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 society. It shall also publish such notice in at least two local newspapers, 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 share 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 of 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 a 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 capital/property of the society, the society shall acquire the same and pay them the 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 made in equal proportion.

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 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 their heirs/legal representatives jointly.
G) Transfer of Shares & 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 day's 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.

(b) On receipt of such notice, the Secretary of the society shall place the same before the meeting of the committee, held next after the receipt of the notice, pointing out whether the member is prime-facie eligible to transfer his shares and interest in the capital/property of the society, in view of the provisions of Section 39(2) (a) of the MCS Act 1960.

(c) In the event of ineligibility 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 original share certificate.

(ii) application for membership of the proposed transferee in the prescribed form,

(iii) resignation of outgoing member in the prescribed form byelaw No. 27 (a) Appendix No. 13

(iv) Registered agreement duly stamped.

(v) valid reasons for the proposed transfer;

(vi) undertaking to discharge the liabilities to the society by the transferor.

(vii) payment of the transfer fee of Rs.500/-;

(viii) remittance of the 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 of Sr.No. (ix) above shall not apply to transfer 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 or a registered gift deed executed by the member.

39 (a) The procedure for disposal of applications for transfer 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.

(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.

(d) The transfer made in contravention of the Act, Rules or bye-laws shall be void and not be 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 and name/names of the buildings in which their respective flats are situated.
5) The reason for exchange of flats.
6) Registered Deed of exchange with the necessary stamp-duty having been paid.

42. The procedure for disposal of application for exchanges of flats as indicated in the bye-law No.65 shall be followed by the Secretary and the committee of the society.
(I) 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, subject 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 the flat for any other genuine reasons.

43(2) No member shall be permitted by the committee, to sub-let, give on leave or 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.

(ii) he has furnished the application for nominal membership of the proposed sub-lettee, licensee, care-taker 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, on his failure to get vacant possession of the flat or part thereof on expiry of the period of sub-letting, giving on leave and licence or care taker basis the flat or part thereof or parting with his 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 in accordance with the circular issued by the Government of Maharashtra and the Commissioner for Co-operation from time to time and shall not be levied if the flat is occupied by the “Family” of the member as defined under these bye-laws.
Provided that while permitting the sub-letting, giving on leave & 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.

44. The procedure for disposal of the application for permission for 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.

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.

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 or alterations in his flat.

(b) The member, desirous of making any additions 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.

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.
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.

(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.

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 obnoxious or other goods, for the storing of which requires permit/sanction of the competent authority under any law relating thereto.

50. (a) No member shall do or suffer anything to be done in his flat which may cause nuisance, annoyance or inconvenience to any of the members of the society or carry on practices which may be repugnant to the general decency or morals of the members of the society.
   
   (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 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 willfully 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 the MCS Rules 1961.

(b) Expulsion from membership may involve forfeiture of the shares held by the member. Where the Committee decides the expulsion 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 MCS Rules 1961.

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 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 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.

(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 and interest in the property/capital of the society is not claimed by anybody else.

(vii) on cessation of right/title and interest as a member in the property of the society by way of legal attachment or sale.

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

(i) on his death
(ii) on the acceptance of his resignation by the committee
(iii) on cessation of the membership of the original member on whose behalf he occupies his 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.

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

60. The nominal member, who is the sub-lettee, 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.

(i) on the death.
(ii) on his resignation having been accepted by the Committee.
(iii) on the cessation of the membership of the original member.
(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.

Note: The words 'original member' used in the bye-laws Nos.57,58,59 and 60 mean the member with whom the associate member 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-taken basis his flat or part thereof or part with it's possession in any other manner.

61. The committee shall record the facts of cessation of member's membership of the society under the bye-law No. 57 and of associate and nominal member's membership respectively under the bye-law Nos. 58,59, and 60 in the minutes of its meeting and accordingly the Secretary of the society shall inform the concerned members in writing within 7 days of the dates of such decision of the committee.
(D) Restriction on Holding more than One Flat
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 provision of section 6 of MCS Act 1960.

(E) Liabilities of a Member and the Past Member
63. The liability of a member of the society shall be limited to his shares-holding in the society.

64. Liability of 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.

(F) Other Matters
65. (a) All the applications for (i) admission to membership of the society, including associate and nominal membership (ii) approval to the transfer of shares and interest in the capital/property of the society (iii) permission for sub-letting 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 (vii) permission for holding additional flats
(viii) permission for assigning, mortgaging or creating charge or interest in flats
(ix) permission for use of terrace and (x) 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 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 shall ensure that all the applications received by the Secretary of the society are disposed off within the maximum period of 3 months from the dates of their receipt;
(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 M.C.S Act 1960.

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

(i) The value of shares shall be decided in accordance with the provisions of Rule 23 of the M.C.S Rules 1961.

(ii) The shares and 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 at least two widely circulated newspapers 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 10 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 of the nominee/nominees or heir/heirs, respectively.
VIII. LEVY OF 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 'charges' may be in relation to the following:


68. The service charges of the society referred to at 67 (vii) above shall include the following:

(i) Salaries of the office staff, liftmen, watchmen, gardeners 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 construction work reaudit, if any.

(x) Expenses incurred at meeting 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:

(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 building/buildings of the society**: 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;

(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 installment of the loan and interest**: The amount of each installment with interest fixed by the financing agency;

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

(xi) **Insurance charges**: In the proportion of the built up carpet areas of each flat, provided that if there is an 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 borne by those who are responsible for such increased premium in proportion to the built up carpet areas of their flats;

(xii) **Lease Rent**: The built up carpet area of each flat;

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

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

(b) The Committee shall fix in respect of every flat the society charges on the basis laid down as under the bye-law No.69(a).

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.

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 MCS Act 1960. 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.

(a) On the Death of the defaulter member of the society, the overdues can be recovered from the legal heirs of the deceased member or from the occupant of the flat.
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

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 do all such things as are necessary for the purpose for which it is constituted.

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 sum credited by or payable to a member in or towards the repayment of such charges, as provided under Section 46 of the MCS Act 1960.

76. (a) The member, person/firm who had purchased the flat under any agreement under Section 4 of the Ownership Flats Act 1963, 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.

(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.
77. The Society shall cause the STRUCTURAL AUDIT of the building of the society as follows:

(1) For the building ageing 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 Engineers from the panel of 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 out by the Govt. Approved Engineer.

78. (a) Member may hold parking space/stilt if he is allotted the same, and he shall have a right to transfer 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 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.

79. No member may be entitled to utilise more parking spaces/stilts that what is allotted to him by the Committee Builder.

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.

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 still 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 still or parking space may be allotted to the same member who has earlier been allotted the still 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 still/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.
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 the 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 stilt 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 stilt/parking space, he shall pay parking charges in respect of every such stilt or parking space, as decided by the General Body Meeting.

85. Every member, having a scooter, a motor cycle, or an auto rickshaw 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.

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 MCS Rules 1961. It shall be the responsibility of the Chief Promoter of the society to convene the said 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.66, the Registering Authority shall caused it to be called.

88. Fourteen clear day’s 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.

89. (a) At the first general meeting of the society, the following business shall be transacted.

   (i) Election of a President for the meeting.

   (ii) Admission of new members (other than the Promoters) who have applied for membership of the society.
(iii) Receiving and approving the statement of accounts, as prepared by the Chief Promoter of the society, up to 14 days prior to the date of 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 in the meeting with the permission of the Chair, excepting those requiring; proper notice.

(IN ADDITION FOLLOWING ARE APPLICABLE FOR SOCIETY CONSTRUCTING FLATS FOR THEIR MEMBERS)

(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 one already appointed.

(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.
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 Registering Authority under the bye-law No.89(b).

91. The Chief Promoter of the society shall immediately after election of the officer-bearers 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), handover 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 bye-laws of the society registered by the Registering Authority.

(iii) the certificate of registration of the society.

(iv) the challans of the credit of amounts into the bank.

(v) the counterfoils of the used cheques and the used 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

(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.

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

94. The Chairman of the Provisional Committee or the Nominated Committee shall hand over the 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.
(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(1) of the MCS Act 1960.

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

(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 of 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 the audit rectification report of committee thereon.

(iv) to declare the result of the 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 Deputy 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 MCS Act 1960, MCS Rules 1961 and the bye-laws of the society.

(vii) to consider any important communication 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 provisions of the MCS Act 1960, MCS Rules 1961, and bye-laws.

(C) Special General Body Meetings

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 of 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.

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.
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.

100. In case of annual general body meeting, 14 clear day's notice and in the case of 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 a 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.

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, where there is a 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 MCS Act 1960.
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 MCS Act 1960, the MCS Rules 1961 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 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.

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

111. Subject to the provisions of the MCS Act 1960, the MCS Rules 1961 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.

112. The Management of the affairs of the society shall vest in the Committee duly constituted in accordance with the provisions of the MCS Act 1960, the Rules 1961 and the Bye-laws of the society.

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.

114. A Banking Account shall be opened by the society in the nearest State or District Central Co-op. Bank or its branch or in any scheduled co-op Bank. If account is to be opened in Nationalised Bank, then prior permission of registering authority shall be necessary and the account shall be operated upon and all acquittances and discharges shall be signed by the Secretary jointly with the Chairman or treasurer. After an account is opened, it should be informed to that effect to the Registrar within 15 days. However, investment in long term should be made in the District Central Co-operative Bank only.

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: