Body of the society in that behalf.

- (g) The Architect shall prepare the plans and the estimate of construction of the building/buildings in consultation with the committee, which shall place the same before the meeting of General Body of the society. The Architect shall submit the plans and estimates of the construction of the building/buildings approved by the meeting of the General Body of the society to the Local Authority for sanction.
- (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.
- (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. The tenders for the work worth up to Rs. 1,00,000/- should be approved by the committee within its authority, While doing so, for getting done the good quality work, if necessary, there is no problem to approve tenders of the rate more than 10% of the tender offering lowest rate. However, the committee should ensure the quality on its own responsibility.
- (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.
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.
160. The following repairs and maintenance of the property of the society shall be carried out by the society at its costs.
- (a) (i) All internal roads, (ii) Compound walls (iii) External water pipe lines (iv) Water pumps (v) Water Storage tanks (vi) Drainage lines (vii) Septic tanks (viii) Stair cases (ix) Terrace and parapet walls (x) Structural repairs of roofs of all flats (xi) Stair-case lights (xii) Street lights, (xiii) Outside walls of the building/buildings, (xiv) All leakages of water including leakages due to rain water, and leakages due to external common pipe line and drainage line (xv) Lifts (xvi) The damaged ceiling and plaster thereon in the top floor flats, on account of the leakage of the rain water through the terrace.
- (b) All the repairs, not covered by the bye-law No.160(a) shall be carried out by the members at their cost.
- 161 (A) The society shall insure its building/buildings necessarily against risk of fire and earthquake and flood.
- Preparation of the plans and estimates of the construction.
- Inviting tenders for construction of building/s.
- Approval of the meeting of the General Body.
- Settlement of disputes with the Architect and the Contractor
- The Committee to execute the work of repairs and maintenance of the society's property.
- Various items of repairs and maintenance to be carried by the society at its cost.
- Repairs by the members at their cost.
- Insurance of the building/buildings of the society. Emergency Arrangement

- (B) The Managing Committee of each and every Housing Society shall chalk out Emergency Planning Scheme, which include below mentioned details in respect of the society and the surrounding area.
- 1) Probability of danger and analysis thereof.
 - 2) Evaluation of risk in pursuance of the probable danger.
 - 3) Response machinery .
 - 4) Important telephone numbers
 - a) Emergency telephone number of each and every member.
 - b) Telephone numbers of the officers of the Government machinery concerned with emergency management.

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

(C) As per the Juvenile Workers Act, 1986, it is prohibited to employ child labours for household work and other works and as per the provisions of said Act. If any person is found to have employed child labour for household work, then a punishment of one year imprisonment and a fine upto Rs. 20000/- can be awarded to him. The Managing Committee of the society shall display the said legal provision on the Notice Board and shall create awareness in the minds of all the members for eradication of the said evil, child labour practice.

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

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

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

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

Trees in the compound of the society.

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

XVIII. OTHER MISCELLANEOUS MATTERS

- | | | |
|------|--|--|
| 163 | <p>(i) It shall be open to the society, having regard to the importance of the matter and the specific provision made thereof under the MCS Act 1960, the MCS Rules 1961 and 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:</p> <p>(a) Hand deliver.</p> <p>(b) dispatch through post office under certificate of posting by registered post, with or without acknowledgement due.</p> <p>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.</p> | Service of notice of meeting of Communication of resolution or decision. |
| 164. | The accounting year of the society shall be that commencing on 1 st April and ending on the 31 st March. | Co-operative Year |
| 165. | The society shall have its notice Board, fixed at a conspicuous part of the building, on which shall be exhibited all notices and communications referred to in the bye-law No. 163(ii), the statement of Accounts, the Annual Reports of the committee and other matters of which notices are required to be given to all the members of society under the MCS Act 1960, the MCS Rules 1961 and the Bye-laws of the society. If there is more than one building, the similar Notice board shall be fixed in all the other buildings. | Notice Board 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 the notice of the member concerned, the breach/breaches of the bye-law/bye-laws committed by him. If the member persists in continuing the breach/breaches, the committee shall give the notice to the member to show cause as to why the penalty should not be inflicted on him for breach/breaches of the bye-law / bye laws. The General Body Meeting, after considering the say of the member and after giving hearing, may levy penalty at the rate fixed by the meeting of the General Body of the society, maximum penalty of Rs. 1000/- | Penalties for branches of the bye-laws of the society. |
| 167. | <p>No bye-law shall be made, altered or abrogated unless</p> <p>(i) a proposal to do so has been communicated to all the members, 14 days before the meeting of the general body of the society, at which it is proposed to be considered</p> <p>(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</p> <p>(iii) the making, alteration or abrogation is approved and registered by the Registering Authority.</p> | Amendments to the bye-laws of the society. |
| 168. | The Committee shall regulate the operation of the lifts, taking consideration the convenience of the majority of the members of the society. | Hours of operation of the lift. |

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

169. The meeting of the General Body of the society may, after taking 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.

Restrictions of letting or giving on leave and license basis open space.

170. The society shall not let out or give on leave and licence basis or permit any subletting, giving on leave and 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.

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

171. Notwithstanding the provisions under the Bye-law No. 170, the committee may allow temporary use of terrace or available open space of the society's building by any member, on his written application, for any function, subject to such restrictions and on payment of such charges to the society as the meeting of the General Body of the society may decide. The committee may, with the previous permission of the Local Authority, if needed, allow exhibition of advertisement boards or any part of the building including terrace on such terms and conditions as are approved by the General body meeting. If any member/members want/wants to install a solar energy water heating system or solar energy electrical system, then space shall be made available to such member/members on the terrace. The said system include A) Solar Collector, Solar Collector Stand, hot water tank, cold water tank, stand for the tank and hot water pipe line etc. and

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

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

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

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

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

XVIII. REDRESSAL OF COMPLAINTS

173. Member/Members shall submit their complaint application to any of the Office Bearers of the society, in writing, giving thereby the details of the complaint.
174. After receipt of such complaint application, the committee shall take decision thereof, in the coming Managing Committee Meeting. Such decision shall be communicated to the concerned member, within 15 days thereafter.
175. If the Member/Members are not satisfied by the decision of the committee, or does not receive any communication from the committee within 15 days, then he/ they may make complaint to the Advisory Committee constituted by the General Body of the society. The formation and powers of such committee shall be as decided by the General Body. If the concerned member is not even satisfied with the decision given by such Advisory Committee, then as per the nature of the complaint, the complainant member may approach below mentioned authorised officer.

Complaint application to be submitted to the society.

(A) REGISTRAR

Matters pertaining to following issues:-

- (a) Registration of society or misrepresentation.
- (b) Non-issuance of the Share Certificates;
- (c) Refusal of membership;
- (d) Non registration of nomination by the society.
- (e) Non occupancy charges;
- (f) Demand of excess premium for transfers;
- (g) Non supply of copies of the record and documents.
- (h) Tampering, suppression and destruction of the records of the society.
- (i) Non acceptance of the cheques or any other correspondence by the committee.
- (j) Non maintenance or incomplete maintenance of records and books of the society.
- (k) Non preparation of the annual accounts/reports, within the prescribed period;
- (l) Misappropriation/Misapplication of the funds of the society;
- (m) Defaulter/Disqualified member on the committee;
- (n) Investment of funds without prior permission;
- (o) Reconciliation of accounts;
- (p) Audit;
- (q) Non conducting of election before expiry of the term of committee.
- (r) Rejection of nomination;

Complaints to be made to the Registrar.

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

(B) CO-OPERATIVE COURT

Complaints to be made in the Co-operative Court.

Dispute between the members and/or the members of the society, which falls under Section 91 of the MCS Act 1960 such as

Dispute pertaining to:-

- (a) Resolutions of the Managing Committee and General Body;
- (b) The elections of the Managing Committee, except the rejection of nominations, as provided under Section 152-A of the MCS Act 1960.
- (c) Repairs, including major repairs, internal repairs, leakages;
- (d) Parking;
- (e) Allotment of flats.
- (f) Escalation of construction cost;
- (g) Appointment of Developer/Contractor, Architect;
- (h) Unequal water- supply;
- (i) Excess recovery of dues from the members;
- (j) Any other, like disputes which fall within the jurisdiction of the Co-operative Court.

(C) CIVIL COURT

Complaints to be made to the Civil Court.

Dispute 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 dispute which fall within jurisdiction of the Civil Court.

(D) CORPORATION / LOCAL AUTHORITY

Complaints to be made to the Corporation/Local Authority.

Matters pertaining to:-

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

(E) POLICE

Complaints to be made to the police.

Matters pertaining to:-

- (a) Nuisance carried by the unauthorised use of the flats/shop/ parking space/ open space in the society, by the members, builder, occupants or any other person.
- (b) Threatening/Assault by or to the members of the society.
- (c) Any other like matters which fall within jurisdiction of the Police.

(F) GENERAL BODY

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

Matters pertaining to:-

- (a) Non-maintenance of the property of the society by the managing committee;
- (b) Non display of board of the name of the society;
- (c) Levy of excess fine, by the Managing Committee for act of the member which is in violation of the bye-laws;
- (d) Not allowing the authenticated use of the available open spaces of the society, by the managing committee;
- (e) Not 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 of the Secretary of the society, by the member
- (b) Non acceptance of any communication by the member/managing committee.
- (c) Convening Special General Meeting provided under the bye-law No.97 and Managing committee meeting provided under bye-law No. 133.
- (d) All other like matters.

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

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

Full name of the Promoter	Signature of the Promoter
1) Shri/Smt.	1)
2) Shri/Smt.	2)
3) Shri/Smt.	3)
4) Shri/Smt.	4)
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)