

# The Delhi Co-operative Societies Rules, 2007

DELHI

India

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### Rule THE-DELHI-CO-OPERATIVE-SOCIETIES-RULES-2007 of 2007

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The Delhi Co-operative Societies Rules, 2007Published vide Notification No. F. 37(Policy)/RCS, dated, 19th October, 2007Notification No. F. 37(Policy)/RCS, dated, 19th October, 2007. - In exercise of the powers conferred by section 137 of Delhi Cooperative Societies Act, 2003 (Delhi Act 3 of 2004), the Lt. Governor of the National Capital Territory of Delhi, hereby, makes the following rules, namely:-

## Chapter I Preliminary

### 1. Short Title and Commencement.

(1)These rules may be called the Delhi Co-operative Societies Rules, 2007.(2)These rules shall come into force with effect from the date of their notification on the official Gazettes.

### 2. Definitions.

(1)In these rules, unless the context otherwise requires-(a)"Act" means the Delhi Co-operative Societies Act 2003 (Delhi Act 3 of 2004);(b)"borrowed capital" means the total loans, deposits and other borrowings of a cooperative society including the debentures subscribed and paid up;(c)"decree" means any decree of a civil court and includes any decision, award or order referred to in section 105 of the Act;(d)"Decree-holder" means any person in whose favour a decree has been passed;(e)"Defaulter" means any co-operative society, member or other person committing default in payment of loan installment, land money, construction money or annual subscription payable as provided in the bye-laws of co-operative society for which due notice for payment has been served on the member/cooperative society or an award has been passed for recovery of such sum;(f)"Defunct Co-operative Society" means a co-operative society which has not carried on

business for three consecutive years or its accounts have not been got audited since three or more years;(g)"First degree blood relation" means father, mother, brother, sister, son, daughter or spouse;(h)"Form" means a form appended to these rules;(i)"General body Meeting" means a meeting of the general body;(j)"Government dues" include:-(i)Audit fee leviable for audit under section 60;(ii)Cost of inspection and enquiry leviable under section 64;(iii)Loans, share capital, subsidy and grant-in-aid refundable under the terms of any agreement executed between the co-operative society and the President of India;(iv)Arbitration fee etc;(v)Any amount spent or to be spent by the government on conducting elections of a committee, process fee and diet charges for civil arrest, imprisonment and civil confinement of the defaulters and contribution;(vi)Any other demand raised or dues payable to the Government;(k)"Judgment-debtor" means any co-operative society against which or any person against whom a decree has been passed;(l)"Maxim Credit Limit" means the extent to which a co-operative society may receive deposits, loans and advances from non-members;(m)"Model bye-laws" means a set of bye-laws approved and proposed by the Registrar for general adoption by a class of co-operative society;(n)"Near Relative" means daughter-in-law, son-in-law, grandfather or grandmother;(o)"Net Profit" has the same meaning as defined in Accounting Standard, prescribed by the Institute of Chartered Accountants of India;(p)"Official Gazette" means the Delhi Gazette;(q)"Owned Capital" means the paid-up share capital, reserve fund, any other reserve which has been created out of profits and undistributed and unappropriated profits, if any;(r)"Paid up Share Capital" means such portion of the subscribed share capital as is actually paid-up in cash and/or credited as paid-up;(s)"Person" include an individual, competent to contract under Indian Contract Act 1872 and Government, a Co-operative Society, a Firm, a Joint Stock Company, a Self Help Group as defined by NABARD/RBI or any other body corporate constituted under any law for the time being in force;(t)"Promoter" means person or persons who take(s) part in the process of the organisation and promotion of a co-operative society and signs the application for registration;(u)"Schedule" means the schedule appended to these rules;(v)"Section" means the section of the Act;(w)"Share" means share in the capital of the co-operative society;(x)"Working Capital" includes such portion of the reserved fund, other reserves appropriated out of profits, paid-up share capital, loans and deposits received by a co-operative society and debentures issued by a co-operative society as have not been locked up in building and other fixed assets;(y)Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings assigned to them in the Act.(2)Unless otherwise specified in the rules and the bye-laws of a co-operative society;(a)words importing the masculine gender include the feminine gender;(b)words in singular include their plural and vice versa;(c)expressions referring to writing include printing, typing, lithography, photography and other methods of representing or reproducing words in a visible form;(d)with reference to a person who is unable to sign his name, the word "signature" shall include his "Thumb-impression" or other mark duly attested to signify his signature; and(e)when any rule or any bye-laws of a co-operative society requires the determination of one half, one third or other fraction of a number and that number is not evenly divisible by two, three or such other figures as may be required, the number next below, which is evenly divisible by two, three or such other figure shall be taken for the original number.

## Chapter II

### Registration

#### 3. Persons appointed to assist the Registrar.

(1) Persons appointed to assist the Registrar under section 3 may be designated as the Additional Registrar, Joint Registrar, Deputy Registrar or Assistant Registrar. (2) The Registrar may appoint other field and ministerial staff to enable him or other officers to whom powers of the Registrar have been conferred to carry on the functions efficiently and for the promotion of the co-operative movement. (3) The Registrar may delegate by general or special order any of the functions and powers of the Registrar under the Act and Rules to any officer appointed by Government in clause (1).

#### 4. Classification of co-operative societies.

(1) Subject to the provisions of sub-section (1) of section 4, a co-operative society having the object of facilitating the operation of any one of the classes or sub-classes hereinafter given shall be classified as a co-operative society of that class or sub-class namely:-(a) "resource co-operative society" means a co-operative society having the objective of obtaining for its members, the credit, goods or services required by them, such as:-(i) Urban Thrift and Credit co-operative society; (ii) Agricultural Credit co-operative society; (iii) Agricultural Non-Credit co-operative society; (iv) Multipurpose co-operative society which includes amongst its primary objects, the objects specified in sub clauses (ii) and (iii) above; (v) Urban co-operative bank; (vi) Delhi Cooperative Housing Finance Corporation; (vii) Delhi State Co-operative Bank / Co-operative Land Mortgage Bank. (viii) (a) Industrial Producers co-operative society. (b) Labour and Construction co-operative society. (c) Transport co-operative society. (d) Industrial Service co-operative society. (e) Handloom co-operative societies and Leather co-operative society. (f) Household Industrial co-operative society. (ix) Thrift, Retirement and other ancillary benefits co-operative society; (x) Security Service Co-operative Society, Tourism Co-operative Society, Health Care Co-operative Society, Wastes and Energy Conservation Cooperative Society, Water Harvesting Co-operative Society, Environment Protection Cooperative Society, Cultural Co-operative Society, etc.; (xi) Integrated Development Co-operative Society; (b) "producers co-operative society" means a co-operative society having the objects of producing and disposing the goods as collective property of its members and includes a co-operative society formed with the object of collective disposal of labour of the members of such co-operative society; (c) "consumers co-operative society" means a co-operative society having the objects of obtaining and distributing goods to or, of performing services for its members as well as to other consumers within the area of operation specified in its bye-laws, and of dividing among its members and customers in a proportion prescribed by the rules or by the bye-laws of such co-operative society, the profits accruing from such supply and distribution; (d) "co-operative housing society" means a co-operative society as defined in clause (e) of section 74 of the Act. (e) "processing co-operative society" means a co-operative society having the object of processing of goods by mechanical or manual process; (f) "marketing co-operative society" means a co-operative society having the object of marketing agricultural or other produce and includes amongst its objects, the

supply of the requisites of such production;.(g)"joint farming co-operative society" means a co-operative society having with the object of increasing agricultural production, employment, income and better utilization of resources, land held by members is pooled together and is jointly cultivated by the members on behalf of the co-operative society;(h)"collective farming co-operative society" means a cooperative society having the objects of increasing agricultural production, on the land acquired in the name of cooperative society, and such land is collectively and jointly cultivated by the members themselves on behalf of the co-operative society.(i)"Co-operative Union" means an apex federal co-operative society, formed for undertaking co-operative education and training / propaganda and publicity, publication of literature, etc;(j)"Multi purpose Co-operative Society" means a society formed with the object of undertaking multifarious activities for the economic and social development of its members except as provided in sub-clause (iv) of clause a.(2)Every co-operative society shall be classified by the Registrar in accordance with sub-rule(1)(3)The Registrar, may divide any class of co-operative society into sub-categories with reference to the composition of membership, the nature of business transacted or the articles handled by the co-operative society or any other similar consideration.(4)If any co-operative society classified as aforesaid is a federal co-operative society it may be classified as Apex federal co-operative society or Central federal cooperative society.Note (i) "apex federal co-operative society" means a co-operative society whose area of operation extends to the whole of the National Capital Territory of Delhi and having its principle objects to facilitate, promotion and operation of the other cooperative societies of same class affiliated to it;(ii)"central federal co-operative society" means a co-operative society whose area of operation is confined to a specified part of the National Capital Territory of Delhi and having its principal object, for promotion of the principal objects and the provision of facilities for the operation of other co-operative societies affiliated to it.(5)The decision of the Registrar, with regard to classification of a co-operative society with in the meaning of this rule, shall be final.

## 5. Application for Registration.

(1)Every application for registration of a co-operative society under sub section (1) of section 7, of the act shall be made in Form - 1 in (Hindi or English) and shall subject to the provisions of sub-rule (2) and sub-rule (3), be duly signed by twenty promoter members and shall be accompanied by:-(a)The name of a co-operative society mentioned in the application form should not contain any text showing discrimination on basis of gender, social, inequality, racial, political ideology and religious consideration;(b)Four copies of the proposed bye-laws of the co-operative society duly signed by each of the promoter members;(c)List of promoter members along with their names, address, profession, monthly income, proof of residence including Voter Identity Card / Passport/Driving License duly attested by Gazetted Officer, M.P./ M.L.A., in-case of co-operative housing society, a copy of bank account pass book with address of bank and a copy of PAN card issued by Income Tax Authorities is to be enclosed;(d)A certificate from the financing bank to the effect that the amount of share capital raised by the promoters has been deposited in the name of the proposed cooperative society in suspense account;(e)A certificate from a gazetted officer attesting photograph, signature and certifying the residential address of the promoter members in case of co-operative housing society;(f)No application of registration of a co-operative housing society shall be entertained by the Registrar without obtaining confirmation of availability of land from land allotting agency.(g)A list of promoters members who have contributed to the share capital

together with the amount contributed by each of them, and the entrance fee paid by them;(h)The Promoters members shall submit proposal for approval of the Registrar on prescribed form along with an affidavit of chief promoter as required by the Registrar;(i)The scheme showing the details regarding working of the co- operative society will be economically sound. The legal status of the premises proposed to be used for registered office or working place should be clear, it should not be in the buildings/offices where entry is restricted or regulated by authorities other than society itself, to acquire another office outside such buildings/offices to ensure free access to the members of the society as well as officials of the co-operative Societies, as the case may be, its document should be attested by notary public or Gazetted officer and, where the scheme envisages the holding of immovable property by the co-operative-society, the description of immovable property proposed to be purchased, acquired or transferred to the co-operative society, the scheme shall be drawn in accordance with the viability norms for registration of different classes/types of societies as given in Schedule-VI to these rules. These norms can be modified by the Government from time to time;(j)A declaration on oath from each of the promoter members to the effect that he is not a member of the family of any other promoter joining in the application for registration within the meaning of explanation given under section 5 and declaration to the effect that he is not member of any other co-operative society of the same kind;(k)A proof of residence of the promoter members in the area of operation.(l)In the case of a co-operative housing society, an affidavit in form-C of the Schedule-VII from each of the promoter members.(m)A statement showing financial position of each of the promoter members;(n)Certified copy of the resolution of the promoter members adopting the byelaws and authorizing two office bearers, who are to make alterations/additions in the proposed bye-laws submitted, as suggested by Registrar and also to specify the name and address of the person to whom Registrar may address the correspondence before registration and issue of registration certificate;(o)In case of co-operative housing society, a letter of confirmation of availability of land from the land allotment agency and copies of ownership documents of land alongwith the certificate of residential land use for group housing from concerned local body if the land is owned by the promoters. The number of members indicated at the time of registration shall be freezed strength of a co-operative housing society;(p)Such other documents as may be specified by the Registrar.(2)Where any member of a co-operative society to be registered, is a registered co-operative society, a member of the committee of such a registered co-operative society shall be authorised by the committee by a resolution to sign the application for registration and the bye-laws on its behalf, and a copy of such resolution shall be appended to the application.(3)Where any member of a co-operative society to be registered, is a firm, company, corporate body, society registered under the societies Registration Act 1860, or public trust registered under relevant law for the time being in force relating to registration of Public Trusts, or a Local Authority, then such firm, company, corporate body, society, public trust or local authority shall duly authorise any person to sign the application for registration and the bye-laws on its behalf, and a copy of such authority shall be appended to the application.(4)The application shall be sent to the Registrar by registered post, or delivered by hand along with documents/information fulfilling all the conditions of the viability norms.(5)On receipt of an application under sub-rule (4), the Registrar shall, enter particulars of the application in the register of applications to be maintained in Form no-2, allot a serial number to such application and issue an acknowledgement thereof.

## 6. Disposal of application for registration.

(1) On receipt of the application under rule 5 and before disposal of such application under section 9, the Registrar may call for such further information from the applicants or make such independent enquiries as he may deem fit. (2) Subject to provision of section 9 of the Act, the Registrar may give, whenever necessary, the reasonable time not exceeding one month to the promoter members to modify the proposed bye-laws before finally registering the co-operative society. (3) On registering a co-operative society and its bye-laws under sub-section (1) of section 9, of the Act the Registrar shall, grant to such co-operative society, a certificate of registration in Form - 3 signed by him and bearing his official seal and containing the registration number of such co-operative society, and the date of its registration. (4) The Registrar, shall, also furnish to the co-operative society, a copy of the bye-laws duly approved and registered by him, with a certificate in the following form recorded on the last page of the bye-laws after the signatures of the promoter members:- Certified that these bye-laws have been registered under sub section (1) of the Delhi Cooperatives Societies Act, 2003, at page ..... Volume No.....this.....day of.....20..... Signature of the Registrar..... Seal of the Registrar..... (5) The documents referred in sub-rule (3) shall be delivered to a person authorized by the promoter members of such co-operative society or shall be dispatched by post under "acknowledgement due" registered cover. (6) In case of deemed registration of a cooperative society under second provision to subsection (3) of section 9 of the Act, the Registrar shall issue registration certificate on receipt of a request along with requisite documents prescribed in rule 5 from the applicant, so that certificate under section, 10 of the Act can be issued and unless the complete documents as prescribed, are submitted the benefit of deemed provision shall not be available.

## 7. Maintenance of register.

(1) The Registrar shall maintain a register in Form -4 year wise in respect of co-operative societies registered or deemed to be registered under the Act in accordance with the classification made under section 21 of the Act, which shall be in the manual or electronic form or in both. (2) The Registrar shall assign for each class or sub-class of co-operative society, a code symbol, for giving registration number to the co-operative society and the co-operative society shall be registered from the date specified in the certificate of registration. (3) All the co-operative societies on the date of commencement of these rules shall be deemed to be registered under the Act, and shall first be entered in the register in Form-5 under distinct code symbol assigned to a class of co-operative society to which the existing co-operative society belongs in chronological order with reference to the date of earlier Registration deemed to have been registered under the Act.

## 8. Commencement of business.

- Every co-operative society shall commence its business within one hundred eighty days from the date of its registration.

## **9. Refusal to register.**

- Without prejudice to the generality of the power under sub-section (2) of section 9 of the Act, the Registrar may refuse to register a co-operative society on any one of the following grounds:- (1) The name of the proposed co-operative society is identified with or which nearly resembles the name of an already registered co-operative society or the name is in contravention of any law for the time being in force; (2) In the opinion of the Registrar, the name of the proposed co-operative society, is likely to deceive or mislead the members of the public as to its nature or identity; (3) In the opinion of the Registrar, the aims and objects of the co-operative society are similar to those of a co-operative society already functioning in that particular area satisfactorily and other co-operative society in the same area may not be viable. (4) Except otherwise permitted, the members of a co-operative society do not reside within the area of its operation or in the opinion of the Registrar are drawn from heterogeneous elements. (5) If in the opinion of the Registrar, area of operation of a co-operative society extends over an un-manageable area. (6) The proposal for registration of a co-operative society is against the principles of cooperation. (7) Any other ground considered just and equitable by the Registrar.

## **10. First bye-laws of a co-operative society.**

- After the registration of a co-operative society, the bye-laws as approved and registered by the Registrar under sub-rule (4) of rule 6, shall be the first bye-laws of such cooperative society.

## **11. Model bye-laws.**

- The Registrar shall make model bye-laws of each class or sub-class of a co-operative society which may be adopted with or without changes, if any by the promoter members of a proposed co-operative society.

## **12. Amendment of bye-laws.**

(1) Subject to the provisions of these rules, the bye-laws of a cooperative society may be amended by a resolution passed in the general body meeting of such cooperative society. (2) The co-operative society shall give due notice to its members for calling General Body Meeting in accordance with its bye laws for considering any amendment thereof. (3) An amendment shall be deemed to have been duly passed, if a resolution in that behalf is passed at a general body meeting by not less than two-thirds of the members present there at. (4) After the resolution is passed, a copy thereof shall, within a period of thirty days from the date of such meeting, be furnished to the Registrar along with the following documents:- (a) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution, together with reasons justifying such amendments; (b) four copies of the amended bye-laws as signed by two office bearers duly authorized in this behalf by the committee of the co-operative society; (c) a copy of the notice given to the members regarding the proposal to amend the bye-laws:- (i) along with proof of postal record; (ii) Authenticated copy of resolution passed in the general body meeting; (d) a receipt regarding payment of up-to-date

contribution towards Co-operative Education Fund and a certificate in respect of compliance of audit objections.(e)such other information as may be required by the Registrar;(5)On receipt of the copy of the resolution and other documents referred to in sub-rule (4), the Registrar shall examine the amendments proposed by the co-operative society and if he is satisfied that the amendments are not contrary to the Provisions of the Act or the Rules made under, he may register the amendments and certify these amendments under sub-section (3) of section 12.(6)If in the opinion of the Registrar, the proposed amendment needs any modification, he may inform the cooperative society of such modification in writing alongwith the reasons thereof in Form-6.(7)The Registrar shall register or refuse to register the amendment within a period of ninety days.(8)In case, the Registrar does not communicate any decision within ninety days, the amendment in Bye-laws shall be deemed to have been registered.(9)In case of deemed registration of the amendment, the Registrar shall issue amended bye laws on receipt of the written request for the same from such applicant alongwith requisite documents specified in sub-rule(4) within a period of thirty days from the date of receipt of documents.

### **13. Appeal against the refusal to register the amendment to bye-laws.**

- Where an application for registration of an amendment in the bye-laws of a cooperative society is rejected by the Registrar under sub-section (4) of section 12, the appeal, if any, shall be made only after the committee has reconsidered the matter in a meeting and has decided to prefer an appeal which shall be signed by three office bearers of the society authorized in this behalf by the committee. A copy of the resolution of the committee shall be attached along with the memorandum of appeal.

### **14. Registration File.**

- Each co-operative society shall keep at its registered office a registration file, containing:-(a)registered bye-laws;(b)an index of amendment of bye-laws;(c)all registered amendments of bye-laws duly entered in the index alongwith certificates of registration of amendments;(d)certificate of registration;(e)membership register;(f)register of minutes of annual general meeting and committee;(g)all audit reports;(h)latest list of defaulters;(i)constitution of elected managing committee;(j)record of disposal of applications of power of attorney holders under section 91 of the Act, with regard to no objection certificate) and transfer of membership, in case of co-operative housing societies;(k)a copy of the Act and these rulesThe above registration file shall be open for inspection at all times during working hours to the Registrar or any other officer authorized by him, and every member of the such cooperative society.

### **15. Change in name of co-operative society.**

(1)The name of a co-operative society may be changed in accordance with the provisions of section 14 of the Act and these rules.(2)Every change in the name of a co-operative society shall be made by amendment of its bye-laws and shall be published by the co-operative society in two National newspapers both in Hindi and English within fifteen days of the change in name of the society.(3)After the change in the name is approved by the Registrar, the co-operative society shall



send the original registration certificate for amendment to the Registrar, who shall return the same to the co-operative society after making the amendments therein.

## **16. Change in Liability.**

(1) The change of form and extent of liability of a co-operative society or in terms of multiple of share capital, shall be secured by passing a resolution in that behalf at a general body meeting of the co-operative society indicating in clear terms the manner of changing the liability. The co-operative society shall give thirty days notice in writing of such meeting to all its members and creditors and shall furnish them with copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed, a copy thereof shall be sent to the Registrar within ninety days. (2) Every notice to be given by the co-operative society under sub-section (2) of section 15 of the Act shall be sent by post under certificate of posting or other wise to the address of each of its members and creditors as recorded in the book of the co-operative society. A copy of such notice shall be exhibited on the notice board of the co-operative society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office; and thereupon, notice of the resolution to change the form or extent of its liability shall be deemed to have been duly given to all its members and creditors, notice not being sent to their correct address or notice not being received by them, notwithstanding. (3) For the purpose of determining the claims of a member under clause (b) of sub-section (4) of section 15 of the Act, the value of a share of a member shall be the amount arrived at by a valuation based on the financial position of the co-operative society as shown in the last audited balance sheet, provided that it shall not exceed the amount actually received by the co-operative society in respect of such share. (4) Any member or creditor desiring to exercise his option under sub-section (2) of section 15 of the Act shall inform the co-operative society in writing and where the member does not propose to withdraw his entire share or deposit, the members or creditor shall clearly indicate in writing the extent of his withdrawal. The option once exercised shall be final and shall not be revoked. The co-operative society shall examine and draw up a scheme for orderly payment of all the claims in an equitable manner including shares, the value of which shall be ascertained in accordance with the provisions of sub-rule (3) of this rule. The scheme may also provide for settlement of claims by mutual agreement. If the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by the society under sub-rule (1) shall be ineffective, and the form and extent of liability of a co-operative society shall not be deemed to be changed in accordance with the resolution passed aforesaid. (5) After the Registrar approves the scheme, the co-operative society shall make payments to its members and creditors as provided in clause (b) of sub-section (4) of section 15 of the Act and make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of the co-operative society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of section 12 of the Act.

## **17. Amalgamation, transfer of assets and liabilities and division of co-operative societies.**

(1) Every co-operative society desiring to effect amalgamation, transfer of assets and liabilities and division shall make an application to the Registrar in that behalf giving full details about such

amalgamation, transfer or division, as the case may be.(2)On receipt of the application referred to in sub-rule (1) of this rule, the Registrar may invite objections from members and shareholders or creditors or from any other person who in the opinion of the Registrar is interested in the affairs of the cooperative society and may call for such further information or particulars from the cooperative society as he may deem necessary.(3)On receipt of such application, the Registrar may, after examining the details furnished in the application and after considering all suggestions received by him in response to his invitation referred to in sub-rule (2) of this rule, and other particulars which he may call upon the co-operative society to furnish, give his approval to the amalgamation, transfer, or division as the case may be, in the interest of the cooperative society.(4)After the receipt of the approval of the Registrar under sub-rule (3) of this rule, the co-operative society shall convene a special general body meeting by giving notice of at least fifteen days to all its members and creditors and pass a resolution for amalgamation, transfer of assets and liabilities or division, as the case may be, by two-third majority of the members present and voting at the meeting. The resolution so passed shall contain the purpose and the full scheme indicating how the proposed amalgamation, transfer, or division would be useful to the co-operative society and be given effect to of the scheme involves transfer of liabilities or assets of the cooperative society to another co-operative society, a statement to that effect shall be made in the application to be made under sub-rule (1) of this rule. If the scheme involves transfer of liabilities or assets, the co-operative society shall give written notice in Form-7 to all the members, creditors and any other person whose interests are likely to be affected by such transfer. The notice shall also be published in at least one newspaper in English and Hindi and one in vernacular language in circulation in the National Capital Territory of Delhi and a copy thereof shall be exhibited on the notice board in the office of the co-operative society and the office of the Registrar.(5)Within one month from the date of notice referred to in sub-rule (4) of this rule, the member, creditor and other person whose interests are likely to be affected by the transfer of the liabilities or assets of the co-operative society, may exercise his option as required by sub-section (4) of section 16 of the Act, in writing duly signed by him and delivered or caused to be delivered to the co-operative society, failing which they shall be deemed to have assented to the transfer of liabilities of the co-operatives society to another co-operative society. The option once exercised shall be final and shall not be revoked.(6)The co-operative society shall meet in full or otherwise satisfy all claims of members and creditors and other interested persons who have exercised the option.(7)For the purposes of determining the claims of a member under clause (b) of subsection(6)of section 16 of the Act, the value of the share of a member shall be the amount arrived at by a valuation based on the financial position of the ' co-operative society as shown in the last audited balance sheet provided that it shall not exceed the actual amount received by the co-operative society in respect of such share'.(8)The co-operative society shall submit a report to the Registrar of the action taken by it and request the Registrar to give effect to its decision for amalgamation, transfer or division by registering the amalgamated co-operative society or the new co-operative society as the case may be and cancelling the registration of the cooperative societies which have been amalgamated on divided.(9)On receipt of the report from the co-operative society under sub-rule (8) of this rule, the Registrar shall, after satisfying himself that the procedure has been properly followed, register the amalgamated, or divided co-operative societies and cancel the registration of the co-operative societies which have been amalgamated, or divided.

## **18. Direction by Registrar for amalgamation, division and re-organization of cooperative societies.**

(1) Before issuing any order under sub-section (1) of section 17 of the Act providing for the amalgamation, division or re-organization of any co-operative society or societies as the case may be, the Registrar shall prepare a draft scheme in respect of such amalgamation, division or re-organization stating in particular the manner in which the new committee or committees of the co-operative society or societies resulting from such amalgamation, conversion or re-organization shall be constituted and the bye laws for such co-operative society or societies. The Registrar shall send a copy of the draft of the order proposed to be issued by him under sub-section (1) of section 17 of Act to the co-operative society or each of the co-operative societies concerned calling upon it or members thereof or from any creditor or class of creditors to submit such objections or suggestion within a period of not less than two months from the date on which the copy of draft aforesaid was received by it or them. (2) The Registrar, shall, consider all such suggestions and objections and make such modification in the draft order as may seem to him desirable in the light of those suggestions and objections and therefore, issue a final order under sub- section (1) of section 17 of the Act. (3) A member or creditor of the co-operative societies to be amalgamated, divided or reorganized, objected to the scheme of amalgamation, division or re-organization with in the period specified in sub-rule(1), may apply to the Registrar for payment of his share or interest, and the amount in satisfaction of the dues as the case may be. Such application shall be separate and distinct from the objection or suggestion submitted under clause (b) of sub-section (2) of section 17 of the Act. The Registrar, may nominate an officer not below the rank of an Assistant Registrar to investigate such applications and to determine the payments required to be made to the members or creditors, as the case may be. (4) Subject to the provisions of the Act, there rules and the bye-laws, the Registrar may by order require the co-operative society concerned to meet in full or satisfy other wise all due claims of the members and creditors and thereupon the co-operative society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

## **Chapter III**

## **Members of Co-Operative Society and their Rights and Liabilities**

### **19. Conditions to be complied with for admission to membership.**

(1) No person shall be admitted as member of a co-operative society unless-(i) he is a citizen of India; (ii) he has applied in writing in the form specified by the co-operative society for membership along with a declaration on oath that he is not a member of any other co-operative society having similar objects; (iii) his application is approved by the committee of the co-operative society in pursuance of the powers conferred on it in that behalf and subject to such resolution as the general body meeting, may, in pursuance of the powers conferred on it in that behalf from time to time, pass, and in the case of nominal, associate, or sympathizer member by an officer of the society

authorized in that behalf by the committee;(iv)he has fulfilled all other conditions laid down in the Act, these rules and the bye-laws;(v)in case of company or body corporate, co-operative society or a society registered under the Societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trust or a local authority, the application for membership is accompanied by a resolution authorizing it to apply for such membership;(vi)in case of a co-operative housing society, he has been a resident of the National Capital Territory of Delhi-for a minimum period of three years at the time of applying for a membership in such society;(2)In case of vacancy in a co-operative housing society the Registrar shall be intimated within a period of fifteen days of the vacancy and the same shall be filled by the committee by notifying it in leading national dailies/ newspapers of Delhi in Hindi and English. An advance copy of the advertisement shall be sent to Registrar for displaying the same on the website. In case the number of applications are more than the notified vacancies the membership shall be finalized through draw of lot in the presence of authorized representative of the Registrar. Further if vacancy has arisen due to resignation of a member, then the resignation shall be made public by publishing in leading newspapers and the Registrar shall be informed of the same before publishing it alongwith the copy of the same and proof of payment of the share money and contribution etc. which shall be made through cheque.

## **20. Disqualification of membership.**

(1)No person shall be eligible for admission as a member of a co-operative society if he:-(a)has applied to be adjudicated an insolvent or is an undischarged insolvent; or(b)has been sentenced for any offence other than an offence of a political character or an offence not involving moral turpitude and dishonesty and a period of five years has not elapsed from the date of expiry of the sentence, or(c)In the case of membership of a co-operative housing society,(i)owns a residential house or a plot of land for construction of residential house in any of the approved or un-approved colonies or other localities in the National Capital Territory of Delhi, in his own name or in the name of his spouse or any of dependent children, on lease hold or free-hold basis or on power of attorney or on agreement for sale:Provided that above clause shall not be applicable,(a)in case of co-sharers of property whose share is less than 66.72 sq. metres of land; or if the residential property devolves on him by way of inheritance;(b)in case of a person who has acquired property on power of attorney or through agreement for sale and on conversion of the property from leasehold to freehold on execution of conveyance deed for it, if such person applies for the transfer of membership of the housing society concerned;(ii)deals in purchase or sale of immovable properties either as principal or as agent in the National Capital Territory of Delhi; or(iii)his spouse or any of his dependent children is a member of any other cooperative housing society.(2)Notwithstanding anything contained in the rules or the bye-laws of the co- operative society, if a person becomes, or has already become a member, subject to any disqualification specified in sub-rule (1), he shall cease to be a member from the date when the disqualifications were incurred. However, before disqualifying a member, the Registrar shall give an opportunity of personal hearing to the concerned member and the society.(3)A person who ceases to be a member of a co-operative society under sub-rule (2) shall not be entitled to exercise rights of memberships or incur liability as member with effect from the date of order passed by the Registrar referred to in sub-rule (2) but as from the date he becomes a creditor of the co-operative society in respect of the amount due to him on account of paid up share

capital, deposit, cost of land deposited or any other amount paid by him to the co-operative society as its member. As from the date of his ceasing to be a member of the society under sub-rule (2), the amount standing to his credit shall be paid to him by the co-operative society within three months and if the co-operative society is already under liquidation, the amount due to him will be credited as a debt due to a third party from the co-operative society.(4)If any question as to whether a member has incurred any of the disqualification referred to in sub-rule (1) arises, it shall be referred to the Registrar for decision. The decision of the Registrar in this behalf shall be final and binding on all concerned. The Registrar shall not delegate this power to any other person appointed to assist the Registrar.

## **21. Terms and Conditions on which persons referred to in clause (e) of subsection (1) of section 22 may be admitted as members.**

- The following shall be the terms and conditions on which persons referred to in clause (e) of subject section(1) of section 22 may be admitted as a member of a co-operative society:-(1)The number of such persons admitted to the membership of a co-operative society shall not exceed five percent of its total membership at any time and who shall be in addition to the freeze strength of a society;(2)The working place and business or residence of such persons shall be within the area of operation of the co-operative society;(3)Such persons shall purchase at least ten shares in the capital of the co-operative society;(4)The aims and object of such persons are not contrary to those of the co-operative society;(5)Such persons do not carry on competing business with that of the co-operative society within the local limits specified in the bye-laws or by the Registrar;(6)Any other condition which the Government may notify in this behalf:Provided that in case of a co-operative bank, the enrolment of firms, companies or a body corporate shall not exceed five percent of the total number of members.

## **22. Procedure for admission of joint member, minor and person of unsound mind and inheriting the share or interest of deceased member.**

(1)A co-operative society may admit joint member provided the proposed joint member make a declaration in writing that the person whose name stands first in the share certificate shall have the right to vote and all other rights shall be enjoyed jointly and severally and liabilities shall be borne jointly and severally by them as provided under the Act, the rules and the bye-laws:Provided that in case of inability of the person whose name stands first in share certificate, he/she can authorize the other to vote and attend the meeting on his behalf.Provided further that in case of co-operative group housing/house building society, the joint membership shall be restricted to only person in first degree blood relationship.(2)In accordance with the procedure laid down in the bye-laws and these rules for admission of any member, a co-operative society may admit minor and person of unsound mind inheriting share or interest of deceased member as its member through their legal representative or guardian respectively. The members so admitted will enjoy such rights and liabilities as are laid down in the bye-laws of the co-operative society that are consistent with the Act and rules.

## **23. Prohibition of membership in two co-operative societies/federal societies of same class/category.**

(1) No individual or primary co-operative society shall become member of another primary co-operative society or two Federal/ Central/ Apex Society/ Financing Bank of the same class. If an individual or primary cooperative society has become a member of two Apex/Federal/ Central/ /Financing Bank, his membership of the society lastly enrolled, shall stand ceased. However, the individual or primary co-operative society shall have a right to appeal to the Registrar against the order of the cooperative society within thirty days after the receipt of the order of the termination of membership. The decision of the Registrar shall be final and binding on all concerned: Provided that the membership of the Apex/ Federal / Central/ Financing Bank shall be restricted to the primary societies of the same category for which the such Federation has been registered. (2) Society shall cease to be a member of a Federal/ Apex or Central Society on the following grounds:- (a) On being member of any other federal society of the same class. (b) On being a defunct society. (c) On liquidation/cancellation of the registration; or (d) On Failure to pay annual subscription continuously for three or more years.

## **24. Admission of members before meeting of its general body.**

- No co-operative society shall admit members within thirty days prior to the date of a meeting of its general body.

## **25. Disposal of application for admission of member.**

(1) On receipt of an application for membership, the co-operative society shall enter particulars of the application in the register of applications in the following form, giving a serial number to the application and shall issue a receipt in acknowledgement thereof:-

S.No.	Date of Receipt of application	Name & Address applicant	Decision of the committee	Date of resolution of of the committee
(1)	(2)	(3)	(4)	(5)

Provided that in case of housing societies, details regarding category of flat applied for and details of nomination including relation with applicant shall also be entered in the register. (2) A cooperative society shall dispose off an application received for admission as member as early as possible but in no case later than forty five days from the date of its receipt. In case the committee decides not to admit the applicant as member of the co-operative society, the co-operative society shall communicate its decision together with the reasons thereof to the applicant immediately, thereafter, in writing either in person or through Registered Post provided that in case of the Federal Society or Financing Bank, period of disposing off an application from the date of its receipt shall be ninety days. (3) The appeal to the Registrar against the order for refusal to admit a member shall be made within a period of thirty days of the date of communication of refusal. (4) A person whose application for membership has been approved by a committee shall deposit the membership fee and the

amount of qualifying share (s) necessary to become a member within fourteen days of the information of admission as member of the co-operative society, sent to him in person-or by registered post. The amount should be deposited by Demand Draft/Banker's Cheque/Pay Order only. If no such amount is deposited within the stipulated period, the resolution of committee approving the membership of the person concerned shall become void and in-operative. In case of co-operative housing societies managing committee shall endorse a copy of managing committee resolution passed under sub-rule (2) within twenty one days to the Registrar. The resolution shall become final after a period of sixty days of conveying and receipt of the same in the office of the Registrar. In the event Registrar not agreeing to the enrolment of an individual for one reason or the other as may be relevant with reference to the provisions of law, the provisional enrolment will automatically become invalid.

## **26. Withdrawal of members.**

(1) Subject to the provisions of the Act, these rules and the bye-laws of a co-operative society, a member may withdraw his membership by submitting a resignation in writing to the society and the committee shall dispose off his resignation within forty five days after receipt of the resignation. (2) No resignation of a member shall be accepted by the co-operative society unless the member has paid in full his dues, if any, to the co-operative society and has also cleared his liability, if any, as surety to any other member. In case of co-operative housing societies committee shall endorse a copy of resolution under sub-rule (2) within twenty one days to the Registrar. (3) Any member, whose resignation has been accepted by the co-operative housing society, or any heir or legal representative of a deceased member, may demand refund of the share capital held by such member or deceased member and the co-operative society shall, subject to the provisions of section 27 or section 28, as the case may be and subject to the provisions of the bye-laws, refund the amount within ninety days after the acceptance of resignation or as the case may be, the date of demand by the heir or legal representative of the deceased member. Intimation regarding acceptance of resignation shall be sent by registered post to the member and in case of cooperative housing society a copy of the same shall also be sent to Registrar. (4) In all cases where share capital is to be refunded, valuation of the shares shall be made in accordance with the provisions contained in rule 27. (5) Irrespective of the nature of liability of a co-operative society, the share capital subscribed by the Government in a co-operative society or by a Apex/ Federal/Central will be retrieved in such a manner and during such period as may be determined by the Registrar from time to time.

## **27. Valuation of shares.**

(1) Where a member of a co-operative society ceases to be a member thereof, the sum representing the value of his share or interest in the share capital of the co-operative society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be the amount arrived at by a valuation based on the financial position of the cooperative society as shown in the last audited balance-sheet preceding the cessation of membership: Provided that the amount so ascertained shall not exceed the actual amount received by the cooperative society in respect of such share or interest. (2) Where a person is allotted a share by a co-operative society, the payment required to be made, therefore, shall not exceed the face value of the share notwithstanding anything contained in

the bye-laws of the cooperative society.(3)When a share is transferred by a member to another member duly admitted as a member of a co-operative society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with sub-rule (1).

## **28. Maintenance of register of members.**

- Every co-operative society shall maintain a register of members containing:-(a)the name, address and occupation of the member, mother's/father's/husband's name and details of shares held by him and in case of co-operative housing society Permanent Account Number of income tax, bank account no. and branch address.(b)The date of grant of membership by the managing committee;(c)The date on which the member's name was entered in the register after depositing membership fee and share money; alongwith details of payment of the same;(d)Specimen signature of the member;(e)The name(s) of nominee & relationship; and(f)Date of cessations of membership.

## **29. Procedure for transfer of shares.**

- No transfer of shares shall be effective unless:-(a)it is made in accordance with the provisions of the bye-laws;(b)a clear fifteen days notice in writing is given to the co-operative society indicating therein the name of the proposed transferee. The consent, application for membership, and where necessary, the value proposed to be paid by the transferee;(c)after the transferee has made payment of the value of the shares so transferred and paid the value of any interest to be transferred to the co-operative society, as may be agreed upon between the transferee, the transferor and the co-operative society, transfer shall be registered in the books of the co-operative society, the transferee shall thereupon become the member of the co-operative society and shall acquire all rights of the membership and shall hold such interest as from the date approved by the committee;(d)thereafter all liabilities of the transferor due to the co-operative society are discharged, the transferor shall be paid the value of his shares transferred to the transferee determined in accordance with rule 27 and the value of the other interest transferred provided the value shall not exceed the amount actually paid by the transferor in acquiring such interest in the co-operative society.:(e)The transferee shall hold such share subject to charge, if any;(f)The co-operative housing society shall issue fresh share certificate with new serial number to the transferee after cancelling the earlier share certificate.(g)In case of co-operative housing societies transfer of share shall be in first degree blood relations as defined in clauses (vii) of rule 2.

## **30. Nomination of persons.**

(1)For the purpose of transfer of share or interest under sub-section (1) of section 28, a member of a co-operative society may, by a document signed by him or by making a statement in any book kept-for the purpose by the co-operative society, nominate any person or persons in first degree blood relation and if nomination is made by a document, such document shall be deposited with the co-operative society during the member's life time and where the nomination is made by a statement, such statement shall be signed by the member and attested by two witnesses.(2)The nomination made under sub-rule (1) may be revoked or varied by the member at any point of time.(3)The record of nomination shall be kept by a co-operative society in such manner as may be



laid down in the bye-laws.(4)If a member nominates more than one person, he shall, as far as practicable, specify the share to be paid or transferred to each nominee(5)The value of the share or interest transferred or paid to a nominee or nominees shall be determined on the basis of the sum actually paid by the member to acquire such share or interest in accordance with rule 27.(6)(a)In case the member of co-operative housing society has not made any nomination, the society shall, on the member's death, by a public notice published in two leading national newspapers exhibited at the office of the cooperative society and also in the office of the Registrar, inviting claims or objections for the proposed transfer of the share or interest of the deceased with the time specified in the public notice.(b)After taking into consideration the claim or objections received in reply to the public notice or otherwise, 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 the legal representative of the deceased member and proceed to take action as per section 28 of the Act, subject to any appeal which may be filed to the Registrar by any person claiming the share, or interest of deceased member within thirty days of the decision of the committee. The orders of the Registrar on such appeal shall be final and binding upon all concerned.(7)If the committee refuses to transfer the share or interest of the deceased member to his nominee or his successor-in-interest, or fails to take a decision on the application of such nominee or the successor-in-interest as the case may be within thirty days from a nominee or any person claiming to be a successor of a deceased member, may file an appeal within thirty days of such refusal, the Registrar shall pass such order as he may deem fit. On such condition the Registrar may impose, after hearing the co-operative Society and the applicant or any other persons interested. The order made by the Registrar shall be final and binding on all concerned.

### **31. Procedure for expulsion of members.**

(1)Notwithstanding anything contained in the bye-laws, prior to placing the matter before the meeting of the committee for expulsion of a member under the provisions of section 40 of the Act, the member concerned shall be served with registered notice regarding the proposed expulsion, fifteen days prior to holding of the committee's meeting:Provided that no resolution shall be valid, unless the member concerned has been given an opportunity of representing his case in the committee of the society.(2)The expulsion from membership may involve forfeiture of shares with the prior permission of the Registrar. In that event, the value of the share forfeited shall be credited to the reserve fund of the co-operative society.(3)A member of a co-operative society who has been expelled under section 40 of the act shall not be eligible for re-admission as a member of that society or for admission as a member of any other society of the same class for a period of three years from the date of such expulsion;Provided that the Registrar may, on an application either by the society or the member expelled and in special circumstances, sanction the re-admission or admission, within the said period, as the case may be. Before giving sanction for re-admission or admission, the Registrar shall provide, an opportunity of hearing both the society and the member concerned.

### **32. Default in payment by a member, the Equalization charges from a new member and payment of interest to the outgoing member.**

(1) In case of default in payment of demand in a co-operative housing society by the members, the maximum rate of interest charges shall be as under: (a) for default of payment of installment upto six months @ 9 percent per annum; (b) for default of payment of installment upto one year @ 9.5 percent per annum; and (c) for default of payment of installment for more than one year @ 10 percent per annum. (2) Equalization charges to be charged from the member enrolled at the advance stage of construction @ 12 percent per annum on the amount of payments raised by the co-operative housing society from each member of same category for land money and construction purposes. (3) Interest to be paid by a housing co-operative society to a resignee / expelled member shall be @ 6 percent per annum on deposits out of interest so calculated and co-operative society shall charge not more than 2.5 percent as administrative expenditure: Provided that interest on default / equalisation charges / refund of deposit shall be charged by such co-operative society at the simple rate of interest. (4) The Registrar, may review the above rates periodically.

### **33. List of members of co-operative society.**

(1) Every co-operative society shall prepare a list of its members as on the last day of each co-operative year. The list shall be kept open at the office of the co-operative society, during office hours for inspection by any member of such co-operative society. The list of members shall be revised thirty days prior to the date of the meeting fixed for the election of the committee of the co-operative society and shall include the members admitted and exclude the members resigned or ceased or expelled during the period commencing from the date when the list was last revised and ending with the date of the revision of the list. The list shall be in Form-8 for a co-operative society and in case of a federation in Form-8-A, as the case may be. In case of a co-operative housing society a copy of list so prepared shall be sent to Registrar within thirty days alongwith a soft copy in a floppy diskette of the same, for display on the website. A list of members prepaid in accordance with sub-rule (1) shall be furnished by the cooperative society to the member on payment of rupees fifty per one hundred members or part thereof.

### **34. Disabilities of a defaulting member.**

(1) A member of any co-operative society who is in arrears to the co-operative society in respect of any loan taken by the member or co-operative society for such period as specified in its bye-laws or in any case for a period exceeding ninety days shall be not eligible: (a) to vote in election of the said co-operative society; (b) for appointment to represent the co-operative society in any co-operative society; and (c) to vote on behalf of co-operative society in other co-operative society. This rule shall also apply to federal co-operative society and to apex cooperative society. (2) If a member of a co-operative society appointed as a representative of co-operative society, falls in arrears to the co-operative society for the period specified in sub-rule (1), he shall cease to be representative of the society after completion of said period.

### **35. Cessation of membership.**

- Without prejudice to the provisions of section 29, a person shall cease to be a member of a co-operative society as specified in sub section (1) of section 41 of the Act. In case of a co-operative

housing society an intimation regarding cessation of membership shall be sent by a registered post to the person concerned along with copy of the same to the Registrar within a period of fifteen days. In case of a co-operative society which has become defunct or deemed to have become defunct under the Act and these rules or declared so by the Registrar as such the said co-operative society shall cease to be a member of the Federal /Financing/Apex society.

### **36. Inspection of documents in the Registrar's office by members of societies and the scale of the fees for supply of copies of documents.**

(1)A member of a co-operative society or any other person may inspect the following documents in the office of the Registrar, and may obtain certified copies thereof, on payment of the following fees:-(i)Application for registration of a co-operative society (Form No.1) - rupees.10 per page;(ii)Certificate of registration of a co-operative society- rupees 10 per page;(iii)Bye-laws of a co-operative society - rupees 10 per page;(iv)Amendment of bye-laws of a co-operative society- rupees 10 per page;(v)Order of cancellation of the registration of a co-operative society - rupees 10 per page;(vi)Audit report of a co-operative society - rupees 10 per page;(vii)Annual balance sheet of a co-operative society - rupees 10 per page;(viii)Order under section 66 of the Act for inquiring the conduct of a person - rupees 10 per page;(ix)Order referring a dispute for decision under section 71 of the Act - rupees 10 per page;(x)Order of supersession of a committee or removal of any member thereof - rupees 10 per page;(xi)Any decision, order award, and judgment against which provision of appeal is provided. - rupees 10 per page;(2)A member of the co-operative society or any person may inspect all or any of the documents referred to in sub-rule (1) after paying inspection fee of rupees one hundred per inspection.(3)An application accompanied by a receipt, for the amount deposited with the Registrar, for the charges for inspection or obtaining copy shall be made to the Registrar specifying the particulars of the document required. Such application shall be disposed off within fifteen days of the receipts of the application(4)A copy of any of the documents referred to in sub-rule (1) shall be certified by the Assistant Registrar as true copy of the original with the following endorsement made thereon:-(i)Date of receipt of application.(ii)Date on which the copy was ready for delivery.(iii)Date on which delivered.(iv)Copying charges for the documents as applied.(v)Certified to be true copy of the original.Prepared by.....SignatureAsstt. Registrar.Checked by .....Seal:-Every memorandum of appeal under the Act, these Rules or order shall be accompanied with a certified copy of the decision, order award or judgment against which the appeal has been filed.

### **37. Duties of Members.**

(1)The member shall owe the following duties to a co-operative society, namely:(a)to abide by the provisions of the Act, there rules, bye-laws and other lawful decisions taken by the General body, committee, other committees and the Registrar;(b)To make share capital contribution, other fees and payment to the co-operative society in accordance with the provisions of the Act, rules and bye-laws;(c)To extend full co-operation and support to other members and the co-operative society, thereby, contributing to the overall development of co-operative;(d)To perform or extend the minimum economic commitment and business support to the co-operative as prescribed under the Act, rules and bye-laws;(e)To undertake jointly and severally the responsibility to bear liability on

debts, risks, losses and damage caused to co-operative society within the limit of members share capital contribution as provided in the bye-laws of the co-operative society; and(f)To compensate for damages caused to the co-operative society, if any, in accordance with the provisions of the Act, rules and bye-laws.

## **Chapter IV**

### **Management of Co-Operative Societies**

#### **38. Closing of Accounts.**

- Every co-operative society shall maintain accounts and books for the purpose of recording business transactions by it and close them every year on 31st March, by the 30th April. Each closing entry in the cashbook, in each ledger account shall be signed by the president or secretary or the treasurer or any other authorised officials of the society authorised by the committee in this behalf. The closing balances, which are thus authenticated, shall be carried forward to the following year commencing on the 1st April. For the purpose of calling the annual general body meeting as provided in section 31 of the Act, the date fixed for making up the accounts, for the year shall be 30th April of each year. The closing accounts shall be signed by the secretary or the treasurer or any other officers of the society/bank authorized by the committee.

#### **39. Accounts and other books to be maintained by co-operative societies.**

- Every co-operative society shall keep and maintain the following books of accounts for the purpose of recording the business transacted by it, namely:-(a)Minutes book for recording the proceedings of the general body, Committee/any sub committee;(b)Register of applications for membership containing the name and address of the applicant, number of shares applied for, and in case of refusal, the date of communication of the decision refusing application of the applicant;(c)Membership Register, containing the date of membership, name of member, name of father/husband, address of member, no. of shares purchased, name of the nominee with relationship, date of cessation of membership, signature of the member and remarks. In case of housing co-operative societies, the Bank account of the member and address of the bank, the PAN, Electoral photo identity card (EPIC), certificate of gazetted officer attesting signature and photograph of member and an affidavit as prescribed shall be maintained by cooperative housing society;(d)Share allotment register along with details of amount paid therefore;(e)Cash book, showing daily receipts and expenditure, and the balance at the end of each day;(f)Receipt book, containing forms in duplicate, one of each set to be issued for money received by the society and the other to serve as counterfoil;(g)Voucher file, containing all vouchers for contingent expenditure incurred by the society, numbered serially and filed chronologically;(h)Ledger of borrowings, showing deposits and other borrowings of all kinds;(i)In the case of societies issuing loans,(i)Loan ledger, showing the number and date of disbursement of each loan issued to member, the amount of loan, the purpose for which the loan is granted and the date or dates of repayment, distinguishing principal and interest;(ii)Liability/surety register showing the indebtedness of each member to the society whether on account of loan taken directly by the member or on account of loan for which the

member stands as surety;(j)In the case of a co-operative society, if the working capital exceeds twenty thousand rupees, a general ledger showing receipts and disbursements and the outstanding under various heads from day to day;(k)In the case of a co-operative bank, a register of fluid resources showing the immediate liabilities of the co-operative bank and the extent of fluid resources available to which the Banking Regulation Act, 1949 (10 of 1949) applies according to the instructions of the Reserve Bank of India;(l)Monthly register of receipts and disbursements; and(m)Register of dividend.

#### **40. Power of Registrar to direct accounts and books to be written up.**

- The Registrar may, by order in writing, direct any co-operative society to get any or all of the accounts and books, required to be kept by it under rule 39, of these rules written up to such date, in such form and within such time as he may direct. In case of failure by any co-operative society, the Registrar may depute an officer subordinate to him or any Chartered Accountant from the approved panel to write up the accounts and books. In such case it shall be competent for the Registrar to determine, with reference to the time involved in the work, the emoluments of the officer deputed to do so, the charges which the cooperative society concerned shall pay to the Government/Chartered Accountant and to direct its recovery from the society.

#### **41. Certifying of Entries in Books.**

(1)For the purpose specified in sub-section (i) of section 49, a copy of any entry in a book of a society regularly kept in the course of business shall be certified,(a)by the president or secretary or treasurer or any other officer authorized by the committee.(b)in case, an order has been passed under section 37 of the Act for superceding the committee and appointing an administrator by the Registrar, by the administrator or any officer authorised by him; or(c)in case, an order has been passed under sub-section (1) of section 99 appointing a liquidator of the society by the Registrar, by the liquidator.(2)Every certified copy shall bear the seal of the co-operative society.

#### **42. Registrar may require statements and returns to be furnished.**

(1)Every co-operative society shall prepare the following statements and returns for each co-operative year, namely:-(a)a statement showing the receipts and disbursements for the year;(b)a profit and loss account;(c)a balance-sheet;(d)in case of co-operative housing societies details of members resigned, enrolled, ceased and expelled with the approval of Registrar and a updated list of members of the such co-operative housing society; and(e)such other statement or return as may be specified by the Registrar from time to time.(2)The balance sheet of a co-operative society shall reflect a true and fair view of the state of affairs of the co-operative society. The profit and loss account of the co-operative society shall give a true and fair reflection the profit and loss of the society. Every co-operative society shall submit a copy of each of the statements specified in sub-rule (1), to the Registrar annually within one hundred eighty days next after the date fixed for making of its account for the year.Explanation. - For purposes of this sub-rule reference to balance sheet or profit and loss account, shall include any subsidiary statements or documents annexed thereto and any notes thereon.(3)Without prejudice to sub-rule (1), a consumers' co-operative society,

producers' cooperative society and any other co-operative society, if so, required by the Registrar by order shall submit, a statement of verification of the stock at the close of the preceding co-operative year of articles in which the society transacts business to the Registrar annually within such time as may be specified in that order.

#### **43. Preservation and destruction of Books and Records etc.**

- The books and records of a co-operative society shall be preserved as is set forth in Schedule 1 or as may from time to time be directed by the Registrar. A list of record destroyed from time to time shall be prepared and kept by the secretary or any authorized officer: Provided that the cooperative banks shall be governed by the Co-operative Banks (Period of Preservation of Records) Rules, 1985, as prescribed under in the Banking Regulation Act, 1949 (10 of 1949).

#### **44. Responsibility of Officers for maintaining the Account Books.**

(1) The president, secretary, treasurer and vice president of a co-operative society shall inter alia be responsible, jointly and severally and the officer appointed by the committee for the following tasks namely:-(a) maintaining the books of account; (b) maintaining other books and registers as prescribed in these rules; and (c) prepare returns and statements as prescribed in these rules. Provided that a person entrusted with the duty of maintaining the accounts shall not be the in charge of cash of the co-operative society: Provided further that in case of co-operative societies having Government share money, officers appointed for maintaining the accounts shall be responsible. (2) Notwithstanding anything contained in the bye-laws of the co-operative society, the following officers shall also be responsible for the work indicated against each, namely:

-(a) Treasurer - The Treasurer shall keep or cause to be kept all the books of accounts and vouchers and shall prepare or cause to be prepared annual profit and loss account, receipt and disbursement account and the balance sheet. Whosoever may be writing these books of accounts, they shall always be deemed to be in the custody, possession, power and control of the treasurer. The treasurer shall be responsible for safe delivery of the record to his successor after making a list of documents handed and taken over. Cash balance in hand, shall always remain in the custody of the treasurer or any other official appointed by the committee and such treasurer or official authorized shall sign the cash book against closing cash in his custody. (b) Secretary- The secretary shall keep or cause to be kept all other records of the cooperative society and shall be responsible for preparation and submission of various returns to the Registrar. Whosoever may be maintaining these records, these shall always be deemed to be in the custody, possession, power and control of the secretary. The Secretary shall be responsible for making over the charge of the record to his successor under proper charge report to be signed by the relieving and the relieved officers.

#### **45. Disqualifications of paid staff.**

- No near relative of any member of a committee or a member of the committee of financing bank to which the society is indebted shall be appointed as its paid staff.

## **46. General Body Meetings.**

(1) Without prejudice to the provisions of section 31 and section 33 of the Act the meetings to be convened by a co-operative society of its general body shall be:-(a) First general body meeting; (b) Annual general body meeting; and (c) Special general body meeting. (2) The first general body meeting of the co-operative society shall be held within one hundred eighty days of its registration by the promoter members for the election of the committee. The interim committee/board selected by the promoter members for the registration of a co-operative society shall hold office till the regular committee is elected. In this meeting, the following business shall be transacted, namely:-(a) Approval of allotment of shares, amount collected and amount spent in connection with registration of the co-operative society before registration; (b) Election of members of the committee. (3) A requisition for a special general body meeting to be convened under section 33 of the Act shall state the object of the such meeting, and shall be signed by at least one fifth of members of the co-operative society or the Registrar, as the case may be, and shall be sent to the registered office of the society and copy to Registrar. (4) On receipt of the requisition as aforesaid, the committee shall consider and convene the special general body meeting or direct its secretary or president to convene the special general body meeting, within the stipulated time of thirty days from the date of receipt of requisition from members or Registrar as the case may be. At special general body meeting no business other than that specified in the notice or as specified by the Registrar, shall be transacted.

## **47. Constitution of a representative General Body.**

(1) A co-operative society with limited liability, may, if its area of operation extends to the whole of the National Capital Territory of Delhi or its membership exceeds five thousand, provide in its bye-laws for the constitution of a representative general body. (2) In case the bye-laws of the co-operative society provides to constitute a representative general body, the co-operative society shall, with the permission of the Registrar, divide its members into different groups on a territorial or other basis. (3) The bye-laws may also specify the number or proportion of the members of the representative general body to be elected for representing each group:- (a) by all the members of the co-operative society; (b) by the only that particular group of members of the co-operative society. (4) The members who are elected to represent each group shall be called the delegates. A delegate shall hold office and attend general meetings till fresh are elected in their places. Each delegate shall have one vote. A member shall cease to be a delegate if he:- (a) ceases to be a member of the co-operative society; or (b) resigns his office as a delegate. (5) A casual vacancy of a delegate in any area or group shall be filled by election by members of the co-operative society in the area or group concerned.

## **48. Quorum of a general body meeting.**

(1) Notwithstanding any thing contained in the bye-laws, the quorum for a general body meeting shall be one third of the total number of members subsisting as such on the date of notice of the meeting; Provided that in case of a Society having membership of thirty or less than thirty members, then quorum shall be minimum of ten members. (2) No business shall be transacted at any general

body meeting unless there is a quorum at a time where the business of the meeting is due to commence.(3)If within half an hour from the time appointed for the general body meeting, the quorum is not present, the General body meeting shall stand adjourned for fifteen minutes on the same day, which should be specified in the notice calling the general body meetingProvided that at the adjourned meeting, no quorum shall be necessary:Provided further if the general body meeting is called upon at the requisition of the members of the cooperative society (not the Registrar) it shall stand dissolved.

## **49.**

Powers of General Body Meeting Without prejudice to the provisions of section 31 and other provisions of the Act, the general body shall alone have the power to transact the following business, namely:-(a)Fixing the maximum credit limit of the co-operative society as well as members;(b)Fixing the rate of interest including penal interest on loan advance to its members;(c)Approval of the various welfare schemes for the benefits of the members and their family;(d)Prepare education and training programme for its members;(e)Prepare business rules for the co-operative society;(f)Any other matter referred by the committee;(g)To write off debt of members/ deceased members out of bad debt fund maintained by the co-operative society;(h)To frame code of conduct for its members and the committee;Provided that in case of cooperative banks, all such power shall be exercised by the Board of Directors of the bank in accordance with their byelaws, directives and instructions of Reserve Bank India / National Bank for Agriculture and Rural Development.

## **50. Voting in general body meeting.**

(1)A resolution which is put to the vote of a general body meeting shall be decided by a show of hand unless the poll is demanded by at least one third of the members present in the meeting. If no poll is demanded, a declaration by the presiding officer in such meeting that a resolution has been carried or lost and an entry to that effect in the minutes of the meetings shall, for the purposes of the Act, be conclusive proof of the fact that such resolution has been duly carried or lost but shall not be proof of the number or proportion of the votes recorded in favour of or against such resolution.(2)If a poll is demanded by one third of the members present in the meeting, the voting shall be arranged by the presiding officer in the same meeting on the same day through secret ballot after adjourning the meeting, if required.(3)If the poll is taken, the number of members voting for or against a resolution shall be recorded in the minutes of the meeting.

## **51. Length and service of notice for calling general body meeting.**

(1)Annual general body meeting of a co-operative society may be called by giving not less than fifteen days notice in writing.(2)Special general body meeting of a co-operative society may be called by giving not less than seven days notice in writing.(3)Notwithstanding anything contained in the bye-laws, if a general meeting is called under sub section (1) of section 31 of the Act, or in pursuance of sub-section (2) of section 33, the Registrar may determine the period of notice for such meeting, the time and place of the meeting and the subject to be considered thereat. Registrar may preside



over such meeting or authorize any person to so preside.(4)The notice of every general body meeting shall be given to each member of the cooperative society either personally or by post under U. P. C. or by courier services agency duly registered in Delhi having 'Certificate of Incorporation' from Registrar of Companies, Delhi and Haryana and also having Certificate of Registration under section 69 of the Finance Act, 1994 (32 of 1994) from Assistant Commissioner, Central Excise Service Tax. In case the notice is sent by post, service thereof shall be deemed to be effected after the expiry of forty-eight hours of postage by properly addressing, prepaying and posting it:Provided that where a member has intimated to the co-operative society in advance that notice of a general body meeting should be sent to him by registered post with or without acknowledgement due and has deposited requisite amount to defray the expenses of doing so, the service of the notice shall not be deemed to be effected unless it is sent by registered post.(5)The accidental omission, in the opinion of the Registrar, to give notice or a non-receipt of notice by any member shall not invalidate the proceedings at the general body meeting.(6)The notice of an annual general body meeting shall be accompanied by a copy each of audited balance-sheet profit and loss account together with the audit objections thereon relating to the preceding year and the report of the committee. In addition, the copy of the audit report may also be shown to member at the time of general body meeting.

## **52. Minutes of general body meeting.**

(1)A co-operative society shall cause minutes of proceedings of general body meetings to be entered in a book kept for that purpose.(2)The minutes of meeting shall be drawn up free from all alterations and corrections, and shall be recorded in the minute book within four working days after the date of meeting and the minutes shall be signed by the presiding officer of the meeting or President, Secretary or Managing Director or Chief Executive Officer. In case of co-operative housing society, the minutes shall be circulated to all members within fifteen days of general body meeting. In case of other co-operative societies, the minutes shall be displayed on the notice board of the office. The objections if any shall be placed before the Committee and shall also be placed before next general body meeting.(3)Until the contrary is proved, every general body meeting of a co-operative society in respect of the proceedings where of minutes have been so recorded shall be deemed to have been duly called and held.

## **53. Election of committee.**

- Notwithstanding anything contained in these rules or the byelaws, election of members of the committee of a co-operative society shall be conducted in the manner given in Schedule II.

## **54. Disqualifications for membership of committee.**

- Subject to provisions of sub sections (7) of sections 35 of the Act, no person shall be eligible for election as a member of the Committee, if,(a)he is in default to the co-operative society in respect of any sum due from him to the co-operative society;(b)he has, directly or indirectly, any interest in any contract to which the cooperative society is a party except in transaction made with the co-operative society as a member in accordance with the objects of the co-operative society as stated in the bye-laws;(c)he has, at any time during a period of one year prior to the date of scrutiny of

nomination papers, engaged in any identical private business, trade or profession of any description carried on by the society;(d)he has been convicted of any offence involving dishonesty or moral turpitude during the period of six years prior to the date of scrutiny of nomination paper or he has been ordered to repay or restore the money or property or any part thereof under sub-section (2) of section 66 of the Act by the Registrar;(e)he during a period of one year preceding the date of filing of nomination papers, has been carrying on, through agencies other than the co-operative society of which-he is member, same business as being carried out by such co-operative Society;(f)he is a member of a defunct co-operative society which has ceased to function or which has not fulfilled its objects as stated in its bye-laws or is a member of a cooperative society which is under winding up process;(g)he incurs any other disqualification laid down in the bye-laws of the co-operative society;(h)he has not completed minimum period of one year from the date of acquiring membership in the co-operative society;(i)in case of co-operative society, the co-operative society has not completed minimum period of one year from the date of acquiring membership in a federal co-operative society/ financing co-operative bank;(j)he contest election for two seats of the Committee or Board of directors simultaneously;(k)proceeding against him has been initiated for violation of section 31and/or section 60 of the Act under section 111 of the Act.(l)he has been convicted u/s 118 of the Act, he shall be disqualified from contesting election for a period of four years from the date of conviction.(m)he was a member of the previous committee and has not handed over the complete charge and all record to the successor committee, he shall be disqualified for contesting election for next four years.(n)he is a member of the salary earners co-operative society and is retiring from his services within the period of term of the committee, subject to provision of byelaws.

## **55. Cessation of membership of committee.**

- A member of the committee shall cease to hold his office, if, he,(a)continues to be in default in respect of any sum due from him to the co-operative society for such period as may be laid down in the bye-laws;(b)ceases to be a member;(c)is declared insolvent;(d)becomes a person of unsound mind;(e)is convicted of an offence involving dishonesty or moral turpitude; or(f)becomes subject to any disqualification which would have prevented him from seeking election, had he incurred that disqualification before election.

## **56. Prohibition against being interested in contracts etc.**

- (1.) Without prejudice to the provisions of the bye-laws, no officer of a co-operative society shall have an interest directly or indirectly, otherwise than as such officer,(a)in any contract made with the co-operative society;(b)in any property sold or purchased or leased out by or to the co-operative society: or(c)in any other transaction of the co-operative society except as investment made or as loan taken from the co-operative society or the provision of residential accommodation by the co-operative society to any paid employee of the cooperative society.(2)No officer of a co-operative society shall purchase directly or indirectly, any property of a member of the society sold for the recovery of his dues to the co-operative society.(3)The prohibitions contained in this rule shall continue to apply for a period of two years after a person ceases to be an officer of the co-operative society.

## **57. Term of office of member of committee who is delegate of another Society.**

- A delegate of one society sitting on the committee of another society shall vacate his seat in such committee: -(a)if the co-operative society withdraws him or elects another delegate in his place;(b)if the committee of the co-operative society which elected him as a delegate has been superseded;(c)if the co-operative society of which he is a delegate becomes defunct or commits default and continues to be a defaulter for a period exceeding three months: or(d)if the affairs of the co-operative society of which he is a delegate are ordered to be wound up.

## **58. Constitution and strength of committee of financing bank.**

(1)Subject to the provisions of section 35 of the Act and notwithstanding anything contained in the bye-laws of the financing bank, the maximum strength of the committee shall be nineteen including two Government nominees ( one from cooperative department and one from Finance department) nominated by the Government and one nominee of NABARD. The Managing Director/Chief Executive Officer of the bank would act as the member secretary of the committee. The Managing Director will be appointed by the committee in consultation with Government. The remaining sixteen directors shall include five institutional directors and eleven elected directors as under:-(a)Institutional directors: -(i)One seat for Urban Co-operative Banks Federation;(ii)One seat for Delhi State Co-operative Union.(iii)One seat for Delhi Co-operative Housing Finance Corporation.(iv)One seat for Delhi State Agricultural Co-operative Marketing and Supply Federation Ltd;(v)One seat for Delhi State Women Co-operative Marketing & Service Federation Ltd.Note: - The above institution shall nominate either President/Chairman or General Secretary/Secretary as its representatives.(b)Elected representatives (directors)(i)Two representatives of Urban Thrift & Credit Co-operative Societies;(ii)Three Representatives from Agricultural Credit/Non-Agricultural Credit Societies which will include Agricultural Marketing/Fruit and Vegetable Growers Marketing Co-operative Societies/Federation, excluding Delhi State Co-operative Agricultural Marketing and Supply Federation Ltd;(iii)One representative of weavers (Handloom) co-operative societies;(iv)One representative of Industrial co-operative societies (excluding Handloom Cooperative Societies) /Leather/Labour/Transport Co-operative Societies including individual members;(v)One representative of consumer stores/housing cooperative societies;(vi)One representative of other backward classes co-operative societies(Reserved);(vii)One representative of SC/ST cooperative societies (Reserved);(viii)One representative of women cooperative societies excluding Delhi State Women Co-operative Marketing & Service Federation Ltd (Reserved).Note: - For the purpose of SC/ST/OBC and Women Co-operative Societies mentioned in sub-clause( vi), (vii) and (viii) above, the membership in such co-operative society of respective category shall be exclusively women or person belonging to SC/ST or the backward classes respectively.(2)The election of the different categories of representatives shall be by votes of the same category of the co-operative societies for their representatives.(3)The committee shall elect a president and vice-president from amongst directors and the election of the president and vice president shall be conducted by the returning officer within a week after the declaration of results for the directors.(4)The president/vice president can only be removed from the office by votes of no confidence by a majority of three-fourth members of the committee.(5)The Government may review the representation of the nominated and

elected representatives of the committee from time to time.

## 59. Constitution and strength of committee of cooperative union.

(1) Notwithstanding anything contained in the bye-laws of the Co-operative union, the maximum strength of the committee shall be sixteen including a nominee of the Government. The remaining fifteen members of the committee shall be as under:- (a) Institutional Members (Five) (i) One seat reserved for Delhi State Women Co-operative Marketing and Supply Federation Ltd; (ii) One seat for the Delhi Co-operative Housing Finance Corporation Ltd; (iii) One seat for Delhi State Co-operative Industrial Federation Ltd; and (iv) One seat for Delhi State Co-operative Leather Societies Federation Ltd. (SC/ST representative) (v) One seat for Delhi State Weavers handloom Cooperative Industrial Service Federation Ltd. Explanation I. - The above institutions shall nominate the President or Chairman or the General Secretary or Secretary as its representatives (b) Elected Representative (Ten) (i) Two representatives from the individual members of the Delhi State Co-operative Union Ltd. (ii) Three representatives from urban thrift and credit co-operative societies; (iii) One representative from co-operative banks; (iv) One representative from the Agricultural Credit/ Non-Agricultural Credit Co-operative societies which shall also include Agricultural Marketing Fruit and Vegetable growers Marketing co-operative societies/ federations, and also Agro and Livestock based cooperative societies. (v) One representative from handloom co-operative societies including handloom cooperative federations; (vi) One representative from women cooperative societies. (vii) One representative from co-operative Housing societies / industrial societies/ labour/ transport societies and consumer co-operative Stores. Explanation I. - For the purpose of women co-operatives society, the co-operative societies having exclusively women members shall be entitled to elect its representatives. Explanation II. - The election of the different categories of representatives shall be by votes of the same category of the co-operative societies/ members for their representatives. Explanation III. - For the purposes of election, details of the delegate should contain the following particulars, namely:-

S. No.	Name and address of the delegate with father's name, Telephone number if any	Membership No. of the delegate	Duly attested photograph of the delegate	Signature of the delegate
1	2	3	4	5

Name of the Co-operative society with full address and Pin Code \_\_\_\_\_

of the President/Secretary of the \_\_\_\_\_ Society Ltd. Seal Date \_\_\_\_\_

(2) The Committee shall elect a president, a vice president and a general secretary from amongst the institutional and elected members of the committee and the election of the office bearers shall be conducted by the returning officer within three days after the declaration of the election result. The president, vice president and general secretary may be removed from their office by no confidence votes by a majority of three fourth of members of committee.

## **60. Meetings of the Committee.**

(1) A committee of a co-operative society shall exercise all the powers of the Co-operative society, discharge all the duties as may be specified in its bye-laws by means of resolutions passed at its meetings. No resolution shall be passed by circulation to the members of its committee. (2) A committee shall meet as often as required but a meeting shall be held at least once in every month in case of primary co-operative societies and once in three months in case of federal co-operative societies and financing bank. (3) The notice of meeting shall be given to each member of the committee in writing under the signature of the president or secretary or chief executive officer/ managing director at least five days prior to the date of meeting and such notice shall be served to the member either personally or by post under certificate of posting. In case, the notice is sent by post services, it shall be deemed to be effective after the expiry of forty eight hours after the letter containing the notice is posted properly, addressing, prepaying, and posting it. Provided that if a member has intimated to the co-operative society in advance that notice of a meeting should be sent to him by registered post with or without acknowledgement due and has deposited a sum sufficient to defray the expenses of doing so, the service of notice shall not be deemed to be effective unless it is sent by registered post. However, in case of an emergent meeting, the service of notice shall be made by hand ensured at least twenty four hours the time of the meeting. (4) Notwithstanding anything contained in the bye-laws, the committee shall cause minutes of meeting to be entered in the book for the purpose in handwritten at the spot in presence of members present and voting. The minutes of each meeting shall contain the names of the members present, names of the members, if any, dissenting from or not concurring in and of its resolutions. At the end of the minutes each member present and voting shall put his signature. If the minutes are not made and recorded in this manner they shall not be considered valid and under such circumstances, it shall be presumed that no meeting was held. Provided that in case of urban cooperative banks, federal co-operative societies or apex co-operative societies and urban cooperative thrift and credit societies, the minutes shall be signed by the Chairman or President, Secretary or Managing Director or Chief Executive Officer and shall be confirmed in the next meeting of the committee. (5) Notwithstanding anything contained in the bye-laws, the quorum for a committee shall be one third of the total number of the members of committee subject to a minimum of three.

## **61. Supersession of Committee.**

(1) The notice under sub section (1) of section 37 of the Act shall contain the grounds for the proposed action and shall be addressed to the chairman or president of the co-operative society and sent to him at his last known address, if any, and at the registered address of the co-operative society by registered post. The service of the notice shall be complete as soon as the letter containing this notice is posted. (2) It shall be the duty of the Committee to intimate as to which financing bank or financial institution, the co-operative society is indebted and in case the Committee does not inform about its indebtedness, the Registrar may take a decision in this regard on the basis of records available with him. (3) As soon as the order removing the committee is made by the Registrar under subsection (2) of section 37 of the Act, all members of the committee shall be deemed to have vacated their respective offices from the date of the order and shall hand over charge of the assets and liabilities and record of the co-operative society to the Administrator appointed by him. (4) The

Administrator may constitute a sub-committee consisting of upto four members to assist and advise him for taking decision on important matters regarding the affairs of the co-operative society with the approval of the Registrar.(5)The Registrar shall fix remuneration of the Administrator which shall not exceed ten thousand rupees per month depending upon the size, business turnover and financial position of the co-operative society.

## **62. Functions of federal/apex co-operative society.**

(1)Subject to the provision of the Act and any other law for the time being in force, a federal co-operative society may discharge the functions to facilitate the voluntary formation and democratic functioning of co-operative societies as federal co-operative or co-operative based on self-help and mutual aid.(2)Without prejudice to the generality of the provisions contained in sub-rule(1), the federal co-operative society may-(a)ensure compliance of the co-operative principles;(b)make model bye-laws and policies for consideration of its member co-operative societies.(c)provide specialized training, education and data-base information;(d)undertake research, evaluation and assist in preparation of perspective development plans for its member co-operative societies;(e)promote harmonious relations amongst member co-operative societies;(f)help member co-operative societies to settle disputes among themselves;(g)undertake business services on behalf of its member co-operative societies, if specifically, required by or under the resolution of the general body or the board, or bye-laws of a member co-operative societies;(h)provide management development services to member co-operatives societies;(i)evolve code of conduct for observance by member co-operatives societies;(j)evolve viability norms for member co-operative societies;(k)provide legal aid and advice to member co-operative societies;(l)assist member co-operative societies in organizing self-help; and(m)develop market information system, logo brand promotion, quality control and technology up-gradation.

## **Chapter V**

### **Privileges of Co-Operative Society**

## **63. Form of declaration to be made by members while borrowing loans.**

(1)A declaration as per clause (i) and clause (ii) of section 45 of the Act, shall be made in Form -9.(2)A register of such declaration shall be kept by the co-operative society in Form-10.(3)A charge on any immovable property created by a member in favour of a cooperative society for amount borrowed or likely to be borrowed by him, from time to time, shall, subject to the provisions of clauses (iv) and (vi) of section 45 of the Act continue to be in force till the person creating the charge has fully repaid the sum borrowed or he ceases to be a member of the society as the case may be(4)In case, a member of a society creates a charge on his land or on his interests in any land as a tenant, by declaration under-section 45 of the Act, the co-operative society may, if compelled to make use of such property for the recovery of the loan granted to such member against the security of such property or interest in the property, utilise the whole or any portion of such property which may be sufficient to satisfy the amount due with interest and any incidental expenses incurred in that connection.(5)In case, a charge is created by a member on his land or on his interest in any land

as a tenant by declaration under section 45 of the Act, the co-operative society shall record or cause to be recorded such particulars of charge in the record of rights maintained by the village officers of the village where such property is situated. Such recording of the charge in the record of rights of the village shall be treated as a reasonable notice of such charge created under section 45 of the Act.(6)Without prejudice to the generality of the powers given in Explanation below section 45, financing bank, agricultural credit and non-credit co-operative society shall come within the purview of section 45 of the Act from the commencement of these rules.

## Chapter VI

### Properties and Funds of Co-Operative Societies

#### 64. Restriction on borrowing by co-operative society with limited liability.

(1)A co-operative society shall receive deposits and loans only to such extent and according to the following parameters or as per provisions contained in the bye-laws. The general body of a society shall be competent to fix the maximum credit limit in respect of the cooperative society based on the audited accounts and the committee shall be competent to fix the maximum credit limit of an individual borrower.(2)The maximum credit limit of a co-operative society 'other than Consumer Store, Cooperative Housing, Urban Cooperative Banks and Financing Bank' may be fixed by the general body but not exceeding the following limits namely:-(a)Co-operative society classified 'A' during the last audit Seven times the paid-up share capital plus accumulated reserves and undistributed profits minus the total of losses and loans falling overdue payable to Financing Bank and other agencies;(b)Co-operative society classified 'B' and 'C' during the last audit. Five times the paid-up share capital plus accumulated reserves and undistributed profits minus the total of losses and loans fallen overdue payable to Financing Bank and other agencies;(c)Co-operative society classified 'D' during the last audit and newly registered cooperative society. Three times the paid share capital less loss and over-dues.Explanation. - The classification of society as (A) (B) (C) or (D) shall be made on the norms specified in Schedule (V).(d)Consumers co-operative society Against hypothecation or pledge of goods, the maximum credit limit shall be equal to the aggregate of paid-up share capital, accumulated reserves, undistributed profits and value of the goods in stock hypothecated or pledged;(ii)Co-operative housing society Twenty times the paid-up share capital plus accumulated reserves and profits provided the repayment of principal and interest is secured by mortgage or pledge of tangible assets and securities;(iii)Co-operative financing bank Fifteen times the paid-up share capital plus accumulated reserves minus losses, actual bad debt and overdue interest recoverable:Provided that the Registrar may reduce or increases the above maximum credit limit at the time of according his approval. A co-operative society which accepts deposits and loans from members alone and has no liability to any person other than the members, may receive deposits and loans from the members in excess of the limit referred to in clause (2) if the excess amount is deposited in the fixed deposit account with the Cooperative Financing Bank or is invested in Government securities specified in section 20 of the Indian Trust Act, 1882 provided that the amount so deposited or invested or any part thereof is not withdrawn or otherwise utilized except for the payment of the deposit accepted in excess of the aforesaid limit.

## **65. Raising of Funds of Co-operative Societies.**

(1) Every co-operative society, having a share capital shall provide in the bye-laws, the maximum amount of such share capital, the number of shares into which it is divided, the class of shares, the face value of each share of each class and the rights and liabilities attaching to each class of shares and in case the full amount of the shares is not payable on allotment, the amount and the number of installments required to be paid and such other incidental matters. (2) Any co-operative society, authorized under its bye-laws to raise funds by the issue of debentures and bonds may, with the prior sanction of the Registrar, frame regulations regarding the maximum amount to be raised by the issue of debentures and bonds, the class or classes of debentures and bonds, the face value of each-debenture or bond, the date for redemptions of debentures or bonds the rate of interest payable, the terms and conditions regarding transfer of debentures and bonds and other incidental matters. (3) The total amount of debentures and bonds issued at any time together with the other liabilities incurred by the co-operative society shall not exceed the maximum amount the co-operative society can borrow under the provisions of rule 64 of these rules, and the bye-laws. (4) The Registrar may, by general or special order, lay down such additional conditions as the co-operative societies may receive deposits, issue debentures or raise loans from any creditor other than the Financing Bank.

## **66. Maintenance of liquid resources and distribution of asset.**

- Every cooperative society if obtains any portion of its working capital by deposits, shall, - (a) maintain such liquid resources and in such form as may be specified by the Reserve Bank of India in the case of Urban Cooperative Banks and Financing Bank and by the Registrar in the case of other co-operative societies, and (b) utilize only such portion of its working capital in business and distribute its assets in accordance with such standards as may be specified from time to time by the Registrar.

## **67. Condition for Loans and holding of share.**

- Subject to the provisions of section 6 of the Act a member of a co-operative society or a member applying for a loan from the co-operative society shall hold shares not exceeding one tenth of total share capital or twenty thousands rupees whichever is less.

## **68. Restriction on loan by a co-operative society to another co-operative society.**

- Subject to the provisions of section 57 of the Act, a primary co-operative society shall not grant loan to another co-operative society except the Financing Bank or Apex Cooperative society as defined in clause (b) section 74 of the Act, without prior approval of the Registrar.



## **69. Manner of recalling of loan.**

(1) Notwithstanding anything contained in the agreement entered with the borrowing member, the committee, shall be entitled, after giving two week's notice to such member, to recall the entire loan amount immediately, if it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan. (2) Nothing in this rule shall be deemed to preclude the Registrar from directing the cooperative society to recall a loan of his own motion, if it is brought to his notice that the loan given by the co-operative society has been misapplied or conditions thereof have not been followed. The Registrar may make in the matter such enquiries as he may deem necessary and after giving a show cause notice to the co-operative society and may issue with the prior approval of the Financing Bank, necessary directions to the cooperative society. The directions issued by the Registrar in this respect shall be complied with by the co-operative society.

## **70. Shares not to be hypothecated to the societ.**

- The shares of society shall not be hypothecated to that co-operative society by its members as a security for a loan.

## **71. Charging of penal interest.**

(1). No co-operative society shall charge penal interest on default of loan at the rate not exceeding three percent per annum over and above the normal rate of interest as being charged by the co-operative society on loan and in-case of Financing bank and Apex cooperative society not exceeding two percent over and above the normal rate of interest being charged from the defaulting co-operative societies. (2) In case, the member or the co-operative society has cleared all the dues, the co-operative society or Financing bank or Apex co-operative society may waive the penal interest.

## **72. Loans and subsidies by the Government.**

(1) Loans and subsidies to a co-operative society or class of co-operative societies may be granted by the Government, by a general or special order, from time to time. (2) A co-operative society receiving Government loan or subsidy, or a co-operative society has subsidised a share or shares or liability by way of guarantee has been undertaken by the Government, shall furnish such information and submit such returns as the sanctioning authority or the Registrar may from time to time, require.

## **73. Distribution of profits.**

(1) No dividend shall be declared or paid except out of net profits left after making the contribution towards reserve fund required to be made under the provisions of section 53 of the Act. In co-operative society, the dividend shall not exceed eighteen percent per annum on paid-up share capital. Dividend shall be payable at such rate not exceeding this limit to the registered share holders, as may be approved by the general body and not otherwise. Share holders/members will

have no right to the dividend unless declared and approved by general body. The dividend shall be paid to all members within three months of the approval by the general body. No dividend shall be paid by the co-operative society while any claim due from the co-operative society to a depositor or lender remains unsatisfied.(2)Notwithstanding anything contained in these rules and the bye-laws of the society, the Registrar may by a general or special order direct that a co-operative society shall not pay dividend or shall pay dividend at a reduced rate.(3)In the case of an agricultural credit co-operative society, ten percent of net profits after contribution to the reserve fund under the proviso to section 53 of the Act, shall be credited to Agricultural Stabilization Fund to be utilised for enabling the borrowers to make postponement of repayment of loans on account of famine, drought, or such other unforeseen causes. Any subsidy for special bad debt reserve given by the Government shall also be credited to this Stabilisation Fund.(4)A distribution of the remaining balance of profits under section 53 of the Act, after the distribution of dividend shall be in accordance with the bye-laws of the society regarding such distribution. It shall be in proportion to the wages earned by each member in the case of a producer's society, and to the amount of goods purchased by each member, or where it is so provided in the bye-law by each member or customer in the case of consumer society. It shall also be proportion to the amount of rent paid by each member in the case of a housing co-operative society, in proportion to the goods obtained or sold through the marketing co-operative society by each member, or to the loans borrowed from and the deposits made with the co-operative credit society by each member.(5)Any co-operative society which pays dividend may also give incentive or gift to its members, with the approval of the general body, not exceeding five per cent of its net profit subject to a maximum of three hundred rupees per member :Provided that directions of the Reserve Bank of India in this behalf shall govern primary urban co-operative banks :Provided further that the co-operative housing societies shall not be eligible to give incentive or gifts.

#### **74. Contribution towards co-operative education fund.**

(1)Every co-operative society shall credit a sum calculated at the rate of two percent of its net profit every year subject to a maximum of fifteen thousand rupees as contribution to the Co-operative Education Fund maintained by the Registrar. The Co-operative Education Fund shall be administered by a committee constituted by Government for this purpose consisting of following members, namely: -

1 Registrar:	Chairperson ;
2 Joint Registrar :	Member ;
3 President or General Secretary, Delhi State Cooperative Union:	Member ;
4 Chief Executive Officer, Delhi State Cooperative Union :	Member ;
5 Principle Delhi State Cooperative Training Center :	Member ;
6 President or Secretary, Delhi Cooperative Urban Banks Federation Ltd. :	Member ;
7 Managing Director or General Manager, Delhi State Co-operative. Bank Ltd.	Member ;
8 Chairman or General Manager of Delhi Cooperative Housing Finance Corporation :	Member ;

9 Three representatives from different kind of co-operativesocieties contributing Member ;  
Education Fund regularly :

The term of the committee shall be three years. The five members shall constitute the quorum in a meeting of the committee. The Co-operative Education fund shall be kept with State Bank of India. The Co-operative Education Fund payable by the co-operative societies shall be a charge on the fund of the co-operative society.(2)Contribution received in Co-operative Education Fund shall be utilized under the following Heads, namely:-(a)Grants-in Aid to Delhi State Co-operative Union and Delhi State Co-operative. Training Centre for undertaking co-operative education and training programme and other cooperative development activities;(b)Administrative expenditure on the maintenance of office of the Co-operative Education Fund, salary of staff, maintenance and purchase of vehicle, conveyance charges, overtime allowance, honorarium to the officers and official meeting expenses etc;(c)Remuneration of election officers for conducting election of co-operative societies where funds are not available and conducting of general body meeting of societies which are not providing funds due to financial constraint;(d)Interstate or International study tours;(e)Co-operative development activities which includes organisation and participation in exhibition preparation of study reports and making contributions to state and national level events conferences, seminars, workshop and training programmes :Provided that audited report of Co-operative Education Fund shall be displayed on the website of the Registrar, Co-operative Societies every year.(3)The committee shall fix an amount for incurring expenditure on day- to-day expenses and shall also authorize any officer in this regard.

## 75.

Subject to the provisions of section 54 of the Act, a co-operative society may contribute a sum out of its net profits in the National Defence Funds or other funds of National importance :Provided that a sum of funds may be contributed for welfare schemes of the Government with the prior approval of Registrar.

## 76. Investment of Fund.

- In addition to the manner specified in section 56 of the Act, a co-operative society including Urban Cooperative Bank and Financing Bank may invest or deposit its funds in any other manner permitted by the Government and Reserve Bank of India.

## 77. Use of reserve fund in the business of a society.

- A co-operative society may, subject to the approval of the general body and to such conditions as the general body may impose, use in its business the reserve fund: -(a)upto one fourth of its reserve fund if the owned capital is less than the borrowed capital;(b)upto one half of its reserve fund if the owned capital is equal to or exceeds the borrowed capital; and(c)the entire reserve fund when there is no borrowed capital :Provided that in the case of clauses (i) and (ii), the balance fund shall be invested in an approved mode of investment as per the provisions of the Act, these rules and the bye-laws of the co-operative society.

## **78. Write off debts and other sum due.**

- No co-operative society shall write off in whole or in part any debt or other sums without the previous sanction of the Registrar :Provided that, the co-operative society may write off the bad debts from the bad debts funds created out of profits subject to the limit of ten per cent of the bad debt fund or ten thousand rupees per annum whichever is more.

## **Chapter VII**

### **Audit, Inquiry, Inspection and Surcharge**

## **79. Procedure for appointment of auditors and for conducting Audit.**

(1)The audit of the accounts of the co-operative society shall be conducted by an auditor selected by the co-operative society from the panel of Chartered Accountant drawn by the Registrar after every three years by giving due publicity through two leading daily newspapers. The committee of the co-operative society while selecting the Chartered Accountant as auditor shall inform the Registrar within fifteen days of such selection and shall follow the guidelines and instructions issued by Registrar from time to time :Provided that the Registrar shall draw a panel of auditors atleast six months before the expiring of the term of previous panel so that the statutory audit is complete in time as required under section 60 of the Act, or also to file Income Tax Returns as prescribed under the law.(2)The committee shall ensure that the audit of the co-operative society is complete within the period as provided under sub- section (1) of section 60 of the Act to enable it to place the report before annual general body meeting and also to file Tax Returns in time as prescribed under the Tax Laws. The committee shall also ensure that the Auditor selected by the co-operative society has not exceeded the limit of prescribed number of audits specified by the Registrar under these rules. The auditor appointed out of the panel of Chartered Accountants shall conduct audit of at least three Co-operative societies whose turnover is less than rupees five lakhs and shall charge audit fee at the rate of rupees five hundred from each co-operative society per year and may conduct audit of any other five co-operative societies-Provided further that in-case of special audit, the auditor shall be appointed by the Registrar.(3)If in the opinion of the Registrar, any of the auditor included in the panel of auditors is found indulging in corruption, malpractice, mis-conduct or professional misconduct and refusing (at least twice) to accept the audit assigned to him repeatedly, the Registrar, may, delete his name from the panel of auditors.(4)The audit fee fixed by the Registrar shall be paid to the auditor by the co-operative society directly on the receipt of audit report acknowledged by the Cooperative Department.(5)While fixing charges on account of services rendered by the auditors which are payable to them, the Government shall beside other things' have regards to the turnover or sale or working capital of the co-operative society.(6)The amount fixed under sub-rule (2) above, and the amount payable to the certified auditors, appointed by the Registrar, shall be paid to them directly.(7)An auditor can undertake the audit of a co-operative society for a maximum period of not more than three years continuously.(8)A Chartered Accountant shall not be appointed as auditor of the co-operative society if, he holds membership in that co-operative society or an employee of that co-operative society.Explanation I. - For purposes of this Chapter, audit shall include technical and special audit, concurrent audit and re-audit. However in

case of re-audit and special audit Registrar shall not pass order without giving reasonable opportunity to the co-operative society and the auditor concerned. Explanation II. - Concurrent Audit shall be conducted in respect of the following type of cooperative societies by the auditor appointed under the Act: -(a) All co-operative housing societies, which have been allotted land until the construction of buildings and super structure is completed; (b) Delhi Co-operative Housing Finance Corporation Limited and Delhi Consumer Co-operative Wholesale Store Limited, in case internal auditor has not been appointed; (c) Co-operative Societies / Federations whose turnover exceeds rupees five crores : Provided that in case of Financing bank and Co-operative urban banks, concurrent auditor shall be appointed in terms of guidelines issued by NABARD/Reserve Bank of India, as the case may be.

## **80. Power of Registrar to Direct Special Audit in Certain Cases and Process of Conducting Audit in all Societies.**

(1) Where the Registrar is of the opinion, -(a) that the affairs of a co-operative society are not being managed in accordance with the co-operative principles or prudent commercial practices or sound business principles; (b) that a co-operative society is being managed in a manner likely to cause serious injuries or damage to the interest of business to which it pertains; (c) that the financial position of a co-operative society is such as to endanger its insolvency to the society; -the Registrar may at any time by written order, direct that a special audit of the accounts of co-operative society for such period or periods and for such purpose, as may be specified in the order, shall be conducted and may by the same or different order appoint an auditor out of the panel drawn by Registrar to conduct special audit after giving a show cause notice to the co-operative society. The Special Auditor shall have same powers and duties as are given to an Auditor under the Act. The Special Auditor shall submit its report to the Registrar for taking suitable action on the report as he considers necessary in accordance with the provision of the Act or any other law for the time being in force. Registrar may direct the co-operative society to submit comments on the auditor report or direct the co-operative society to place the report in the general body meeting to be called for this purpose by the committee. The expenses incurred for conducting special audit shall be decided by the Registrar, which shall be paid by the co-operative society from its funds and in default of such payment, the same shall be recovered from the co-operative society as arrears of land revenue. (2) The audit under sub-section (1) of section 60 shall in all cases extend back to the last date of the previous audit and shall be carried out up to the last date of the co-operative year immediately, preceding the audit or where the Registrar so directs in the case of any particular co-operative society or class of co-operative societies, such other date as may be specified by the Registrar. (3) If in the opinion of Registrar, it is necessary to do so in relation to any co-operative society, he may, by order direct that an audit of cost accounts of the co-operative society shall be conducted in such manner as may be specified in the order by an auditor (who shall be Cost Accountant within the meaning of Cost and Work Accountant Act 1959 (23 of 1959)). An audit conducted under this rule shall be in addition to the audit conducted by an auditor appointed under section 60 of the Act. (4) Unless the Registrar directs other wise, the audit of a co-operative society shall be conducted at the registered office of the co-operative society. (5) Previous intimation shall be given to the co-operative society before the audit is commenced. (6) (a) The audit report shall state the following, namely: -(i) whether or not the auditor has obtained all the information and

explanations required;(ii)whether or not in the opinion of the auditor, the balance-sheet and the profit and loss accounts referred to in the report are drawn up in conformity with the Act, these rules and the bye laws thereunder;(iii)whether or not such balance-sheet exhibits a true and correct account of the state of affairs of the co-operative society according to the best of his information and the explanations given to him and as shown by the books of the co-operative society;(iv)whether, in the opinion of the auditor, books and accounts have been kept by the co-operative society as required under the Act, these rules and the bye-laws;(v)Whether there has been any material impropriety or irregularity in the expenditure or in the realisation of money due to the co-operative society;(vi)Whether there was any material impropriety or irregularity in the expenditure, realization of money due to the co-operative society or any defect or observation pointed out in the previous audit which required rectification, has been rectified or not;(vii)Whether in case of a co-operative bank, the guidelines issued by the Reserve Bank of India and National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981)have been adhered to or not;(viii)Whether the loan and advance made by the co-operative society;(ix)Whether the members have been enrolled as per the provisions of Act and these rules;(x)Whether the co-operative society has accounted the deposits of equalization charges in the books of accounts. In case of enrolment and refund of money in case of resignation/ expulsion of member from society, it should be specifically noted, whether an actual debit has been shown in the books of accounts in case of resignation or expulsion;(b)In case any of the matter referred to in sub-clauses (i), (ii), (iii) or (iv) of clause (a) of sub rule (b) is answered in the negative or in the affirmative with any remarks, the report shall state the reason for such answer with facts and figures;(7)The audit report shall also contain schedules with full particulars of : -(a)all transactions which appear to be contrary to the provisions of the Act, these rules or the bye-laws of the co-operative society;(b)all sums which ought to have been brought, and have not been brought into account by the co-operative society;(c)any material impropriety or irregularity in the expenditure or in the realisation of money due to the co-operative society;(d)any money or property belonging to the co-operative society which appears to the auditor to be bad or doubtful of recovery;(e)information in prescribed form giving details of the co-operative society for display on website of co-operative Department;(f)any other matter specified by the Registrar in this behalf;(g)The name of the members of committee along with their addresses;(h)In case of co-operative housing societies the details of members enrolled, resigned and expelled and detail of the decisions of the committee and refund of dues or contribution of such members and list of members with their addresses;(i)All transactions which appear to be contrary to the guidelines issued by the Reserve Bank of India and National Bank for Agriculture and Rural Development;(j)The loans given by the co-operative society to the members of the board or the committee;(k)Any violation of guidelines, conditions etc. issued by the Reserve Bank of India or National Bank for Agriculture and Rural Development by any cooperative Bank;(l)Working status of the society that is to say, working or defunct.(8)The summary of audit report as prepared by auditor shall be read out in general body meeting. The audit report together with its accompaniments shall be open to inspection by any member of the co-operative society. The Registrar may, however, direct that any portion of the audit report, which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit report.(9)The auditor shall examine the monetary transactions of a co-operative society in so far as may be necessary for the purpose of ascertaining as to whether there has been any material

impropriety or irregularity in the expenditure or on the realization of money due to the co-operative society and whether any transaction infringes any provisions of the Act, these rules or bye-laws, or any directions of the committee. In case of difference of opinion between the auditor and the co-operative society in regard to the propriety of any of its monetary transactions, the Registrar shall decide the matter and his decision shall be final.(10)If the result of the audit discloses any defects in the working of a co-operative society, the co-operative society shall, within three months from the date of audit report, explain to the Registrar the defects or the irregularities pointed out by the auditor, and take steps to rectify the defects and remedy irregularities, and report to the Registrar the action taken by it thereon, the compliance report shall continue to be submitted till all the defects are rectified or irregularities remedied to the satisfaction of the Registrar. The Registrar may also make an order directing the co-operative society or the officers to take such action as may be specified in the order to remedy the defects, within the time specified therein.(11)(a)The audit reports shall be submitted to the Registrar within a period of thirty days of the completion of the audit. All audit reports submitted by the auditor to the Registrar, shall be examined by the authorized officer. In audit reports where no short-comings or irregularities have been pointed out, the authorized officer shall have the authority to accept the report. The authorized officer may recommend, after proper examination of a audit report, to the Registrar that the same may be examined by any other officer or a committee of auditors or experts, and the decision of the Registrar in this regard shall be final;(b)The authorized officer shall also examine whether the auditor has taken all care to conduct the audit as per these rules. If it is found otherwise the authorized officer shall submit the report for consideration of the Registrar with his comments for re-audit;(c)In case, short-comings or irregularities have been pointed out by the authorized officer, the same shall be brought to the notice of the Registrar. The fact of acceptance or non-acceptance of the audit report may be communicated to the co-operative society by the of Registrar, at the cost of the society.

## **81. Audit Fee.**

(1)A co-operative society whose turnover is above five lakhs shall pay an audit fee at such rates as may be fixed by the Government from time to time.(2)The Registrar with the prior approval of Government may increase the prescribed audit fee, in special cases, after recording the reasons in writing.

## **82. Procedure, principles and cost for the conduct of inquiry and Inspection.**

(1)An order authorising any person under section 61 of the Act, any official under section 62 of the Act or under section 63 of the Act shall among other things state the following, namely:-(a)the name of the person or official authorised to conduct the inquiry or inspection; He shall be any officer of Government or Central Government above the rank of Assistant Registrar in case of Inspection under section 61 and 63, and any Gazetted officer of Government below the rank of Registrar for inquiring under section 62 of the Act.(b)the name of the co-operative society to be inquired or inspected;(c)the specific point or points on which the inquiry or inspection is to be carried out, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;(d)cost of inquiry and name of the co-operative society or person who shall bear the cost if

an inquiry is undertaken by the Registrar, the Registrar shall order inquiry or re-inquiry only after receipt of fees from the applicant or applicants, deemed sufficient to meet the costs of the inquiry to be conducted;(e)any other matter relating to the inquiry or inspection.(2)A copy of every order for authorization under section 61, section 62 or section 63, shall be provided to the concerned co-operative society and the complainants.(3)If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1), the authorized person or the official, as the case may be, conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection to the Registrar. If the Registrar is satisfied, the Registrar may grant such extension of time for the completion of the inquiry or inspection as the Registrar may deem necessary or the Registrar may withdraw the inquiry or inspection from the authorized person or officer and hold the inquiry or inspection himself or authorize such other person or officer as he deems fit.(4)On receipt of the order referred to in sub-rule (1), the person or the official authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the co-operative society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants in regard to the transactions and working of the society as he deems necessary for conduct of such inquiry or inspection.(5)The person or the official authorised to conduct the inquiry or inspection shall submit the report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1) of rule 82. The report shall contain the findings and the reasons therefore supported by such documentary or other evidence as recorded by him during the course of enquiry or inspection and shall also specify in the report, the cost of the inquiry or inspection together with reasons, and recommend the Registrar the manner in which the entire cost or part thereof may be apportioned, amongst the parties as specified in section 64 of the Act. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity to the person or persons concerned.(6)If the result of any inquiry held under section 62 of the Act, or an inspection made under section 63 of the Act discloses any defects in the working of the co-operative society, the Registrar may bring such defects to the notice of the co-operative society and if the co-operative society is a member of a Federal co-operative Society to the notice of the Federal co-operative Society. The co-operative society shall submit a rectification report in Form - 11 and shall continue to submit such rectification reports to the Registrar till all the defects are rectified or the irregularities are remedied to the satisfaction of the Registrar.(7)The Registrar may also make an order, directing the co-operative society or its officers or the federal co-operative society to take such action, as may be specified, in order to remedy the defects within the time specified therein.

### **83. Procedure for assessing damages against the person under section 66 of the Act.**

(1)On receipt of the audit report, Inspection report under section 61, Inquiry report under section 62, inspection report under section 63, or an application of the committee, liquidator or any creditor, or otherwise, the Registrar or any other person authorised by him, may, make such further inquiries as he may deem necessary.(2)On the completion of the further inquiries under sub-rule (1), if necessary, the Registrar or the person authorised by him, shall, issue a notice to the person concerned, furnishing him the particulars of the acts of misapplication, retention, misfeasance or



breach of trust and the extent of his liability involved therein and calling upon him to put in statements in his defence within fifteen days of the date of issue of the notice.(3)On receipt of the statements referred to in sub-rule (2), the Registrar or the person authorised by him, if, satisfied that there are reasonable grounds for holding the person liable, shall frame charges.(4)The person concerned shall, after the charges are framed, be asked to put in his statement in defence and to indicate the documentary or oral evidence that he would like to produce. The Registrar or the person authorised by him may subsequently permit production of other documentary or oral evidence, if considered necessary.(5)The Registrar or the person authorised by him shall thereafter record the evidence led by the co-operative society or the liquidator or the person or persons concerned and take on record the documents produced by them, and shall thereafter fix a date for hearing arguments of the parties.(6)On the day fixed for hearing under sub-rule (5), the Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or on any day fixed by him within twenty days from the date on which the hearing was completed. On the day so fixed, the Registrar or the person authorised by him, as the case may be, shall make his final order either ordering repayment of the money or return of the property to the co-operative society together with interest at such rate as may be specified by him or to contribute such amount to the assets, of the co-operative society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the co-operative society or may exonerate the person or person.(7)The Registrar or the person authorised by him, may also provide in his order for the payment of the cost of the proceedings under this rule or any part of such cost as he thinks just.(8)The Registrar or the person authorised by him shall furnish a copy of order, under sub-rule (6) to the party concerned within ten days of the date on which he makes the order.(9)The Registrar may fix the cost of inquiry in case of inquiry conducted by an officer authorised by him.

## Chapter VIII

### Settlement of Disputes

#### 84. Procedure for making reference of dispute under section 71 of the Act.

(1)In case of any dispute referred to in sub-section (1) of section 70, the party concerned, shall apply to Registrar in writing in Form-12 stating inter-alia (i) all the facts constituting the cause of action, (ii) names and addresses of the other parties, (iii) facts showing that the subject matter of dispute is not barred by limitation, and, (iv) relief claimed in terms of money or otherwise. Each statement in the application shall have separate consecutive paragraphs serially numbered. At the end of the application there shall be made verification with the place and date of verification by the applicant party.(2)A party, referring the dispute under sub-section (1) of section 70 of the Act, to the Registrar, shall pay fee of rupees one hundred and the process-fee at the rate of rupees fifty for each party to be deposited in advance in the office of Registrar in the name of the Registrar in "Settlement and Executive Service Expenses Fund". The original of pay-in-slip for the deposit of this amount shall be attached with the application for reference of a dispute. The application for reference of a dispute shall be delivered in the office of the Registrar personally and receipt obtained or by registered post alongwith as many spare copies of the application as there are parties on the

opposite side; Provided that the Registrar may revise the fee and process fee for referring the dispute under sub-section (1) of section 70 of the Act, from time to time. (3) On receipt of the application, the Registrar shall cause it to be entered in a register in Form -13 and assign the case No. to the application. (4) If the Registrar is satisfied that the application is maintainable under section 70 of the Act, the Registrar shall by an order, admit the application for decision of the dispute in accordance with the Act and these rules and record his findings on the following points within ninety days of the receipt of the application of referring the dispute, namely:-(a) Whether there is a dispute; (b) Whether the dispute comes within the purview of sub-section (1) of section 70 of the Act; (c) Whether the dispute is between parties mentioned in clauses (a) (b) (c) and (d) of sub-section (1) of section 70 of the Act; (d) Whether the dispute is within the period of limitation as per subsection (4) of section 70 of the Act. (5) During the proceeding under section 70 of the Act, not more than two opportunities shall be granted to the respondents. (6) After the application has been admitted by the Registrar and after the claimant has deposited the arbitration fee in the manner and according to the scale of fees fixed by the Registrar, the application along with the orders thereon may be referred for decision to the arbitrator. Explanation. - The expression "arbitrator" wherever occurring in these rules, includes the Registrar or any sub-ordinate officers authorised by him. (7) The Registrar or the arbitrator, as the case may be, shall have power to appoint or remove a guardian for the party to the dispute in case any party is minor or who by reasons of unsoundness of mind or mental infirmity, is incapable of protecting his interest. (8) In the proceedings, the arbitrator shall fix the date, hour and the place of hearing of the dispute. (9) The arbitrator shall issue summons or notices at least fifteen days before the date fixed for the hearing of the disputes requiring:-(a) the attendance of the parties concerned and of witnesses; and (b) the production of all books and documents relating to the matter in dispute. (10) Summons or notices may be served by:-(a) registered post, speed post or by courier service, (b) personal service through the secretary or a member of the staff of the co-operative society or any of the parties to the dispute; or (c) affixing a copy of summons or notice at the last known place of residence or business of the party concerned, in case the party refuse to sign the acknowledgement or can not be found. (11) Service of summons or notice to the secretary or Principal executive officer by whatever designation known, shall be regarded as service on that co-operative society. (12) In case the serving officer delivers or tenders a copy of the summons personally to the person summoned or to an agent or other person on his behalf, the serving officer shall require the signature of the person to whom the copy is so delivered or tendered in token of acknowledgement of service endorsed on the original summons. (13) The serving officer shall in all cases, in which the summons have been served under clauses (ii) and (iii) of sub-rule (10), make an endorsement on, or annex to, the original summons, a return, stating the time and the manner in which the summons were served and the name and address of the person, if any, identifying the person concerned and witnessing the delivery or tender of the summons. (14) The sufficiency of proof of service of the summons or notice shall be decided by the authority which issued the same. (15) In the case of absence of any party to the dispute duly summoned the dispute may be decided ex-parte.

## **85. Award or Decision.**

(1) The arbitrator shall make a memorandum of the statements of the parties who attended and of such witnesses as are examined. Upon the evidence so recorded and after consideration of any documentary evidence produced by either party the arbitrator shall make an award in accordance

with justice, equity and good conscience. The arbitrator shall record his award, signed and date it within a period of three months and shall communicate it to the parties. In case the arbitrator is unable to decide the dispute and make the award within three months, the arbitrator shall seek extension of the period in writing from the Registrar by making an application to him.(2)The award shall contain the number assigned to the application, the names and description of the parties and particulars of the disputes and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded.(3)If no award is made immediately upon the conclusion of the hearing of the parties, the arbitrator shall fix the date and place of delivery of the award and shall, except for reasons to be recorded in writing, deliver the award on the date so fixed.(4)The award shall be communicated to the parties by:-(a)pronouncement of the award, or(b)registered post to any party which may be absent on such date.(5)In addition to the arbitration fee, The arbitrator may order the expenses of determining a dispute or the cost of either party, to be paid by such party or parties to the dispute as the arbitrator may think fit:Provided that the expenses or the cost so awarded shall not exceed seven and half per cent of the awarded amount.(6)The Arbitrator shall submit the original records of the dispute and the proceedings to the Registrar, after the decision or award has been delivered.(7)Any document or record tendered by a party may on application be returned to the party after the disposal of the appeal, if any, or after the period of appeal.(8)A certified copy of the decision or award may be obtained by a party from the Registrar.

## **86. Withdrawal of a reference by the Registrar.**

- On an application made by any party to the arbitration proceedings pending before an arbitrator, the Registrar may for reasons to be recorded in writing withdraw the reference from the arbitrator appointed and may decide the dispute himself and give an award in the manner provided in rule 85 or make fresh appointment of any other arbitrator.

## **87. Appointment of arbitrator.**

(1)The Registrar shall invite application for appointment of arbitrators by advertisement in two national daily leading newspapers (Hindi and English).(2)The following persons may be considered for appointment as an arbitrator-(a)Gazetted officers including retired, of any department under the Government; or(b)Officers/Co-operators, serving or retired of co-operative societies having experience of ten years and having graduate degree preferably a Diploma in Cooperative from recognized Cooperative Training Institute; or(c)Officers of local bodies and public sector undertakings of the Government.(3)The registrar shall scrutinize and compile the applications received and submit the same before the selection committee constituted under sub-section (3) of section 71 of the Act.(4)The committee shall select and approve the arbitrators and after receipt of the approval of selection committee, the Registrar shall issue appointment orders of Arbitrators so selected.(5)The term of the Arbitrator shall be three years.

## **88. Arbitration Fee.**

- The Registrar shall have power to require the person referring a dispute under sub-section (1) of section 70 of the Act, to deposit in advance with the office of Registrar in "Settlement and Executive Expenses Fund" a fee at the rate specified in the schedule, below, that may be revised by the Registrar from time to time.

## **Schedule**

(Schedule of Fee for Arbitrator)(A)In respect of disputes relating to claims of money referred to under section 70 of the Act:-(i)in case of claim below rupees one thousand ..... rupees twenty five;(ii)in case of claim for rupees one thousand or above..... three percent of the claim subject to a maximum of rupees five thousand.(B)In respect of dispute of non-monetary nature..... a fee of not less than rupees seven hundred fifty and not more than rupees two thousand in each case, as may be considered reasonable by the Registrar.(C)No fee shall be payable to an arbitrator till the dispute referred to him is finally disposed.(D)The Registrar may, in his discretion, remit the whole or any part of the fees collected under clause (A) of this schedule.(E)All fees for services rendered in respect of arbitration or execution proceedings payable by a party shall be deposited in the Office of the Registrar in the "Settlement and Execution Services Expenses Fund" which shall be administered by the Registrar in accordance with the Regulations contained in Schedule III.

## **Chapter IX**

## **Special Provisions for Co-Operative Housing Societies**

### **89. Right and privileges of members on allotment of plot or dwelling unit in a cooperative housing society.**

(1)A member of the co-operative housing society shall not be entitled to any interest in any plot of land or dwelling unit unless he has made full payment towards the cost of such plot or dwelling unit as may be finally apportioned by the co-operative housing society.(2)Every member of a co-operative housing society in accordance with the provisions of section 77 shall be issued a Certificate of Allotment by the committee of the cooperative housing society under its seal and signature of president and secretary in Form- 14 in case of (plot or housing) and in Form - 15 in case of group housing accompanying a garage or parking area, servant quarter and shop etc., as provided in subsection (1) and subsection(5) of section 76 of the Act within a period of ninety days of conduct of draw of lots by passing a resolution to this effect.(3)In case of circumstances beyond control, further extension of period upto sixty days can be obtained from the Registrar after explaining the reasons in writing before the expiry of period ninety days prescribed in sub-rule(2):Provided, that, if co-operative housing society fails to comply the provisions of section 76 of the Act, the Registrar may get the work completed by engaging professional at the expenses and cost of the members of the committee, who have failed to implement the said provisions and the amount shall be recovered from such committee members as an arrears of Land Revenue under section 110 of the Act.(4)The

committee shall charge the entire cost of the flat or plot alongwith garage or parking area, servants quarter and shop etc., before allotment of the same.(5)It shall be the responsibility of the committee to ensure that the concerned local body is informed timely about any unauthorized constructions or encroachment within the common areas.(6)The committee shall take all legal steps to remove the encroachment and unauthorized construction in the common areas of complex of the co-operative society.(7)Save as otherwise provided in the Act, the cost of maintenance, repair and replacement in the common areas and facilities shall be apportioned amongst the members, the power of attorney holders and holders of conveyance deed whoever may be having occupancy rights of the plot or flat or garage etc.Explanation. - "Common areas and facilities," in relation to a multi-storeyed building, means:-(a)The land on which such building is located and all easements, rights and appurtenances belonging to the land and the building;(b)The foundations, columns, girders, beams, supports, main walls, roof, halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building;(c)The basements, cellars, yards, gardens, parking areas, shopping centers, schools and storage spaces;(d)The premises for the lodging of janitors or persons employed for the management of the co-operative society.(e)Installation of central services, such as, power, light, gas, hot and cold water, heating refrigeration, air conditioning, incinerating and sewerage;(f)The elevators, tanks, pumps, motors, fans compressors, ducts and in general all apparatus and installations existing for common use;(g)Such other community and commercial facilities as the Registrar may, declare; and(h)All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

## **90. Allotment of plots, flats or houses through draw of lots.**

(1)The Registrar shall recommend the name of such members to conduct draw of lots whose enrolment as a member of the co-operative society has been found proper as per provisions of the Act, these rules, and byelaws of the co-operative society after obtaining the information mentioned in Schedule VII.Provided that the Registrar shall recommend the names of members to conduct draw of lots after seeking prior approval of the following Committee:-

Secretary (Co-operation)	Chairman;
Registrar Co-op. Societies)	Member;
Addl. Secretary (Finance)	Member;
Jt. Secretary (law)	Member;
	and
Jt. Registrar/ Addl. Registrar Coop. Societies	Member.

(2)In case, where the allotment of plots or flats has been done contrary to the provision of sub-section(1) of section 77, the Registrar either on a complaint or on his own motion, if satisfied that committee have conducted the draw of lots for allotment of plots or flats contrary to the provisions of the Act and the rules, the Registrar shall send such person or persons, a notice to show cause as to why action should not be initiated under subsection(7) of section 118 of the Act against the committee and why the committee members shall not be debarred from holding any office in the co-operative housing society, with an opportunity to explain within a period of fifteen days. If the Registrar is not satisfied with the reply, the Registrar shall initiate suitable action against the person

or persons responsible for the violation of the Act within a period of sixty days. In such an eventuality, in order to run the affairs of the co-operatives housing society till new committee is elected, the Registrar shall appoint an Administrator to manage the affairs of the co-operative society, with a responsibility to, run the management of the cooperative society and, conduct election of the committee as per provisions of the Act.(3)Every member of a co-operative housing society shall be issued a certificate of occupancy in Form - 16, on fulfilling the terms and conditions as provided in section 76 and the allotment letter issued by the cooperative housing society, within a period of thirty days of receipt of full payment as specified by the co-operative housing society. If a co-operative housing society fails to issue certificate of occupancy within the period of thirty days, on complaint from an affected person the Registrar shall give an opportunity to the cooperative housing society to explain reasons for non-compliance of the provisions of sub-section(3) of section 77 and if the Registrar is not satisfied from the reply of the co-operative housing society, the Registrar shall appoint a person to obtain information from the cooperative housing society and thereafter advise the co-operative housing society to make compliance forthwith. In case, if the cooperative housing society still fails to comply the advice of the Registrar, it shall be deemed an offence under subsection 7 of section 118 of the Act .

## **91. Provision for nomination.**

(1)A member of a co-operative housing society may nominate a person or persons within blood relation to whom in the event of his death his right and interest in the co-operative housing society shall be transferred. Joint and more than one nomination with the blood relation shall be permissible. The nomination shall have to be made in writing in the Form No.17, in triplicate by the member in the presence of two witnesses and it is to be entered in the books of the co-operative housing society kept for the purpose.(2)The member may, from time to time, revoke or vary such nomination during his life time.(3)In case a member nominates more than one person in respect of any shares held by him, he shall, as far as practicable, specify percentage of share of each nominee in terms of whole share and interest thereon. The, transfer shall be made in the name of first named nominee and other nominee(s) shall be made joint member(s). If the nominee is a minor, a guardian or a legal representative of the minor to represent the minor nominee in the matters connected with this nomination, shall be appointed.(4)The Nominee shall submit along with his application to the co-operative society with regard to his claim, an indemnity bond, indemnifying the co-operative housing society against any claim made in respect of share and interest in said plot or flat.(5)If no nomination has been made by a member, the co-operative housing society on receipt of intimation of death of a member shall notify this fact to the public by giving advertisements in English and Hindi leading news papers of the National Capital-territory of Delhi and by a notice exhibited at the office of the co-operative society, inviting claims or objections for transfer of share or interest of the deceased member to an heir or a legal representative and after making such inquiries as the committee considers proper in the circumstances prevailing and on the expiry of period of three hundred and sixty five days as provided in sub-section (2) of section 28, the committee of the co-operative housing society shall decide the matter after due deliberations and intimate the decision within thirty days of the expiry of period of three hundred sixty five days. If no decision is communicated by the committee of the co-operative housing society, the transfer of interest in the share of the deceased shall be deemed to have been made.

## **92. Restriction on transfer of share or interest of a member.**

(1) Subject to the provision of section 79 and 91 a person after allotment of flat or plot as per section 77 may transfer share or interest therein by registered agreement for sale or registered sale deed, as the case may be, provided that the transfer of share or interest in respect of leasehold properties shall be governed by the terms of the lease. (2) If such a person desiring to transfer his share or interest of a co-operative housing society, he shall give fifteen days notice of his intension to the co-operative housing society in the Form - 18. On receipt of such notice the committee of the co-operative housing society shall give consent to the transferer to transfer his share or interest in Form - 19 within 15 days time failing which the consent is deemed to have been granted. If the purchaser having registered agreement for sale or registered sale deed, or registered power of attorney as the case may be, in respect of such plot or flat may apply for transfer of share and interest in Form - 20 and alongwith an affidavit in Form - 21 alongwith transfer fee by pay order or demand draft as per section 91 of the Act to the common good fund of such co-operative housing society and requisite share money and admission fee as per the provisions of the bye-laws of the society. (3) No other amount towards donation or contribution on any other pretext or name shall be collected by the committee from the transferor or the transferee. (4) On receipt of application for membership under sub rule(2), the committee shall consider and examine it as to whether the person is prima facie eligible to become member of the cooperative housing society under the provisions of the Act, Rules and bye laws of the co-operative housing society. (5) If any clarification is required, the committee shall inform such person about deficiency found in the form within fifteen days of the receipt of the application form. (6) The transferee shall submit the following documents alongwith application form for satisfaction of the committee: (a) Affidavit on a stamp paper of Rs. 10/- for discharging all the liabilities to the cooperative society in respect of the flat/plot or common areas which may be outstanding against the allottee or occupant of the flat or plot within a period of ninety days of raising the demand by the society (b) Attested copy of duly registered sale deed, agreement to sell and conveyance deed; as the case may be. (c) Original share certificate issued to the allottee and in case the original share certificate is not available, the transferee shall execute an indemnity bond to indemnify the society for any losses caused on this account. (d) Receipt of transfer fee of five hundred rupees for the Common Good Fund of the co-operative housing society; (7) On the receipt of the document mention in sub rule(6) committee shall transfer the membership to the transferee within thirty days. (8) In case the committee fails to take a decision within prescribed time or rejects the application the applicant may file an appeal before the Registrar, who shall decide it within ninety days time. (9) The applicant shall be allotted a new memberships number by recording the membership number of the original member and the same shall be recorded in the Membership Register. (10) The share money of the original member or the transferor as the case may be who has sold the flat or plot shall be forfeited and transferred to the common Good Fund of the society.

## **93. Permission for transfer of occupancy right to nominee, heir or legal representative of deceased member.**

- In case the land has been allotted to a co-operative housing society on the perpetual lease basis by the lessor, the transfer of occupancy right shall be governed by the terms and conditions of lease deed and shall also be applicable for transfer of occupancy right to a nominee, heir or legal

representative in respect of lease hold property. The nominee, heir or legal representative shall apply to the co-operative housing society for transfer of share and interest in Form No. 20. The committee shall recommend to the lessor through a resolution of the committee for transfer of occupancy right in favour of nominee, heir or legal representative in accordance with the terms and conditions of the lease deed in the Form No. 21. On receipt of the approval of the lessor for the transfer of interest of the deceased member the committee shall enroll the nominee, heir or legal representative as a member of the co-operative housing society without charging any transfer fee as provided in section 91. In case of freehold property the nominee shall make an application in Form No. 22.

#### **94. Creation, maintenance, utilization of building and replacement fund.**

(1) Every co-operative housing society shall create and maintain corpus of funds, for building maintenance and for replacement of building separately, according to the necessity and requirement of the cooperative housing society. Funds for these funds shall be fixed annually by the general body as a part of the co-operative housing society's annual budget. (a) Building maintenance fund. - This fund shall be utilized for meeting expenses of normal recurring nature essential for the safety and to increase life of the building. Demand raised by the committee shall be payable as per schedule and terms and conditions approved by the general body for this purpose by the member- or attorney or a person who has converted his property to freehold, as the case may be. On failure to pay the demand, the committee shall be competent to recover it as arrears of land revenue through the Registrar. (b) Building replacement fund. - General Body shall fix the rate on area basis, periodically, which shall be payable annually to facilitate the co-operative housing society to replace its building in course of time due to ageing. The fund raised for this purpose shall be kept separately and its utilization shall be permissible based on structural audit of the building by registered architect with the approval of the general body. Any default in payment of demand for this purpose raised by the co-operative housing society shall be recoverable as arrears of land revenue through the Registrar. .Explanation-(i) In case of Co-operative house building society, amount of fund shall be based on the fact whether the services are being maintained by the co-operative house building society or have been transferred to the local body. (ii) Co-operative Group Housing Society-(a) The building maintenance fund shall be realizable from the date of handing over of the possession of the flats to the members by the co-operative housing society. (b) The building replacement fund shall be realizable after five years from the date of issue of permission to occupy flats or completion certificate, whichever is earlier.

#### **95. Procedure in regard to registration of mortgage in favour of cooperative housing society or apex.**

- A copy of instrument of mortgage executed in favour of co-operative housing society or the apex or a written declaration creating a charge on such property requiring registration duly certified by the authorized officer of the co-operative housing society or the apex, shall be sent by the co-operative housing society or the apex to the Registering Authority having jurisdiction within a period of sixty days from the execution of the instrument by the registered post or through the messenger by hand delivery in the Form No. 23.



## **96. Procedure for settlement of disputes and issue of recovery certificate in case of default of installments of mortgage loan.**

(1)The dispute relating to the co-operative housing societies shall primarily be governed by the provisions of section 70 and section 71.(2)In the matters which fall under sub-section (5) of section 83, the dispute shall arise only on default in payment of installments payable by a mortgagor, who has raised loan to acquire a property by providing security of said property besides any other additional security, if any, as a security of mortgage to the mortgagee namely, the co-operative housing society, the apex or the financial institution recognized by the National Housing Bank. If payment of any above referred installments are in arrears, either full or in part for more than ninety days from the date on which it falls due by the mortgagor, an application shall be made by the co-operative housing society, the apex or financial institution recognized by the National Housing Bank, to the Registrar giving full particulars of the default and the steps taken for the recovery of the defaulted installments from the mortgagor by the mortgagee, for the issue of certificate for the recovery of defaulted installments as arrears of land revenue. The Registrar, if satisfied, after affording an opportunity to mortgagor and after such inquiry as the Registrar considers necessary shall issue a certificate for recovery for the recovery of defaulted installments as prayed in the application by the mortgagee, as arrears of land revenue or may reject the application of the mortgagee by giving reasons for such a rejection in writing to the applicant, within a period of the thirty days of the receipt of the application

## **97. Recovery of outgoings and arrears of dues as arrears of land revenue.**

(1)Subject to the provisions of sub-section (1) of section 108 of the Act, while making an application for relief, a co-operative society or Federal Cooperative Society or Financial Institution, in addition to normal averments containing particulars of the claim for arrears of any sums advanced to any of its members supported by evidence constituting the cause of action and when arose, shall also make following averments, namely:-(a)That the claim is only in respect of arrears of any sums advanced to any members of the co-operative society only and no other relief beyond the scope of the said section is claimed in the application;(b)That it believes that there is no valid or bonafide defence against the claim;(c)That the member is not disputing the arrears.(2)On receipt of application, the Registrar shall give an opportunity to the affected person to present his case in writing and by personal appearance, within fifteen days of the receipt of the application from the applicant. Thereafter, the Registrar, within total period of thirty days of the receipt of application if satisfied shall issue a certificate for recovery of the amount stating therein like dues as arrears of land revenue.(3)If the Registrar is not satisfied with the facts and claims made in the application, and it appears to him that there exists a dispute which is subject matter of section 70 and 71 of the Act, the Registrar shall communicate the rejection of application in writing giving reasons for such a rejection within thirty days of the receipt of application.(4)The Registrar, if comes to know through audit report or representation from at least ten members in writing, that the cooperative housing society or the apex has failed to take action against the defaulters for the recovery of dues of outgoings and arrears of dues under sub-section (1) of section 84, of the Act shall after making such enquiry as he deems fit or on his motion, if satisfied, shall grant certificate for the recovery of the amount determined by him after the enquiry to dues as arrears and shall be recoverable as arrears of

the land revenue.(5)After the grant of the certificate by the Registrar, if an application is made by the cooperative housing society or the apex within thirty days of grant of certificate of recovery for a security for the satisfaction of the Registrar until the arrears due to the co-operative housing society or apex are recovered, the Registrar shall make an order in writing for the compliance by the members against whom certificate for recovery has been issued.(6)If the Registrar or the person authorized by him in writing considers necessary and expedient to expedite the recovery of the sum for which certificate for recovery has been granted, he may direct for conditional attachment of the property mortgaged, to his satisfaction and also by an order prohibit its transfer or creating any charge on the property in any way so that no benefit can be availed by the person against whom certificate for recovery has been issued.

## **98. Recovery of dues and foreclosure.**

(1)Notwithstanding any thing contained in the loan agreement and the mortgage deed entered into between a co-operative housing society and the apex or, the financial institution approved and recognized by the National Housing Bank for granting housing finance, where the co-operative housing society has raised loan from the apex or the financial institution against the security of land and buildings, in such a case, if any beneficiary member of the co-operative housing society or purchaser from him, fails to repay the loan installment for a continuous period of sixty days after the installment has become due, for which in the intervening period due notice has been served on the beneficiary by the cooperative housing society or the financial institution shall issue a notice stating therein for repayment of defaulted installments along with balance outstanding as recall of loan within a period of thirty days from the receipt of the notice.(2)If any member or purchaser fails to repay the defaulted amount after the receipt of the said notice within the period of thirty days, the committee after deliberating the matter shall authorize a person to refer the case to the Registrar. The Registrar on receipt of application from a committee may make further enquiries, if he consider it necessary and also provide an opportunity through a notice within sixty days of the receipt of application from the committee to clear the default within the period of ninety days. If a defaulter member still persists in default, the Registrar may issue a certificate for the recovery of defaulted amount along with interest and cost, if any, as arrears of land revenue,

## **99. Expulsion of a member.**

(1)The cooperative housing society may in accordance with the provisions of sub-section (1) of Section 86, expel a member. However, before passing a resolution for expulsion of the member, the committee shall have to deliberate the case of expulsion in the committee's meeting and shall have to approve the proposal for issue of notice for the expulsion of a member setting out therein full details of the grounds with supporting documents In all at least three registered notices shall be served on the concerned member with an opportunity to defend his case in writing and also in person to the committee. Each notice should be served on the concerned member with an interval of thirty days. After the expiry of thirty days period of the final notice, the committee shall consider the reply, if any, received from the concerned member in its meeting and three-fourths of the members of the committee present and entitled to vote at the meeting, shall approve the proposal for expulsion and pass a resolution.(2)Subject to the provision 86 of the Act a co-operative housing

society, which has been allotted land, before expelling a member shall give final opportunity by publishing the notice in the leading Hindi and English newspaper in the National Capital Territory of Delhi informing the affected member to be present in person or through the authorized representative before the Registrar on the date fixed for the final hearing.(3)The Registrar shall decide the expulsion case within the period of one hundred eighty days from the date of the receipt of the resolution for expulsion of a member from the cooperative housing society and shall convey his decision in writing to such member. If the resolution of the co-operative housing society for expulsion of a member is not approved by the Registrar within the said period of one hundred eighty days, the resolution for expulsion of the member shall be deemed to have been approved and the committee shall convey this decision of expelled member and the Registrar within a period of thirty days after the expiry of one hundred eighty days time limit through the registered Post. If the approval of the deemed expulsion is not conveyed to the members and the Registrar within the above period of thirty days, thereafter, the resolution of expulsion shall be null and void.(4)Aggrieved member shall have the right to file an appeal to the Tribunal within sixty days from the date of order of the Registrar or intimation of deemed expulsion.

### **100. Additional grounds for cessation of membership of co-operative housing society.**

- For Cessation of membership, on the grounds mentioned in section 87 the co-operative housing society shall produce document to prove the grounds and the member against whom action is being taken shall be informed in advance. Cessation of membership shall be deemed to be effective from the date when the Registrar accord approval of Cessation of membership.Provided that the addition ground for cessation of membership mentioned in section shall not be raised after three years of allotment of flat or plot, as the case may be.

### **101. Management of cooperative housing society.**

- The members of the committee shall be jointly and severally responsible for all the decisions taken by the committee during its term relating to the business of the co-operative housing society and for all the acts and omissions detrimental to the interest of a co-operative housing society:Provided that before fixing any responsibility mentioned above, the Registrar shall follow the procedure as laid down under the Act:Provided further that any member of the committee, who does not agree with the resolution or decision of the committee, may express his dissenting opinion which shall be recorded on the proceeding of the meeting and such member shall not be held responsible for the decision embodied in the said resolution or such acts or omissions committed by the committee as per the said resolution. Such dissenting member, if he so desires, may also communicate in writing his dissenting note to the committee and Registrar within seven days from the date of the said resolution or decision. Any member, who is not present in the meeting and who has not subsequently confirmed the proceedings of that meeting, shall not be held responsible for any of the business transacted in the said meeting.

## **102. Maintenance of essential services in a cooperative housing society.**

(1)The Committee shall be responsible for maintaining the following essential services in the housing complex on regular basis, namely:-(a)Electricity supply;(b)Water supply and sewerage;(c)Garbage disposal;.(d)Running of lifts, borewell, Genset, Water Harvesting system and maintenance of green areas;(e)Security services;(f)Availability of plumber, electrician and Mali etc., for day to day services for all occupants;(g)Availability of fire safety equipments/systems in running condition;(h)Round the clock hours emergency response and staffing; and(i)Other services as may be specified by the General body;(2)The general body while framing regulations for maintenance of essential services including mandatory green area in the co-operative housing society shall have to take into account the common areas, common facilities and the services which are rendered to the members and the residents by the co-operative housing society. The regulations shall have to spell out the basis of fixing up of the charges for the maintenance of essential services specially in such complexes, where area of dwelling units and number of storey of flats differ in sizes. Further, where lifts are installed in building charges for its use and maintenance shall have to be paid by all members and residents in spite of the fact whether the particular member or resident is staying at any floor of the building. The general body may fix higher charges of essential services in respect of dwelling units which are on rent and in possession of tenants.(3)The maintenance charges of essential services under sub-rule (1) shall be made as a part of budget provision with the approval of the general body with a view to create a corpus fund as provided under section 81 of the Act. The committee shall be competent to review and revise the charges with the approval of the general body only where reasons for change shall have to be circulated to all the members and residents in advance.(4)On approval of the aforesaid charges under sub- rule (1) and sub-rule (2), the committee shall provide a schedule of demand payable by each member and the residents after the approval of the general body and thereafter either monthly or quarterly by a specified date which should be reasonable but not less than fifteen days to make payment of demand. Monthly or quarterly demand as the case may be, shall also be displayed on the notice board of the co-operative housing society. On failure to make payment on demand by the specified date by a member or the resident, as the case may be, the committee shall charge a simple interest not exceeding fifteen-percent per annum which shall also be fixed by the general body. Demand shall also contain extracts of sub-section (2) of section 89 of the Act relating consequences of default and resultant action against a member or resident in case of default in payment.(5)On failure of a member or resident to pay the charges as demanded by the committee by the specified date or thirty days after raising the demand, the member or resident as the case may be advised finally to clear the default within further thirty days, failing which the committee shall initiate proceedings for recovery of the dues from the defaulter member or a resident as the case may be under sub-section (2) of section 89 of the Act as arrears of land revenue by approaching the Registrar as provided in sub-section (2) of section 111 of the Act. A list of such defaulters may also be displayed on the notice board of a co-operative housing society. The committee shall approve the above action through a resolution authorising an officer to initiate action against the defaulter member or resident, as the case may be.

### **103. Co-operative housing society to maintain register of its properties with prescribed details.**

- The properties of a co-operative housing society, which include land either as freehold or lease hold, the buildings, all improvements and structures thereon, all easements, rights and appurtenances belonging thereto and all articles of personal property intended for use in connection therewith, which have been or are intended to be subject to the provisions of this Act, shall be maintained in Form No. 24 and shall be revised and revaluated annually. The committee shall also maintain record of the members, owner of dwelling units and tenants etc. The committee shall obtain the copy of the document from every resident or occupant of the dwelling unit entitling him the occupancy of the same.

### **104. Special Provision for regularization of occupancy right of persons who have acquired such a right through the instrument of registered power of attorney or registered agreement for sale or registered sale deed.**

(1) Subject to the provision of section 91 of the Act the purchaser having registered power of attorney or registered agreement for sale or registered sale deed as the case may be, in respect of said plot or flat where draw of lots have been conducted by DDA may apply for membership alongwith the following documents as mentioned in Rule 92 and the committee shall dispose of the application as per the procedure laid down in the said rule. (2) The provision of Clause (a) of section 79 shall not be attracted to the transactions mentioned in the section 91 prior to the date of commencement of Delhi Cooperative Societies (Amendment) Act 2006, (Delhi Act 8 of 2006).

### **105. Execution of housing projects.**

(1) In case a co-operative housing society intends to raise a bridge loan for making payment to the land owing agency to have early physical possession of land, the committee shall call special general body meeting for getting the authorization from the members to raise the bridge loan and inform them the terms and conditions of bridge loan with the repayment liability to a member. The bridge loan can be raised only from the Apex or a financial institution recognized by the National Housing Bank. (2) (a) The committee shall initiate action for selecting an architect after following necessary formalities. The appointment of an architect shall be done in the meeting of the general body on such terms and conditions as it deems fit which may conform to the guidelines of Council of Architects. Thereafter, the committee shall enter into agreement with the architect on the basis of the terms and conditions approved in the General body meeting in that behalf. The appointment of Architect and contractor prior to allotment of land and possession of by co-operative society shall be void. (b) The architect shall prepare the plans and the estimates of the building or buildings in consultation with the committee, the committee shall invite suggestions on the draft plans and estimates of cost from the members and shall place them before the general body meeting for approval. Only, thereafter the architect shall submit the plans and estimates of construction of building(s), approved by the general body to the concerned Plan sanctioning Authority for sanction of the Plan. (c) After approval of the plans of the construction of building(s) by the sanction

Authority, the committee shall invite tenders in consultation with the architect for technical bids and for financial bids and shall ensure compliance of codal formalities as per Central Public Works Department's guidelines.(d)The Committee shall open the bids for the technical bids and only such bidders who fulfill technical requirements; their financial bids would be opened and considered thereafter. Qualified bidders whose technical and financial bids have been opened shall be scrutinized by the committee and the committee shall prepare its report along with the draft of the terms and conditions, in consultation with the architect and place the same before the general body for decision. Only after the approval of the general body, the committee shall enter into agreement with the contractor.(e)The agreement entered into with the architect and the contractor, shall provide a stipulation for settlement of disputes arising out of execution of contracts under sub-rule(5) of section 70 of the Act. The contract deeds shall be registered under the Registration Act, 1908.(f)Non-compliance of the procedure prescribed as above for the appointment of an architect and the contractor by the committee, shall render the entire process void and the financial loss, if any, to the cooperative housing society by the said illegal actions of the committee shall be a charge on the committee and shall be recovered as arrears of land revenue from them and also this action will disqualify the office bearer of the committee for four years to contest the election of a committee.(3)As provided in sub-section (3) of section 92 of the Act, during the construction stage, every co-operative housing society shall convene two special general body meetings every years besides the normal annual general body meeting to give progress report to the members, therefore the first meeting shall be held before the annual general body meeting and the second meeting shall be held after one hundred twenty days after the date of the annual general body meeting. Matters contained in sub- section (4), sub- section (5), subsection (6) and sub- section (7) of section 92 of the Act shall be decided in the general body meeting.(4)The committee shall keep record of all complaints and suggestions received and disposed off during construction period.(5)Directions and guidelines issued under sub section (8) of section 92 of the Act by the Registrar from time to time can be the general one for all cooperative housing societies or in respect of a particular co-operative housing society, as the case may be.

## **106. Management of co-operative housing complex by the co-operative housing societies.**

(1)It shall be the responsibility and duty of the committee to carry out the repairs works and maintenance of the property of the co-operative housing society. It shall also be the responsibility of the committee to ensure that the repairs works and maintenance are carried out as per the agreement.(2)The committee shall be competent to incur expenditure on repairs and maintenance of the co-operative housing society upto the one time expenditure limit approved by the general body from time to time or as provided in the bye-laws of a co-operative housing society.(3)If one time expenditure on repairs maintenance or works of the co-operative housing society exceeds the limits prescribed in sub rule (1) above, prior sanction of the general body shall be necessary.(4)The general body shall decide:(a)The limit of the expenditure on repairs, maintenance of works could be incurred by the committee without calling the tenders for the works.(b)In respect of works, the cost which exceeds the limits, so fixed, the committee shall follow the procedure of inviting tenders, placing them before the general body for approval and entering into agreement with the architect (if appointed or required) and the contractor.(5)(a)Various items of the repairs, and maintenance

which are to be carried out by the Co-operative housing societies from its funds are mainly as under: (i) Internal roads; (ii) Compound wall; (iii) External water pipe lines; (iv) Water pumps; (v) Water storage tanks; (vi) Drainage lines; (vii) Septic tank (where in use); (viii) Staircases; (ix) Fire fighting system; (x) Structural repairs of roofs of all flats; (xi) Outside walls/ exterior of the building(s); (xii) All leakages of water including leakage due to rain water and leakages due to external common pipe line and drainage line; (xiii) Electric lines upto main switches in the flats and lightning of common areas; (xiv) Lifts; (xv) Damaged ceiling and plaster thereon in the top floors, on account of the leakage of the rain water through the terrace; (xvi) Maintenance of parks and mandatory green areas; (xvii) Facilities for household garbage collection in segregated form; (xviii) Telephone exchange and telephone wires upto flats; (xix) Security guard room; (xx) Common Parking and garages; (xxi) Power back up or Genset; and (xxii) Any other common property/ space/ facility/ service as prescribed by the General Body; (b) The committee and its officers shall carry out regular inspection of the items mentioned in clause (a) and shall take immediate action for their repair and maintenance. (c) Any complaint of a member or occupant in respect of items given in clause 4 shall be considered by the committee within a period of fifteen days and shall take suitable action as deem fit by it. (d) The committee shall adhere to following principle for repair, maintenance and cleaning of items mentioned in clause 5 (i) Energy conservation, water conservation and water harvesting; (ii) Protection of green areas; (iii) To protect environment and health; (iv) Scheduled routine maintenance ; (v) To develop procedure to avoid accidents; (vi) Minimize human exposure to harmful contaminates and cleaning residues; (vii) Ensure building occupants and workers safety at all times; (viii) Ensure waste management in environmentally safe ways; (ix) Beauty and aesthetic sense of the complex; and (x) Prevention of pollution in the building and complex; Note: In case any unauthorized work is carried out by a member or an occupant, the committee shall, if comes to the conclusion that the problem is due to the action of the member or occupant after informing this to the such a member or occupant, as the case may be carry out the repair work at his cost. (6) All the repairs not covered by sub-rule (5) and any other item as approved by General Body or provided in the bye laws of the co-operative housing society shall be carried out by the committee at cost of member or occupant: Provided that if due to internal change or damage there is any seepage or structural defect in another flat, the affected member/occupant may make a representation to committee, which shall carryout inspection of the flat within fifteen days and if it comes to the conclusion that the representation is correct, the committee shall advise the concerned member to take corrective steps immediately and if no action is taken within seven days, the committee shall initiate action for getting the defects removed if necessary by taking police assistance for it and approach the Registrar for the recovery of amount incurred thereon as arrears of the land revenue from the member, who had carried out internal changes which has caused harm to another flat. (7) It shall be the responsibility of the committee to insure its building(s) equipments, fixtures and fitting etc., necessarily against risk of the earthquake and allied perils as provided in sub-section (5) of Section 93 of the Act. However, where the allottee member has mortgaged his interest in the property with the approval of co-operative housing society to his employer or financier, the member shall inform in advance to the committee, so that an endorsement to this effect can be incorporated in general insurance policy of the co-operative housing society. In this case, such member is not required to have separate policy to cover the interest of the mortgagee. (8) Co-operative housing society shall prepare a Disaster Management plan of the building and complex which shall be implemented and updated by it regularly. (9) Fire Prevention Plan shall be prepared by the

cooperative housing society and regular awareness, drill about their prevention and evacuation etc. shall be carried out in consultation with Fire Department.(10)Any other organization such as Resident Welfare Association or Apartment Owners Association, by whatever name it may be called shall not be allowed to control or participate in the management of Co-operative housing complex. However the committee of the co-operative housing society may set up sub-committees consisting of member and non member to assist the committee in the management of the complex of the cooperative housing society.(11)No member or occupant shall carry out any work which would be prejudicial to the soundness or safety of the property or reduce the value thereof or impair any easement or hereditament, or shall add any material structure or excavate any additional basement or cellar without obtaining the consent of committee

### **107. Winding up of House building co-operative societies which have achieved their objectives.**

(1)Every co-operative house building society at the commencement of these Rules, within three hundred sixty five days, shall furnish details pertaining to status of handing over of civic services to the local body besides the common community facilities developed by the cooperative house building society with the approval of the lessor.(2)In case a co-operative house building society has handed over civic services to the local body and have developed certain assets for social, cultural, educational, commercial activities, etc. with the approval of the lessor and such a cooperative house building society intends to run and manage such services or facilities for the benefit of residents of the area, it may approach the lessor after getting the proposal approved from the general body for transfer of the land to a new co-operative body either on freehold or on lease hold basis as per policy of the lessor within two years of the commencement of these rules .(3)On receipt of the approval of the lessor to the proposal of a co-operative house building society under sub-rule (2) above, and after resuming unallotted plots of land therein by the lessor, the Registrar shall initiate start proceedings for winding up of such a cooperative house building society.(4)In case a cooperative house building society has land on freehold basis, the general body within three hundred sixty five days of the commencement of these rules shall to pass a resolution to request the Registrar to initiate winding up proceedings. The common assets used for social, cultural, educational, commercial activities, a proposal for transfer to a new co-operative society may also be submitted to the Registrar. While submitting the proposal it shall be ensured that such a registration of a co-operative society does not infringe any other law applicable to such activities.

## **Chapter X**

### **Winding up of Co-Operative Societies**

#### **108. Appointment of a Liquidator.**

(1)In case a liquidator is appointed under sub-section (1) or sub-section (2) of section 99 of the Act, the Registrar may limit or restrict the powers of the liquidator subject to the provisions of section 101 of the Act.(2)The Registrar may remove the liquidator at any time without assigning any reason and may appoint any other person as liquidator. The liquidator on his removal shall hand over all



the property, documents, record etc. relating to the co-operative society to his successor or to any person nominated by the Registrar in this respect. A charge report to be signed by the relieved and relieving person shall be drawn and a copy of the same, duly signed, shall be forwarded to the Registrar.(3)The liquidator shall be described as liquidator of particular co-operative society in respect of which he acts and not by his individual name.(4)The remuneration to the liquidator shall be fixed by the Registrar, that shall be paid out of funds of the concerned co-operative society or from the Settlement and Executive Expenses Fund maintained by the Registrar.

### **109. Procedure to be followed by the Liquidator.**

(1)The liquidator shall, as soon as the order of winding up of a co-operative society takes effect, publish by such means as the liquidator may think proper, a notice requiring all claims against the co-operative society to be submitted to him within one month of the publication of the notice. All liabilities recorded in the account book of co-operative society shall be deemed if so facto, have been duly submitted to him under this sub-rule.(2)The liquidator may fix time for the creditors to prove their debts or claims. If no claim is received within two months of the date of order of winding up, the liquidator may refuse to entertain any new claims.(3)The liquidator soon after his appointment shall take charge of the books of accounts and other documents and all its assets of the co-operative society. There shall be prepared immediately on the relevant date a statement of affairs of the co-operative society containing the following particulars namely:-(a)the assets of the co-operative society stating separately the cash balance in -hand and at the Bank, if any, and the negotiable instruments, if any, held by the co-operative society;(b)the debts and liabilities of the co-operative society;(c)the names and addresses and occupation of the creditors stating separately the amount of secured and unsecured debts and in the case of secured debts, particulars of the securities given;(d)the debts due to the co-operative society and the names, residences and occupations of the persons from whom they are due and amount due; and(e)such other information as may be required by the Registrar.(4)The statement required to be prepared under sub-rule (3) shall be made on the basis of the record of the co-operative society; audit reports, and on the basis of the statements made by the members of the committee at the relevant date or by the person who on that date, is the manager, secretary or treasurer or other officer of the co-operative Society. The liquidator shall examine them on oath. This statement shall be submitted by the liquidator to the Registrar within twenty-one days of the date of his appointment or within such extended time not exceeding three months from the date of the said order.(5)The liquidator shall, after setting the assets and liabilities of the co-operative society as they stood on the date on which the order for winding up is made, proceed next to determine the contribution to be made by each member or by the estates of nominees, heirs or legal representatives of deceased members or by any officers or former officers to the assets of the co-operative society. If deemed necessary, the liquidator may make a subsidiary order regarding such contributions.(6)As soon as-practicable, after order regarding determinations of contribution under sub-rule (5) has been passed, the liquidator shall settle a list of contributions with powers to rectify the membership register in pursuance of any order which may be passed by the arbitrator or the Registrar in accordance with the provision of the Act and there rules, and shall cause the assets to be collected.(7)In setting the list referred to in sub-rule (6) the liquidator shall distinguish between those who are contributories in their own rights and those who are contributories as being representatives of or liable for the debts of others.(8)The liquidator may at

any time after his appointment require any contributory for the same being-on the list of contributories, any trustee, banker, agent or officer of the society to pay, deliver, surrender or transfer forthwith to the liquidator any money, property or books or paper in his hands to which the co-operative society is prima facie entitled.(9)No contributory, for the time being on the list, shall be allowed by way of set off any money claimed to him or to the estate he represents, from the co-operative society, in respect of any independent dealing or contract with the co-operative society.(10)All funds in charge of the liquidator shall be deposited in the Financing Bank in the current account to be opened in the name of the co-operative society under liquidation and shall be deposited by the liquidator in this account within twenty four hour of their receipt. All payments on account of the co-operative society shall be made by cheques drawn by the liquidator in favour of the payee. The liquidator may keep with him a cash balance of one thousand rupees to meet petty expenses on liquidation proceedings.(11)Any order passed by the liquidator under sub-rule (5) shall be submitted by him to the Registrar for his approval. The Registrar may confirm or modify such order or refer it back to the liquidator for further enquiry or action.(12)Any person untruthfully so stating himself as the creditor or the contributory of the cooperative society shall be guilty of the offence under section 182 of the Indian Penal Code. (Act XIV of 1860) and shall on the application of the liquidator criminal proceedings may be in instituted.

### **110. Application of assets of the co-operative Society.**

- Subject to the provisions of rule 111 as to the preferential payments, the assets of the society shall be applied in order of priority as given below for payment of the liabilities:-(1)Pro-rata payment of all outside liabilities;(2)Pro-rata repayment of loans and deposits of members;(3)Pro-rata refund of share capital; and(4)Pro-rata payment of dividend on the shares at the rate not exceeding six percent per annum for the period of liquidation.

### **111. Preferential Payments.**

- In winding up proceedings, there shall be paid in priority to all other debts and liabilities of the co-operative society under liquidation, the following dues or debts:-(a)All Government dues, all revenues, taxes, cess and debts due from the cooperative society to the Government or to the local authority at the relevant date and having become due and payable within two years next before that date;(b)All wages or salary of any employee in respect of services rendered to the cooperative society;(c)All dues of the Financing Bank and Apex Society as defined in clause (b) of section 74 of the Act;(d)The debts mentioned in the clause (a) and clause (b) shall rank equally amongst themselves and are paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportion.

### **112. Interest on amount due from co-operative society under liquidation.**

- A creditor of the co-operative society under liquidation, may apply to the liquidator for payment of interest on any debt due to him from the co-operative society up to the date of order of winding up by the Registrar. The rate at which the interest may be paid shall be in the case of Financing Bank, the contract rate and in any other case the rate which may be fixed by the Registrar, which shall not

exceed the contract rate. Provided that if any surplus assets remained after all the liabilities including the liabilities on shares have been paid off, further interest at rate not exceeding contract rate may be allowed by the Registrar to the creditors from the date mentioned above till the date of repayment of the principal.

### **113. Liability due to claimant whose whereabouts are not Known.**

- If any liability cannot be discharged by the liquidator owing to the whereabouts of the claimant not being known or any other cause, the amount representing such undischarged liabilities shall be deposited in the name of the Registrar with the Financing Bank and shall remain at the disposal of the creditors for a period of three years from the date of order of winding up, thereafter this amount shall be treated as surplus amount which shall be utilized in the manner mentioned in rule 120 of these rules. The Registrar may under special circumstances pay the liabilities claimed even after the stipulated period of three years.

### **114. Maintenance of accounts and submission of report by the Liquidator.**

(1)The liquidator shall keep such books and accounts as may be specified by the Registrar or audit officer.(2)The liquidator shall during the tenure of office but not less than twice in a year prepare an account of the receipts and payments as Liquidator. An auditor shall be appointed by the Registrar who shall audit these accounts on behalf of the Registrar. In case accounts are audited by the audit officer one copy shall be kept by the auditor and the other returned to the liquidator with the audit report. The liquidator shall produce for purposes of audit all vouchers and accounts and shall furnish such information as may be required by the auditor. The liquidator shall rectify all irregularities and defects pointed out by the auditor to the satisfaction of auditor and shall submit to him a rectification report.(3)No audit fee shall be charged for audit of the accounts under this rule.

### **115. Service of Legal Practitioner.**

- Whenever it is considered necessary by the liquidator to defend or to institute any legal proceedings for and on behalf of the co-operative society the liquidator shall approach the Registrar, who may after considering all the facts and circumstances of the case, provide the service of the legal practitioner at the cost of the co-operative society if the Registrar or the Government has been impleaded in such proceedings the cost of defending them shall also be paid out of the funds of the cooperative society. If no funds are available with the liquidator, arrangements shall be made at Government expenses but the cost of such arrangements shall be ultimately recovered from the contributories and paid to the Government as preferential debt under clause (a) of sub-rule (1) of rule 111 of the rules.

### **116. Action to be taken against the delinquent promoters or members or members of the Committee.**

- The liquidator shall make a report to the Registrar for purposes of taking action under section 66 of the Act, where in his opinion, any fraud has been committed by any person in the promotion, organisation, registration or management of the cooperative society under liquidation in relation to the co-operative society since its registration or any deficiency in the assets of the co-operative society has been caused by the breach of trust, or willful negligence or by retaining any money or other property belonging to co-operative society. The report shall be submitted to the Registrar as soon as practicable after preparation of the statement referred to in sub-rule (4) of rule 109. On receipt of this report, the Registrar shall proceed to take action under section 66 of the Act.

### **117. Effect of winding up order on Antecedent Transactions.**

(1) Any transfer of shares in a co-operative society under liquidation, made within six months next before the relevant date except transfer of shares to the deceased members, heirs or nominee, shall be void and not binding upon the liquidator. (2) Any transfer of property, movable or immovable delivery of goods, payment, execution or other acts relating to property made, taken or done by or against a cooperative society within six months next before the relevant date, which, had it been made, taken or done by or against an individual within three months before the presentation of an insolvency petition on which he is adjudged insolvent, would be deemed in his insolvency a fraudulent preference, shall in the event of the co-operative society being wound up, be deemed a fraudulent preference of its creditors and contributories and be invalid accordingly.

### **118. Termination of Liquidation proceedings.**

(1) The winding up proceedings of a society shall be closed within seven hundred thirty days from the date of the order of the winding up. Explanation. - : In the case of co-operative society which is under liquidation at the time of commencement of the Act, the order for winding up of the co-operative society shall be deemed for the purpose of this rule to have been passed on the date of such commencement. (2) Notwithstanding anything contained in the foregoing sub-rule, the Registrar shall terminate the liquidation proceedings on receipt of the final report from the liquidator. The final report of the liquidator shall state that the liquidation proceedings of the cooperative society have been closed, and manner of conducting the winding up and the manner of disposing the property and the claims of the co-operative society and shall include a statement showing a summary of the account of the winding up including the cost of liquidation, the amount (if any) standing to the credit of the co-operative society in liquidation, after paying off all liabilities including the share or interest of members, and shall suggest manner of utilization of surplus assets.

### **119. Disposal of surplus Assets.**

- The surplus assets, as shown in the final report of the liquidator of a co-operative society which has been wound up, may be utilized for following purpose :- (a) Education Fund for utilizing in Development of Co-operative Movement; or (b) Any public utility as per section 102, with the prior approval of Registrar.

## **120. Relevant Date.**

- The expression "relevant date" as appearing in this chapter shall mean the date of order of winding up made under sub-section (1) of section 99.

## **121. Disposal of Record.**

- All the books and records of a co-operative society whose registration has been cancelled may be destroyed under the orders of the Registrar after the expiry of a period of three years from the date of cancellation of registration .

## **122. Final order of Cancellation.**

- The order made by the Registrar under sub-section (1) of section 103 of the Act shall also be published in the official Gazette.

# **Chapter XI**

## **Execution of award, decrees, orders and decisions**

### **Part-I Enforcement of Charge**

## **123. Application under section 104.**

(1) Every application under section 104 of the Act shall be made in Form no. 25 and shall be signed by a person authorised by the committee . It shall be accompanied by an inventory of the property to be sold containing a reasonably accurate description of the same. (2) No application under sub-rule (1) shall be entertained unless the co-operative society deposits the fee for expenses of sale of the property at the rate of five per cent of the outstanding debt or demand of the co-operative society against the defaulter irrespective of the fact that such amount is recovered or not by sale of the property . (3) On receipt of application referred to in sub-rule (1), the Registrar or any other officer authorised by him in this behalf in writing by special or general order (hereinafter referred to as the Sales Officer, which shall include his successor or assigns) shall, if satisfied that the particulars set forth in the application are correct and prepare a demand notice in duplicate in Form no. 26, setting forth the name of the member, past member or the nominee, heir or legal representative of the deceased member, the amount due from him together with interest and cost, if any, and the description of the property or interest in property for the sale of which the application has been made by the co-operative society, and calling upon him to remit within seven days from the date of service of the notice total amount due under the demand. The Sales Officer shall serve or cause to be served the demand notice upon the member, past member, or the nominee, heir or legal representative of the deceased member if he is present or upon some adult male member of his family or upon his authorised agent, or when such service cannot be effected, shall affix or cause to be affixed a copy of the demand notice on some conspicuous part of his residence or the place where

the property subject to charge is kept. If the member or past member or nominee, heir or legal representative of the deceased member, fails to pay the debt or outstanding demand within the period aforesaid, the Sales Officer shall proceed to sell the property.(4)The provisions of rules in Part III of this Chapter, shall, in so far as they are not inconsistent to the subject or context, apply to the sale of the property or interest in the property as if the co-operative society which made the application is a decree holder and the member, past member or the nominee, heir or legal representative of the deceased member, is a judgment debtor.Part-II Execution of Decision, Award or Order by the Collector according to the provisions of Land Revenue Code

## **124. Procedure for Execution by the Collector.**

(1)In case any decision, award or order providing for the recovery of money is executable by the Collector under clause (a) of section 105 of the Act, it shall be executed by a Revenue officer empowered by the Collector by-general or special order to do so (hereinafter referred to as the "Recovery Officer" which shall include his successors and assigns) in accordance with the provisions of the Punjab Land Revenue Act (Act XVII of 1887) which shall include any other Act for the time being in force in the National Capital Territory of Delhi relating to recovery of land revenue, the rules, orders or regulations issued there- under from time to time (hereinafter referred to as the "Land Revenue Code").(2)In case any decree holder desires to have the decree executed through the Collector under clause (a) of section 105 of the Act, he shall apply to the Registrar in Form no. 27 for the issue of a certificate for the recovery of the decretal amount as arrears of land revenue.The application shall be delivered in the office of the Registrar personally and a receipt obtained or sent by registered post.(3)Soon after the receipt of the above application, the Registrar shall call for original records and shall check up if the decision or the award had been given in accordance with the Act and the rules and shall check up contents of the application with reference to the relevant original records of the case. If the Registrar is satisfied about the correctness of the award or decision and the application, the Registrar or any officer authorised by him shall issue certificate in Form no. 28 to the decree holder. In case the Registrar is satisfied that the decision or award is in contravention of the provisions of the Act and Rules, the Registrar may refer the arbitration case back to the arbitrator for necessary rectification(s).(4)Within a period of sixty days after the issue of the certificate referred to in sub-rule (3), the decree holder shall apply in Form no. 29 to the Recovery Officer, delivered in person and a receipt obtained or sent by registered post. The application shall be accompanied by:(a)A certified copy of the award;(b)original certificate issued by the Registrar under sub-rule (3) ; and(c)receipted pay-in-slip for deposit of execution fee in the Office of the Registrar.Provided that the Registrar may extend the period of sixty days after hearing the reasons for delay by the decree holder.(5)If the application mentioned in sub-rule (4) is complete in all respect and is accompanied by all the documents, the same shall be entered in the Demand Register and given a distinctive case number and shall be dealt with by the Recovery Officer as if it is a suit filed by the decree-holder against the judgment-debtor. This case number shall be quoted in all process issued in the case from time to time. The Recovery Officer shall thereafter issue various processes for the recovery of the decretal amount according to the Land Revenue Code.(6)The decree holder shall deposit in the "Settlement and Execution Expense Fund' an initial lump sum fee of one hundred rupees for issue of process in the execution case. Thereafter, a fee of at the rate of five per cent shall be charged on all sums recovered by the Recovery Officer

from the judgment debtor, which be credited to the aforesaid fund.(7)The Settlement and Execution Expense Fund shall be managed by a Fund Committee as provided under schedule III.

## **125. Accounting Procedure.**

(1)All amounts recovered from the judgment debtors by the Recovery Officer shall first be deposited in the current account to be kept in his official designation in the State Bank of India, which shall be operated by the Recovery Officer. The payment to decree holder, of all amounts recovered on his behalf during the course of execution proceedings, shall be made by the Recovery Officer by crossed cheque drawn on the above current account against the deposits relating to the decree holder after deducting the recovery fee of five per cent of the gross amount recovered, with in seven days of the receipt of amount.(2)The Recovery Officer shall keep separate personal ledger account of each decree-holder and records all the relevant details of recoveries made, with names of defaulters from whom made, payments made to decree-holder from time to time and expenses recovered shall be entered. The Recovery officer in token of its correctness shall attest individual entries in these ledgers.(3)A separate account of receipt and issue of receipt books shall be kept by the Recovery Officer. The receipt books shall remain in the personal safe custody of the Recovery Officer.(4)Each bailiff shall deposit the amount recovered by him in the State Bank of India in the current account of the Recovery Officer. Each bailiff shall render to the accountant appointed by the Recovery Officer a true and faithful account of all receipts and deposits made by him that shall be entered in the cashbook with full clarity and all the entries made in the cashbook shall then be attested by the Recovery Officer. The Accountant shall bring any unusual delay in deposit of the amount in the State Bank of India by any bailiff to the personal notice of the Recovery Officer.(5)The Recovery Officer shall be responsible for the maintenance of true and correct accounts of the recoveries and deposits, and shall also act as the controlling officer in respect of the staff maintained and paid out of the "Settlement and execution Expenses Fund" in accordance with the regulation of the Fund.

## **126. Mode of payment of decretal amount.**

- All money payable under the certified award shall be paid as follows:(a)To the Recovery Officer or to any person authorised by him against official receipt and such payment shall be remitted to the decree holder with in thirty days from the date of receipt thereof, for recording the same in the personal ledger of judgment debtor;(b)Out of the court payment to the decree holder and in such cases the recovery charges shall be payable to Recovery Officer.(2)In case any money payable under the award under execution by the Recovery Officer, is paid by the Judgment debtor out of court to the decree-holder or the award, is, otherwise, adjusted in whole or in part to the satisfaction of the decree-holder the decree-holder shall certify payment or adjustment to the Recovery Officer and the Recovery officer shall record such payment or adjustment in the personal ledger account maintained by him.(3)The judgement debtor may also inform to the Recovery Officer of such payments or adjustment and apply to him to issue notice in Form no. 30 to the decree-holder to show cause on a day to be fixed by the Recovery Officer, why such payment or adjustment should not be recorded in the personal ledger account of the decree-holder as having been paid or adjusted in the execution proceedings, and if after service of such notice, the decree holder fails to show cause, the Recovery Officer may record the payment and/or adjustment in the above manner. A payment or adjustment

which has not so been recorded as aforesaid, shall not be recognised by the Recovery Officer executing the award.

### **127. Cost of execution.**

- The Recovery Officer executing the award may recover in addition to the decretal amount from the judgment-debtor the cost of execution as arrears of land revenue and pay such amount to the decree-holder.

### **128. Transfer of decrees.**

- In case any property to be sold in realization of any decree is situated outside the National Capital Territory of Delhi, the decree shall be forwarded for execution in accordance with the provisions of the Revenue Recovery Act, 1890 (Act 1 of 1890) to the Collector of that district where the property of judgment debtor or defaulter is situated. Part-III Execution of Decision, Award or order by the Registrar

### **129. Procedure in Execution.**

(1) In case any decree-holder desires to have the decree executed under provisions of clause (b) of section 105, he shall apply to the Registrar or the officer authorised by the Registrar in this behalf by a special or general order (hereinafter referred to the "Recovery Officer"), in Form no. 31, which shall be signed by the decree-holder. The decree-holder shall indicate whether he desires to proceed against the person or the judgment debtor or against the movable or immovable property of the person or the judgment debtor or both and shall state the way he wants the assistance of the Registrar according to the Act and the rules. (2) On receipt of the application referred to in sub-rule (1), the Recovery Officer shall call for original record and shall verify the correctness and genuineness of the particulars set forth in the application with the records. (3) Without prejudice to the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) the Recovery Officer, shall, on being satisfied about the correctness and genuineness of the application received by him, order execution of the decree:-(a) by delivery of any property specifically decreed; (b) by attachment and sale or sale without attachment of any property; (c) by arrest and detention in person; (d) in such other manner as the nature of relief granted may require. (4) In case of proceedings under clause (b) of section 105, if any person requires the issue of any process, or object to any process issued or proposed to be issued, or requires the adjournment of any proceedings, he shall pay the fee as fixed in schedule IV which may be revised by the Registrar from time to time. Thereafter the Recovery Officer shall issue processes. The provisions of section 36 to section 74, sections - 135, section 135A and Order XXI in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908) shall mutatis mutandis apply to the executions ordered under clause (b) of section 105. The decree holder shall indicate whether he wishes to proceed in the first instance against the property of the defaulter or against his person. (5) Without prejudice to the generality of the foregoing sub-rule, a demand notice stating therein the relief claimed by the decree-holder shall be prepared in duplicate in Form no. 32 by the Recovery Officer who shall send a copy of application filed by the decree-holder and the demand notice to the defaulter.



### **130. Manner of execution.**

- Unless the decree-holder has indicated under sub-rule (4) of rule 129, the order in which the property of the defaulter shall be proceeded against, the execution shall ordinarily be taken in the following manner, namely:-(a)Movable property of the defaulter shall be first proceeded against, but nothing in this clause shall preclude the immovable property being proceeded against simultaneously in case of necessity.(b)If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property mortgaged to decree holder or other immovable property belonging to the defaulter, even if not mortgaged with the decree holder, may be proceeded against.

### **131. Seizure and sale of movable property.**

- In the seizure and sale of movable property, the following procedure shall be observed:(a)The Recovery Officer shall, after giving notice to the decree-holder, proceed to the place where the defaulter resides or the property to be detained is situated and serves the demand upon him in Form no. 33. If the demand together with the interest and all expenses is not at once paid, the Recovery Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property detained and an intimation of the place, day and hour at which the detained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Recovery Officer shall serve the demand notice on some adult member of his family or his authorized agent or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. The Recovery officer shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale, if the amounts due are not previously discharged.(b)After the distress is made, the Recovery Officer may arrange for the custody of the property attached with the decree-holder or otherwise.(c)If the Recovery Officer requires the decree-holder to undertake the custody of the property, the decree-holder shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is livestock, the decree-holder shall be responsible for providing the necessary food thereof.(d)The Recovery Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person if he enters into a bond in Form no. 34 with one or more sufficient sureties for the production of the property at the place of sale when called for.(e)The distress shall be made after sunrise and before sunset and not at any other time.(f)The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.(g)If attached crops are ungathered products of the land, belonging to a defaulter, the Recovery Officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.(h)The Recovery Officer shall not work the bullock or cattle, or make use of the

goods or effects distrained, and shall provide the necessary food for the cattle livestock, the expenses attending which shall be defrayed by the owner upon his redeeming the property, or from proceeds of the sale in the event of its being sold.(i)The Recovery Officer may force upon any stable, cow house, granary, godown, out house or other building and he may also enter any dwelling house the outer door of which may be open and he may break open the door of any room in such dwelling house for the purpose of attaching property belonging to defaulter and lodged therein, provided always that it shall not be lawful for the Recovery Officer to break open or enter any apartment in such dwelling house appropriated for the occupation of women except as hereinafter provided.(j)In Case the Recovery Officer has reason to suppose that the property of a defaulter is lodged within a dwelling house and the outer door is closed, or within any apartment appropriated to women which, by the usage of the country are considered private, the Recovery Officer shall represent the fact to the officer-in-charge of the nearest police station. On such representation, the officer-in-charge of the said station shall send a Police Officer to the spot in the presence of whom the Recovery Officer may force open the outer door of such dwelling house in like manner as he may break open the door of any other room within the house. The Recovery Officer may also in the presence of the Police Officer, after due notice given for the removal of women and, after furnishing means for their removal in suitable manner (if they be women of rank who according to the customs of the country cannot appear in public) enter the rooms for the purpose of distraining the property of the defaulter, if any, deposited therein but such property, if found, shall be immediately removed from such rooms, thereafter they shall be left free-to the former occupants.(k)The Recovery Officer shall on the day previous to and on the day of sale cause proclamation in Form no. 35, of the time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides and in such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale.(l)No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner specified in clause (a), provided that where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody are likely to exceed its value, the Recovery Officer may sell it at any time before the expiry of the said period of fifteen days unless the amount due is sooner paid.(m)At the appointed time, the property shall be put up in one or more lots as the Recovery Officer may consider advisable, and shall be disposed off to the highest bidder:Provided that it shall be open to the Recovery Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other sufficient reasons.Provided further, that the Recovery Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven day a fresh proclamation under clause (k) shall be made unless the defaulter consents to waive it.(n)In case the property is sold for more than the amount due, the excess amount after deducting the interest and the expenses of process and the other charges shall be paid to the defaulter.(o)The Property shall be paid for in cash at the time of sale or as soon thereafter as the officer holding the sale shall appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.(p)In case, the purchaser fails in the payment of the purchase money, the property shall be resold.(q)In case it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the Recovery Officer.(r)In case prior to the day fixed for the sale, the defaulter or any person acting on his behalf or any person claiming an

interest in the property attached, pays the full amount due including interest and other costs incurred in attaching the property the Recovery Officer shall cancel the order of attachment and release the property forthwith.(s)No member of the committee, having the debt or outstanding demand for which the sale is being made, shall without the express permission of the Registrar bid either directly or indirectly for the purchase of the property which is subject to charge under section 44.(t)No officer or other person having a duty to perform in connection with any sale shall, whether directly or indirectly bid for, acquire or attempt to acquire any interest in the property sold.(u)In case the property is sold, of which actual seizure has been made. it shall be delivered to the purchaser. In case the property sold is in the possession of any person delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him delivering possession of the property to any other person except the purchaser.

### **132. Attachment of salary or allowances of public officer or of servant of a Railway Administration or local Authority.**

- In case the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of railway administration or local authority or a firm or a company, the Recovery Officer may order in Form no. 36 that the amount shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1908 (I Act V of 1908), be withheld from such salary or allowance or wages either in one payment or by monthly installments as the Recovery Officer may direct and upon notice of the order, the officer or other person whose duty is to disburse such salary or allowances or wages shall withhold and remit to the Recovery Officer, the requisite amount.

### **133. Attachment of decree.**

(1)In case the property to be attached is a decree either for the payment of money or for, sale in enforcement of a mortgage or charge, the attachment shall be made-(a)if the decree sought to be attached was passed by the Registrar or by any person to whom dispute was referred by the Registrar under section 71 of the Act, on the order of the Registrar on the application of the Recovery Officer.(b)if the decree sought to be attached was passed by a court and has not been sent for execution to any other court, by the issue to such court of a notice by the Recovery Officer, requesting such Court to stay the execution of its decree unless and until-(i)the Recovery Officer cancels the notice, or(ii)the holder of the decree sought to be executed by the Registrar or the judgment debtor thereof applied to the Court receiving such notice to execute its own decree(c)if the decree sought to be attached is pending execution in a Court which did not pass the same, by the Recovery Officer Seeking to attach such decree in execution, sending the notice referred to in clause (b) to such Court, where upon the provisions of that clause shall apply in the same manner as if such Court had passed the decree and the said notice had been sent to it in pursuance of the said clause.(2)In case the Registrar makes an order under clause (a) of sub-rule (1) or when a Court receives a notice under clause (b) or clause (c) of the said sub-rule, the Registrar or the Court shall, on the application of the decree-holder who has got the decree attached or his defaulter proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree being executed by the Recovery Officer.(3)The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub rule (1) shall be deemed to be the representative of the

holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.(4)The holder of a decree attached under this rule shall give the court or the Recovery Officer executing the decree such information and aid as may reasonably be required.(5)On the application of the holder of a decree sought to be executed by the attachment of another decree, the Recovery Officer shall give notice of such order to the judgment debtor bound by the decree attached, and no payment or adjustment of the attached decree made by the judgment debtor in contravention of such order after receipt of notice thereof, shall be recognised so long as the attachment remains in force.

### **134. Attachment of debt, share and other property not in possession of defaulter.**

(1)Where the movable property to be attached is-(a)a debt due to the defaulter in question;(b)a share in the capital of a corporation or a deposit invested therein, or(c)other movable property not in the possession of the defaulter except property deposited in or in the custody of any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting:-(i)in the case of the debt, the creditor from recovering the debt and the debtors from making payment thereof.(ii)in the case of the share or deposit, the person in whose name the share or the deposit may be standing from transferring the share or deposit or receiving any dividend or interest thereon.(iii)in the case of the other movable property except as aforesaid, the person in possession of it from giving it over to the defaulter.(2)A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of the other movable property, (except as aforesaid), to the person in possession of such property. As soon as the debt referred to in clause (a) of sub-rule (1) or the deposit referred to in clause (b) of that sub-rule matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Recovery Officer as soon as it becomes payable, in the case of the other movable property referred to in clause (c) of sub-rule (1), the person concerned shall place it in the hands of the Recovery Officer, as soon as it becomes deliverable to the defaulter.

### **135. Procedure in attachment and sale of Immovable Property.**

- In the attachment and sale or sale without attachment of immovable property, the following procedure shall be followed; -(a)The application submitted under rule 129 shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in record of settlement or survey, the specification of such boundaries or numbers in record of settlement or survey, the specification of such boundaries or numbers and the specification of the judgment debtor's share or interest in such property to the best of the belief of the decree-holder and so far as he has been able to ascertain it.(b)The demand notice issued by the Recovery Officer under sub-rule (5) of rule 129 shall contain the name of the judgment debtor, the amount due including the expenses, if any, and the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment as the case may be. After receiving the demand notice, the

Recovery Officer shall serve or cause to be served a copy of the demand notice Upon the defaulter or upon some adult male/female member of his family at his usual place of residence, or upon his authorised agent, or if such personal service is not possible shall fix a copy thereof on some conspicuous part of last known residence or on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be: Provided that where the Recovery Officer is satisfied that judgment debtor with intent to defeat or delay the execution proceedings against him is about to dispose off the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (5) of rule 129 shall not allow any time to the defaulter for the payment of the amount due by him and the property of the defaulter shall be attached forthwith. (c) If the judgment debtor fails to pay the amount specified in the demand notice within the time allowed, the Recovery Officer shall proceed to attach and sell or sell without attachment, as the case may be the immovable property noted in the application for execution in the manner hereinafter specified. (d) In case the attachment is required before sale, the Recovery Officer shall, if practicable, cause a notice of attachment to be served on the judgment debtor personally. In case the personal service is not, practicable the notice shall be affixed in some conspicuous part of the judgment debtor last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on or adjacent to such property and at such other place, or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses to be paid within the date therein mentioned, the property will be brought to sale. A copy of the notice shall be sent to the decree-holder. If the Recovery Officer so direct, the attachment may also be notified by public proclamation in a local newspaper. (e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer at least thirty days before the date fixed for the sale. Such proclamation shall state the decree-holder and the judgment debtor, the time and place of sale and also shall specify as fairly and accurately as possible:-(a) the property to be sold; (b) any encumbrance to which the property is liable; (c) the amount for the recovery of which the sale is ordered; and (d) every other matter which the Recovery Officer considers material for a purchaser to know in order to judge the nature and value of the property. (f) In case any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree holder shall, when the amount for the realisation of which the sale is held, exceeds one hundred rupees furnish to the Recovery Officer within such time as may be fixed by him or by the Recovery Officer an encumbrance certified sought to be sold. The time for production of the encumbrance certificate may be extended at the discretion of the Recovery Officer or the Registrar. The sale shall be by public auction to the highest bidder, provided that it shall be open to the recovery officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Recovery officer may in his discretion adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, afresh notice shall be issued unless the defaulter consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Registrar and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Recovery Officer (g) A sum of money equal to twenty five percent of the price of the immovable property shall be deposited by the purchaser in the hands of the Recovery Officer at the time of the purchase, and in default of such deposit, the

property shall forthwith be resold.(h)The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale.Provided that the time for payment of the cost of the stamp, may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale.Provided that in calculating the amount to be paid under this clause, the purchaser may have the advantage of any set-off to which he may be entitled.(i)In default of payment within the period mentioned in clause (h), the deposit may, if the Recovery officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall be forfeited off all claims to the property or any part of the sum for which it may subsequently be sold.(j)Every resale of immovable property in default of payment of the amounts mentioned in clause (h) within period allowed for such payment shall be made after the issue of fresh proclamation in the manner and for the period herein before specified for the sale.(k)In case a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Recovery Officer shall enter satisfaction of the decree in whole or in part accordingly.(l)In case prior to the date fixed for sale, the judgment debtor or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any the Recovery Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

### **136. Application to set aside sale on deposit.**

(1)In case immovable property is to be sold by the Recovery Officer, any person either owning such property or holding an interest therein by virtue of title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer,-(a)for payment to the purchaser, a sum equal to five per cent of the purchase money, and(b)for payment to the decree-holder, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other cost due in respect of such amount less any amount which may since the date of such proclamation have been received by such decree-holder.(2)If such deposit, together with an application, is made within thirty days from the date of sale, the Recovery officer, shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the five per cent deposited by the applicant;Provided that if more than one person have made deposit and application under this rule, the application of the first depositor to the Recovery Officer shall be accepted.

### **137. Application to set aside sale on ground of irregularity or fraud.**

(1)At any time within thirty days from the date of the sale of immovable property, the decree holder or any person entitled to share in a ratable distribution of the assets or where interests are effected by the sale, may apply to the Registrar to set aside the sale, on the ground of a material irregularity or mistake or fraud in publishing or conducting the sale;Provided that no sale shall be set aside on the ground aforesaid unless the Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.(2)If the application is allowed, the Registrar

shall set aside the sale and may direct a fresh one.(3)On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under rule 136 sub-rule (1) or under this rule if such application has been made and rejected, Registrar shall make an order confirming the sale,;Provided that if the Registrar have reasons to believe that the sale ought to be set aside notwithstanding that no such application has been made on grounds other than those alleged in any application which has been made and rejected. The Registrar may after recording his reasons in writing set aside the sale.(4)In case the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.(5)After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale bearing his seal and signature to the purchaser.(6)The certificate of sale state the property sold and the name of the purchaser and it shall be conclusive evidence of the fact of the purchase in all courts and tribunals, where it may be necessary to prove it and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

### **138. Delivery of Possession.**

- In case any lawful purchaser of immovable property is resisted and prevented by any person other than a person not being the Judgment Debtor claiming in good faith to be in possession of the property on his own account, from obtaining possession of the immovable property purchased, any court of competent jurisdiction on application and production of the certificate of sale issued under sub-rule 5 of Rule137 of shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased has been decreed to the purchaser by a decision of the court.

### **139. Sale of immovable property to be proportionate to the amount due.**

- The Recovery Officer may sell the whole or any portion of the immovable property of a defaulter in discharge of money due provided always that so far as may be practicable, no larger section or portion of the immovable property shall be sold that may be sufficient to discharge the amount due with interest, and expenses of attachment, if any; and sale.

### **140. Private alienation of property after attachment shall be void.**

- In case an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the Judgment Debtor of any debt, dividend or other moneys contrary to such attachment shall be void as against all claims enforceable under the attachment.Explanation.- For the purposes of this rule, claims enforceable under an attachment include claims for the ratable distribution of assets.

### **141. Receipts for payment of amount due.**

- Every person making a payment towards any money due for the recovery of which application has

been made under these rule shall be entitled to a receipt for the amount signed by the Recovery Officer or other Officer empowered by the Registrar. Such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

## **142. Investigation of claims and objection to attachment of property.**

(1)Where any claim is preferred to, or any objection is made to the attachment of any property attached under these rules on the ground that such property is not liable to such attachment, the Recovery Officer, shall investigate the claim or objection and dispose off it on merit.(2)In case the property to which the claim or objection relates has been advertised for sale, the Recovery Officer, may postpone the sale pending the investigation of the claim or objection.

## **143. Determination of attachment.**

- In case any property had been attached in execution of a decree, but by reason of the decree holders default, the Recovery Officer is unable to proceed further with the application for execution, the Recovery Officer shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

## **144. Attachment in execution of decree of Civil Court and ratable distribution of assets.**

- In case assets are held by the Recovery Officer and before the receipts of such assets, demand notices in pursuance of applications for execution of decree against the same Judgment Debtor have been received from more than one decree-holder and the decreeholder have not obtained satisfaction, the assets after deducting the cost of realisation, shall be rateably distributed by the Recovery Officer among all such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

## **145. Mode of making attachment before judgment.**

(1)Attachment of property prior to award for decree shall be made in the manner provided in the foregoing rules of this Chapter.(2)Attachment made under sub-rule (1) shall not affect the rights existing prior to the attachment of persons or parties to the proceedings in connection with which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of property under attachment in execution of such decree.(3)In case property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary to file an application for execution of such decree and to apply for reattachment of the property.



## **146. Effect of attachment.**

- In case an attachment has been made, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment debtor of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment. Explanation. - For the purposes of this rule, claims enforceable under an attachment include claims for the ratable distribution of assets.

## **147. Arrest and detention.**

(1) A judgment debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable, be brought before the Recovery Officer and his detention may be in the civil prison or in the Central Jail. Provided that for the purpose of making an arrest under this rule, no dwelling house shall be entered after sunset and before sunrise. Provided further that no outer door of a dwelling house shall be broken open unless such dwelling house is in the occupancy of the judgment debtor and he refuses or in any way prevents access thereto, but when the officer authorised to make the arrest has duly gained access to any dwelling house he may break open the door of any room in which he has reason to believe the judgment debtor to be found. Provided further more, that, if the room is in the actual occupancy of a woman, who is not the judgment debtor and who according to the customs of the country does not appear in public the officer authorised to make the arrest shall give notice to her that she is at liberty to withdraw, and after allowing a reasonable time for her to withdraw, and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest. Provided further more, that where the decree in execution of which a judgment debtor is arrested, is a decree for the payment of money and the judgment debtor pays the amount of the decree and the costs of the arrest to the officer arresting him such officer shall at once release him. (2) The Government may, by notification in the Official Gazette, declare that any person or class of persons whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree other wise than in accordance with such procedure as may be specified in this behalf. (3) In case a judgment-debtor is arrested in execution of a decree for the payment of money and brought before the Recovery Officer, he shall inform him that he may apply to be declared an insolvent and that he may be discharged if the judgment-debtor has not committed any act of bad faith regarding the subject of the application and if the judgment-debtor complied with the provisions of the law of insolvency for the time being in force. (4) In case a judgment-debtor expresses his intention to apply to be declared an insolvent and furnishes security to the satisfaction of the Recovery Officer that the judgment - debtor will within one month so apply, and that he will appear, when called upon, in any proceeding upon the application or upon the decree in execution of which he was arrested, the Recovery Officer, may release him from arrest, and if he fails so to apply and to appear, the Recovery officer may either direct the security to be realised or commit him to the civil prison in execution of the decree.

## **148. Detention and release.**

(1)The person detained in the civil prison in execution of a decree shall be so detained:-(a)where the decree is for the payment of a sum of money exceeding rupees Five lakhs for a period of six months, or(b)in any other case, for a maximum period of six weeks, provided that the person shall be released from such detention before the expiration of the said period of six months or six weeks, as the case may be on the following reasons:-(i)On the amount mentioned in the warrant for his detention being paid to the Recovery Officer;(ii)On the decree against him being otherwise fully satisfied;(iii)On the request of the person, on whose application he has been so detained and if the Recovery Officer is fully satisfied that the decree was satisfied; or(iv)On the omission of the person, on whose application he has been so detained, to pay subsistence allowance.Provided further that he shall not be released from such detention without the order of the Recovery Officer.(2)A judgment debtor released from detention under this rule shall not merely by reason of his release be discharged from his debt, but he shall be liable to be rearrested under the decree in execution of which he was detained in the civil prison.

## **Part IV – General**

### **149. Recovery of debt.**

- Before issuing recovery certificate under section 108 of the Act, the Registrar shall ensure that the member is not disputing the amount of the arrears. If Registrar is not satisfied with the facts and claims made in application and finds that there exists a dispute which is subject matter of section 70 of the Act, the Registrar shall communicate his rejection of the application made by a society with reasons thereof within thirty days time.

### **150. Procedure for recovery of sums due to Government.**

- The provisions of rule 129 to rule 148 shall apply in regard to the recovery of any sum due to the Government from a co-operative society or from an officer, former officer, member or past or deceased member of a co-operative society in pursuance of a demand issued by the Registrar or by any authority competent to issue such demand including any costs awarded to the Government in proceedings under the Act as if the Government were a decree holder and the society or officer, former officer, member or past or deceased member of a co-operative society, as the case may be, was a defaulter, subject to the following modifications, namely:-(1)The Registrar may, on his own motion, take any steps, which he may deem suitable in the matter of such recovery in accordance with the provisions of these rules and without any applications having been made to him in that behalf under these rules;(2)It shall not be necessary to deposit any sum by way of costs as required by these rules;(3)It shall not be necessary for the Recovery Officer to give the decree holder previous notice;(4)It shall not be necessary to send a copy of the attachment notice to the decree-holder; and(5)It shall not be necessary to give notice of the proclamation of sale to the decree holder.

### **151. Recovery Officer not to examine legality and correctness of decree and certificate.**

- The Recovery officer shall not alter the decree or certificate nor entertain any objection as to validity or legality or correctness of the decree or the certificate under execution. Provided that a decree passed against a person who was dead at the time of passing the decree without bringing his legal representative on the record shall not be executed. Provided further that where terms of a decree are ambiguous it will be competent for the Recovery Officer to ascertain its precise terms first before issuing any process for execution.

### **152. Questions relating to execution, discharge or satisfaction.**

(1) All questions arising between the parties to the arbitration proceedings in which award was made or amount certified to be recovered as arrears of land revenue, and relating to execution, discharge, or satisfaction of the decision, award or order under execution shall be determined by the Recovery Officer, executing the decree, award, decision or order. (2) In case a question arises as to whether a person is, or is not the legal representative of a party, such question shall be decided by the Recovery Officer for purpose of execution, discharge or satisfaction of the decree, award, decisions or order under execution.

### **153. Limitation for execution.**

(1) A decree-holder shall have the right to execute the decree and for that purpose the decree-holder may make any number of applications. The Recovery Officer shall not refuse execution unless the application is barred by article 136 of the Indian Limitation Act, 1963 (Act no 36 of 1963). (2) Notwithstanding any thing contained in the bye-laws or these rules, if in the opinion of the Registrar any co-operative society is reluctant to take or does not take execution against judgment debtor due to false sympathy or other wise, the Registrar may, by an order in writing authorise any officer or the Financing Bank to call and to send the award or orders obtained by the cooperative society for execution. The Financing Bank thereupon shall take action for the execution of such decree as if it is a decree holder itself.

### **154. Execution by society under liquidation.**

(1) The liquidator shall take necessary action to get the decree in favour of a co-operative society in respect of which he has been appointed the liquidator, executed, in accordance with the provisions the rules. (2) Any order issued by the liquidator against any contributory shall be executed in the manner prescribed in rule 129 to rule 148 provided that the liquidator shall not be required to deposit the execution charges alongwith the application for execution.

## **155. Assistance and information.**

- A decree-holder applying to execute a decree shall give the Registrar and Recovery Officer such information, assistance and aid as may reasonably be required.

## **Chapter XII**

### **Appeal, review and revision**

## **156. Procedure regarding appeal and revision.**

(1) An appeal under sub-section (2) of section 112 or an application for revision under section 116 shall be either presented in person or sent by registered post to the appellate or the revision authority, as the case may be. (2) The appeal or the application for revision, as the case may be shall be in the form of a memorandum and shall be accompanied by the original or certified copy of the order against which appeal or revision is made. (3) Every appeal or application for revision shall, - (a) specify the name and address of the appellant or the applicant and also the name and address of the respondents, as the case may be; (b) state by whom the order appealed from or summons is sought was made; (c) set forth concisely and under distinct heads, the grounds of appeal or revision to the order together with a memorandum of evidence; (d) state precisely the relief claimed; and (e) give the date of the order appealed for or sought to be revised. (4) In case as appeal under sub-section (2) of section 112 is made after expiry of sixty days specified in sub-section (2) of the said section, it shall be accompanied by an application supported by an affidavit setting forth the facts the appellant relies to satisfy the appellate authority that he had sufficient cause for non-preferring the appeal within the said period of sixty days. (5) On receipt of the appeal or the application for revision, the appellate or revision authority shall as soon as possible examine it and ensure that - (a) The appellant or the applicant has the locus standi; (b) It is made within the prescribed time-limit; and (c) It conforms to all the provisions of the Act and these rules. (6) The appellate or revision authority may call upon the appellant or the applicant for revision, as the case may be, to rectify the defects, if any, or to furnish such additional information as may be necessary, within a period of fifteen days of the receipt of the notice to do so. (7) The revision authority may, before passing orders under section 116, obtain from any subordinate officer such further information in regard to the enquiry or the proceedings for the purpose of verifying the regularity of such proceedings or the correctness, legality or propriety of any decision passed or order made therein. The revision authority may also call for and obtain from the parties connected with such enquiry or proceedings such information as is necessary with reference to the examination of the records of enquiry or proceedings and the information obtained from the subordinate officer. (8) In the proceedings before the appellate or revision authority, the parties may take assistance of legal practitioners to represent the parties. (9) The appellate or revision authority, shall, on the basis of the enquiry conducted and with reference to the records examined, pass such order on the appeal or on the application for revision, as the case may be, as may seem just and reasonable. (10) Every order of the appellate or revising authority under sub-section (2) of section 112 or section 116, as the case may be, shall be in writing and shall be communicated to the appellant or applicant, and to such other parties as in the opinion of the such authority are likely to be affected by the decision or order and to the officer concerned

against whose order the appeal or the application for revision was made.

### **157. Application for review.**

(1) Every application under sub-section (1) of section 115 shall be in the form of a memorandum setting forth concisely and under distinct heads the new and important facts which, after the exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the order against whom review is preferred, was made or mistakes or errors apparent on the face of the record of other reasons for review. A memorandum of evidence shall accompany it. (2) The application shall be accompanied by the original or a certified copy of the order to which the application relates. (3) No application for review shall be entertained unless it is accompanied by such additional number of copies as there are parties to the original order. (4) The application shall, so far as it may be necessary, be disposed off by the Registrar or Government in such manner as may, be deemed fit, provided that no order prejudicial to any person shall be passed unless such person has been given an opportunity of making representation. (5) The orders passed by the Assistant Registrar, Deputy Registrar, Joint Registrar/Additional Registrar shall be reviewed by the Deputy Registrar, Joint Registrar/ Additional Registrar and Registrar respectively. Chapter -XIII Offences and penalties

### **158.**

Before granting sanction for prosecution under sub-section (2) of section 121 of the act the Registrar shall, conduct an inquiry by himself or through police or any other investigating agency which shall seek sanction for prosecution of the person/persons against whom action is being proposed under section 118.

### **159.**

The Registrar may grant prosecution sanction after receipt of report of the inquiry as aforesaid and examining and considering the same properly. The Registrar shall apply his mind sufficiently before prosecution sanction is granted by him. The Registrar shall give atleast three opportunities to the person concerned against whom prosecution sanction is being sought to present his case before him. Chapter -XIV Miscellaneous

### **160. Address of co-operative society.**

- Every co-operative society shall have an address registered with the Registrar and shall consist name of the co-operative society, registration number, name of the apartment, if any, complete functioning address with locality and PIN Code number. The co-operative society shall send to the Registrar, notice of every change of registered address within thirty days of such change and shall seek confirmation from the Registrar to the effect that the changed address has been taken on record and necessary changes have been made in the registration certificate by the competent authority.

## **161. Forms of processes.**

- The forms of various processes to be issued by any authority in exercise of powers under section 133 shall be those given in Schedule-IV and may be modified or altered by such authority as per exigency.

## **162. Public documents.**

(1)The following documents shall be treated as public documents.(a)The Registration Register;(b)The Registration certificate of a co-operative society.(c)The registered bye-laws of the co-operative society including registered amendments.(d)Any order cancelling the registration of a co-operative society;(e)Annual audited accounts of the co-operative society furnished to the Registrar;(f)Any decision of the Registrar or award of the Arbitrator.(g)Reports of inspection under section 62 and section 66.(2)Without prejudice to the provisions of section 123, 124, 128 and 131 of the Indian Evidence Act, 1872, all the public documents shall be open to inspection by any member of the public on payment of a fee of twenty five rupees on each occasion for any lawful purpose.

## **163. Power to exempt from rules.**

- The Government may, by general or special order, exempt any co-operative society or any class of societies from any of the provisions of these rules or may direct that such provisions shall apply to such co-operative society or class of co-operative societies with such modifications or conditions as may be specified in the order.

## **164. Financing bank to render banking services.**

(1)The financing bank shall render free of charge such banking services to the Registrar as the Registrar may require to carry out the purposes of the Act and these Rules.(2)Without prejudice to the generality of the foregoing sub-rule (1), the financing bank shall render the following services to the Registrar, namely:(a)Maintenance of "Audit Fee Recovery Fund" in which all receipts and payments on account of audit fee leviable under the rules shall be booked;(b)Maintenance of "Settlement and Execution Expenses Fee Fund" in which all receipts relating to the fees leviable under the rules for settlement of disputes and execution of decrees, and payment from the Fund shall be recorded;(c)Current account to be opened in the name of co-operative societies under liquidation to be operated upon by the liquidator;(d)Current account of the Recovery Officer for temporary credit of dues on account and payment to decree-holder;(e)Current account of the Registrar relating to surplus funds of co-operative society whose registration has been cancelled. This account shall be called 'Registrar Co-operative Societies Liquidation Account;(f)Registrar Co-operative Societies Suspense Account for keeping amount of unclaimed amounts from the assets of co-operative society under liquidation; and(g)Suspense Accounts of co-operative Societies under registration.(3)All the above funds shall be administered by the Registrar in accordance with the Regulations contained in Schedule- III.(4)The financing bank would have no claim over the amount standing to the credit of the above accounts and funds from time to time. The Registrar may,

however, allow in his discretion some service charges.(5)All cheques deposited for being credited to various funds and accounts referred to above shall be cleared through the clearing house and proceeds thereof credited to various funds and accounts. Financing bank shall issue pass books separately for each fund and account and shall supply the information of the transactions as may be required by the Registrar.(6)The provisions of this rule shall apply to all funds held by the financing bank at the commencement of these rules relating to deposits held by it under the above heads.

## **165. Right to Information.**

(1)Any member or creditor seeking information under section 139 must have interest in the affairs of the co-operative society of any transaction relating to him.(2)The applicant shall make payment of fee at the rate of ten rupees per page per copy which shall be deposited in advance by cash or pay order.(3)The person who desires to obtain any information under the Act shall make request in writing accompanying prescribed fee to the Information officer, that is to say, secretary or president or treasurer, authorised by the Committee for this purpose.In case of co-operative societies where Government has shares and the Urban Cooperative Banks, the Information officer may be authorised by the committee.(4)The Information officer shall record the application in the register of Right to Information immediately, which shall be maintained by the Committee.(5)The Information officer shall, on receipt of a application as expeditiously as possible, and in any case within thirty days of the receipt of application, either provide information on payment of prescribed fee or reject the application on any of the following reasons namely:(a)Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;(b)Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;(c)Information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual; or(d)The information which is prior to five years except the permanent records as mentioned in schedule I of the Rules.(6)If the Information officer fails to disposed the application for information within specified period, it shall be deemed to have refused the request.(7)In case a decision is taken to provide the information on payment of any further fee, representing the cost of providing the information , the information officer shall send intimation to the person making request, giving the details of further fees representing the cost of providing information, requesting him to deposit the fees and intimation about time and date when the information will be provided.(8)In case the co-operative society has, without any reasonable cause, refused to receive the application for information or has not furnished information within the time specified under the Act or malafidely denied the request for information or knowingly given incorrect, incomplete information or obstructed in any manner in furnishing the information, the creditor or member, as the case may be, may file an appeal before the Registrar within 30 days from expiry of the period mentioned in sub-section (1) of section 139 of the Act. The Registrar may after affording reasonable opportunity to the co-operative society and the appellant, may either reject the appeal or direct the Information officer to furnish the information within the period specified in the order or such extended period as may be allowed by him. In case of default the Registrar may after affording reasonable opportunity to the co-operative society, impose a penalty of Rs. Two hundred fifty each day till the information is furnished so however the total amount of such penalty shall not

exceed Rs. Ten thousand only. The penalty so imposed under this provision shall be recovered from the personal pocket of the Committee members or concerned Information officer, as arrears of land revenue. The amount so recovered shall be deposited in the Co-operative Education Fund.(9)The Committee shall maintain a record of requests received, information supplied and rejected or denied.Explanation - For the purpose of this rule, "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, circulars, orders, log-books, contracts, reports , papers, samples, models, data material hold in any electronic form and as provided in the Right to Information Act 2005.

## **166. Service rules.**

- The Committee shall frame service rules for its employees with regard to service matters viz. recruitment rules of all categories of posts, terms and conditions of appointment, leave, promotion, avenues of each category, educational qualification, pay structure, retirement age, annual assessment report, conduct rules, disciplinary procedure for delinquent employees, advance admissible to employees, medical reimbursement facilities, benefit on death of an employee during service, leave travel concession, provident fund, Insurance of employees and other service matters keeping in view the law inforce.

## **167. Penalty for violation of Rules.**

- In addition to any action as may be taken under the Act, any violation of the rules by the co-operative society, its officers or members, shall be punishable with a maximum fine of rupees one thousand five hundred which may be imposed by an officer not below the rank of Joint Registrar, after giving an opportunity of hearing to the persons or the co-operative society concerned.

## **168. Official duty.**

- In case an employee of the Government has been assigned any duty or work under the Act, the same shall be deemed to be an official work and the remuneration or honorarium or fee paid to him for the purpose shall be deemed to be fixed and paid by the Government.

## **169. Removal of Doubt.**

- If any doubt arises in the interpretation of any of the provisions of these rules, the matter shall be referred to the Government or such other officer as may be specified by the Government by a general or special order in this behalf, and the Government or such other officer may, make order, not inconsistent with the provisions of the Act and these rules, for the purpose of removing the doubt.



## **170. Repeal and savings.**

- On the day in which these rules comes into force, the Delhi Cooperative Societies Rules, 1973 shall stand repealed :Provided that any action taken, order issued, bye-laws made under the provisions of the Delhi co-operative societies rules, 1973 shall, in so far as it is not in-consistent with the provisions of these-rules, be deemed to have been taken, issued or made under the provisions of these rules.

**I**

(see rule 43) Preservation and Destruction of Accounts Book and RegistersA. Record To Be Retained Permanently

**1. Membership Registers;**

**2. Proceeding Registers/Minute Books;**

**3. Registration File containing Registration Certificate/ Registration Bye laws/Copy of Act & Rules;**

**4. Service Books of Staff;**

**5. Audit Reports;**

**6. Catalogue (Library);**

**7. Share Allotment Register/Share Register;**

**8. Ledger for Fixed Deposits/Saving Deposit;**

**9. Ledger for Provident Fund;**

**10. Stock Register of Furniture-fixture & Office Equipment and Property Register;**

**11. Register for Issuing Cheque Book;**

**12. Register for Specimen Signature of Depositors & their Nominees;**

### **13. List of Records Destroyed from time to time.**

#### **B. Record to be Retained for Ten Years**

- 1. Cash Book;**
- 2. General Ledger;**
- 3. Personal Ledger;**
- 4. Journal;**
- 5. Stock Registers for Stationery Items;**
- 6. Acquaintance Roll;**
- 7. Receipt & Dispatch Register.**

#### **C. Record To Be Retained For Six Years**

- 1. Register of disputed Cases;**
- 2. Register of Court fees;**
- 3. Ledger for Suspense/Temporary Deposits;**
- 4. Register of Collections of Bills of Contingent;**
- 5. Surety Register;**
- 6. Notice Book of Directors meeting;**
- 7. Visitors Books;**
- 8. Office Order Book;**
- 9. Receipt Books (containing counterfoils);**

## **10. Vouchers.**

D. Record To Be Retained For Three Years

- 1. Budget Estimates;**
- 2. Returns and Statements;**
- 3. Service Book of Officers and staff after outing service;**
- 4. Register of Inspection of affiliated societies;**
- 5. Register of Rectification Reports.**

E. Record To Be Retained For Two Years

- 1. Casual Leave Register;**
- 2. Attendance Register;**
- 3. Register of Payment of travelling allowance;**
- 4. Register of noting dates of withdrawal of deposits.**

Note: - Provided that co-operative banks shall be governed by the co-operative banks (Period of preservation of record) Rules 1985, as laid down in the Banking Regulation Act, 1949.

## **II**

Procedure for the Conduct of Election of the Committee(See rule 53)

**1. (i) The Committee or Board of a co-operative society shall meet atleast sixty clear days in advance of the date of expiration of its term and by resolution determine the date, time and place for convening a general body meeting for conduct of election of its successor Committee.**

(ii)The Committee or Board of co-operative Bank, federal cooperative society or such co-operative housing society who has been allotted land and draw of lots has not been conducted in accordance with the provisions of section 77 and such housing societies as is awaiting allotment of land, shall submit a copy of such 'Resolution' to the Registrar, alongwith a request for appointment of Returning Officer for conducting the 'Election' of the Committee by Registered Post or through personal delivery under acknowledgement. These provisions shall also apply, mutatis mutandis to

such co-operative society as are under the charge of administrator appointed under section 37. After receipt of the resolution, the Registrar shall communicate to the co-operative society, the name of the Returning Officer appointed under section 35 of the Act and also the remuneration to be paid to him by the co-operative society.(iii)The committee or Board of a cooperative society other than mentioned in clause(ii)shall appoint Returning officer who shall not be a member and employee of such society. The Returning Officer should be a man of integrity, good social repute and competent to conduct elections in a fair manner.(iv)If the co-operative society has not got conducted audit or annual general body meeting as per provisions of the Act, the Returning Officer shall seek prior permission of Registrar before initiating the process of elections.(v)In case of request of one sixth members of the society and in case of dispute in a society, the Registrar may appoint the returning officer to conduct election after giving opportunity of being heard to the committee of such society.(vi)The Registrar shall appoint returning officers to conduct election of committee of a co-operative society after seeking approval of the Government for the same in each case.

## **2. The notice of the general body meeting shall be sent to the members by any of the following modes, namely:-**

(a)by local delivery;(b)by post under certificate of posting;(c)by circulation among the members; or(d)by speed post or Courier Services, duly registered with competent authority.Notice of the general body meeting shall also be affixed on the notice board of the cooperative society and branches of the co-operative society, if any, as well as on the notice board of Returning Officer. The notice shall contain information, regarding:-(i)the number of vacancies to be filled by election including two seats for woman candidates and representatives of scheduled caste and other backward classes as per the Act, Rules and bye laws of the co-operative society;(ii)any area of constituency that is specified in the bye-laws from which the members are to be elected.(iii)the qualifications, if any, specified in the bye-laws for eligibility for membership of the committee.(iv)the date on which, the place at which and the hours between which nomination papers shall be filed by the members, such date being not less than seven clear days before the date fixed for elections or if that day happens to be public holiday the next succeeding day which is not a public holiday.Explanation. - The term "public holiday" means any day which is a public holiday under section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) or any day which has been notified by the Lt. Governor to be a public holiday for Offices under the Government.(v)the date and the hour for scrutinization of the nomination papers, and(vi)the date, place, hours of polling.

## **3. The Committee shall prepare a list of members as it stood on thirty days before the date fixed for the inviting nomination, and publish copies of the said list by affixing them upon the Notice Board at the Head Office of the co-operative society and in its branches, if any, not less than ten days prior to the date fixed for inviting nomination. The list shall specify the membership number and the name of the member, the name of the father or husband, as the case may be, and the address of each member. In case of**

**federal co-operative societies or financing institution, in which other cooperative societies are member, Returning officer shall invite nominations of authorized representatives along with resolution of the Committee and specimen signature of authorized representative as well as photo duly attested by the president or secretary or managing Director of the cooperative society giving fifteen days time to them. If any co-operative society has not responded to the notice of the returning officer upto the prescribed date and time, the said primary society shall not be eligible to participate in the election to be conducted thereafter. A list of such authorized representative shall be prepared and displayed by the returning officer fifteen days prior to the date of inviting nomination. It shall be the duty of the Board of Directors in office, or the Administrator, as the case may be, to bring upto- date the register of members and such other registers, as the returning officer may require, and hand over such records, register or registers, to the returning officer thirty days prior to the date fixed for the general body meeting for the purpose of election. A copy of the list shall be supplied by the co-operative society or returning officer including federal society/financial bank to any member on payment of such fee as specified:**

Provided that defaulters list shall be prepared thirty days before the date of the election and displayed at the notice board of the co-operative society and a copy shall be sent to the Registrar in duplicate, one for record and the other for display on the notice board in the office of the Registrar. Defaulters shall be allowed to clear their dues before the date of filling nomination only and in case of Federal/Financing society before the date of submission of delegates' name.

**4. The nomination of candidate for election shall be made in Form A in case of federal cooperative society or in Form - B in case of other co-operative society which, shall be supplied by the Returning Officer to any member, free of cost. (Form A and Form B are annexed with this schedule).**

The proposer and seconder member shall not be a defaulter. The candidate shall make a security deposit of five thousand rupees for the post of President or Vice-President and as well as for Managing Committee members or Board of Directors in case of Cooperative Banks, Financing Institution(s) and federations. In case of other co-operative societies, the candidate will deposit one thousand rupees as security either in cash or bank draft or pay order alongwith nomination papers. If a candidate fails to get less than one sixth of the votes polled, the security deposit shall be forfeited and such candidate shall be disqualified for contesting the election in that co-operative society for a period of two terms of committee. No member shall be eligible to contest election on two seats simultaneously. In case a member nominated for two seats, the member shall intimate his final choice to contest in one seat on the date of withdrawal, failing which his both nomination paper

shall be deemed to have been cancelled. Every nomination paper shall be presented in person or sent by registered post acknowledgement due, by the candidate himself or by his proposer or seconder to the Returning officer of the society or to any other officer duly authorised in this behalf by the Returning officer so as to reach him before the date and hour specified in item (iv) of the notice referred to in Clause (2). The person who receives the nomination paper shall enter on the nomination paper its serial number and certify the date and hour at which the nomination is received by him and shall immediately give a written acknowledgement for the receipt of the nomination paper which shall bear the seal of the society/Returning Officer. Any nomination paper which is not delivered or received on or before the date and time fixed for its receipt shall be rejected.

## **5. No member shall be nominated as a candidate for election to the committee, if he:**

(i) is ineligible to vote; (ii) does not possess the necessary qualification specified in the bye-laws of the co-operative society for election as a member of the Committee/Board of Directors, or (iii) is disqualified to be a member of the Committee/Board of Directors under the provisions of the Act or under these Rules.

## **6. (i) On the day following the date fixed for the receipt of nomination papers, the Returning officer shall take up the scrutiny of the nomination papers.**

(ii) The Returning officer shall examine the nomination papers and decide objections, which may be made by any person in respect of any nomination and may, either on such objection, or on its own motion and after such summary inquiry, if any, as the Returning Officer thinks necessary, reject any nomination: Provided that the nomination of a candidate shall not be rejected merely on the grounds of an incorrect description of his name or the name of his proposer or seconder, or any other particulars relating to the candidate or his proposer or seconder, as entered in the list of members referred to in Clause (3), if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt. (iii) The Returning officer shall give all reasonable facilities to the contesting candidates or their proposers or seconders, as the case may be to examine all the nomination papers and to satisfy themselves that the inclusion of the name of the contesting candidate is valid. (iv) The Returning officer shall endorse on each nomination paper his decision accepting or rejecting the same as the case may be, and if the nomination paper is rejected, he shall record in writing a brief statement of its reason for such rejection. (v) The Returning officer shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or affray or by causes beyond its control.

## **7. The list of valid nominations as decided by the Returning officer with names in the English Alphabetical order and addresses of the candidates as given in the nomination papers will be displayed/published on the same day on which the scrutiny of the nomination papers is completed.**

**8. Any member may withdraw his candidature by notice in writing signed by him and delivered in person or through the proposer or seconder, at any time after the presentation of his nomination paper but before 5.00 p.m. on the day following the day on which the valid nominations are published, to the Returning officer of the co-operative society or any other officer authorized by him. A notice of withdrawal of candidature once given shall be irrevocable.**

**9. If for any area of constituency for which election is to be held, the number of candidates whose nomination papers have been declared valid, does not exceed the number of candidates to be elected for that area of constituency, the Returning officer shall, on the day fixed for holding the general meeting, announce the names of all such candidates whose nomination are valid in the general meeting and declare them to have been duly elected to the Committee/Board of Directors. If the number of candidates whose nominations are valid exceeds the number to be elected for any area or constituency, the Returning officer shall arrange for conducting a poll on the date fixed for purpose. The Returning officer may appoint one or more polling officers as may be necessary for conducting the poll. Ballot paper to be used shall be as prescribed in Form- C annexed to this Schedule.**

**10. The committee shall provide the Returning officer with ballot-boxes, ballot papers, copy of the list of members referred to in clause (3) and such other articles as may be necessary for the conduct of elections. The ballot box shall be so constructed that ballotpapers can be inserted therein but cannot be taken out there-from without the box being unlocked.**

**11. A candidate contesting the election may, by a letter to the Returning officer, appoint an agent to represent him both where polling is held to identify the voters and to watch the recording of votes. Such letter shall contain the consent in writing of the agent concerned in Form-D annexed to this Schedule.**

**12. Canvassing of votes by any person at the place where elections are to be conducted shall be prohibited.**

**13. Immediately before the commencement of the poll, the Returning Office shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and affix his seal. The candidate or his agent may also affix his own seal, if he so desires.**

**14. Every member who desires to exercise his right to vote shall be supplied with a ballot paper containing the names of contesting candidates arranged in the English alphabetical order, either printed, type-written or cyclostyled, according to convenience, on the Ballot paper. The ballot paper shall also bear the seal of the society and also the initials of the Returning Officer, and further contain a column, for the voter to inscribe a mark (x) against the names of persons to whom he wants to vote. VII**

**15. Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the members can record their votes in secrecy.**

**16. No ballot paper shall be issued to a member unless the polling officer is satisfied that the member concerned is the; same person as noted in the list furnished to him. On receipt of such ballot paper, the member shall proceed to the polling compartment set apart for the purpose and indicate the person or persons in whose favour he exercises his vote by inscribing a mark (x) against the name of the candidate or candidates, as the case may be, and put the ballot paper in the ballot-box kept for the purpose with utmost secrecy. If owing to blindness or other physical infirmity or illiteracy, a member is unable to inscribe the mark on the ballot paper, the polling officer and where no such polling officer is appointed, the Returning officer shall ascertain from him the candidate or candidates in whose favour he desires to vote, inscribe the make (x) on his behalf and put the ballotpaper in the ballot-box.**

**17. If at any stage of the polling, the proceedings are interrupted or obstructed by any riot or affray or if at such elections, it is not possible to take the poll for any sufficient cause, the Returning officer shall have power to stop the polling recording his reasons for such an action in the minute book of the co-operative society.**



**18. No voter shall be admitted after the hours fixed for the poll but a voter, who enters the premises where ballot papers are being issued before the close of the polling hours shall be issued the ballot paper and allowed to vote.**

**19. The counting of votes shall take place immediately after close of the poll. If this is not possible, the ballot box shall be sealed with the seal of the returning officer, and the contesting candidates or their agents, if they so desire, and deposited with the society for safe custody, the Returning officer shall then announce the next day of counting. Votes shall be counted by or under the supervision of the Returning officer. Each candidate and his authorised agent shall have a right to be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate counting announcement of results by the Returning officer. The number of votes secured by each candidate and the result of the elections shall be announced by the Returning officer as soon as counting is over.**

The result of elections shall also be recorded in the minute book of the society and attested by the Returning officer and shall also be notified immediately on the notice board of the society. In case of equality of votes, the Returning officer shall declare the election result by tossing a coin.

**20. A ballot paper shall be rejected by the returning officer, if,-**

(i) it bears any mark by which member who voted can be identified; (ii) it does not bear the seal of the co-operative society or the initials of the Returning officer; (iii) the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been cast; or (iv) it is so damaged or mutilated that its identity as a genuine Ballot Paper cannot be established.

**21. After result of election has been announced, the result of the election and a report there on shall be communicated to the Registrar by the returning officer within three days after the declaration of result.**

**22. After declaration of the result of election, the Returning officer shall hand over the ballot papers and records relating to the election of the members of the board of directors and the officer bearers to the Secretary/Chief Executive Officer /Manager of the co-operative Society in a sealed cover. These shall safely, be preserved by the Secretary/Chief Executive Officer/Manager of the co-operative society for a period of six months from the date of election or till such time a dispute regarding elections, if any, filed**

**is disposed off, whichever is later, and shall thereafter be destroyed by the society and a copy of the handing over and taking over of record of elections shall be sent to Registrar by the Returning Officer alongwith his report.**

## **II**

(see rule - 53)Form A[Clause (4) Schedule -II](For Federal Co-operative Societies only)To,The Returning Officer,.....Co-operative Federation Ltd.Delhi/New DelhiDear Sir,I, ..... a member of ..... Co-operative Society Ltd. being a member of your Federation do hereby propose the name of Shri..... who is a representative of ..... Co-operative Society Ltd. which is a member of your Federation, for the post of President/Vice-President/Committee Member (Director) of the Committee (Board of Directors) of your Federation for the election to be held on .....I am an authorized representative of ..... Co-operative Society Ltd., Vide resolution No. ....dated ..... (copy enclosed).

Yours faithfully,

Name and Signature .....

Of the Proposer .....

Representative of .....

Cooperative Society Ltd. ....

Membership No. of Federation/ Bank

I ..... S/o Shri ..... and member of ..... Co-operative Society Ltd. which is a member of the above noted Federation, do hereby second the above proposal. A copy of the Resolution No. .... dated ..... giving me authority to represent ..... Co-operative Society Ltd. is in enclosed.Name and Signature of the Second .....A representative of .....Co-operative Society Ltd. ....Membership No. of Federation / BankDeclaration by the CandidateI, ..... S/o ..... Member No. .... of..... Co-operative Society Ltd. hereby agree to my nomination for the election as President/Vice President/Committee Member (Director) of Co-operative Federation Ltd., I am an authorized representative of Co-operative Society Ltd., vide resolution No. .... dated ..... (copy enclosed).I further declare that:

**1. I am not an employee of the said Federation.**

**2. I have not incurred any of the disqualification for election of the Managing Committee/Board of Directors of the said Federation under the provisions of the Delhi Co-operative Societies Act, 2003 and the Delhi Co-operative Societies Rules, 2007 and the Bye-Laws of the Society.**

**3. I possess the necessary qualifications specified in the By-laws of the Federation for election as President/Vice President/Member of the Managing Committee (Director).**

Name and Signature .....

Of the Candidate .....

A Representative of .....

Cooperative Society Ltd. ....

Membership No. of Federation/ Bank

(For Office Use Only)Received this nomination form at ..... a.m./p.m.on ..... alongwith copies of their resolutions.Signature of the receiving officer .....SealAcknowledgementReceived the nomination form of Shri..... Presented by Shri..... Candidate/proposed candidate/seconder for election to the Managing Committee/Board of Signature of the Receiving officer.Seal

**II**

Form B[Clause (4) Schedule - II](For Primary Co-Operative Societies)To,The Returning Officer,..... Co-operative Society Ltd.,Delhi/New Delhi.Dear Sir,I, ..... S/o of Shri ..... Member of ..... Cooperative Society Ltd., with membership No. .... hereby propose the name of Shri ..... S/o Shri ..... and a member of the cooperative society. .... Membership No ..... as a candidate for the post of President/Vice- President/Member of the Committee of the said society for the election to be held on .....Name and Signature .....Of the Proposer .....Membership No. ....I, ..... S/o Shri ..... Membership No..... of Co-operative Society Ltd. hereby second the above proposal.Name and Signature .....Of the Seconder .....Membership No. ....Declaration By The CandidateI,..... S/o Shri..... Membership No..... hereby agree to my nomination for..... election as President/Vice-President/Member of the Managing Committee of the ..... Co-operative Society Ltd.I further declare that:-

**1. I am not an employee of the said society.**

**2. My age on .....is.....years..... months.**

**3. I am eligible to vote.**

**4. I do not incur any of the disqualifications for election of the Managing Committee of the said society under the provision of the Delhi Co-operative Societies Act 2003 and Rules 2007 and registered Bye-laws of the Society.**

**5. I possess the necessary qualifications specified in the Bye-laws of the Society for election as President /Vice-President/Member of the Committee. .**

Name and Signature .....

Of the Candidate .....

Membership No. ....

(For Office Use Only)Received this nomination from at ..... a.m./p.m. on

.....Signature of the Receiving Officer.....SealAcknowledgementReceived the nomination from of Shri ..... presented by Shri .....candidate/proposer/seconder for election at ..... a.m./p.m. on .....Signature of the Receiving Officer.....Seal

**II**

Form C(See paragraph 9)Ballot paper for Election of a Cooperative Society whose elections are to be conducted under Schedule-II appended to Rule-53 of Delhi Co-operative Societies Rules 2007.The

..... Cooperative Society/Federation/Bank Ltd..... (Address)

(Counterfoil)Ballot paper for the Post of.....Date of Election.....SI. No.....

Membership No.....

Ballot PaperPlease mark 'W' against one of the candidate

Sl. No. Name of the Candidate Membership No. Mark for casting vote

**II**

Form D(See paragraph 11 of the Schedule)I,.....s/o or

w/o.....member of .....(name of the society)

contesting for election of members of board of directors/office bearers do hereby nominate the

following person as my election agent/ counting agent in the election .....(name of the

society) to be held on ..... (Specify the date).Name and Signature of the

candidateI,.....s/o or w/o.....address....., am willing to be the election agent/counting agent.Name and Signature of the Agent

**III**

[See sub-rule (3) of rule 164]Regulations regarding the Recovery and Deposits of fees of various services to be rendered by the Registrar to the Co-operative Societies and their members.

**1. Short Title and Application. - (1) These regulations may be called The Delhi Co-operative Societies Fees Recovery and Deposits Regulations, 2007.**

(2)These regulations shall apply to all co-operative societies registered or deemed to be registered under the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) and the members, past members, heirs, legal representatives, nominees of the deceased members, agents and servants of

the co-operative society, and the staff paid out of the fund.

**2. Definition. - Words and expressions defined in the Act and Rules and used in these Regulations shall have the meaning assigned to them.**

**3. Creation of "Settlement and Execution Expense Fund. - The Registrar shall create a Fund titled "Settlement and Execution Expenses Fund" (here-in after called the Fund) which shall be managed and controlled by a committee of following members: -**

- |   |                |
|---|----------------|
| 1 Registrar Cooperative Societies, GNCTD :                                | Chairman;      |
| 2 General Manager, Delhi Cooperative Housing Finance Corporation:         | Member;        |
| 3 Joint Registrar /Additional Registrar :                                 | Member;        |
| 4 General Manager, Delhi Consumers Cooperative Wholesale Stores Limited : | Member;        |
| 5 Deputy Development Commissioner, GNCTD :                                | Member;        |
| 6 General Manager, Delhi State Cooperative Bank :                         | Member;        |
| 7 Deputy Registrar Cooperative Societies (Recovery), GNCTD :              | Member;        |
| 8 Account Officer, Office of Registrar Cooperative Societies, GNCTD :     | Member;<br>and |
| 9 Recovery Officer, Office of Registrar Cooperative Societies, GNCTD:     | Member         |

**4. Contribution to the Fund. - All fees realisable under the rules on reference of disputes to the Registrar under section 70 and proceedings under section 104 and section 105 shall be credited to this fund and all expenditure on the pay and allowances of bailiffs, process servers and other staff required to man the execution agency and payment of fees to arbitrators and other contingent expenditure relating to reference of disputes under section 70 proceedings under section 104 and section 105 shall be defrayed out of the Fund. The expenditure on transportation charges for the defaulters to be sent to jail their diet money, purchase of office stationary, office equipments, furniture, construction and repairs of office premises, vehicles to be purchased or hired or repaired, payment of pending honorarium or remuneration of an Administrator, Liquidator and Inquiry Officer where co-operative society is unable to make the payment to them, Training Programme, conveyance charges of the staff, cash handling allowance, Overtime Allowance, honorarium payment of telephone and mobile phones of Recovery officers and employees and any other expenditure required for the purpose of recoveries shall be incurred out of this fund after complying with the codal formalities where ever necessary and other Rules. In addition**

**to above on the recommendation of the committee, expenditure shall be incurred out of the Fund for any other purpose after taking approval of the Government.**

**5. Staff paid out of Fund. - (1) The Registrar may appoint any number of bailiffs and other categories of staff required to maintain an efficient agency of recovery of dues of co-operative societies and its members, past members their agents and servants. Registrar will be competent to prescribe their qualifications, conditions of service, the target of recovery of dues of co-operative societies and its members, past members, their agents and servants. The Registrar shall be the appointing and disciplinary authority for such staff. When the disciplinary authority is the Registrar himself, the appeal shall lie to Secretary (co-operation) of the Government. No Civil or other Court shall have any jurisdiction in such dispute relating service matters in respect of these categories of employees.**

(2)The service of staff paid out of the Fund and under the Registrar shall not be the Government service. However, any person appointed and paid out of this fund shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.(3)Any person appointed and paid out of this Fund shall have to enter into an agreement on non-judicial stamp payable by him which shall be his contract of service.(4)The officials engaged in recovery work shall be given an yearly cash incentive upto their one months full salary if they achieve targets of recoveries up to the satisfaction of Secretary (co-operation) out of the Settlement and Execution Expenses Fund.

**6. Operation of Fund. - (1) The Fund shall be kept in the State Bank of India. All payments from this Fund shall be made by cheques, which may be signed by any officer who may be authorised by the Registrar.**

(2)Payment into the fund can be made by any body who desires to make the payment. The said bank shall accept the deposits from any person and credit the same to this Fund.(3)The bank shall supply to the Registrar or any officer authorised by him the monthly details of all deposits into and payments from this Fund and the balance standing at the end of each month.(4)The committee shall fix an amount and authorise Recovery Officer for incurring expenditure on day-to-day expenses. All the expenditure shall be placed before the committee in its next meeting. The attendance of four members shall constitute the quorum in a meeting of the committee.

**7. Maintenance of other Accounts by the Bank. - The State Bank of India shall maintain any other account as may be directed by the Registrar in connection with securing the purposes of the Act and the Rules. The Registrar shall operate these accounts or any other officer authorised by**

him.

**8. Creation of Audit Fee Fund. - (1) The Registrar shall create fund called the "Audit Fee Fund" which shall be administered by the Asstt. Registrar (Audit).**

(2) All the co-operative societies shall deposit Audit Fee in this fund as may be assessed against them from time to time. (3) The bank shall submit the statement every month to the Asst. Registrar (Audit) in the following form so as to reach him by fifth of every month following the month to which the statement relates:- Date of Deposit - Name of Society-Amount Deposited. (4) On receipt of the above statement, the Registrar shall record the payments in relevant accounts of the society. (5) The amount payable to the auditor on the basis of terms and conditions fixed, by the Registrar under sub rule (1) of rule 79 shall be paid to them from the fund by a crossed cheque drawn by him or by any other officer authorised by him on receipt of their audit report and accepted by the Registrar. The amount payable to the departmental auditors shall be deposited with the Cashier of the Registrar office for deposit in the Government account. The amount payable to other auditors shall be paid to them directly by a crossed cheque.

## IV

(See rule 161) Various Forms of Processes  
Form A Summon in arbitration proceedings to the defendant to answer claim.  
Form B Summon to legal representative to be added when defendant dies during pendency of arbitration proceedings.  
Form C Summons for attendance/production of record in any enquiry/inspection/arbitration/liquidation.  
Form D Proclamation requiring attendance/production of records.  
Form E Warrant of attachment of property.  
Form F Warrant of arrest.  
Form G Warrant of Committal to Civil Imprisonment.  
Form H Order of release from Civil Imprisonment.  
Form A Summons for Disposal of claim under section 70 of the Act  
Arbitration Case No.....

### Claimant Versus Defendant

To, Whereas a dispute under section 70 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) has been referred against you for .....a copy of which is enclosed. You are hereby summoned to appear before me (Designation of the officer) in room No..... on..... (date) at ..... (Time) to answer all material questions relating to the dispute. You may be accompanied by a person able to answer all such question. As the date fixed for your appearance is appointed for the final disposal of the dispute you must be prepared to produce on that day with all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence. Take notice that, in default of your appearance on the day before mentioned the matter will be heard and determined in your absence. Given under my hand and seal this..... day of.....20.....Signature(Seal of Office)  
Form B Summon to legal representative of a deceased defendant  
Arbitration case No.....

### Claimant Versus Defendant

To, Whereas the claimant referred a dispute for decision under section 70 of the Delhi Co-operative Societies Act, 2003, (Delhi Act 3 of 2004) against the defendant and whereas the claimant has referred to me that while the dispute is pending, the defended has since deceased and made an

application alleging that you are the legal representative of the said deceased and desiring that you be made the defendant in his place. You are hereby summoned to attend the proceedings pending before me on ..... (date) at ..... (time) at ..... (Place) to defend the said proceedings and in default of your appearance, the said dispute will be heard and determined in your absence. Given under my hand and seal this ..... day of ..... 20..... Signature (Seal of Office) Form C Summons to witness In the matter of Enquiry under section 62 or Inspection under section 61/ Inspection under section 63 Arbitration proceeding under section 70/ Liquidation proceedings under section 95 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004), in (names of the societies/ names of parties). To, Where as your attendance is required in the Enquiry/ Inspection/ Liquidation/ Arbitration proceedings pending before me. Now in exercise of my powers under section 133 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004), you are hereby required personally to appear before me on the (date) at ..... (time) at ..... (place) and to bring with you record and documents mentioned in the annexed list. If you fail to comply with this order without lawful excuse, you will be subject to consequences of non-attendance laid down in Section 32 and rule 12 of order XVI of the Code of Civil Procedure 1908. Given under my hand and seal this ..... day of ..... 20..... Signature (Seal of Office) Form D Proclamation Requiring Attendance Whereas an Enquiry under section 62/ Inspection under section, 61 or section 63/ Arbitration under section 70/ Liquidation under section 95 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) is pending And whereas it has been made to appear before me that the summons issued to Shri ..... to appear before me and to produce documents could not be served upon him in the manner prescribed by law, and whereas it appears that the evidence and record/ documents required of him are material and he absconds and keeps out of way for purposes of evading the service of the summons, this proclamation is issued requiring the attendance and production of record before me on ..... (date) at ..... (time) at ..... (place) and from day to day until he shall have to depart and if the aforesaid person fails to attend or attends but fails to produce the required record on the date and hour aforesaid, he will be dealt with according to law. Given under my hand and seal this ..... day of ..... 20..... Signature (Seal of Office) Form E Warrant of attachment of witness (Order 16 rule 10 Code of Civil Procedure, 1908) In the matter of To, The Bailiff..... Whereas Shri..... has not, after the expiration of the period limited in the proclamation issued for his attendance/ production of record, appeared/ produced record before me, you are hereby directed to hold under attachment the property belonging to the said Shri..... to the value of..... and to submit a return accompanied with an inventory thereof within ..... days. Given under my hand and seal this..... day of..... 20..... Signature (Seal of Office) Form F Warrant of Committal (Under Order 16 rule 10 of Code of Civil Procedure, 1908) In the matter of Enquiry under section 62/ Inspection under section 61 or section 63/ Arbitration under section 70/ Liquidation under the section 95 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) Whereas Shri..... has been duly served with a Summons but failed to attend or attended but failed to produce the record/ absconds and keeps out of the way for purpose of avoiding service of the Summons. You are hereby ordered to arrest and bring the said Shri..... before me. You are further ordered to return this warrant on or before the..... day of..... 20..... with an endorsement certifying the day on and the manner in which it has been executed or the reasons why it has not been executed. Given



under my hand and seal this.....day of.....20.....Signature(Seal of Office)ToForm GWarrant of Committal(Under Order 16 of Code of Civil Procedure ,1908)In the matter of Enquiry under section 62/Inspection under section 61 or section 63/Arbitration under section 70/liquidation under section 95 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004)To,The Officer-in-Charge of Jail at.....Whereas Shri .....whose attendance for evidence /production of record which is material in the proceedings pending before me, has been arrested and brought before me in custody and whereas said Shri..... failed to produce documents and his evidence cannot be taken; and whereas said Shri..... has been called upon to give security to my satisfaction for his appearance/production of record/documents on..... day of..... 20..... which he has failed to do:This is to require you to receive the said Shri..... into your custody in Civil prison until further orders from me.Given under my hand and seal this .....day of..... 20.....Signature(Seal of Office)Form HRelease order under section 69 (3) of the Punjab Land Revenue Act, 1887 as applicable to National Capital Territory of DelhiIn the Court of Shri.....Distt.Case No..... Year..... 20.....The Superintendent of Jail,.....Name of Judgement Debtor.....Son of Shri.....Caste..... Village/Tehsil.....:.....Whereas the above named who was sent to the civil imprisonment for non-payment of dues by this Court on..... has made the payment or has given surety and has asked for exemption from payment for..... days, as such he may not be kept under your custody now.Therefore, you are hereby ordered to release the said person on receipt of this order.Given under my hand and seal of this Court..... day of .....20.....SignatureCollector Grade I/II(Seal of Officer)

## V

[See Explanation to sub-rule (2) of rule 64 (2)]The following shall be criteria for determining classification of Societies which shall be made after each Audit by the Auditor.A. Thrift And Credit Co-Operative Societies'A' Class

- 1. Defaulters are not more than 15% including the cases of renewal of loans.**
- 2. Contribution to compulsory Deposits is regular to the extent of 90% of the total number of members.**
- 3. Repayments of loans to lending Institutions are regular.**
- 4. General Body Meeting is held in accordance with section 31.**
- 5. Profits are distributed in accordance with section 53 and rule 73.**

**6. All Statutory Registers are maintained properly.**

**'B' Class**

- 1. Defaulters are not more than 20% including renewal of loans.**
- 2. Contribution to Compulsory deposit is regular to the extent of 75% of the total number of members.**
- 3. Repayment of loans to lending institutions are regular.**
- 4. General Body Meeting is held in accordance with section 31.**
- 5. Profits are distributed in accordance with section 53 and rule 73.**
- 6. All Statutory Registers are maintained properly.**

**'C' Class**

- 1. Defaulters are not more than 25% including renewal of loans.**
- 2. Contribution to compulsory deposit is regular to the extent of 50% of the total number of members,.**
- 3. General Body Meeting is held in accordance with section 31.**

**'D' Class**

**1. All other societies.**

**B. Industrial Co-Operative Societies 'A' Class**

- 1. 80% of the members are actual workers.**
- 2. 70% of the members are engaged in the business of the Society.**
- 3. The Government and Bank loans are utilised properly and repayment is regular.**

**4. Contribution to the Compulsory Deposit is regular upto 90% if provided in the Bye-laws.**

**5. All purchases of raw-material are made under the guidance supervision of the Managing Committee and production is carried out on economic basis resulting in net profit.**

**6. All statutory Registers are maintained properly.**

**7. General Body Meeting is held in accordance with section 31.**

'B' Class

**1. 80% of the members are actual workers.**

**2. 50% of the members are engaged in the business of the society.**

**3. The Government and Bank loans are utilised properly and overdue amount is not more than 25% of the loan.**

**4. All statutory Registers are maintained properly.**

**5. General Body Meeting is held in accordance with section 31.**

'C' Class

**1. 80% of the members are actual workers.**

**2. 40% of the members are engaged in the business of the society.**

**3. General Body Meeting is held in accordance with section 31.**

'D' Class

**1. All other societies**

C. Transport Co-Operative Societies 'A' Class

- 1. 80% of members are actual workers.**
- 2. Outside liabilities are repaid regularly.**
- 3. All the workers employed are members of the Society.**
- 4. Running in Profit after providing sufficient depreciation on vehicles.**
- 5. General Body Meeting is held in accordance with section 31.**
- 6. Profits are distributed in accordance with section 53 and rule 73.**
- 7. All Statutory Registers are maintained properly.**

**'B' Class**

- 1. 70% of members are actual workers.**
- 2. All workers employed are members of the Society.**
- 3. Outside liabilities are-not overdue more than 10% of the total**
- 4. Running in profit after providing sufficient depreciation on vehicles**
- 5. General Body Meeting is held in accordance with section 31.**
- 6. Profits are distributed in accordance with section 53 and rule 73.**
- 7. All Statutory Registers are maintained properly,**

**'C' Class**

- 1. 40% of members are actual workers.**
- 2. 80% of the workers employed are members.**
- 3. Outside liabilities are not overdue exceeding 30% of the total.**

**4. General Body Meeting is held in accordance with section 31.**

'D' Class

**1. All other societies**

D. Marketing Co-Operative Societies 'A' Class

**1. It covers at least 75% of the Agriculture Credit and Multi-purpose Societies in its area of operation.**

**2. In case of individual members it should not exceed more than 10% of the total membership.**

**3. Credit facilities are adequate to meet the requirement and credit is linked properly with the marketing for which sufficient godown arrangements are available.**

**4. Seeds and agricultural implements are supplied by the Society.**

**5. Daily market rates are collected and members informed.**

**6. Outside borrowings are repaid regularly.**

**7. Running in Profits and the same are allocated in accordance with section 53 and rule 73.**

**8. General Body Meeting is held in accordance with section 31.**

**9. All statutory Registers are maintained properly.**

'B' Class

**1. It covers at least 50% of the Agricultural Credit and Multipurpose Societies in its areas of operation.**

**2. All other condition as for A Class given above are fulfilled.**

'C' Class

- 1. It covers at least 25% of Agriculture Credit and Multipurpose Societies in its areas of operation.**
- 2. The Credit is linked with marketing.**
- 3. General Body Meeting is held in accordance with section 31.**
- 4. Profits are distributed in accordance with section 53 and rule 73.**

'D' Class

**1. All other societies**

E. Consumer Co-Operative Societies'A' Class

- 1. The sales are more than five time of the Working Capital of the Society.**
- 2. The stock register is kept-up-to-date and physical verification of stock is done half yearly.**
- 3. Repayments of due to cooperative Bank or whole sale Store or any other Institution are regular.**
- 4. Sales are made on cash basis and credit sales do not exceed more than 10% of the total sales, and recoveries for such credit sales are regulars.**
- 5. Expenses of the store are not more than 3.5% of the total sales.**
- 6. General Body Meeting is held in accordance with section 31.**
- 7. Running in profit, and profit is allocated in accordance with section 53 and rule 73.**
- 8. All Statutory Registers and maintained properly.**

'B' Class

- 1. Sales are more than three times of the working capital of the society.**

- 2. Overdue is not more than 25% of the loan.**
- 3. Credit Sales is not more than 20% of the total sale.**
- 4. Expenses of the store are not more than 4% of the sale.**

All other conditions are same as per 'A' Class.'C' Class

- 1. The Stock register is kept upto date.**
- 2. Repayment of dues of Cooperative Bank or wholesale store or any other Institution are regular, overdue are not more than 50%.**
- 3. General Body Meeting is held in accordance with section 31.**

'D' Class

- 1. All other Co-operative Stores.**

F. Housing Co-Operation Societies'A' Class

- 1. All the members have filed the requisite affidavits.**
- 2. Land money and development/construction charges are deposited by all the members regularly.**
- 3. No dispute for allotment of land or any other matter.**
- 4. General Body Meeting is held in accordance with section 31.**
- 5. All statutory Registers are maintained properly.**

'B' Class

- 1. All the members have filed the requisite affidavits.**
- 2. Land money has been deposited by 90% of the members.**

**3. 90% of the allotment of land or plot' or flat is free of disputes.**

**4. General Body meeting is held in accordance with section 31.**

**5. All statutory Registers are maintained properly.**

'C' Class

**1. General Body meeting is held in accordance with Section 31.**

**2. All statutory Registers are maintained properly.**

'D' Class

**1. All other societies.**

The Registrar shall be competent to determine the classification of societies which are not covered in this schedule

## VI

[See Clause (i) of sub-rule (1) of rule 5] Viability Norms

Sl. No.	Class/Type of the Society	Membership No.	Share Capital (Rs.)	Area of Operation	Remarks
1.	Urban Bank	3000	4 Crore	N.C.T. of Delhi	Subject to Norms Prescribed by the RBI from Time To Time
2.	Urban Credit				
(a) Salary earner	50	50,000.00	Office/establishment		
(b) Urban Credit (General)	50	2,00,000.00	N.C.T. of Delhi		
3.	Consumer Store	100	1,00,000.00	District	
4.	Industrial (P) Coop.	15	1,00,000.00	District	
	Handloom Coop.	15	25,000.00	N.C.T. of Delhi	
		15	25,000.00	District	



	Leather Coop. Industrial			
	Women Coop. Industrial	15	25,000.00	District
	Other Weaker Sections	15	25,000.00	District
5.	Industrial Service	15	50,000.00	District
6.	Group Housing/Housing	60	60,000.00	N.C.T. of Delhi
7.	Agricultural Service/Credit	50	50,000.00	Rural Village
8.	Dairy, Poultry, Piggery etc.	15	25,000.00	Rural Village
9.	Transport	15	1,50,000.00	N.C.T. of Delhi
10.	Labour	15	50,000.00	N.C.T. of Delhi
	Security Service society, tourism society, health caresociety, water harvesting society, environment protection society	15	50,000.00	N.C.T. of Delhi
12.	Integrated Development Society.	15	50,000.00	N.C.T. of Delhi
13.	Multipurpose Societies for slum dwellers	30	3,000.00	Slum areas as identified for the purpose by theGovt

N.B. -It is necessary that in certain cases activities of the co-operative societies like Dairy, Poultry and Piggery which are to be registered are totally banned in urban areas and urban villages, attract some legal restrictions and need NOC from concerned authorities like MCD, DDA, NDMC etc. before applying for registration. The Viability norms for co-operative housing societies given above is for the societies which shall seek land from land allotting agencies for construction of dwelling units for its members and NOC shall be required from land allotting agencies before registration. For all other societies not mentioned in the schedule the Viability norms shall be fifteen members and share capital of one lakh rupees and Registrar shall decide the area of their operation. Delhi Cooperative societies Rules 2007(Section 32 of the Act) Proforma for Annual Return

- 1. Name of the Society.**
- 2. Registration No. & Date.**
- 3. Regd. Address of the Society.**
- 4. Year Upto which Audit has been conducted.**
- 5. Dated of the Annual General Body Meeting.**
- 6. Date of Election Held.**
- 7. Whether Any Inquiry is pending against the Society or not.**
- 8. Whether the Society has Deposited Coop. Education.**
- 9. Name & Address of Telephone No. of the President, Secretary and C.E.O./G.M./Manager**

Signature of President /Secretary(Seal of the Society)Explanation.- Registrar Coop. Societies may from time to time revise the Performa.

## **VII**

[See Sub rule (1) of Rule 90]All the Co-operative Group Housing Societies awaiting clearance of membership for draw for allotment of flats/plots shall provide the following information/documents along with their proposals for clearance of members:

- 1. Freeze strength of the Co-operative housing Society and number of dwelling units, parking spaces and shops et. - The approved freeze strength shall be given along with date of its approval and also the details if the freeze strength has been increased or decreased in view of changed FAR or building bye laws and the date of such approval given by the Registrar and DDA. The Co-operative housing society shall also indicate the number of dwelling units, no. of parking spaces, and no of shops etc and their sizes etc and names of members opting for parking space, shops etc.**
- 2. Resignation and Enrolment. - The co-operative housing society shall submit complete details of the members who have resigned alongwith their addresses for verification in the For. - 'A' to the schedule. The Co-operative**

**housing society must comply with the procedure for acceptance of resignations and fresh enrolments as provided in the Act and the rules. The Co-operative housing societies must refund the money to resigning members through account payee cheque only and enclose proof thereof. The Cooperative housing society shall clearly state if any enrolment was made within thirty days of holding annual general body meeting in any of the Cooperative years.**

**3. Transfer Cases. - The Co-operative housing society shall certify that no transfer of shares or interest of a member except the transfer to heir or a nominee has been allowed and are within first degree blood relation and affidavits of both the transferor and transferee and proof of their blood relation should be filed. Apart from this, both the transferor and transferee shall affirm that on the date of becoming member, the transferor did not acquire any residential property in Delhi and had also not transferred any residential property in Delhi to any other person.**

**4. Election. - The Co-operative housing society shall clearly state the date of last election and also indicate whether any dispute against such election is pending before any arbitration authority/court. If so, then the details thereof are given.**

**5. Audit position. - The Co-operative housing society has to furnish a copy of upto-date audit report and action taken thereon by it. As per the provision of section 31 of the Act, for every completed accounting year, an annual general meeting has to be called by 31st October of the succeeding financial year to adopt the accounts of that year. The proposal should clearly indicate whether the Co-operative housing society has complied with this requirement of it and if the annual general meeting was held beyond such stipulated date, whether any permission as required under the provisions of law was obtained from the Registrar.**

**6. Annual general body meeting or special general body meeting. - The Co-operative housing society shall intimate that it had called annual general body meeting or special general body meeting in view of the provision of section 31, section 92 and other provisions of the Act and Rules**

**7. Architect's Certificate.** - The Co-operative housing society shall submit the Architect's Certificate regarding completion of construction quality and structure stability of the project availability of facilities including electricity, water, lifts, sewage, roads, mandatory, green and land scope etc.

**8. Completion certificate.** - The Co-operative housing society shall submit Completion certificate of the construction from land owning agency. or the concerned building plan sanctioning authority.

**9. Loan position and dues of Co-operative housing society against members.** - In case of loanee members, No dues Certificate (as on date) from DCHFC or other financial institutions, if any, shall be submitted along with the proposal. The Co-operative housing society shall specifically mention that entire cost of a dwelling unit has been paid by a member and there are no dues against him of land cost and construction money.

**10. Expulsion Cases.** - The details of expulsion cases shall be reported in Form - B annexed to the schedule. Expulsion cases shall be separately reported if these are pending in the court of the Registrar Cooperative Societies and in other superior court along with the date of the orders or approval given by the Registrar Cooperative Societies. The details of enrolment made by the society against such expulsion cases shall be clearly specified.

**11. Category of flats.** - It shall be clarified if there are any disputes relating to category of flats and details of such cases whether pending for adjudication/arbitration.

**12. Court cases/complaints.** - The Co-operative housing society shall clearly certify the details of pending court cases, if any, or the major complaints, if any, and their status.

**13. Individual Affidavits.** - The affidavits from all the members shall be submitted in the Form - C annexed to this schedule, stating that they have not incurred any disqualification at the time of clearance of their membership as per section 41 and section 87 of the Act. In case of joint members every joint member has to file separate affidavit and society shall provide complete details of joint members.

**14. Vacancy. - The vacancy position shall be clearly indicated as on the date of submission of proposal for clearance which would form the basis for examination for any pending proposal for clearance subsequently.**

**15. Details of detained cases. - The details of the cases which has not been included in the proposal for clearance of membership for allotment on account of (a) members being defaulter (b) non-submission of affidavit and other documents, (c) on account of court cases should be clearly specified in the proposal. If any flats are reserved as per court orders the society should clearly indicate the flat numbers reserved on this account.**

**16. Affidavit shall be signed by the president, vice-president and secretary of the Cooperative Housing Society in Form - D annexed to this schedule for verification of list of members for allotment of flats as prescribed in Form - E annexed to the schedule along with seventeen column proforma.**

**17. To verify the genuineness of a person enrolled as a member a Co-operative Housing/House Building Society Ltd, the Co-operative housing society shall obtain the following documents/information from the member and submit the same to the Registrars office.**

(1)Details of permanent account No. allotted by the Income Tax Department or declaration in form 60 of Income Tax Act in case PAN No. has not been allotted in the affidavit;(2)Details of Bank A/C No. alongwith Name and address of the Branch in the affidavit;(3)Photograph on the affidavit which should also be attested by the Notary public;(4)Certificate of verification from Gazetted Officer who will attest photograph and signatures of person who has been enrolled as a member of cooperative group housing society. The prescribed proforma is given at in Form 'E' to the schedule.

**18. In case a member has not been able to submit the prescribed verification certificate from a Gazetted Officer, the society may submit the proposal as without obtaining the verification certificate from him. In such cases verification from police authorities will be got conducted by office of Registrar before clearing the names of such members for allotment of flats/plots.**

**19. The Co-operative housing society shall publish a Public notice in two leading daily newspapers of National Capital Territory of Delhi one each in English & Hindi, inviting objections on the proposal regarding clearance of membership for allotment of flats/plots by draw of lots.**

**20. The Co-operative housing society shall submit the revised proposal if any within forty five days of publication of public notice as prescribed in clause no. 19 along with objections received disposed and comments thereon to the Registrar office.**

**21. All the co-operative group housing/house building societies shall submit an affidavit given in For. - G annexed to this schedule, signed by the Secretary/President of a Cooperative Group Housing Society / House Building Society Ltd. to verify that the procedure given in sub clause 19 has been complied with by the co-operative housing society.**

**22. The secretary/president of the co-operative housing society shall submit compliance of section 92 and other provisions of the Act in an affidavit given in For. - H annexed to the schedule along with supporting documents as prescribed therein.**

**23. The Co-operative housing society shall produce original records i.e., membership application, and register thereof affidavits, residence proof, committee resolutions, share certificate and payment details etc. for verification of records.**

**24. The Co-operative housing society shall submit details of enrolment of members in violation of rules along with justification for the same which shall be placed before the Govt. for consideration as per provisions of the Act and Rules.**

**25. Any other information/document as may be required under the provisions of the Act and Rules etc., not mentioned in the schedules shall be furnished by the co-operative housing society.**

**26. After examining the office records and the proposals submitted by the co-operative housing society and documents and records of the co-operative housing society accompanying it, by the concerned Assistant Registrar a case of clearance of membership shall be referred to the committee constituted Under Rule 90 of the Act alongwith his appropriate recommendations.**

## 27. The Registrar shall recommend the cases of draw of lots to land allotting agency after seeking approval of the committee.

### VII

Form A[See clause (2) of Schedule VII]Individual Details of Members who ResignedProforma

Sl. No.	Membership No.	Name of the member	Fathers/Husband's Name	Date of Submission of resignation	Date of resolution of the Managing Committeeacceptance of the resignation	Date of refund of share money & deposits	Remarks
1	2	3	4	5	6	7	8

Below this list a certificate should also be given by a duly authorised office bearer of the co-operative society in the following words :This is to certify that the above members from SI. No. 1 to had resigned from the membership of the co-operative society on the dates shown against each and the committee has accepted resignations on the dates shown in Column No. 6. These members have been refunded their share-money on the dates shown in Column No. 7. Records of the resignation letter and proceeding register showing the resolution and cash book showing the date of refunds are in the possession of the Secretary of the co-operative society.We have been authorised by the Committee to send this list and information to the Registrar. Nothing in the list has been concealed and omitted.Representative of the Society(President/Secretary)

### VII

Form B[See clause (10) of Schedule VII]Individual Details of the Expelled Members

Sl. No.	Membership No.	Name of the Member	Father's/Husband's Name	Present Address	Total Amount called for
1	2	3	4	5	6
Total Amount paid	Total Amount Due	Date of notices with mode of service	Date of Managing Committee Meeting	Remarks	
1 st	II nd	Final			
7	8	9	10	11	12 13

## VII

Form C[See clause (13) of Schedule VII]AffidavitI, \_\_\_\_\_ aged \_\_\_\_\_  
 \_\_\_\_\_ R/o \_\_\_\_\_ Delhi/ New Delhi, do hereby solemnly affirm and declare as under:-(i)"That I am promoter member of the \_\_\_\_\_Co-operative Group Housing Society Ltd. in accordance with the Delhi Co-operative Societies Act, Rules & Bye-Laws. As I am a resident of National Capital Territory of Delhi and none of the promoter of this society related to me as defined in the Delhi Co-operative Societies Act, 2003.Or"I hold valid membership of \_\_\_\_\_Co-operative Group Housing Society Ltd., in accordance with the Delhi Cooperative Societies Act, Rules and bye laws. My membership No. is \_\_\_\_\_ and I have not undergone any disqualification in respect of my membership".(ii)That I am assessed to Income-Tax Department, having permanent Account No.\_\_\_\_\_.Or"That I am not assessed to Income -Tax Department, hence Declaration under form 60 of the Income-Tax Act is enclosed herewith".(iii)"That neither I nor my husband/wife nor any of my dependent relations (including unmarried children) during the period of my membership of this society has been a member of any other House Building Cooperative Society/ Groups Housing cooperative Society functioning in the National Capital Territory of Delhi."(iv)"That neither I nor my husband/wife nor any of my dependent relations (including unmarried children) during the period of my membership of this society has owned either in full or in part, on lease hold or free hold basis, any of land or a house in the National Capital Territory of Delhi."(v)"That I will inform within one month the said society as well as the Registrar Cooperative Societies Delhi, if any plot of land or house is acquired by me or by my wife or any of my dependent relations including unmarried children."(vi)"That neither I nor my wife is a member of Hindu Undivided Family which owns either in full or in part, on lease hold or free hold basis any plot of land or a house in the National Capital Territory of Delhi."(vii)That neither I nor my wife and dependant children, are dealing in the business of purchase or sale of house / land in the National Capital Territory of Delhi directly or indirectly either as a profile or an agent.(viii)"That I hold Bank Account No. \_\_\_\_\_ with \_\_\_\_\_(Bank) at \_\_\_\_\_(Address of Bank)(ix)"That I have affixed my latest photograph which is attested by the Notary Public"

## VII

Form D[See Clause (16) of Schedule VII](Form of Affidavit to be signed by the Secretary/President of a Cooperative Group Housing Society for verification ~f list of members for allotment of Flats)AffidavitI ..... S/o, D/o, W/o Shri  
 ..... R/o ..... Hon. Secretary/President of the ..... Co-operative Group Housing Society Ltd  
 .....do here by solemnly affirm and declare as under:

**1. That .....Co-operative G/H Society Ltd. (hereinafter referred as the society) is registered under the Delhi Co-operative Societies Act, 2003 vide Registration No..... Dated.....**



**2. As per freeze list, the society had**  
**.....members.**

**3. That the following members (from the freeze list of the newly enrolled members) resigned from the society.**

Their resignation were accepted by the Managing Committee.

S.No.	Name	Date of application for Resignation	Date of approval of Managing Committee	Date of refund of share money	Date of encashment of cheque
1	2	3	4	5	6

**4. That all the members of this co-operative society have been enrolled as per provisions of the Delhi Cooperative Societies Act & Rules framed thereunder and the Bye-laws of the co-operative society. That enrolment of the following applicants as member of the society was approved by the Committee from time of time:**

S.No	Name & Address	Date of application	Date of Admission	Date of information given to the applicant andmode of communication Adopted
1	2	3	4	5

**5. That the applications of the following persons were rejected by the Committee as they were not found eligible for the reasons indicated against each:**

S.No	Name & Address	Date of application	Reasons for refusal	Date of information given to the applicant andmode of communication Adopted
1	2	3	4	5

**6. That the following members were expelled from the co-operative society after following due process of law and seeking approval from the Registrar, Co-operative Societies, Delhi.**

S. No.	Membership No.	Name of the Member	No. and date of the order of the RCS Approvingthe Expulsion
1	2	3	4

**7. That the membership of the following persons was transferred to the following blood relations on account of the reasons stated herein below and it has been verified that the transferee members are not disqualified to be members of the co-operative society within the provisions of Co-operative Act/Rules/Bye-laws and the society has also obtained an affidavit from the transferee as referred to in para 8 of this affidavit.**

S. No.	Name of the Original member	Name of the Transferee	Relationship with transferor	Reason for transfer	Date of resolution of Managing Committee
1	2	3	4	5	6

**8. That the co-operative society has obtained affidavit from each member inter alia affirming:**

(i)"That I am a promoter member of the ..... Co-operative Group Housing Society Ltd. in accordance with the Delhi Cooperative Societies Act, Rules and Bye-laws. "I am a resident of National Capital Territory of Delhi and none of the promoter of this co-operative society related to me as defined in section 5 of the Delhi Cooperative Societies Act, 2004.OrI hold valid membership of ..... Cooperative Group Housing Society Ltd in accordance with Co-operative Societies Act, Rules and Bye-laws. My membership No. is ..... I have not undergone any disqualification in respect of my membership.(ii)"That neither I nor my husband/wife or any of my dependent relations (including unmarried children) during the period of my membership of this society has been a member of any other House Building Co-operative Society/Group Housing Cooperative Society functioning in the National Capital Territory of Delhi"(iii)"That neither I nor my husband/wife or any of my dependent relations (including unmarried children) during the period of my membership of this society has owned either in full or in part, on lease hold or free hold basis any of land or a house in the National Capital Territory of Delhi".(iv)"That I will inform within one month the said co-operative society as well as the Lt. Governor, Delhi, if any plot of land or house is acquired by me or my wife or any of my dependent relation, including unmarried children".(v)"That neither I nor my wife is a member of Hindu Undivided Family which owns either in full or in part, on lease hold or free hold basis, any plot of land or a house in the National Capital Territory of Delhi.

**9. All the documents which have been referred to in this affidavit are in the safe custody of the undersigned and will be produced as and when required by the Registrar, Co-operative Societies or any other person so authorised.**

**10. That the Managing Committee in its meeting held on (Date has scrutinized the relevant records and satisfied itself as to all the members fulfilling the requirements for valid membership under the Delhi Co-operative Societies Act, 2003 Rules framed there under and the registered bye-laws of the**

**co-operative society. Further the Committee has resolved and authorised the undersigned to execute this affidavit and approach the Registrar Cooperative Societies, Delhi to approve the list of members for allotment of flats except in the case of following members for the reasons mentioned herein after below:**

S. No.	Membership No.	Name of the Member	Details of default, litigation or otherwise leading to withholding of allotment
1	2	3	4

VerificationI, the above said deponent do hereby solemnly affirm and declare that the contents of the above paras are correct and true to the best of my knowledge and belief and that nothing has been concealed or suppressed.Verified at New Delhi in this ..... day of .....  
20.....Deponent

## VII

Form E[See clause (16) of the Schedule VII]List of Members for Verification of Cooperative Group Housing Society Ltd., For Allotment of Flats

S.No.	Membership No.	Name of the member	Age	Fathers /Husband's Name	Address as per membership register	Occupation
1	2	3	4	5	6	7

Date of application for seeking membership	Date & No. of resolution of M.C. allenrolling him to be a member	Date & amount of payment
Date	Admission fee	Share Money
8	9	10
		11 12

Payment towards land/flat etc	Whether prescribed affidavit has been filed ornot	Remarks
Land Money	Flat	Total
13	14	15
		16 17

CertificateThis is to certify that the list of members before submission has been considered by the Committee and we have been authorised by the Committee to submit the list in the Office of the Registrar. It is further certified that all the members have been enrolled in accordance with the provisions of the Delhi Cooperative Societies Act, 2003 and Delhi Cooperative Societies Rules, 2007 made there under and the registered Bye-laws. It is also certified that the information given in the above list is as per record of the society and nothing there in has been concealed/omitted/misrepresented.

( ) ( )  
(PRESIDENT) (VICE-PRESIDENT) (SECRETARY)

Full Name/Signature Full Name/Signature Full Name/Signature

## VII

Form F[See Clause (17) of Schedule - VII]Verification CertificateNote: 1. The certificate should be issued on office letter head of the concerned officer.

### **2. Before giving this certificate, the Gazetted Officer should be aware that verification of false information is punishable under the provisions of Indian Penal Code 1860 and The Prevention of Corruption Act 1988.**

This is to certify that Sh/Smt./Kum. \_\_\_\_\_ Son of / Wife of / Daughter of \_\_\_\_\_ whose personal particulars are given below has good moral character and reputation. I certify that Sh/Smt./Kum. \_\_\_\_\_ is known to me, since \_\_\_\_\_ years and he/she is residing at \_\_\_\_\_ for the last \_\_\_\_\_ years and he/she is the bonafide member of \_\_\_\_\_ Co-operative Group Housing Society Ltd, having membership No. \_\_\_\_\_.

**1. Date of Birth:**

**2. Office Address, if any:**

**3. Permanent address: (with telephone)**

**4. Present Address: (with telephone)**

**5. Photograph of the member of the society (to be attested by the Gazetted Officer) (alongwith seal)**

**6. Signature of member of the society (to be attested by the Gazetted Officer) (alongwith seal)**

Signature of the members Affix passport size photograph of member Signature of Gazetted Officer  
alongwith seal Signature of Gazetted Officer Alongwith seal Full Name : Designation : Full address of  
the office :

I. Card No. (Enclose photocopy of I. Card)

Tele No. (O) (R)

## VII

Form G(Form of Affidavit to be signed by the Secretary/President of a Co-operative Group Housing Society / House Building Society Ltd. for verification of list of members for allotment of Flats/ Plots after inviting objections from all concerned after publication in newspapers).AffidavitI,

\_\_\_\_\_ S/o, D/o, W/o Shri

\_\_\_\_\_ R/o \_\_\_\_\_ Delhi/ New Delhi, Hony.

Secretary./ President of the \_\_\_\_\_ Co-operative Group Housing

Society/Co-operative House Building Society Ltd. \_\_\_\_\_, Delhi, do hereby solemnly affirm and declare as under:-

**1. That \_\_\_\_\_ Co-operative Group Housing Society/ Cooperative House Building Society Ltd. (hereinafter referred as a society) is registered under the Delhi Co-operative Societies Act, 2003 vide Registration No. \_\_\_\_\_ dated \_\_\_\_\_.**

**2. That the details of proposal for clearance of \_\_\_\_\_ membership for allotment of flats/plots in the society was published in the following newspapers:-**

S.No. Name of the Newspaper Date of Publication of notice in the newspaper

1. (English)

2. (Hindi)

**3. That objections were invited from all concerned by public notice in two leading newspapers as per details given in para 2 above, in respect of \_\_\_\_\_ memberships which are proposed to be cleared for allotment of flats / plots in the society within fifteen days of publication of public notice. The proposal for clearance of membership was displayed on the notice board of the co-operative society.**

**4. That no objections were received by the co-operative society from the general public or members of the co-operative society, etc. Therefore, the proposal of the society dated \_\_\_\_\_ may be treated as final.**

OrThat the objections were received from the general public and/or members of the society, etc., which were considered by the committee in its meeting held on \_\_\_\_\_ as per detail given below:-

S.No. Name & Address of the complainant

Contents of the complaint

Decision of the Managing Committee

1 2

3

4

**5. That in view of details of complaints given in para 4 above the names of following members may be detained in addition to already proposed to be detained in proposal of the co-operative society dated \_\_\_\_\_ till the final disposal of the complaint by the co-operative society / Registrar Co-operative Societies :-**

S.No. Membership No. Name of the member Details of complaint

1 2

3

4

**6. That the proposal of the co-operative society dated \_\_\_\_\_ for clearance of \_\_\_\_\_ membership for allotment of flats/ plots may be treated as final after detaining \_\_\_\_\_ members as per detail given in para 6 above in addition to already proposed to be detained in earlier proposal dated \_\_\_\_\_.**

Deponent Verification I, the above said Shri/ Smt. \_\_\_\_\_ S/o/  
D/o \_\_\_\_\_ R/o \_\_\_\_\_ do hereby solemnly affirm and declare that the contents of the above paras are correct and true to the best of my knowledge and belief and nothing has been concealed and/or suppressed and/or misrepresented. I am aware that if any document or information submitted by me is found to be false and/or incorrect and/or misrepresented and/or concealed I shall be liable to be punished under the provisions of Indian Penal Code, 1860, The Delhi Co-Operative Societies Act, 2007 or any other law for the time being in force. Verified at Delhi on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_. Deponent

## VII

Form H[See clause (22) of schedule-VII] Affidavit (To Be Furnished by Secretary / President of a Cooperative Group Housing Society who Have Submitted a Proposal for Clearance Of Membership for Draw of Lots.) I, \_\_\_\_\_ S/o, D/o, W/o

Shri \_\_\_\_\_ R/o \_\_\_\_\_

Delhi, Honorary/Secretary/President of the

\_\_\_\_\_ Co-operative Group

Housing/Society/Co-operative House Building Society Ltd \_\_\_\_\_, Delhi,  
do hereby solemnly affirm and declare as under:-

**1. That the \_\_\_\_\_ Co-operative Group Housing Society/ Co-operative House Building Society Ltd. (hereinafter referred as a society) is registered under the Delhi Co-operative Societies Act, 2003 vide Registration No. \_\_\_\_\_ dated \_\_\_\_\_.**

## 2. That the provision of section 92 of Delhi Co-operative Society Act 2003 has been complied with in letter and spirit as under:-

(I) That on allotment of land and possession thereof, the committee appointed the architect and the contractor with a provision that construction shall be completed as per time limit fixed for completion of construction of the housing project of the co-operative society in the sanction letter conveying approval of layout and building plans by the sanctioning authority under the applicable building byelaws or within five years from the date of sanction of layout and building plans by the competent authority which ever is earlier with the prior approval of the general body. (II) That if due to unforeseen circumstances, ( the President/Society has to state the same) the aforesaid time limit could not be adhered to, the committee has approached the Government for further extension of time to complete the project with the approval of the general body well within prescribed time limit. (The President/Society has to submit the proof and indicate the same). (III) That after the appointment of the architect and the contractor the committee has finalized the cost, the time for the execution of the project, the size, category and design of the flats with a five years defect liability provision to attend defects in the construction by the concerned contractor. and all incidental matters thereto after approval of the general body.. The minutes of the general body meeting approving the aforesaid details are enclosed at Annexure-\_\_\_\_\_. (IV) That the details of construction, cost, escalation of construction cost, size of the flats, category and design of the flats and defect liability provision to correct the defects in the construction by the concerned contractor are given below:-

Details of construction	Cost	Escalation of construction cost, if any	Size of the flats	Category of flats	Defect liability provision
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(V) That during the construction period, the co-operative society has held at least two special general body meetings every year and one annual general body meeting to give progress report to the members. The minutes of the Special General Body Meetings are enclosed at Annexures-\_\_\_\_\_ & \_\_\_\_\_ respectively and the minutes of Annual General Body Meeting are enclosed at Annexure \_\_\_\_\_ (the details of the Special General Body Meeting and Annual General Meeting should be mentioned). (VI) That there is no change in the category or size of flats made by the committee in respect of any member of the co-operative society. That in case the change of category or size of flats has been made by the committee, opportunity of hearing was given to the concerned member after communicating to him the grounds for change of category size and preference was given to the existing members in case of any vacancy falling in higher category. The details of the same are enclosed at Annexure \_\_\_\_\_ (alongwith the proof that the opportunity of hearing given to the concerned person after communicating to him the grounds for change of category size & preference to the existing members in case of any vacancy falling in higher category). (VII) That there is no escalation in the cost of project, and time fixed in the execution of the project has not been extended by the Committee without the approval of the General Body. If there is escalation of cost and extension of time of the project then the prior approval in General Body Meeting has been taken for the same (the proof and details of annual general body meeting

have to be explained here).(VIII)That all the items mentioned in para (2) have been approved by the general body in a meeting by majority of not less than two third of the members present in the meeting (proof of the same is enclosed.(IX)That the quality and structure stability of the project and the availability of the facilities including electricity, water, lifts, sewage ,roads ,mandatory green and lands escape etc. has been ensured before recommending the list of members for the allotment and necessary certificates obtained from concerned agencies are enclosed at Annexure-\_\_\_\_\_ (the necessary certificates from the concerned electricity distribution Co., DJB, Labour Department, Fire Department, DDA/MCD and the completion certificate etc.).

**3. That all the flats and other assets of the co-operative housing society have been insured as per section 93 of the Act, for all risk including earthquake annually on reinforcement basis and proof of the same is enclosed at Annexures-\_\_\_\_\_&\_\_\_\_\_.**

**4. That the co-operative housing society has not admitted to its membership persons exceeding the number of dwelling units available for allotment in that cooperative Group Housing society as per section 75 of the Act.**

**5. That it is certified that members of the Committee has no interest directly or indirectly in any contract made with the society, in any property sold or purchased or leased by or to the co-operative housing society or any other transaction of the co-operative housing society.**

**6. That the membership has been enrolled as per the provisions of the bye-laws of the society and also as per the provisions of the Act & the Rules and directives issued by the Co-operative Department, from time to time in this regard.**

**7. That during the period of construction, \_\_\_\_\_members made complaint about the construction and other irregularities and these were disposed of after giving opportunity to the complainant and after having deliberations in the committee of the society (the proof of the same is placed at Annexures \_\_\_\_\_&\_\_\_\_\_)**

DeponentVerificationI, the above said Shri/Smt. \_\_\_\_\_S/o, D/o\_\_\_\_\_, R/o do hereby solemnly affirm and declare that the contents of the above paras are correct and true to the best of my knowledge and belief and nothing has been concealed and/or suppressed and/or misrepresented. I am aware that if any document or information submitted by me is found to be false and/or incorrect and/or misrepresented and/or concealed I shall be liable to be punished under the provisions of Indian Penal Code, 1860, The



Delhi Co-Operative Societies Act, 2003 or any other law for the time being in force. Verified at Delhi on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_. Deponent Form 1 (See sub-rule (1) of rule 5) Application for registration of a co-operative society

Application No. \_\_\_\_\_ Place \_\_\_\_\_

To \_\_\_\_\_ Date \_\_\_\_\_

.....(Designation of Registrar and other Officer authorised by the Registrar. We, the undersigned submit herewith a proposal for the registration of the Co-operative Society, the particular of which are given below alongwith enclosures as indicated below:-(1)Name of the proposed co-operative society.(2)Address to be registered.(3)Whether liability limited or unlimited.(4)Area of Operation.(5)Objects of the co-operative Society.(6)Classification or Sub-classification. .(7)Total share-capital subscribed and raised.(8)Value of each share and admission fees.(9)No. of shares issued up to the time of application and the total paid-up share capital at this date.(10)Extent of liability of members over and above the value of shares held by each of them.(11)Entrance fee collected.(12)Amount deposited in the Delhi State Co-operative Bank Ltd.(13)Language in which accounts or proceedings of the meetings shall be kept.(14)List of documents enclosed (see sub-rule (1) of rule (5)). We declare that the statements given above including that given in the enclosures are true and correct to the best of our knowledge and nothing material has been concealed there from or mis-represented thereon: -Verification No. 1:Certified that all the persons who have signed the application are personally known to me and have signed in my presence. Signature of Secretary/President Verification No. 2:Certified that the President and Secretary are known to me and they have signed in my presence. Signature of Gazette Officer M.P./M.L.A./MEMBER MCD Name, and. address of applicant elected as Members of Committee:-

S.No. \_\_\_\_\_ Name \_\_\_\_\_ Address \_\_\_\_\_ Occupation \_\_\_\_\_ Office to which elected \_\_\_\_\_ Signature \_\_\_\_\_

1.2.3.4.5.6.7.8.9.

The above persons have signed in my presence who were identified by Shri ..... who is personally known to me.

Place : Signature \_\_\_\_\_

Date : Stamp \_\_\_\_\_

Notes:- (1) Verification (1) and (2) can be signed by a Gazetted Officer, Member of Parliament, Councillor of M.C.D., M.L.A. Delhi, (2) Name of the co-operative Society should not show any discrimination on the basis of caste or religion, and should not resemble with that of any registered co-operative society. For Official Use Received by the registered post on ..... by ..... in the office of the Registrar or by hand from Shri ..... Entered in the register of application at S. No. .... (Signature of Office receiving) Received registration proposal No. .... on ..... for registration of ..... Society Ltd. (Proposed) alongwith the enclosure referred to above from ..... by post.

Place : Assistant Registrar \_\_\_\_\_

Date : (Signature and Stamp) \_\_\_\_\_

Form 2 (See sub-rule (5) of rule 5) Register of application for registration received in the office of the Registrar/Additional/Joint/ Deputy/Assistant Registrar.

S.No. \_\_\_\_\_

	Name of the proposed co-operative society	Place, Village and Distt.	Date of Receipt	Date of acknowledgment	How received by post/ hand delivery	No. and date on which additional Information is called	
1	2	3	4	5	6	7	
	Prescribed day be which Information is called	Date on which information received	No. and date of the report if any sent to Govt., if the Society is not Registered within ninety days	No., and date of registration	Order under which registration is refused	Initial	Remarks
8		9	10	11	12	13	14

Form 3(See sub-rule (3) of rule 6)Government of National Capital Territory of Delhi Office of the Registrar of Co-operative SocietiesIn the matter of application of a Co-operative Society under the Delhi Co-operative Societies Act, 2003.Certificate of RegistrationI do hereby certify that pursuant to the Delhi Co-operative Societies Act. 2003 (Delhi Act 3 of 2004), a co-operative society by the name and type of ..... co-operative Society Ltd., with registered address ..... District..... in the National Capital Territory of Delhi has been registered in this office at S.No..... on .....The Bye-laws filed by the said co-operative society have also been duly registered.Given this .....Day of ..... 20.....at Delhi under my seal and signature.Signature of Registering AuthorityStampForm 4(See sub-rule (1) of rule 7)Register of Co-operative Societies registered or deemed to be registered under the Act.

Part ..... District .....

Registered Sr. No.	Full Name & Address of the Co-operative Society	Area of Operation	Date of Registration	Application No.	Class of co-operative Societies as per rules	Sub-Classes
1	2	3	4	5	6	7

Page No. and date of Govt. Gazette Notifying Registration	Initials of Registrar/ Registering Authority	Date of winding up by the Registrar/ Registering Authority	Page no. and date of Govt. Gazette notifying winding up	No. and date of cancellation	Initials of the officer authorized by the Registrar to keep the Register	Remarks
8	9	10	11	12	13	14

Form 5(See Sub-rule (3) of rule 7)Statement showing the particulars of the Co-operative Societies existing on the date of commencement of these rules and deemed to have been registered under the

Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004)

S.No.	Existing Registration No.	Date of Registration	Name and Address of Registration	Classification Under the Rules	Objects
1	2	3	4	5	6

Form 6(See schedule (6) of rule 12)Notice under Sub section (6) or (7) of section 12By Registered Post A.D.ToThe Chairman/President,.....Co-operative Society.....Sir.It appears to me that an amendment/amendments of the bye-laws of your co-operative society as indicted in the attached statement is/are desirable in the interest of your co-operative society.I am to request you to consider this/these amendment/amendments in the general body meeting of the co-operative society in the interest of the co-operative society and to call upon you by this notice under section 12(6) of the Delhi Co-operative Societies Act 2003, to take necessary steps to make the amendments to the bye-laws of your co-operative society within a period not exceeding sixty days from the date of the receipt of this notice, failing which action will be taken as provided under section, 12 (3) of the Delhi Co-operative Societies Act, 2003.Yours faithfully,Registrar of Co-operative SocietiesNo. ....Date .....(Seal of the officer)Statement accompanying notice under section 12 (6)

S.No.	The exact wording of existing bye-laws	Bye-laws as it would read after amendments	Exact wording of bye-law if it is a new one	Reason why amendments is/are/considered necessary
1	2	3	4	5

Signature ofRegistrar Co-operative SocietiesForm 7(See sub-rule (4) of rule 17)Notice to members, creditors and other persons whose interests will be affected by the amalgamation/transfer of assets and liabilities/conversion/divisionNotice is hereby given as required by sub-section(4) of section 16 of the Delhi Co-operative Societies Act, 2003, by the ..... co-operative society having registration No..... dated..... and having its registered office at ..... to all members/creditors/persons interested that the cooperative society, after obtaining the approval of the Registrar and a preliminary resolution to that effect having been passed by a special general meeting of the co-operative society held on ..... has decided to amalgamate itself with ..... co-operative society, convert itself into .....co-operative society, divide itself into (1) ..... (2)..... co-operative society, transfer its Assists and Liabilities to the co-operative society. The details regarding transfer of liabilities of the society to be amalgamated transferred, converted or divided are given in the Schedule given below:-I. Applicable to co-operative societies amalgamating, transferring assets and liabilities or converting:-(1)Name of the co-operative society or societies.(2)Statement showing the assets and liabilities of the society (to be enclosed).(3)Names of members and creditors.N.B. information should be given separately in respect of each society which is affected by the amalgamation, transfer of assets and liabilities or conversion.II. Applicable to co-operative societies to be divided.(1)Name of the co-operative society.(2)Present area of operation.(3)Statement showing assets and liabilities (to be enclosed)(4)Names of members.(5)Names of creditors.III. Applicable to co-operative societies which will stand divided, particulars of (1) co-operative Society.(i)Assets and liabilities which will remain with the co-operative society after division (statement to be enclosed).(ii)Proposed area of

operation.(iii)Names of members who will remain with the co-operative society.(iv)Names of creditors who will remain with the co-operative society.Particulars of (2)

..... co-operative society.(i)Assets and liabilities which will remain with the co-operative society after division (statement to be enclosed).(ii)Proposed area of operation.(iii)Names of members who will remain with the co-operative society.(iv)Names of creditors who will remain with the co-operative society.Any person whose interest is affected by the proposed amalgamation transfer of assets and liabilities, division or conversion may send his objections, if any, and give intimation of his option to become a member of any of the new co-operative societies to continue his membership in the amalgamated or converted co-operative society to demand payment of share or interest or dues, to the office of the co-operative society within one month from the date of this notice.If no option is exercised and if no objection is received within thirty days, it will be assumed that the interested persons have assented to the decision.(By order of the Committee)PlaceDatedSecretaryForm 8(See rule 33(1))List of members of ..... Co-operative Society Ltd.Address.....

S.No.	Membership No.	Name in full	Address	Father's/ Husbands Name	Name of the nominee if any
1	2	3	4	5	6

Form 8-AList of members in case of Federal co-operative society

S.No.	Membership No. of the co-operative Society in the federation	Name and Address of the member of co-operativesociety	Registration No. of the co-operative society
1	2	3	4

Form 9(See sub-rule (1) of rule 63)I.....(age)

..... S/o, D/o, W/o ..... residing

at..... having been admitted to the membership of ..... Co-operative Society Ltd., with

limited liability.(1)Being desirous of borrowing loan from the said co-operative society;(2)Having borrowed loan from the said co-operative society before the date of the coming into force the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004); make this declaration as required under section 45 of Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) that I own property/Land as specified in the schedule.(3)I have interest as a tenant and I hereby create a charge on the said Property/ Land in favour/interest of the above said co-operative society for the payment of loan which the co-operative society may make and for all future advances, if any, which the cooperative society has made may make to me subject to the maximum amount of Rs..... together with interest on the such amount of loan and advances.

## Schedule 21

Description of Land(1)Name of Village. -(2)Khasara No.  
 -(3)Kind of land. -(4)Share in Land.  
 -(5)Extent. -(6)Remarks, if any.  
 In witness where of I ..... hereunder set my hand this  
 ..... day of . ..... 20.. and signed and delivered by the above named  
 in presence of witnesses.

Witness (1) Applicants: Signature

(2) Borrowers

Note - (1) or (2) strike off which is not applicable. Form 10(See sub rule (2) of rule 63)Register of declaration under section 45 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004)

Sr. No.	Date of entry in register	Name of the Member	Date of declaration	Name of village in which land situated
1	2	3	4	5

Description of Land:

Khasra No.	Area	Kind of Land	Share in land	Extent	Remarks	Amount of loans/ advances/ Borrowed	Remarks, if any	Signature of Chairman/ CEO/MD/ GMD
6(i)	6(ii)	6(iii)	6(iv)	6(v)	6(vi)	7	8	9

Form 11(See sub-rule (6) of Rule 82)Rectification report on the audit/enquiry ReportName and address of the co-operative society ..... Period of audit covered..... Date of Audit ..... No. and date of communication of audit report/remarks .....

S. No. of objection in enquiry report	Observation made by the Auditor/ Enquiry Officer	Explanation of the Society	No.& date of the resolution of CommitteeApproving the reply
1	2	3	4

Form 12(See sub-rule (1) of rule 84)Before Shri ..... Addl./Joint/Deputy/Asstt. Registrar Cooperative Societies, Govt. of NCT of Delhi Administration, Delhi Arbitration Case No.....20.....In the matter of reference of dispute under Section 70 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004).

1.

2.

3.

ClaimantVersus

1.

2.

3.

Defendants(Name, father's name, occupation and complete postal address of the claimant and defendants).Claim

**1. Facts showing that the matter in dispute falls within the scope of section 70 (1) and is between the parties mentioned therein.**

**2. Facts showing that the reference is within time as provided under Section 70(4).**

**3. Facts constituting the cause of action.**

**4. Relief either simple or in the alternative which the claimant claims.**

**5. List of document to be filed alongwith the claim:**

(1)Copy of the resolution of the Managing Committee if the co-operative society is the claimant,(2)Pay-in-slip for deposit of application fee with the Financing Bank/RCS office.(Claim will be divided in paragraphs consecutively number).Signature.....Claimant thorough.....Verification from SocietiesVerified at Delhi this .....day of.....20 .that the contents of this claim are true to the best of information and knowledge (derived from the record of the co-operative society which are believed to be true and kept in the regular course of its business.For Society.....For othersVerified at Delhi this ..... day of..... 20 that the contents of above claim are true to the best of my information and knowledge believed to be true.Claimant.....Form 13(See sub-rule (3) of rule 84)Arbitration Cases Register

S. No. of the Case	Date of filing of the case	Name(s) of Claimant	Name(s) of defendants	Nature of claim in brief	Date of Registrar's orders	Brief decision of Registrar
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1	2	3	4	5	6	7
Sign of Asstt. Registrar	If admitted, date of reference to Arbitrator	Name of Arbitrator	Date of decision by Arbitrator	Date of application of issue of certificate forexecution	Date on which certificate under Section 126issued	Asst. Registrar's signature
8	9	10	11	12	13	14

Form NO 14(See sub-rule (2) of rule 89)File No \_\_\_\_\_Name of the co-operative Society \_\_\_\_\_ Cooperative House Building Society Ltd (Registration No. \_\_\_\_\_ (Year)Address \_\_\_\_\_ Pin: \_\_\_\_\_ Certi  
of AllotmentSh/Smt/Ms \_\_\_\_\_ S/o/W/o/D/o \_\_\_\_\_ resident  
of \_\_\_\_\_ Pin \_\_\_\_\_ holding  
membership No. \_\_\_\_\_ is a member of the \_\_\_\_\_ Cooperative  
House Building Society Ltd. registered under the then Delhi Cooperative Societies Act, 1972, now  
deemed to have been registered under the Delhi Cooperative Societies Act, 2003 (Act 3 of 2004)  
having Registration No. \_\_\_\_\_ with registered office at \_\_\_\_\_  
Pin \_\_\_\_\_ has developed plots of  
different sizes in the area popularly known as \_\_\_\_\_  
at \_\_\_\_\_ Pin \_\_\_\_\_, on the  
piece of land measuring \_\_\_\_\_ acres/ hectares in the residential scheme allotted by the  
Delhi Development Authority (hereinafter DDA) or the Land and Building Department of  
Government National Capital Territory of Delhi ( hereinafter L & B Deptt) through a duly registered  
Perpetual Lease Deed of the land registered in the office of Sub Registrar No. \_\_\_\_\_ at  
\_\_\_\_\_ vide Registration No. \_\_\_\_\_ Book No. \_\_\_\_\_ Volume No I pages from \_\_\_\_\_ to  
\_\_\_\_\_ dated \_\_\_\_\_ in accordance with the sanctioned layout and building plan approved by DDA  
vide letters No \_\_\_\_\_ & \_\_\_\_\_ dated \_\_\_\_\_ and \_\_\_\_\_ respectively. The Co-operative Society in  
accordance with the provisions of section 77 got the draw of lot for the plots conducted through the  
Delhi Development Authority/Land and Building department of the Government of the National  
Capital Territory of Delhi on \_\_\_\_\_. The DDA/ L& B Deptt conveyed it approval of draw of lot for  
the plots vide letter No. \_\_\_\_\_ dated \_\_\_\_\_,Sh/Smt/Ms \_\_\_\_\_ S/o/Wo/D/o \_\_\_\_\_  
resident of \_\_\_\_\_, \_\_\_\_\_ Pin \_\_\_\_\_ who had opted and paid for a plot  
measuring \_\_\_\_\_. Sq. yards/meters \_\_\_\_\_ amounting to Rs \_\_\_\_\_  
(Rupees \_\_\_\_\_) in the draw of lots for the plots conducted on \_\_\_\_\_ by the  
DDA/ L & B Deptt of the Government of National Capital territory of Delhi was allotted plot  
No \_\_\_\_\_ measuring \_\_\_\_\_ sq meters/yards in Block No. \_\_\_\_\_ Avenue/street \_\_\_\_\_ along  
with interest in the common areas and facilities developed by the Society more specifically given in  
Annexure appended to this. Allotment Letter after executing a Sub-lease deed for the said plot duly  
registered in the office of Sub-registrar No \_\_\_\_\_ at \_\_\_\_\_ Registration No \_\_\_\_\_ Book No  
\_\_\_\_\_ Volume No \_\_\_\_\_ pages from \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_.Now consequent upon  
transfer right/title and the interest on account of death of the original member i.e sub lessee to the

legal heir/ through gift/ conversion of lease hold land and building to freehold in respect of the aforesaid plot No. \_\_\_\_\_ in favour of Sh./ Smt./ Ms \_\_\_\_\_ S/o/W/o/D/o \_\_\_\_\_ R/o \_\_\_\_\_ Pin \_\_\_\_\_ on \_\_\_\_\_ by the Society vide File no \_\_\_\_\_ dated \_\_\_\_\_, the plot No. \_\_\_\_\_ is now deemed to have been allotted in the name of Sh/Smt/Ms \_\_\_\_\_ with effect from \_\_\_\_\_ vide prior approval of the transfer by the Lessor i.e DDA or on conversion of lease hold rights in plot to freehold after getting a Conveyance Deed registered in the office of Sub-registrar No. \_\_\_\_\_ at \_\_\_\_\_ vide Registration No. \_\_\_\_\_ Book No. \_\_\_\_\_ Volume No I Pages from \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_ or sale of freehold property by executing a Sale Deed registered in the office of Sub registrar No \_\_\_\_\_ at vide Registration No \_\_\_\_\_ Book No Volume No I pages from \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_ the \_\_\_\_\_ followed by approval of his /her membership by the committee of the Society vide resolution No \_\_\_\_\_ dated \_\_\_\_\_. So long as the said plot allotted in the name of the member/transferee in the name of Sh/Smt/Ms \_\_\_\_\_ S/o/W/o/D/o \_\_\_\_\_ resident of \_\_\_\_\_ Pin \_\_\_\_\_ is in the records of co-operative the Society, the ownership right of the member shall be in force as provided in section 76. On the above terms and condition the plot No. \_\_\_\_\_ is now deemed to have been allotted to Sh/Smt/Ms \_\_\_\_\_ S/o.W/o,D/o \_\_\_\_\_ resident \_\_\_\_\_

Pin \_\_\_\_\_ membership No \_\_\_\_\_ for residential purposes only. Any breach/breaches of the provisions of the Delhi Cooperative Societies Act, 2003, rules framed thereunder, bye-laws of the Society and also the regulations framed by the general body of members of the Society for the management of the Society and the terms and conditions of the Perpetual Lease Deed and Sub lease deed of the land and the plot respectively, which is/are considered by the Society or the concerned authority a breach/ breaches, after giving a reasonable opportunity to explain to the affected member, shall render the member liable for legal action at his cost, risk and liability. This allotment letter No \_\_\_\_\_ dated \_\_\_\_\_ this day of \_\_\_\_\_ 200 has been issued based on the information and records available in the Society vide Resolution No. \_\_\_\_\_ dated \_\_\_\_\_, whereby the following office-bearer(s)/ officer(s) have been authorized by the Committee to sign this Allotment Letter and use Common Seal of the co-operative Society for this purpose. Common Seal Authorised Signatories I II III Name Designation Notes:-(1) To be prepared in Duplicate - First copy to member and second copy for the co-operative Society's record. (2) If allotment has been done by the DDA in more than one draw, the date of draw in which the member has been allotted flat besides the date of approval for this by the DDA should be given. (3) Any change in the ownership, this para shall be used Form 15 (See sub-rule (2) of rule 89) (Under section 91 for flats in Cooperative Group Housing Societies) File No. .... Name of the co-operative

Society ..... Cooperative Group Housing Society Ltd. Registration

No. .... Address ..... of

Allotment Sh./Smt./Ms ..... S/o, .....

R/o ..... Pin 1100 ..... holding Membership

No. .... is a member of the ..... Cooperative Group Housing Society Ltd.

(hereinafter the Society) - a cooperative housing society registered under the then the Delhi

Cooperative Societies Act, 1972, now deemed to be registered under the Delhi Cooperative Societies



Act, 2003 (Act 3 of 2004) having Registration no..... with registered office at  
 ..... Pin .....  
 1100..... which has constructed ..... Flats on Plot No..... Sector ..... Delhi, Pin  
 1100..... on the piece of land measuring ..... metres / acres / hectares in the residential  
 scheme allotted by the Delhi Development Authority (hereinafter the DDA) on the Perpetual Lease  
 basis through a duly registered Perpetual Lease Deed of the land registered in the office of the  
 Sub-Registrar No..... at ..... vide Registration No..... Book  
 No.\_\_\_\_\_, Volume No\_ Pages from ..... to ..... dated..... for  
 the construction of ..... flats and for other common areas and facilities in  
 accordance with the sanctioned Layout and Building Plans approved by the DDA vide letters  
 no..... and ..... dated ..... and  
 .....respectively. The cooperative Society in accordance with the provisions of Section  
 77 got the draw of lot for flats conducted through the DDA on ..... The DDA conveyed its  
 approval of draw of lot for flats vide letter no.....  
 dated.....Sh./Smt/Ms.....S/o or  
 W/o,D/o.....R/o.....Pin  
 1100.....who had opted and paid Rs..... (demanded upto the time of draw) for the  
 category ..... with a built up area / super area ..... sq. mtrs/sq. feet in the draw  
 of lot for the flats conducted by the DDA on ..... was allotted flat no..... in Block  
 No.....on ..... floor with car parking facility for one car in the stilt area /basement  
 / open area in accordance with terms of the Perpetual Lease Deed, approved Building Plans and the  
 scheme approved for this purpose by the general body of the members society with regard to the  
 cost, specifications, allotted area, common area and facilities etc. Now consequent upon transfer of  
 occupancy right on account of death of the member allottee the legal heirs through gift / conversion  
 of occupancy right for lease hold to free hold in respect of the said Flat No.....in favour  
 ofSh./Smt./Ms.....S/o,.....W/o,.....D/o..... R/o .....Pin..... 1100..... on  
 by the co-operative Society, the Flat No..... is now deemed to have been allotted in the  
 name of Sh./Smt./Ms. ....with effect from .....vide approval of the transfer by the  
 Lessor (DDA) or on conversion of lease hold property to freehold after getting a Conveyance Deed  
 registered in the office of Sub Registrar No..... vide Registration No..... Book No.....  
 Volume No..... Page from ..... to .....dated ..... or sale of freehold flat by  
 executing a Sale Deed registered in the office of Sub Registrar No..... vide Registration  
 No..... Book No..... Volume No..... Page from..... To ..... dated  
 ..... followed by approval of his / her membership by the Society vide Resolution No.....  
 dated .....So long as the said flat allotted in the name of the member / transferee is in the  
 name of  
 Sh./Smt./Ms.....S/o/W/o/D/o  
 .....R/o  
 .....Pin.....1100.....in the  
 records of the Society, the occupancy right of the member shall be in force as provided in section  
 76.On the above terms and conditions the Flat No..... is now deemed to have been  
 allotted to Sh./Smt./Ms..... S/o / W/o  
 /D/o..... R/o  
 .....Pin.....1100.....

Membership No..... for residential purposes only. Any breach / breaches of the provisions of the Delhi Cooperative Societies Act, 2003, rules framed thereunder, bye-laws of the Society; also the regulations of the general body of members of the Society for the management of the Society and the terms and conditions of the Perpetual Lease Deed of land, which is / are considered by the Society or the concerned authority as breach / breaches, after giving a reasonable opportunity to explain to the affected member, shall render the member liable for legal action at his cost risk and liability. This allotment letter No..... dated this .....day of.....200 has been issued based on the information and records available in the society vide Resolution No. .... dated the ..... whereby the following office bearers / officer has been authorized by the committee to sign this Allotment Letter and use the Common Seal of the Society for this purpose. Common Seal Authorised Signatory Name I II III Designation Notes : (1) To be prepared in Duplicate - First copy to member and second copy for the Society's record. (2) If allotment has been done by the DDA in more than one draw, the date of draw in which the member has been allotted flat besides the date of approval for this by the DDA should be given. (3) Any change in the ownership, this para shall be used Form 16 (See sub-rule (3) of rule 90) (For member of a Cooperative Group Housing Society) File No \_\_\_\_\_ Name of the co-operative Society \_\_\_\_\_ Cooperative Group Housing Society Limited \_\_\_\_\_ Cooperative House Building Society Limited (Registration No \_\_\_\_\_ Year) Address: \_\_\_\_\_ Pin \_\_\_\_\_ Certificate of Occupancy WHEREAS a Certificate of Allotment No \_\_\_\_\_ dated \_\_\_\_\_ has been issued to Sh/Smt/Ms \_\_\_\_\_

S/o, W/o, D/o \_\_\_\_\_ resident of \_\_\_\_\_ Pin \_\_\_\_\_ a member of \_\_\_\_\_ Cooperative Group Housing Society Ltd. (hereinafter the Society) \_\_\_\_\_ membership No \_\_\_\_\_ in respect of flat No \_\_\_\_\_ with a covered area of \_\_\_\_\_ sq meters/feet in block No. \_\_\_\_\_ of the Society as per provisions of section 91. AND WHEREAS the said member has duly paid all the dues as determined and notified by the committee. Now Therefore Sh/Smt/Ms \_\_\_\_\_ S/o, W/o, D/o \_\_\_\_\_ resident of \_\_\_\_\_ Pin \_\_\_\_\_ membership No \_\_\_\_\_ is hereby granted a Certificate of Occupancy in the respect of flat No \_\_\_\_\_ with covered area of \_\_\_\_\_ sq meters /feet in Block No \_\_\_\_\_ in the \_\_\_\_\_ Cooperative Group Housing Society Ltd. popularly known as \_\_\_\_\_ with a condition that the member shall always comply with the provisions of section 76. This Certificate of Occupancy No. \_\_\_\_\_ dated \_\_\_\_\_ has been issued based on the information and records available in the Society vide Resolution No dated , of the \_\_\_\_\_ committee whereby the following office-bearers/officer have been authorized by the committee to sign this Certificate of Occupancy and use Common Seal of the Society for this purpose. Common Seal

Authorised Signatories Name  
Address

Authorised Signatories Name  
Address

Authorised Signatories Name  
Address

PlaceDateForm 17(See sub-rule (1) of rule 91)Form of Nomination(To be furnished in triplicate)ToThe secretary\_\_\_\_\_ Cooperative House Building Society Ltd./\_\_\_\_\_ Cooperative Group House Society Ltd./\_\_\_\_\_ Pin \_\_\_\_\_ Sub: Application for Nomination for transfer of Share and interest after death.Sir,I, Shri/Smt/Ms\_\_\_\_\_ S/o,W/o,D/o\_\_\_\_\_ resident of \_\_\_\_\_ Pin\_\_\_\_\_

No.\_\_\_\_ am a member of the \_\_\_\_\_ Cooperative House Building Society Ltd./\_\_\_\_\_ Cooperative Group Housing Society Ltd.

**2. I hold Share Certificate No. \_\_\_\_\_ dated \_\_\_\_\_ fully paid up share numbering \_\_\_\_\_ of the value of Rupees \_\_\_\_\_ each, bearing numbers from \_\_\_\_\_ to \_\_\_\_\_ (both inclusive) issued by the said cooperative housing society.**

**3. I also hold the Plot No. \_\_\_\_\_/Flat No. \_\_\_\_\_ measuring an area of \_\_\_\_\_sq meter/covered area of \_\_\_\_\_ sq meter/ in the Society's complex popularly known as \_\_\_\_\_ at \_\_\_\_\_ and numbered \_\_\_\_\_ in block/pocket/street \_\_\_\_\_ at \_\_\_\_\_ Pin \_\_\_\_\_.**

**4. As provided in section 78 read with rule 91 of the Delhi Cooperative Societies Rules, 2007, I hereby, nominate the person(s) within the blood relation as per provisions of the Perpetual Lease of land whose particulars are as shown below to whom my share or interest in the capital of the \_\_\_\_\_ Cooperative House Building Society Ltd./ \_\_\_\_\_ Cooperative Group Housing Society Ltd shall be transferred in the event of my death.**

Sr.No	Name of the Nominee(s) along with Father's/Husband's name	Permanent address of the nominee(s) with Pin Code along with PAN No. if any	Relationship with the nominee	Share of each nominee(s) (percentage)	Date of birth of the Nominee(s) if the nominee(s) is a minor
1.					
2.					
3.					
4.					

**5. I hereby, state that Sh/Smt/Ms \_\_\_\_\_**  
**S/o,D/o,Ms \_\_\_\_\_ aged \_\_\_\_ years, the first named nominee**  
**shall apply for claim of share and interest in respect of the said plot/flat in the**  
**cooperative housing society and other nominee(s) shall be joined as a joint**  
**member(s). All the nominees shall have to give an indemnity bond with**  
**application for claim indemnifying the cooperative housing society against**  
**any claims made in respect of my said share(s) and interest in the plot/flat by**  
**the nominee(s).**

**6. As the nominee Sh \_\_\_\_\_ at serial No \_\_\_\_\_ is minor, I,**  
**hereby appoint**  
**Sh/Smt/Ms \_\_\_\_\_ S/o./W/o./D/o \_\_\_\_\_**  
**resident of \_\_\_\_\_ Pin \_\_\_\_\_ as**  
**guardian/legal representative of the minor to represent the minor nominee in**  
**matter connected with the nomination.**

**7. This may be deemed my last Will in respect of above property only. In**  
**witness whereof, my hand, this day of \_\_\_\_\_ two**  
**thousand \_\_\_\_\_**

Yours faithfully, Name & Signature of Nominator

Member Address \_\_\_\_\_ Photo Nominator Pin \_\_\_\_\_ Phone :

Mobile:- : Witnesses. We hereby confirm and state that the above nomination has been made by the  
 Nominator / Member Sh. / Smt. / Ms. \_\_\_\_\_ in our presence in full sense and  
 good health. Name and address of

witness (1) S/o. .... / R/o- ..... Pin (2) S/o. ....

R/o- ..... Pin The nomination was placed in the meeting of the committee of  
 the cooperative housing society held on \_\_\_\_\_ for being recorded in its minutes at page No. The  
 nomination has been recorded in the Nomination Register at Sr. No. \_\_\_\_\_ Secretary/Authorised  
 Person \_\_\_\_\_ Cooperative House Building/Group Housing Society Ltd. Received the  
 duplicate copy of Nomination. Date: Nominator Member Form 18 (See sub-rule (2) of rule  
 92) (Application of notice of intimation of a member/occupancy right holder to transfer his share  
 and interest in the cooperative housing society.) To The

Secretary \_\_\_\_\_ Cooperative House Building Society Ltd. Cooperative  
 Group Housing Society Ltd \_\_\_\_\_ Pin \_\_\_\_\_ Subject : Intimation of transfer  
 of share and interest in respect of plot/flat No \_\_\_\_\_ in the cooperative housing society. Sir, Sh/Smt/Ms

\_\_\_\_\_  
 S/o, W/o, D/o \_\_\_\_\_ resident  
 of \_\_\_\_\_ Pin  
 \_\_\_\_\_ a member/a person who has acquired occupancy right in plot/flat  
 No \_\_\_\_\_ measuring \_\_\_\_\_ sq meters numbers \_\_\_\_\_ of the

\_\_\_\_\_ Cooperative House Building Society Ltd. / Group Housing Society Ltd and am in possession of Share Certificate No \_\_\_\_\_ containing fully paid up share of Rs \_\_\_\_\_ bearing distinctive numbers from \_\_\_\_ to \_\_\_\_ (both inclusive), popularly know as \_\_\_\_\_ addressed at \_\_\_\_\_ hereby give you notice as required under rule 92 of Delhi Cooperative Societies Rules, 2007 to transfer my share and interest in respect of my said plot/flat No \_\_\_\_ .Place :Date:Yours faithfullyNameSignatureAddress:Pin \_\_\_\_\_ TransferorPAN \_\_\_\_\_ Form 19(Sub-rule (2) of rule 92)Letter of consent of the society for the transfer of share and interest of the member/persons who has acquired occupancy rightToThe Sh /Smt/Ms.Sub : Consent letter to acquire share and interest in respect of flat No \_\_\_\_\_ / Flat No \_\_\_\_\_ in the Cooperative Housing Society.Sir,Sh/Smt/Ms \_\_\_\_\_ S/o,W/o,D/o \_\_\_\_\_ resident of \_\_\_\_\_ Pin \_\_\_\_\_ a member/a person who has acquired occupancy right by converting plot No \_\_\_\_\_ flat No \_\_\_\_\_ of the Society to freehold, proposes to transfer the Share and Interest in the Capital Property in the Society, to me/us. I/We hereby give consent for the purposed transfer of Share and Interest of Shri/Smt/Ms \_\_\_\_\_ in the capital/property in the co-operative Society under Rule 92 of the Delhi Cooperative Society Rules, 2007.Place:Date:Yours faithfullyName of the Society:Address:Transferee:-PANForm 20(See sub-rule (2) of rule 92)Application of Membership(For Purchaser having Registered Power of Attorney or Registered Agreement or RegisteredSale deed of a Plot/ Flat in Housing Co-operative Society)ToThe Hony. Secretary, \_\_\_\_\_ Sub:-Sir,

**1. That I am submitting my application for membership with the following details and information in pursuance of provision of Section 91 of D.C.S. Act 2003 as amended and enforced w.e.f. 13.1.2007.**

**2. That I have purchased Plot/Flat No. \_\_\_\_\_ in the Cooperative Group Housing Society popularly known as \_\_\_\_\_ from Shri/Smt./Ms. \_\_\_\_\_ S/o/W/o/D/o \_\_\_\_\_ through instrument of Power of Attorney & Agreement for Sale. Certified copies of Power of Attorney/Agreement to Sale or Sale Deed are enclosed.**

**3. That the original Demand Draft/Pay Order payable in Delhi in favour of \_\_\_\_\_ Cooperative Housing Society vide No. \_\_\_\_\_ dated \_\_\_\_\_ drawn on \_\_\_\_\_ Bank of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as transfer fee and Share money and Admission Fee is enclosed.**

**4. That I confirm that I have read the Byelaws of the Cooperative Housing Society and shall abide by them in the affairs/matters of the \_\_\_\_\_ Cooperative Housing Society relating to me vice versa. Further I confirm that I am eligible to be member of the cooperative housing society.**

**5. That my personal details are as under:-**

a. Name b. Father's/Husband Name c. Date of Birth d. Permanent Address e. Telephone No. f. PAN No.

**6. I hereby also undertake to share liability, if any of the original member in respect of dues towards the society.**

Now I request that I may be enrolled as a regular member of the cooperative housing society with all privileges, rights, liabilities, etc. Assuring you my full cooperation all the time. Yours faithfully (Name & Signature of Applicant)

Passport Size Photo

Encl. As per list. Form 21 (See sub-rule (2) of rule

92) Affidavit I, \_\_\_\_\_ S/o, D/o, W/o, Shri

R/o

\_\_\_\_\_ Delhi/New Delhi, Do hereby solemnly affirm and declare as under:-

**1. That I have purchased Plot/Flat No. \_\_\_\_\_ from Shri / M/s \_\_\_\_\_ s/o or d/o or w/o \_\_\_\_\_ in the Coop. Group Housing/House Building Society popularly known as \_\_\_\_\_ Through instrument of Power of Attorney/Agreement for Sale/Sale Deed.**

**2. That I have purchased \_\_\_\_\_ no. of flats in the society.**

**3. That I confirm that I shall abide by the Byelaws of the Society applicable to members.**

**4. That I also undertake to share liability if any of the original member in respect of due towards the Society past or present.**

**5. That I hereby indemnify the society from any claim on account of original share certificate or any other document of the original member.**

Deponent Verification I, the above said Shri/Smt.

\_\_\_\_\_ S/o/D/o/W/o

\_\_\_\_\_ R/o \_\_\_\_\_ do

hereby solemnly affirm and declare that the contents of the above paras are correct and true to the best of my knowledge and belief and nothing has been concealed and or suppressed and or

misrepresented. Verified at Delhi on this \_\_\_\_\_ day  
of \_\_\_\_\_ 200 Deponent Form 22 (See rule 93) Application of transfer of share and  
interest as provided in section 80 by a nominee, heir, or legal representative of deceased member -  
allottee in respect of lease hold land where the property has not been converted to free hold of a  
cooperative housing society. To The Secretary \_\_\_\_\_ Cooperative House Building Society  
Ltd. Cooperative Group Housing Society Ltd. \_\_\_\_\_  
Pin \_\_\_\_\_ Sub: Application for transfer of share and interest of  
Late/Sh/Smt/Ms \_\_\_\_\_ S/o, W/o. D/o \_\_\_\_\_  
Membership No \_\_\_\_\_ of the \_\_\_\_\_ Cooperative House Building Society  
Ltd./ \_\_\_\_\_ Cooperative Group Housing Society Ltd. Sir, I am the nominee, heir legal  
representative of Late/Sh/Smt/Ms \_\_\_\_\_ S/o. W/o. D/o  
\_\_\_\_\_ resident  
of \_\_\_\_\_ Pin \_\_\_\_\_ a member allottee of the  
cooperative housing society who was occupying a lease hold property No \_\_\_\_\_ in the cooperative  
housing society. This nomination has already been recorded in the books of the cooperative housing  
society or through a registered "Will" of the deceased. Certified copy of this is enclosed. (2) As the  
land to the cooperative housing society has been allotted on perpetual lease basis by the lessor,  
therefore I, request the committee of cooperative housing society to forward the application, for  
transfer of share and interest to the Delhi Development Authority with its recommendations in the  
form of the resolution of the committee in terms of the perpetual lease deed of the Land allotted to  
the cooperative housing society by the lessor. For this purpose duly completed necessary documents  
as prescribed by the Delhi Development Authority are also enclosed in duplicate for onward  
transmission to the Delhi Development Authority for their approval. (3) You are also requested to  
intimate dues of the deceased member of the cooperative housing society in respect of the property  
which will be paid to the cooperative housing society by me. (4) On mutation of the transfer of  
occupancy right in respect of said property by the Delhi Development Authority, the share and  
interest in respect of the said property may kindly be transferred in my favour in the name of the  
first person as appearing in nomination/will and other nominee(s) may be enrolled as joint  
member(s), as provided in section 78. Simultaneously, I may also be enrolled as member of the  
cooperative housing society. I am not required to pay transfer fee under section 79, therefore, I  
hereby undertake to pay admission fees on demand from the cooperative housing society. (5) I  
hereby undertake and confirm that I shall always be governed by the provisions of the Delhi  
Cooperative Societies Act, 2003 read with rules framed thereunder, bye-laws and regulations  
framed by the general body of members of the cooperative housing society from time to time (6) I,  
hereby, also undertake to give an indemnity bond, indemnifying the cooperative housing society for  
any loss, liability, legal action etc on account of transfer of share and interest of the deceased in my  
name. Kindly acknowledge receipt of the application on the third copy of the application; which is  
being submitted in duplicate. Thanking you Yours faithfully, Name & Signature(s) Address of the  
nominee(s)..... Pin..... Encl : (1) Proof of claim as of nominee,  
heir, or legal representative. (2) Completed application in duplicate as prescribed by the DDA for its  
onward transmission to the DDA for transfer of share and interest of the deceased; out of which one  
copy may kindly be retained for cooperative housing society's records. Place : Date: Form 23 (See rule  
95) Letter to the Sub-Registrar - Registration appointed under Registration Act, 1908 about  
registration of mortgage or declaration of charge on a property in favour of the cooperative housing

society or the apex for loans granted. To The Sub-Registrar, No. Address Pin Subject: Forwarding of copy of mortgage executed or declaration made of charge on the property in favour of Cooperative housing society or apex for Loans granted. Sir, In pursuance of powers vested under section 82 of the Delhi Cooperative Societies Act, 2003 (Act 3 of, 2004) extracts attached, please find a copy of the instrument whereby a property has been mortgaged or a written declaration creating a charge has been made on such property has been made duly certified by the authorized person of the Cooperative Housing Building Society Ltd. .... Cooperative Group Housing Society Ltd. / Delhi Cooperative Housing Finance Corporation Ltd. as per details given below for entering in Book No. 1 prescribed under Section 51 of the Registration Act, 1908 (16 of 1908). You are requested to confirm the entry of the executed document which is being sent herewith by confirming it in writing in the second copy of the letter in due course by registered post or through messenger by hand delivery. Details of Document Executed

S. No.	Name of Mortgagor	Details of property on which mortgage charge has been created or declaration of charge made	Total number of pages of the registered document.	Nature/ type of the document Mortgage /Declaration	Date of Execution	Remarks
1	2	3	4	5	6	7

Yours faithfully, Signature & name of the Authorized signatory of the..... Cooperative House Building Society Ltd..... Cooperative Group Housing Society Ltd. Delhi Cooperative Housing Finance Corporation Ltd. Confirmation of Registration Under Section 51 of The Registration Act, 1908 (16 of 1908) It is hereby confirmed that the above document has been entered in the records of this office vide Registration No..... Book No. .... Volume No. .... pages from ..... to ..... dated..... Sub-Registrar No. Seal Place : Date: Form 24 (See rule 103) Name of the Cooperative Housing Society Address..... Pin..... Registration No..... Register of Properties

S.No. Item

1 2

1. LAND

- (a) Lease hold / Free hold
- (b) Total area (sq. meters / hect.)
- (c) Total land premium / Cost Paid
- (d) Particulars of perpetual lease deed / Sale deed.
- (e) Annual ground rent (RI)
- (f) Mortgage Charge
- (g) Dispute with land owning agency
- (h) Any other relevant information

2. BUILDING

- (a) Total No. of Plots / Flats



- (b) Area and category of Plots / Flats, (sq. meters)
- (c) Cost of plots / flat. Area and categorywise with grandtotal of cost. (Rs.)

3. COMMON AREAS AND SERVICES

- (a) Parks
- (b) Street and other lights.
- (c) Generator
- (d) Lifts
- (e) Fire fighting system
- (g) Office
- (h) Water supply
- (i) Internal Services
- (j) Intercom
- (k) Community hall / club / school / sports / commercial facilities etc.
- (l) Other Services.

4. CONVERTED TO FREEHOLD

- (a) Total number of plots Converted to Free hold (Nos.)
- Category wise (Nos.)
- (i)
- (ii)
- Total Total
- (b) Total number of Flats Converted to Free hold (Nos.)
- Category-wise (Nos.)
- (i)
- (ii)
- (iii)
- Total Total
- (c)

Particulars containing details of properties of cooperative housing society	Book Value Rs.	Depreciated Value (Rs.)	Market Value (Rs.)
3	4	5	6

Form 25(See sub-rule (1) of rule (123)To. The Registrar, Co-operative Societies, Delhi Administration,  
Delhi Application under section 105 of the Delhi Co-operative Societies Act, 2003 Case  
No.....

..... Claimant Society

..... Versus

..... Defaulter

I, having been authorised by the Managing Committee of ..... Co-operative Society Ltd., by its resolution No..... dated the .....20 , a copy of which duly certified signed as true copy of the original is enclosed, submit as under:(1)That the defaulter who is a member/past member/deceased member of the claimant society has owed to it a sum of Rs.....principal and Rs..... interest till the date of application on account of..... and that this amount is still outstanding against him in the books of the claimant society.(2)That the claimant society has acquired a first charge on the property described in the Schedule annexed ..... herewith for repayment of the above mentioned debt/outstanding demand against the defaulter, which belonged to him/formed part of the estate of deceased member in the hand of his legal representative.(3)That the property described in the annexed Schedule is saleable under Section 104 of the Act. It is now prayed that an order may be made directing aforesaid defaulter to pay aforesaid amount to the claimant society with further interest at ..... per cent P.A. from the date of this application till realisation and other expenses for the sale as may be assessed by the sales officer, failing which the amount claimed should be paid out of the sales proceed of the property described in the annexed Schedule in accordance with the provisions of the Act and the rules.Through claimant societyDated:VerificationVerified that the contents of this application are true to the best of my knowledge and belief and nothing thereon has been concealed or misrepresented.Verified at Delhi this ..... day of .....20Signature.....For claimant societyAnnexure

## of properties subject to charge under section 45 of the Act

S.No	Brief description of the Property	Name and address of the Person in whose custody, possession or control	Place at which the property is lying/deposited	Another information
------	-----------------------------------	--	--	---------------------

I declare that what is stated in the above description is true to the best of my knowledge and belief and so far as I have been able to ascertain the interest of the judgement debtor in the property here in specified. Signature of the authorised office bearerThe Delhi Co-Operative Societies Rules, 2007Form 26(See sub-rule (3) of rule 123)NoticeIn the matter of sale of property of the judgment debtor under Section 104 of the DelhiCo-operative Societies Act. 2003Case No .....20.

..... Claimant Society

..... Versus

..... Defaulter

Demand for the recovery of a sum of Rs.....Whereas the claimant society has applied to the Registrar for the sale of the property described in the annexed Schedule in payment of a sum of Rs..... as principal, Rs..... as interest upto the date of application, plus further interest at .....% p.a. till realization and the cost of these proceedings, claimed to be due by the defaulter to the Claimant Society.And whereas it

is claimed that the claimant has first charge on the property of the defaulter aforesaid. Now, in pursuance of the provision to section 104 of the Delhi co-operative Societies Act, 2003 and the rules there under, notice is hereby given to you to appear before the Sales Officer on the ..... day of ..... 20 ..... to show cause why the order under Section 104 of the Act should not be made. Take notice that if you admit the claim or fail to "show cause" against this demand notice on the afore mentioned date and time, the amount now claimed by the claimant society should be paid within fifteen day of receipt of this notice by you with the sales officer failing which the property described in the Schedule annexed shall be sold and the claim satisfied out of the sale-proceeds of the property according to rules. Registrar or Authorised officer Form 27 (See sub-rule (2) of rule 124) Application for the issue of Certificate - under proviso to clause (a) of section 125 of the Delhi Co-operative Societies Act, 2003 In the matter of Arbitration Case No. ....

..... Claimant Society

..... Versus

..... Defaulter

To The Registrar, Co-operative Societies, Delhi Administration, Delhi. Sir,

**1. The claimants have obtained an award against the defendants jointly/severally in the sum of Rs. .... as principal, Rs. .... as interest upto ..... and Rs. .... as cost totaling Rs with future interest at % p.a. on the principal amount till realisation.**

**2. The amount covered by the award is desired to be recovered as arrears of Land Revenue under clause (a) of section 105 of the Act. A certificate under proviso to this clause may be issued to the decree-holder to enable him to apply for the execution of the award through the Collector.**

(Full name and address) Date ..... Place ..... Signature ..... Form 28 (See sub-rule (3) of rule 124) In the matter of Arbitration Case No. ....

..... Decree holder(s)

..... Versus

..... Judgment-debtor(s)

Certificate I hereby certify pursuant to proviso to clause (a) of Section 105 of the Delhi Co-operative Societies Act, 2003 that sum of Rs. .... principal plus Rs. .... as interest upto ..... and Rs. .... cost totaling Rs. .... is recoverable from the judgement debtor above named jointly and severally as arrears of Land Revenue according to the law for the time being in force in the National Capital Territory of Delhi relating to recovery of revenue. Given this ..... Day of ..... 20 ..... at Delhi. Signature ..... Seal ..... Form 29 (See sub-rule (4) of rule 124) In the Court of Recovery Officer Co-operative Societies Delhi. Details of award (1) Arbitration Case No. (2) Date of

Award(3)Whether any appeal preferred against the award.(4)Payment or adjustment already made if any against the decretal amount(5)Amount of award with other monetary reliefs granted into award.Principal Rs.....Interest upto .....Rs.....Cost on Principal amount Rs.....Total Rs.....Future interest at.....% P.A.from..... till realization.(6)Amount certified by the Registrar to be recoverable as arrears of land Revenue. Principal Rs..Interest..... upto Rs.....Cost Rs.....Total Rs.....Future interest at.....% PA.from..... till realization at principal amount(7)Previous application if any with execution case No..... and date.....and results thereof.(8)Against whom to be executed.(9)Mode of execution(1)Where attachment and sale of property is requiredDetails given in the annexed Scheduled(2)Where attachment and sale of movable / immovable property.Details given in the annexed Schedule(10)Name of the person who would assist the executing officer on behalf of the decree-holder.We/I declare that whatever is stated above is true to our/my knowledge and belief. We/I also undertake to bear all legal expenses if in pursuance of the execution proceedings any legal proceedings are filed by any person against the Recovery Officer who has our/my authority to defend him on our / my account. We/I also undertake that if execution is -made by arrest or Civil imprisonment, we shall pay all the charges for subsistence and maintenance allowance for the confinement/imprisonment of the judgement-debtorSignature.....Decree-holderDelhiDateRecovery Case No. .... 20....Decree holderVersusJudgement-debtorIn the matter of recovery of decretal amount as arrears of land revenue under clause (a) of section 105 of The Delhi Co-operative Societies Act, 2003.We/I hereby apply for the execution of the award details of which are given hereinafter in accordance with the law for the time being inforce relating to the recovery as land revenue. I /undertake to bear all expenses for the execution of this award as may be assessed by the Recovery Officer

## Schedule 23

When attachment and Sale of movable/immovable property is sought.movable propertyName of articles Name and address of the person in whose custody, person or control.immovable propertyWe/I declare that what is Stated above is true to the best of our/my knowledge and belief.Signature.....Decree-holder .....Form 30(See sub-rule (3) of rule 126)Notice to show-cause why a payment or adjustment should not be recordedRecovery Case No. ....

..... Decree-holder  
 ..... Versus  
 ..... Judgment-debtor

Whereas the execution of the award in the above named case, the judgement-debtor has applied to the Recovery Officer that a sum of Rs..... recoverable under the award has been paid/adjusted to the decree-holder or of Court and that the same should be recorded by the Recovery Officer as having been paid by the Judgement-debtor against the award being executed.Now this notice is given to the decree-holder to appear before the Recovery Officer ..... on day of 20 to show cause why the payment/adjustment aforesaid should not be

recorded as claimed by the judgement debtor. If the decree-holders fail to represent in this respect, an ex-parte order is liable to be passed. Given under the hand and the seal this ..... day of ..... 20..... Recovery Officer Form 31 (Sees Sub-rule (1) of rule 129) Application of execution under clause (b) of section 105 of the Delhi Cooperative Societies Act, 2003 (Delhi Act 3 of 2004). To The Registrar, Co-operative Societies, Govt. of NCT of Delhi Delhi. In the matter of case No.....

1. .... 2. .... Decree-holder

Versus

1. .... 2. .... Judgment-debtor

We/I hereby apply under clause (b) of Section 105 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004) for the execution of the decision/award/order details of which are given hereinafter and a certified copy of which is enclosed. (1) Arbitration case No. (2) Date of decision/award/order. (3) Whether appeal preferred. (4) Relief claimed. (5) Against whom to be executed (full names and address to be given). (6) Mode of execution :- (i) If execution is to be made by attachment or sale of movable or immovable property of the judgement debtor, give full details and the names of persons in whose possession and custody. (ii) If by arrest and detention (specify the place where the judgement debtor shall be found). (iii) Name of the persons who would assist the executing officer. Verified at Delhi this ..... day of ..... 20..... that the above statements are true to the best of my knowledge and belief. I undertake to bear all expenses in execution of the decision/award/order. Signature of Decree Holder Form 32 (See sub-rule (5) of rule 129) In the matter of execution proceedings under clause 9(b) of Section 105 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004).

(1) Decree-holder

Versus

(2) Judgment-debtor

Demand Notice Whereas the decree-holder applied to the Registrar, under clause (b) of Section 105 of the Delhi Cooperative Societies Act, 2003 (Delhi Act 3 of 2004) for the execution of the award/order given in case No. .... (Certified copy of which is enclosed). Where the judgement-debtor named above is required to comply with the decision/award/order mentioned above and has not so far complied with the same. Now, in exercise of my powers, I call upon the judgement-debtor to appear before me on ..... at ..... in my office to show cause why the decision/award/order aforesaid should not be executed according to the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) by attachment of his property/by arrest or detention of the judgement-debtor. Given under my seal and signature this ..... day of ..... 20..... Signature

..... Seal of Recovery Officer Form 33 (See clause (a) of Rule 131) Before Shri ..... Recovery Officer, Office of the Registrar, Cooperative Societies, Delhi. Execution Case No. .... Decree-holder Versus Judgment-debtor Warrant of attachment of movable property in execution of the decree. To, The Bailiff, ..... Whereas the judgement debtor above named was ordered by decree dated (the ..... passed by ..... in Arbitration Case No. .... to pay the amount in the margin and whereas the said sum of Rs. has not been paid. Decretal Amount Rs. P. (i) Principal (ii) Interest (iii) Costs (iv) Cost of execution (v) Further interest Total These are to command you to attach the movable property of the

said judgement debtor as set forth in /Schedule here into annexed or which shall be pointed out to you by the decree-holder or his representative or agent, and unless the said judgement debtor shall pay to you the said sum of Rs..... together with Rs..... the cost of the attachment to held the same until further orders from the Recovery Officer. These are to command you to attach the movable property of the said judgement debtor as set forth in/Schedule here into annexed or which shall be pointed out to you by the decree-holder or his representative or agent, and unless the said judgement debtor shall pay to you the said sum of Rs..... together with Rs..... the cost of this attachment to hold the same until further or orders from the Recovery Officer. You are further commanded to return this warrant on or before the..... day of .....20..... with an endorsement certifying the day on which and the manner in which it has been executed or why it has not been executed Given under my hand and the seal..... this day of.....20..... Seal Recovery Officer Form 34 (See clause (d) of Rule 131) Form of Bond with sureties for the production of the property at the place of sale in execution of decree Decree-holder Versus Judgement-debtor Execution Case No..... Know all men by these presents, that we (1) ..... S/o ..... Judgement-debtor (2)..... S/o..... Resident of ..... (Surety No. 1) and (3)..... S/o Resident of..... (Surety No. 2) are jointly and severally bound to the Recovery Officer in the above mentioned execution case in the sum of Rs..... to be paid to the said Recovery Officer or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us in the whole we and each of our heirs, executors and administrators jointly and severally these presents. Dated this..... day of..... 20..... signed and delivered to the said Recovery Officer at Delhi.

Witness :

(1) Signature (Name and Address) (Name and Address) Judgement-debtor

(2) Signature (Name and Address) (Name and Address) sign (2) surety (1)

(Name and Address) Surety (2) Sign (3)

Whereas in the above execution case the property given in the attached schedule has been attached by the order of the Recovery Officer in the above execution case and whereas the said property has been attached and left in the charge of the judgement-debtor above named and whereas the said judgement-debtor is required and undertake to produce the said property at the place, date and time of the sale when called for by the order of Recovery Officer. Now the conditions of the obligation is such that if the above bounded judgement debtor produces the said property in saleable and good conditions on the date and place as may be specified by the order of the Recovery Officer, then this obligation shall be void, otherwise it shall remain in full price and virtue. Signed and delivered by the above bounded in the presence of witness this..... day of..... 20.....

(1) Sign. (1)

(2) Sign. (2)

Form 35 (See clause (IX) of Rule 131) Execution case No.

..... Decree-holder Versus Judgement-debtor Proclamation for sale Notice is hereby given under Rule 131 of the Delhi Co-operative Societies Rules, 2007 that an order has been passed by the Recovery Officer for the sale of the attached property mentioned in the annexed Schedule in satisfaction of the claim of the decree-holder in Arbitration Case No..... mentioned in the margin. The

Sale will be by public auction and the property will be put to sale in lots. The sale will be of Relief claimed the property of the judgement debtor. In the absence of an order for postponement the sale will be held by (Bailiff) at (time) on (date) at (Place) for the event of the relief claimed and specified in the margin and the cost of attachment or sale being tendered or paid before the knocking down of a lot, the sale will be stopped. At the sale the public generally are invited to bid either personally or by duly authorised agents. Given under my hand and seal this .....day of ..... 20..... Recovery Officer Form 36 (See rule 132) Order to attach Salary of Public Officer or Servant of Railway or Local Authority. Execution Case No..... Decree-holder Versus Judgement-debtor To, ..... Whereas ..... (Judgement-debtor) is a (Office of the judgement-debtor) receiving salary and allowances at your hand or on your account and whereas ..... decree-holder in the said case has applied to the Recovery Officer for the attachment of the salary and allowances of said Shri..... to the extent of Rs..... (decretal amount) due to him under the decree, you are hereby required to with hold the said sum of Rs..... from the salary and allowances of the said Shri ..... in monthly instalments of Rs..... and to remit the said sum of monthly instalments to me. Given under my hand and seal of the Court this day..... of ..... 20..... Recovery Officer