CHAPTER 3

MEMBER, MANAGING COMMITTEE AND RIGHTS
AND DUTIES OF THE MEMBERS

3.1 Member

Types of membership

There are 4 types of membership in the co-operative housing societies as under:

A) Original Member:

- Original member means an individual/society, trust, company whose name is included by the society in registration case or admitted as a member of the society after registration. Only such original members name is recorded on the share certificate. In case there are other members along with the original member, the name of the original member is recorded on Sr. No.1. Other members’ name recorded thereafter serially.

B) Associate Member/Co-Member:

- Associate member means a person who holds jointly a share of the society with original member but his name does not stand first in the share certificate. In case of more than one associate members, such associate members’ names are recorded in the share certificate in the serial order number 3, 4, 5, etc.

C) Nominal Member:

- Nominal member means a person admitted to membership as such and registration in accordance with the bye-laws of the society. Share certificates are not issued any. Nominal members are admitted so that necessary legal actions can be initiated u/s 91 of MCS Act, 1961. Only a Sublette, a licensee or care-taker or occupant of the flats is admitted as a nominal member.

D) Sympathizer Member:

- Sympathizer member means a person who sympathizes with the objects of the society and is admitted to the society as such.

- Rights of the Associate Members: Since more than one person made payment of the cost price in the purchase deed of flat in co-operative housing society, they gets ownership rights.

- Even though there is not mentioned the name as a owner in the purchase deed, the Associate Membership can get by paying only admission fee and with the consent of the original member. In the absence of original member and with his consent
associate member can attend the annual general body meeting, the associate member can take part in the election as a voter/candidate. In case the associate member gets elected as a committee member, he becomes office bearer also. A person, who became an Associate member by paying only admission fee, shall not get any rights in voting or election behalf the original member. It is necessary for the Associate member that his share/name is included in the ownership of property for holding share jointly. In case of Co-Operative Housing societies promoted under the authorities like MHADA, SRD and SRA, the persons whose name appears as eligible persons in annexure II only becomes the member of that society and the house provided by such Authorities given on ownership will remain in the name of original member for the period of ten years and that cannot be transferred also. Therefore, only whose name appears in Annexure II they only expected to take part in the election. Therefore, the provisions of associate members have been excluded in case of SRA/SRD and MHADA societies.

- If a shop owner is a flat owner in the co-operative housing society, then it is compulsory that to become the member of the society. In case such shop owners do not come forward to become the members of the society, the same can be informed to the Deputy Registrar who shall inform the shop owners to become the member of the society.

- If the benefits of common amenities created by the members of the society are taking by the shop owner/flat owner without being the member of the society, then society can take decision on its level regarding not providing such benefits/services to the shop owner/flat owner.

- The above rights are not available to the nominal and sympathizer members.

- Even after giving the membership form and the Managing Committee has accepted such membership, one can be considered to be member and can exercise the rights of the membership only after paying the necessary fee towards the membership. Thus even if the membership is granted by the committee, the person cannot exercise his rights of membership unless the required fee is paid to the society.

- In a co-operative housing society, if a member is holding more than one flats, during election such member can cast only one vote. In spite of owning any number of flats, the person can apply for only one share and also becomes only one membership statutorily, therefore, he get right to cast only one vote.

**Minor Member:**

- Minor member cannot enter into any contract. Therefore, all the contracts on his behalf is done through his guardian. After attaining the maturity, the minor
member can take objections against transactions regarding sale of flat done by his parents/guardian statutorily.

- The societies should not transfer the flats which is in the name of a minor member and the transaction of which is done through the Guardian unless and until, an order from the Competent Court is produced approving such transaction. The society should start the procedure only after taking proper legal advice in this matter.

**Corporate Membership:**

- A firm, company or any other body corporate can become the members of the society. However, as per the Government Resolution, more than 50% of total membership cannot be given to the firms and the company.

- It is binding to make provision in the constitution/rules of the firm or company to make provision for making available of residential places for their employee/officers.

- The firm or the company should not carry out the business which is against the objects of the society.

- The firm or the company should have objective of providing houses to its employees in its memorandum of association or articles association.

- There should be a provision in the Memorandum and Article of association of the company that they can invest their funds for purchase of the flats/shops.

It is compulsory for firm or the company to take the membership of the society. The management of the society or committee shall consist of not more than one fourth members of the firms and companies and the remaining shall be from the individual members and such provision shall be made in the bye-laws of the society.

According to the constitution of firm or company, the firm or company with provision of making available of residential place to its employee/officers, such company or firm should have to give guarantee letter to the society regarding giving details of the changes that took place time to time in the name of the concerned employee/officer and giving monthly contribution of the society. Similarly should nominate those who are going to take part in the working of the society behalf the concerned employee/officer.

**3.2 Membership, Eligibility and Procedure**

Eligibility of membership provisions is contained in Section 22(1) of the Maharashtra Co-op. Societies Act, 1960. An individual completing the age of 18, mentally sound as well as competent to contract under Indian Contract Act 1872. A
Company or firm registered under Society Registration Act 1860, Public Trust Registration Act 1860, Public Trust registered under Mumbai Public Trusts 1950. A Co-operative society registered under M.C.S. Act, 1960 i.e. Central Govt. State Govt. local Authority public trust can eligible for membership of the co-operative housing society.

However, it is necessary that they have to possess ownership rights of flat owner or tenement owner of co-op. Housing Society by legal documents.

**Conditions of admission of membership as per rule 19 of the Co-operative Act.**

1. A person / society / body corporate intending to become a member of a particular society should apply in writing for getting membership in a prescribed form.

2. Managing committee’s approval is necessary for membership application and thereafter approval of the Annual General Body Meeting.

3. Any member who wants to obtain membership should have to fulfill to norms laid down in the Act, Rule and by-laws.

4. Other than person the company firm Trust competent Authority also should have to fulfill above terms and conditions.

5. It is necessary to attach resolution regarding giving rights along with the membership application.

**3.3 Refusal of membership by housing society**

As per section 23 (1)(A), any eligible person who has been refused the membership of the society has to tender an application to the registrar together with prescribed payment Cheque. There is a provision to give such application to the office of the Dy./Asstt. Registrar in form H(1) Rule 19-A. Accordingly Registrar, who shall forward the application and amount if any so paid to the society concerned within thirty days from the date of receipt of such application and thereafter if the society fails to communicate any decision to the applicant within 60 days from the date of receipt of such application and if the society’s decision is not acceptable to them, then there is a provision to appeal with Dy/Asstt. Registrar of co-operative society.

So, Society not only receives application of registering membership but they should accept application correspondence of members without excuse and give receipts.

After receipts of such complaints application, the secretary of the society should have to make scrutiny of the complaints/ application within 7 days from the date of receipt of application and if there is any requirements of document he should inform in writing to applicant. After receiving the documents from the applicant he should put it
before the managing committee and it shall take decision thereof in the coming
managing committee meeting. Such decision shall be communicated to concerned
member is mandatory. If possible contact with necessary correspondence to the
member directly and give guidance. It will help to make decision process speedy and
in future there is end to such complaint and no prospective complaint.

It is necessary to issue share certificate to each member by registering in the societies
register book in the form of ‘I’ and ‘J’ because share certificate is a main document
of the member. In such a way if the society did not issue share certificate then by making
an application to the Registrar, request may be made to the Registrar to initiate
proceeding as per Section 79(2).

3.4  **Action on Housing Society level and Provision of Appeal**

a)  Co-operative Housing society has taken decision on membership application
within 3 months from the date of receiving application of member. The
decision may be affirmative or negative. If the society has not informed
affirmative or negative decision regarding membership to the applicant then the
applicant has right to make application u/s 22(2) to the Dy. Registrar Co-op.
Housing Society for deemed membership and there is a provision of hearing to
both the parties and passed legal order.

b)  If any eligible person who has been refused the membership of the society has
to make an application to Dy./ Asstt. Registrar co-op. society u/s 23(2) and
seek justice. The Dy./Astt. Registrar gives his decision on the said appeal by
calling both the parties’ applicant and housing society.

c)  In above cases, if the decision of court is not in favor of applicant then there is
a provision to approach in revision appeal to the Divisional Joint Registrar and
can seek justice. Justice can be seeking by admitting writ petition in the
Hon’ble High Court against the verdict of the Revision Appeal.

d)  It is necessary on the part of the society to take approval of the general body
meeting for the challenging the decision in the above serial No. ‘A’ and ‘B’.
Thereby the number of appeals make out of personal rivalry would be
minimized.

E)  If the society has not challenged the orders issued by the Registrar, and
membership also not given to the concerned member then that it is necessary
that such member should have to make an application to the Registrar and the
Registrar would issue directives under section 79(2) (A) on it and even there
after the society did not obey the directives then by appointing Authorised
officer u/s. 79(2)(B) the proceeding of giving membership would be done.
3.5. **Nomination and Membership of Nominees transfer procedure**

According to sub rule no. 32 and 33, the member can make an application in the prescribed form to the society for nomination. The acknowledgement of the nomination by the secretary shall be deemed to be the acceptance of nomination by the secretary. No fees shall be charged for recording the first nomination. If member has revoked his first application in writing, then after that every fresh nomination shall be charged a fee of Rs. 50/- society has no right to refuse nomination.

If member has registered his nomination then earlier deemed to be cancelled.

On receipt of the nomination it is binding on the secretary to register the nomination in the register book within seven days by taking note in the first managing committee meeting. Similarly to adopt the same procedure as per sub Section 33 is binding for second time nomination was given by cancelling previous nomination.

Subject to the provision of the Section 30 of M.C.S. Act. 1960 by sub rule No. 34, 17(A) or 19 on the death of a member, the society shall transfer the shares and interest of the deceased member in the capital / property of the society to the nomination / nominees. In the event of death of the member nominee / nominees shall submit the application for membership. If there / are more than one nominee on the death of a member, such nominee shall make joint application to the society and indicate the name of the nominee who should be enrolled as member. The other nominees shall be enrolled as its Associate member unless the nominees indicate otherwise.

The nominees shall also file an Indemnity bond in the prescribed form indemnifying the society against any claims made to the shares and interest of the deceased member in the capital / property of the society by any of them.

A person has made nomination to the membership by nominating anyone. That nomination do not supposed acquired full right of ownership to them. They have to approach competent court and legal ownership to society and beneficiary of shares and interest in property of society and concerned person provides legal and proper documents to society.

Nomination given to member by society because of makeable the member to issue correspondence after original member’s death. Member is airing membership by nomination as trustee of property and not acquiring ownership right.

**3.6 procedure where No Nomination by Member in Society**

1. Bye law No. 35 provides that where a member of the society dies without making a nomination or no nomination comes forward for transfer, the society after knowing this shall display such a notice in the prescribed form exhibited on the
notice board of the society. It shall also publish such notice in at least two local news papers having wide circulation.

2. The society should invite claims regarding property or objections of deceased member through this notice.

3. The Managing Committee by considering the claims received after the notice should select the legitimate representative of the deceased member as per provisions of the bye laws No. 17 (a) and 19. Provided that he gives 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 above taking and the society could approve the membership.

4. If there is not one such person and there are more than one person then such nominees shall make a joint application to the society. Society should give first person membership and to others co-membership. Such person should not be owner by this transfer. He should be a trustee. The society should make aware of this fact to them.

5. Society should also make aware to them that legal heirship certificate from the competent court regarding ownership of the property is essential.

6. However, if there is no consensus among the person came forward after this notice the society can inform to all such members claiming heirship that they should bring legal heirship certificate from the competent legal machinery and then only membership will be transferred.

3.7. Rights to member.

The member of the Co-operative housing society gets following rights once he gets membership.

1. Right to possession of his flat.

2. Right to appoint associate member / nominal member.

3. Right to receive a copy of bye - laws.

4. A member shall have a right to inspect free of cost books register documents etc as provided in section 32 (1) of the Act and get copies of accounts. The documents as provided u/s 32 (2) of the Act on payment of the fees prescribed under the bye-law No-172 and inspect the document of society.

5. Right to attend Annual General Meeting.

6. Member has a right to fill application for election if he is not defaulter.
7. Right to vote in election of the society.

8. The member gets right to make nomination of his share.

3.8. **Right of Members (vide Section 32 of the Co-op societies Act 1960)**


2. Copy of Audit Report.

3. List of members

4. Registration book of member. (I and J form)

5. Minutes of the managing committee meeting.

6. Minutes of Annual General Body meeting and special general body meeting

7. Copies of the account in which such members’ transaction are recorded.

Despite above provisions, members did not get the copies of the documents for observation. In such circumstances, first seek justice to the complaint redressel committee existed on the housing society level. Even after this complaint was not redressed then the justice can be sought from the Registrar of the society. Registrar officer should redress grievances by giving direction under the provision of the section 79(2) and its sub- sections.

3.9 **Responsibilities and duties of members**

1. Maintenance of flats by members carefully and clean it.

2. Attend all the general body meetings of the society.

3. To pay the maintenance charges and other dues regularly.

4. To obey provision in bye-laws.

5. Not to do any act contrary to the interest of the society.

6. To respect the members of society as members of a family and co-operate in the working of the society and to the managing committee.

7. To observe accurately the rules made by the Annual General Body meeting from time to time regarding utilizing facilities provided by the society.

8. No member should sublet his flat without prior permission of society. The nearest give a copy of giver and taker agreement duly registered to the society
and one application copy to the police station with agreement copy and provided all documents of this proposal to the society.

9. No member shall, without the previous written permission of the managing committee can make any additions to or alteration in his flat.

10. No animal, birds should be kept in the compound /flat/bungalow of the society without prior permission of the society and local authority. The society should make code as per the provisions in the law regarding pet animals by making resolution in the general body meeting.

11. The member can use his flat for the purpose of dispensary, consulting room, nursing home, flour mill, coaching classes, cradle home, beauty parlour etc. as per the bye-law No.3. However, it is obligatory on him to obey the code of conduct if made by the general body meeting in such a way that there would be no nuisance to other members in the society by this profession.

12. Vehicles should be parked in the compound of the society as per the provision in the Rule made by the society and as per its instruction.

   If member wants to do internal structural changes in his flat, he has to obtain permission and approval from Municipal Corporation and competent authority. If such changes were made without the prior permission of the society, then the society can take action under the Bye-law No. 166 of the model Bye-laws and similarly can make complaint to the local authority in this regard.

3.10. **Transfer of flat and transfer fee**

1. A member should not transfer his ownership of flat to others before completing one year, to his membership of the society.

2. A member has got ownership of a flat through court or heirs by order of court above condition of one year is not applicable.

3. Even though there is no necessity of No objection certificate for transfer of flat, according to rule 24 of the Rule 1961, he has to give 15 days’ notice to society before transferring of flat.

4. On receipt of such notice, the Secretary should place the same before the meeting of the committee and take decision thereof before 30 days and inform such decision to the member within 8 days from the decision of society.

5) If any member has demanded No Objection Certificate from the society for transfer, the responsibility of the chairman/secretary is to approve the same and if it is not possible to issue NOC then the reasons for it should be communicated to the member within eight days.
6) For transferring the membership to the nominated heirs/persons after the death of the member, the managing committee should proceed as per the provisions in Rule 25 of section 30 of the Co-operative Act.

7) It is necessary to take decision within three months on receipt of the application for transferring the share and the decision should be communicated.

8) If Society has not taken any decision within the 3 months stipulated period as per provision in Section 22(2) and society has denied such application there is a provision to appeal before the Register u/s 23(2).

9) If Society does not accept the application of transfer from member, the member can make application to the Society through Registrar of Co-operative Societies.

10) It is obligatory on the part of the Society to take decision within 60 days on such application received from the Registrar.

11) For transfer of flat, the member has to produce necessary legal documents according to Bye-law No.38(E).

12) It is necessary to deposit admission fee, transfer fee and transfer premium along with transfer application.

13) Amount of Premium shall be maximum Rs.25,000/-. Similarly it shall be Rs.25,000/- or the amount which was approved by the General body meeting of the society whichever is less. The said provision is applicable to all the flat and plot owner’s of society.

14) Transfer premium is not necessary for deceased member, mutual transfer among two members of the society or transfer among family members.

15) Society will provide no objection certificate if demanded by member to produce the same for the loan from the financial agencies. If society is not able to give such certificate of N O.C, they have to inform concerned person in writing within 15 days.

16) If the Society refuses to issue N O. C. then member has a right to seek justice from three members committee or making an application to the Registrar.

17) Registrar of Co-operative Societies will give his verdict on the applications regarding NOC received against the decision of the society after hearing all concerned. Such verdict shall be binding on society and member. All the above provision are applicable to flat, tenement, shop, bungalow/plot, garages etc.
3.11 Regarding Sale of Flat /Commercial Premises Gala or giving it on rent basis:-

It is not necessary for member of the co-operative housing society to take permission of the society before selling the Gala. However, it is necessary to make payment of service charges due to the society and other amount as per provision in the bye-laws before selling the flat.

If a member of the society is not residing in his ownership flat and he wants to give his flat on sublet, he can submit such an application to the society and it is necessary to take prior permission of the society as per bye-law No.43. It is necessary on the part of the society to convey the decision on the application within 15 days on receipt of the application.

3.12 To issue NOC for taking loan on Flat /For construction /for Repairing / for utilization etc.

1) A Member is not allowed to take mortgage loan from any financial Agency without prior permission of the society.

2) If Society not given any reply to member regarding permission, then member can make a complaint to the Registrar u/s. 79(2) for giving direction to the society.

3) When member is required mortgaging flat for purpose of education, health etc. in such a situation society has to help them by issuing proper certificate required to financial agency. Chairman, secretary of the society may issue certificate without delay in prescribed format and this matter should be informed to other committee members in the next subsequent meeting of the managing committee. Similarly it should be noted in the mortgage register after receiving Bank letter.

4) If the society has not taken any action on such proposal and not issued certificate, the Registrar has power to appoint competent officer and make an arrangement to give certificate (as per provision u/s. 79 (2)(b) ) financial agency or Banks should have to consider this NOC. Member has to give Indemnity Bond to concerned authority.

5) If financial agency/Banks inform in writing then it is obligatory to record liability in their name in the register of the housing society. It is the responsibility of the society to register the name of the financial agency and loan amount and its repayment in the ‘I’ format Register. If the member has mortgaged his flat with financial agency and took loan against it with prior permission of the society. Similarly if the financial agency, Bank inform for removing liability, then the Society should have to remove it immediately.
6) If a member wants to take a loan for purchasing a flat from his employer where he is working, similarly, he wants to take loan from the Life Insurance Corporation of India or from the agencies or Financial agencies approved by the Commissioner, Co-operation & Registrar, co-operative societies, Pune then it is not necessary to take prior permission of the society as per bye-law No. 45.

7) If a member wants to undertake construction works or repairing works in his plot or gala or wants to utilize the gala for some other purpose then it is necessary that the concerned member should have to make an application in writing. It is obligatory on the part of the society to take proper decision on it and communicate the same to the member within one month. If the society denied or not communicated anything within the prescribed time limit then concerned member can make an application to the society Registrar and seek justice on it. Registrar, by taking hearing of both the applicant and society and after hearing their say on the matter give his decision subject to the provisions and rules and byelaws of the act. It is compulsory to the Registrar to give his decision within one month.

3.13 **Termination of membership.**

In the following circumstances membership in the housing society can be terminated.

1. Resignation by member and approved it by society.
2. If member has transferred his share/interest in the name of another member.
3. After death of the member
4. If Society’s general body meeting has cancelled the membership of the member from society and that resolution approved by the Dy Registrar / Asstt registrar of co-op. Society u/s 35.
5. Trust, company, firm dissolved or if their registration cancelled then their membership cancelled automatically.
6. If Co-operative Housing society has cancelled the membership of a member, then his membership should be deleted from Register.
7. If society has not followed provision u/s. 25(A) and not taken action on that, then deputy Registrar/Assistant Registrar may give direction to society.
8. After membership of the member terminated then the membership of the co Member /Associate Member stand cancelled automatically; or if co member /Associate member tenders their resignation on their own or died then their membership comes to end.
3.14 Duties and Responsibilities of the Managing Committee

1. Putting a board displaying name of the society, full address with registered survey No. and Registration No. near the main gate of the society which could be seen easily.
2. To raise funds for the society.
3. Recommend to the society for deciding maintenance fee, repair and deposit amount.
4. To give membership, pass the resignation of members similarly to take decision regarding nomination of the members.
5. Internal inspection of the flat.
6. To take decision on the various applications received from the members.
7. To take action against the defaulting members.
8. To issue Share Certificate to the members.
9. To call monthly meeting of the committee and finalize its minutes.
10. To determine agenda of the annual meeting and to call Annual Meeting in prescribed period.
11. To organise special general body meeting as required.
12. To make arrangement of election for the formation of a new committee before expiring the term of the managing committee.
13. To select office bearers by forming the new committee after election.
14. After taking charge of the office by the members of the managing committee, it is obligatory on them to execute bond under Section 73(1) (1AB) in M-20 (bond paper of Rs.100/- and each separately on the cost of the society) and to include the same in the record of the society. Similarly, the responsibility to inform the concerned Registrar in the regard is entrusted with Secretary.
15. It is necessary to take detailed note of taking charge, handover of record with its detailed list of the record received in the minutes of the managing committee meeting. Thereby the record regarding exactly which files received in whose possession and on which date is available with the society permanently.
16. To fill up the vacant post in the managing committee as per provision in the bye-laws and Rule No. 60(5) of Maharashtra Co-operative Rule 1961.
17. To accept the resignation of the members of Managing Committee.
18. To keep neatly the files of members and society records.
19. To finalise the financial statement of the society within 45 days at the end of the financial year.
20. To submit society’s record for Audit.
21. To make available papers mentioned in Section 32 as per members demand.
22. To take decision as per provisions in by laws and laws on the complaints received from the members.
23. To give necessary information to the members if he contacted society for selling of the flat and co-operate him for selling as per provisions in by-laws and laws.
24. To take decision on the applicant regarding letting of the flat and inform the same to the concerned member within prescribed time limit.
25. To make agreements as necessary on behalf of the society.
26. To take necessary action for keeping the property of the society in order.
27. To take insurance policy of the building and property of the society.
28. To give approval for change in utilization of flat.
29. To inspect flat of the member internally by taking prior appointment for the purposes of leakage/structural audit etc.
30. To initiate action as per provision in law if the member makes hindrance in internal inspection.
31. To sanction the amendments in laws, rules, bye-laws suggested by the government from time to time with the approval of the general body meeting.
32. It is obligatory on the part of the government to give details of the bill/bifurcation and also as per which resolution/bye-law if the members demand so.
33. It is obligatory on the part of the society to accept less amount paid by the member than the amount shown in the bill and it is necessary to give receipt of thereof.
34. There is a provision in the sub-rule about how much maximum interest to be charged. However, it is necessary to make resolution in the general body meeting about charging interest.
35. By doing structural audit of the building, necessary repairs should have been carried out with the approval of the general body meeting.
36. If the society does not have funds and if any member is ready to do leakage work on his own cost, then to form the rules in that regard and take approval of the general body meeting for the same.
37. To submit the fault rectifying report in ‘O’ form by rectifying the faults in the audit report, within three months to the Auditor and to send its copy to the Registrar.

3.15 To keep and maintain the records of the society

- It is necessary that the managing committee of the society should have to prepare all registers, books of accounts and files as mentioned in Rule 65 and Bye-law No. 142 of the Maharashtra Co-operative Societies Rules, 1961.
- It is the responsibility of the Secretary of the society to take entry in time in all registers kept in society (bye-law No. 144)
The society should have to prepare following registers permanently.

1. Managing Committee minute book
2. Register of General Body Meeting and special general body meeting.
3. All types of cash books
4. Bank Pass Book
5. Member Register
6. Bye-laws booklet
7. Audit Report
8. Papers regarding ownership of the society
9. Sanctioned plan / lay-out of the society
10. Various permissions letter regarding construction
11. Occupation certificate of the building
12. In addition to this all such papers which are necessary as per resolution of the society.

- Records of the society shall be in possession of the Secretary.
- After expiry of the tenure of the Secretary of the society, the responsibility to prepare list of the records, and hand over it as per list to the new secretary shall be of concerned Chairman, Secretary and Managing Committee.
- If the Managing Committee whose tenure is expired has not handed over the record to the new managing committee in first meeting, then the Members of that managing committee shall be liable for action under Section 146 & 147. After such action, the decision to disqualify them from contesting the election shall be taken by the Registrar of that society.
- It shall be obligatory to keep the record of the society in the office of the society only. If there is no office of the society, the managing committee should fix the place for keeping record by making resolution. It shall be obligatory to keep record in such place.
- The responsibility of maintaining the record of the society in neat and up-to-date shall be of Secretary and with him it is the responsibility of the managing committee also.
- If the members demand for the inspection of the paper of the society/ copies then it shall be the responsibility of the Secretary to examine under Section 32 and bye-law 23 of the Maharashtra Co-operative Societies Act 1960 and to issue the copy by taking necessary fee under bye law No. 172.
- The Society may appoint salaried manager for looking after day to day working of the society. For this the concerned candidate should have obtained the management diploma in Housing Co-operative Societies proposed by the Co-operation Department, or should have obtained qualification prescribed by the office of Commissioner Co-operation. The Society where members number is 50 or more then such society should
appoint a full time manager and other small societies can appoint manager collectively. The General Body decides Manager’s working terms, conditions, salary etc.

3.16 Working of the Managing Committee

- It is the responsibility of the Managing Committee to hold election before expiry of tenure as per provision in the sanctioned by laws (bye-law No. 116) and to inform the same to the Registrar of societies.
- For the availability of the Managing Committee members, the members of the managing committee should be those who are residing in the societies flat as far as possible.
- It is necessary after conducting election, the election of the office bearers should be made by the Election officer (bye-law No. 126)
- After election of the office bearers, the joint meeting of the new managing committee and previous managing committee will be held. In this meeting by preparing list of the societies record, it will be handed over to the new office bearers accordingly and to take detailed entries of it in the minutes of the management committee (bye-law No. 125)
- The Managing Committee have to work as per the provision in bye-law No. 139 and directives of the general body meeting.
- It is obligatory to follow the limit of cash in hand as per provision in by rules. If more cash in hand remained then to charge interest on it as per by law no. 72 shall be necessary.
- All payment above Rs 1000/- should be made by crossed cheque.
- It is necessary to invite price list / tender for above Rs.10,000/- expenses. The power to decide the minimum limit for this shall be with general body meeting.
- It is necessary to take action as per sub-rule No. 65 on various applications received from the members.
- The Managing Committee should give a receipt to the application received from the Members, similarly should have to give reply within 15 days as per law No. 174.
- To settle the dispute between the managing committee and members, the society have to appoint three member committee in the general body meeting. If the decision of the managing committee on the complaint of a member is not acceptable, then justice can be sought from the three member committee appointed by the general body meeting. It is binding on the three member committee to give written decision within three days from the date of application received.
• If the decision given by the managing committee on the application of issuing NOC is not acceptable then justice can be sought from the three member committee appointed by the general body meeting. Even three-member committees decision is also not acceptable then the justice can be sought from the Registrar and the decision of the Registrar is binding. Where there is no three member committee in such case, justice can be sought from the Registrar.

• It is obligatory to make an Indemnity Bond on the stamp paper of Rs. 100/-, which has to be purchased in member’s name, as per Format- 20 by each member of the Managing Committee at the cost of society after taking charge. If such bond was not made in prescribed time limit then the post stands vacant automatically the managing committee or concerned member should stop doing society’s work.

• It is binding on the managing committee to note in the minute book all subjects in the agenda as discussed actually. The subjects comprising important policy matter/ financial decision could not be taken on eleventh hour.

• It shall be the responsibility of the chairman and Secretary of the Society to write down the minutes of the meeting of General Body and special Body within three months from the date of the meeting.

• It shall be the responsibility of the managing committee to take action in time on repairing/ maintenance, internal and external leakage and illegal construction.

• If shall be the joint responsibility of the Chairman and Secretary to keep record as per by laws no. 142 and 143 and Rule 65 of Maharashtra Cooperative Societies Rule 1961 and making entries up-to-date.

• It is necessary that the Managing Committee has to prepare financial statement within 45 days of ending the financial year and to make audit before 14th August every year.

• It is mandatory to change auditor after every two years.

• Responsibility to give at least 14 days notice every year of the General Body Meeting to each member shall be to the managing committee and Secretary.

• If it is not possible to call general body meeting before 14th August, then the reason thereof with the resolution of the managing committee and the said proposal should be submitted to the Registrar of Societies before 15th July, so that if extension is denied, it will be possible for holding meeting within the prescribed time limit.

• For maintaining unity and cordial relation between the members, the Managing Committee must have to take efforts.
• It is necessary to implement as per directives, orders and circulars of the Cooperative Department and other Govt. Department of the Government of Maharashtra.

• If member wants to utilize his Gala/flat for dispensary, consultancy room, Nursing home, flour mill, coaching classes, nursery or beauty parlous etc. with the consent of the general body meeting. Then it shall be obligatory to frame the rules as per bye-laws No. 34 in such a way that other members in the society would not get nuisance and member also can conduct business.

3.17 Responsibility of the Annual Meeting.

• To take review of the minutes of last Annual meeting and special meeting and action taken on it and finalise the same.

• To accept and approve the last years income and expenditure statement presented by the managing committee similarly information of reconciliation and their working report.

• To take note of the last years audit report and similarly approve the rectification report presented by the managing committee.

• To declare the result of the election of managing committee if the Annual general meeting held earlier.

• To appoint the auditor from the registered panel available with co-operative department.

• To take decision by discussing on the proposal regarding expulsion of members.

• To take decision by discussing on the proposal regarding the bye-laws and approve the same.

• To take decision on the rate of contribution regarding maintenance fee, maintenance and repair fund and sinking fund.

• To determine the interest rate to be charged on the members defaulting in paying societies maintenance.

• To decide about parking and determine its rate

• To take decision about penalty to be charged on members, violating by-laws of the society and to determine its amount.

• To take decision about utilization of sinking fund.

• To determine the amount of remuneration to be given to a member if he has got ended his services to the society.

• To approve the expenditure of major repairs.

• To recommend for giving membership again to the expelled member by the society.

• If all the members of the managing committee tender their resignations then to put them before the annual meeting and approve.
• To give sanction to the amount to be written off.
• To take decision regarding land of the society and conveyance of the building and to approve draft deed.
• If more expenditures than the limit stipulated in the bye-laws is to be incurred and to approve the tender by putting before the general body meeting.
• To give approval for the appointment of Architect and similarly to give approval of terms and conditions to be executed with that.
• By considering available space for playing in the societies premises, to determine the time table for members and their children or put restrictions on them and if violated to take decision regarding charging penalty.
• To determine terms and conditions for utilizing vacant place and also terrace of the society.
• To form complaint redressal committee on the level of the society, so that if any member having complaint against the working or decision of the managing committee, then by solving it on the societies level, it concluded through complaint redressal committee only following subjects should ao discuss in detail in the Annual General Body Meeting of the Flat owners.

1. Development of the land.
2. Procedure to be adopted for transferring land e.g. Surrender of lease, lease deed, Property management on commercial basis for e.g. office, sports complex, play ground, garden etc.

3.18 Redressal of compliant of Members –

A member can submit application of explanatory written complaint to any member of the office bearer. After receiving the complain the committee will take decision on it in its immediate meeting and thereafter that decision will be communicated to the concerned member within 15 days.

If the concerned member was not satisfied on the decision communicated by the committee, or to contact was made by the committee within 15 days in this regard, then the member of the committee can contact to the complaint redressal committee formed by the Annual General Body Meeting. If a member is not satisfied with composition and powers of such committee, then the complainant member can contact the following authorized officers as per nature of the complaint.
A- Registrar

1. Registration of Society on misrepresentation
2. Non-issuance of the Share Certificates.
3. Refusal of Membership.
4. No registration of nomination by the society.
5. Non Occupancy charges.
6. Demand of excess premium for transfers.
7. Non supply of copies of the record and documents.
8. Tampering, suppression and destruction of the records of the Society.
9. Non acceptance of the cheques or any other correspondence by the committee.
10. Non maintenance or incomplete maintenance of records and books of the society.
11. Non preparation of the annual accounts/reports, within the prescribed period;
12. Misappropriation/Misapplication of the funds of the society.
13. Defaulter/Disqualified Member on the Committee
15. Reconciliation of account.
16. Audit
17. Non conducting of election before expiry of the term of the committee.
18. Rejection of Nomination.
19. Non calling of general body meeting within prescribed period.
20. Not calling of Managing Committee as prescribed in laws.
21. Resignation of the committee.
22. Any other, like matters which falls within jurisdiction of the Registrar.

B. Co-operative Court

If following types of dispute arises between member/ members, member and/ or member and society as per Section 91 of the Act.

1. Resolutions of the Managing Committee and General Body Meeting.
2. The elections of the Managing Committee, except the rejection of nominations, as provided under section 152-A of the MCS Act,1960.
3. Repairs, including major repairs, internal repairs, leakages.
4. Place of Parking.
5. Allotment of Plot/ flats.
7. Appointment of Developer, contractor, architect,
8. Unequal water supply.
9. Excess recovery of dues from the members.
10. Any other, like disputes which falls within the jurisdiction of Co-operative court.

C) Civil Court

Following types dispute

1. Non-compliance of the terms and conditions of the agreement, by and between the Builder/ Developer.
2. Substandard constructions.
3. Purchase Deed. (Transfer of Property)
4. Escalation of construction cost.
5. Any other, like disputes which fall within jurisdiction of the civil court.

D) Municipal Corporation/ Local authority

Matter Shown Below –

1. Unauthorised constructions/Addition/Alterations, made by the builder/Member/ occupant of the flat.
2. Inadequate water supply to the society.
3. Change of use by the Member/ occupants
4. Any other subject falls under jurisdiction of Municipal Corporation / local authority.

E) Police

1. Nuisance carried by the unauthorized use of the flat, shop, parking space in the society.
2. Threatening/Assault by or to the members of the society.
3. Any other subject falls under the jurisdiction of the Police.

F) General Body Meeting

1. Non maintenance of the Property of society by the Managing Committee.
2. Non display of Board of the name of the society.
4. Levy of excess fine, by the Managing Committee for act of the member which is in violation of the bye laws.
5. Managing Committee’s opposition for legal utilization of available open space.
3. Non issuing the property of the society by the managing committee.
4. Appointment of the architect.
5. Any other subject in the jurisdiction of general body meeting.
G) Housing Federation

Matter mentioned below –

a) Denial of entry to the Secretary of the society by the members.

b) Non acceptance of any communication by the Member/ Managing Committee.

c) Convening Special General Meeting provided under bye-law No. 97 and Managing Committee meeting provided under the bye-law No. 133.

d) Any other matters.