

SPACE ORION CO-OPERATIVE HOUSING SOCIETY LTD.

Working Manual

(Based on the directive to be given to all co-operative Housing Societies in the Maharashtra State Under section 79 (A) of the Maharashtra Co-operative Societies Act, 1960. In respect of applying Co-operative Housing Societies Manual issued by Govt. Of Maharashtra vide Notification No. SAGRUYO-2011/PRA.KRA. 360/14-SA, Co operation, Marketing and Textile Department, Date 15th October, 2011)

Background:-

Govt of Maharashtra has prescribed various rules/procedure for management of housing societies through Co-operative Housing Societies Act, Rules and bye laws. The aim of this Housing Manual is to give authorized information in easy language. The Member should know what the exact provisions are in the bye laws. How can it be used in day to day working of our Society.

Purpose of the Manual –

- To get practical guidance immediately to the managing committee/ employees, working in the co-operative housing societies.
- To get legal guidance immediately to the office bearers of the managing committee/employee regarding which legal procedure to be adopted while doing some work.
- To get guidance about what decision to be taken on the complaints regarding Co-operative housing society received to the officer working in the co-operation department and there should be unanimity while giving decision on same subject/ Complaint.
- To enhance efficiency of the office bearers, employees working in the Co-operative Housing Societies and similarly employees in the society and to enhance the slandered of working of the society

Scope of Manual-

- The procedure to take decision on various subject on the society level according to the co-operative Act, Rules, Bye-Laws and Government orders/Directives issued on the Government level from time to time, also the circulars issued by the Commissioner, Co-operation by time to timed is illustrated.

- Complaints of the members regarding working in the society are received in the office by time to time. At such a time, the committee should take decision on such complaints by considering the provisions in the concerned section and bye-laws. For this, guidelines are included in it. There by it will help to maintained merit and legality of the decision given by the Committee. Immediate legal guidance regarding record to be maintained as per law in the society, developmental works of the society, the questions, complaints raised by the members from time to time will be available by this. Thereby it will help in qualitative progress in the working of the society.

For the reference of this Housing Society Manual Please refer following Laws, Acts, Rules and Bye-Laws:-

1. **'Act' means** "Act" means the Maharashtra Co-operative Societies Act; (MCS Act) 1960; (Amendment 2013).
2. **'Rules' means** the Maharashtra Co-operative Societies Rules, 1961.
3. **'Bye-laws' means** by-laws consistent with Act and registered under this Act for the time being in force and includes registered amendments of such bye-laws.

MEMBER

"Member" means a person joining in an application for the Registration of a Cooperative Housing Society which is subsequently registered, or a person duly admitted to Membership

of a Society after Registration and who holds the right, title and interest in the property individually or jointly;

a. **"Active Member"** means;

i. One who has purchased and owns a Flat / Unit in the Society.

ii. Who has paid the Society Maintenance Service and other charges at least once in previous years.

b. **"Associate Member"** means a Members who holds the right, title and interest in the property individually or jointly with others, but whose name does not stand first in the share certificate;

c. **"Nominal Member"** means a person who does not hold the right, title and interest in the property individually or jointly admitted to Membership as such after registration ;

(A) Classes of Members : The Membership of the Society shall consist of (i) Members, including Associate Members and (ii) Nominal Members.

Membership, Eligibility and Procedure

Eligibility of membership provisions is contained in Section 22(1) of the Maharashtra Co-op. Societies Act, 1960. An individual completing the age of 18, mentally sound as well as competent to contract under Indian Contract Act 1872. A Co-operative society registered under M.C.S. Act, 1960. However, it is necessary that they have to possess ownership rights of flat owner or tenement owner of co-op. Housing Society by legal documents.

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

1. A person / society / body corporate intending to become a member of a particular society should apply in writing for getting membership in a prescribed form.
2. Managing committee's approval is necessary for membership application and thereafter approval of the Annual General Body Meeting.
3. Any member who wants to obtain membership should have to fulfill to norms laid down in the Act, Rule and by laws.

In addition to above conditions applicant is also eligible to pay following fees at the time of initial application:-

4. RS.100/- AS THE ADDISSION FEE (IN MULTIPAL OF RS.100 IF FLAT IS REGISTERED IN MORE THAN ONE PERSON).RS. 500 AS SHARE AMOUNT.
5. RS.4000/- AS CONTRIBUTION TO INITIAL EXPENCES OCCURRED FOR FORMATION OF THE SOCIETY.
6. HAS TO PAY CONTRIBUTION TO SINKING FUND Rs.12000/- UPTO MARCH 2020 FOR TWO BHK FLAT AND RS.16800/- FOR THREE BHK FLATS. THIS APPLICABLE FOR 98 FLAT WHICH HAS BEEN GRANTED OCCUPATION BEFORE FORMATION OF THE SOCIETY.FOR OTHER FLATS i.e. OCCUPATION AFTER THE FORMATION OF THE SOCIETY THE SINKING FUND AMONT IS Rs.6000/- (32 FLATS OF D AND E BULIDING).
7. THE MEMBERSHIP WILL NOT BE APPROVED UNLESS ALL DUES ARE CLEARED.
8. ALLONG WITH MEMBERSHIP APPLICATION - 03 COPIES OF REGISTERED SALE DEED, PAN CARD, ADHAR CARD, ELECTRIC BILL, MUNICIPAL TAX BILL ONE COPY OF EACH SHALL ALSO BE REQUIRED TO SUBMIT.

Conditions for Nominal Membership of the Society:

A sublettee, a licensee, a care-taker, or occupant who is eligible to be a Nominal Member and who shall apply through Member for such Membership in the prescribed form applicable, along with entrance fee of Rs. 100/- may be admitted as Nominal Member by the Committee.

Nomination by Members:

A member of the society may, by writing under his hand, in the prescribed form, nominate a person or persons to whom the whole or part of the shares and/or interest of the member in the capital/property of the society shall be transferred in the event of his death. The acknowledgement of the nomination by the Secretary, shall be deemed to be the acceptance of nomination by the Secretary.

No fees shall be charged for recording the first nomination. A member may revoke or vary his nomination, at any time, by making an application, in writing, under his hand, to the Secretary of the Society. The acknowledgement of the variation in nomination/subsequent nomination by the Secretary shall be deemed to be the cancellation of earlier nomination. Every fresh nomination shall be charged a fee of Rs. 100/-.

On receipt of the nomination form, or the letter or revocation of the earlier nomination, the same shall be placed before the meeting of the Committee. held next after the receipt of the nomination form, or the letter of revocation of the earlier nomination, by the Secretary of the Society for recording the same in the minutes of the Committee. Every such nomination or revocation thereof shall be entered in the register of nominations by the Secretary of the society within 7 days of the meeting of the Committee, in which it was recorded.

MANAGEMENT OF THE AFFAIRS OF THE SOCIETY

- ❖ Subjects to the provisions of the Act, the Rules and the Bye-laws of the Society, the final authority of the society shall vest in its general body meeting, summoned in such manner as is specified in these bye-laws.
- ❖ General body meeting to be the supreme authority.

Management of the Society to vest in the Committee :

The Management of the affairs of the Society shall vest in the Committee duly constituted in accordance with the provisions of the Act, the Rules and the Bye-laws of the Society.

Exercise of Powers by the Committee :

Subject to the direction given or regulation made by a meeting of the general body of the Society, the Committee shall exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No. 137.

Opening of Banking Account And Investment of Fund:

A Banking Account shall be opened by the society in the nearest State or District Central Co-op Bank having awarded at least "A" Audit Class in last three consecutive years, and in any other mode permitted by general or special order of the State Government, as provided under section 70 of the Act and the account shall be operated upon and all acquaintances and discharges shall be signed by the Secretary jointly with the Chairman or Treasurer.

Strength of the Committee:

The Committee shall consist of 13 members of the society. This strength includes the reservation of seats as provided under section 73B and 73 C of the Act.

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

Members Strength of the M.C. 13 Nos.:

General Reserved	- 08
Seats WOMEN	- 02
SC/ST	- 01
OBC	- 01
VJ/NT/SBC	-01

*Quorum for the Meeting will be simple majority of the existing Committee Members **-07**

At the first meeting New Committee to Election New Office Bearers :

1. Every Committee, at its first meeting, after its election shall elect a **Chairman. Secretary** and **Treasure** from amongst the members of the Committee.
2. The Officer of the society shall hold office for the period of 5 years from the date of election.
3. The Committee meeting shall be normally held in the premises of the Society. The quorum for Committee Meeting shall be as mentioned in Bye-law No. 113. It shall not be competent for the Committee to transact any business unless there is the quorum at the time of consideration of every item on the agenda of the meeting of the Committee.
4. The Committee shall meet as often as necessary but at least once in a month.
5. In case of emergency, the Committee may place a resolutions and get the same passed by the committee members, however the same be placed before the next immediate meeting.
6. **Casual vacancies :-** As per Rule No. 74 Maharashtra Co-operative Societies (Election to Committee) Rules :- in the event of vacancy occurring on account of death, resignation, disqualification or removal of the member of a society or through such a member becoming incapable of acting prior to the expiry of his term of office or otherwise, the Society shall fill a **casual vacancy** on the Committee by nomination out of a same class of Active Members in respect of which the casual vacancy has arisen as per section 73 CB and as per the instruction issued by State Cooperative Election Authority. The person so elected or co-opted or, as the case may be, nominated shall hold office so long only as the member of the committee in whose place he is elected, is co-opted or, as the case may be, nominated would have held it, if the vacancy had not occurred

Resignation of office bearers of the Society:

In case entire committee intends to resign, the resignations of the committee shall be placed before the general body and such resignations shall be effective from the date of acceptance of such resignations by the General Body. This fact of acceptance of resignations of the entire Committee by the General Body, shall be communicated to the Registrar by the outgoing officers and Registrar may take necessary action as provided under section 77 A of the Act.

The Secretary of the society shall give 3 clear day's notice of meetings of the Committee to all the members of the Committee which shall state the date, time and place of the meeting and the business to be transacted there at, in consultation with the chairman of the society. Where the Secretary of the society

fails to issue such a notice and agenda of any meeting of the Committee, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fail to issue a notice and agenda of any meeting of the Committee.

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

On a requisition by 1/3rd of the members of the committee, the secretary of the society shall convene a special meeting of the committee within 7 days of the date of receipt of the requisition to discuss the matter mentioned in the requisition to discuss the matter mentioned in the requisition. On the failure of the secretary of the society to convene such a meeting within the time stipulated the procedure laid down under the bye-laws No. 133 shall be followed.

The secretary of the society shall attend every meeting of the committee and record its minutes and place the same for confirmation before the next meeting of the committee, after the minutes are signed by the Secretary of the society and the chairman of the meeting in the absence of the Secretary the Chairman of the Society shall make alternate arrangement for recording minutes of the meeting.

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 society. The members of the committee shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the society.

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

MAINTENANCE OF ACCOUNT BOOKS AND REGISTERS

The Society shall maintain the following books of accounts, records and Registers.

- (i) The Register of Members in "I" form prescribed under Rule 32 of the MCS rules 1961.
- (ii) The List of Members in 'J' form prescribed under Rule 33 of the MCS rules 1961.
- (iii) The Cash Book, (iv) The General Ledger, (v) The Personal Ledger.
- (vi) The Sinking Fund Register. (vii) The Audit Rectification Register in 'O' form, prescribed under the MCS rules 1961. (viii) The Investment Register.
- (ix) The Nomination Register. (x) The Society / Members Loan Register / Mortgage Register. (xi) The Minutes Book for the meetings of the Committee of the society.
- (xii) The Minutes Book for the meetings of the general body of the society. (xiii) The Property register and furniture, fixtures and office equipment. (xiv) The Structural and Fire Audit Register and Lift Inspection Record. (xv) The Register of Nominal Members (Tenant occupant). (xvi) The Register for Active Members.

The Society shall maintain separate files for the following items

- (i) Applications for membership.
- (ii) Applications for Nominal/Associate membership. **Personal file of each member.**
- (iii) Letters of resignations of membership including associate and Nominal membership.
- (iv) Applications for transfer of shares and/or interest in The Capital /property of the society.
- (v) Cases of expulsion of members.
- (vi) Nominations made by members including revocations thereof.
- (vii) Separate file for correspondence entered into with each member. Correspondence with the Co-operative Registrar. **Also Wing wise separate file for correspondence.**
- (viii) Correspondence on property taxes including Nonagricultural taxes. Correspondence on common electric supply.
- (ix) Correspondence about conveyance of the property.
- (x) All Types of Agreements, with papers connected thereto.
- (xi) Approved plans of construction and correspondence thereon.
- (xii) Applications For allotment of parking spaces.
- (xiii) Vouchers, along with the bills relating thereto arranged in order of entries in the cash book and the journal.

- (xiv) Counterfoils of challans for credits of amounts into the bank, arranged in order of dates of credits, **ONLINE BANKING RECEIPTS**.
- (xv) Counterfoils of cheques issued.
- (xvi) Counterfoils of share certificates.
- (xvii) Applications for duplicate share certificates.
- (xviii) Application for registration of the society, the copy of the bye-laws and amendments thereto.
- (xix) A certificate of registration fully framed.
- (xx) Counterfoils of receipts or carbon copies of receipts issued by the society.
- (xxi) Counterfoils of bills or carbon copies of bills for the society's charges.
- (xxii) Correspondence about loan received and property of the society mortgaged.
- (xxiii) Notices and agenda of the meetings of the committee and general body of the society.
- (xxiv) Periodical statements of accounts prepared by the society.
- (xxv) Committee's annual reports on the working of the society.
- (xxvi) Audit memos received from the Statutory Auditors, with rectification reports thereon.
- (xxvii) Audit reports received from Internal Auditors, with rectification reports thereon.
- (xxviii) Papers pertaining to the election of the Committee.
- (xxix) Complaint from members and correspondence thereof

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

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

The Secretary of the society or the paid employee, authorised by the Committee in that **behalf, may retain in his personal custody, at the close of every day, a sum, not exceeding Rs.5000/- (Rupees** Five Thousand only), for petty expenses. If due to unavoidable circumstances, the cash in hand has exceeded the above limit, the excess cash shall be credited into the bank within the next 3 days by the Secretary or any other person authorised by the Committee to keep cash in hand.

All payments in excess **of Rs.1500/- (Rs. Fifteen Hundred)** shall be made by means of crossed A/c payee's cheques.) Within 45 days of the close of every co-operative year, the Secretary of the society or any other person, authorised by the Committee in that behalf, shall finalize the account of the preceding co-operative year, prepare the Receipts and Payments Statement, the Income and

Expenditure Statement for the said year and the Balance Sheet as at the close of the said year in the forms prescribed under Rule 62(i) of MCS Rules 1961 along with the list of Active members and Non-Active members as at the close of the preceding co-operative year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture, the fixtures and the office equipments etc.

(2) The society shall prepare and file annual returns as prescribed in the Act & the Rules. The society shall file annual returns on or before 30th September of every year to the Registrar including the following matters, namely-

- (a) Annual reports of Societies activities.
- (b) Societies audited statement of accounts;
- (c) Plans for surplus disposal as approved by the general body of the society;
- (d) List of amendments to the byelaws of the society, if any;
- (e) Declaration regarding date of holding of its general body meeting and conduct of elections when due;
- (f) Any other information required by the Registrar in pursuance of any of the provisions of the Act

(3) Every society shall also file a return regarding the name of the auditor or auditing firm from a panel approved by a State Government in this behalf, appointed in the general body meeting together with his written consent within a period of one month from the date of annual general body meeting.

(4) If the Society fails to intimate and file the returns as provided by section 75(2A) and section 79(1B), the Registrar may cause Societies accounts to be audited by appointing an Auditor from the panel of Auditors.

Every paid employee, holding any office in the society and handling cash and/or securities of the society, shall furnish such security, as is provided under Rule 107B of the MCS Rules 1961.

REPAIRS/MAINTAINANCE OF THE PROPERTY :

The Committee shall be competent to incur expenditure on the repairs and maintenance of the society's property once in a financial year, the onetime expenditure does not exceed : **Rs. 1,00,000/-**

If one time expenditure on repairs and maintenance of the society's property exceeds the limits as mentioned under bye-law No. 159(a) prior sanction of the meeting of the general body of the society shall be necessary. The meeting of the general body of the society shall decide the limit up to which the expenditure on

repairs and maintenance of the property of the society could be incurred by the Committee without calling for tenders for the work.

The managing Committee of each and every Housing society shall chalk out Emergency Planning Scheme, which include below mentioned details in respect of the society and the surrounding area.

1. Probability of danger and analysis thereof.
2. Evaluation of risk in pursuance of the danger.
3. Response Machinery eg. Police/Fire Brigade/Municipal council etc. Emergency Telephone Numbers of each and every members.

(b) Telephone Numbers of the officers of the Government Machinery concerned with the emergency management. The management committee shall hold discussion with all the members in the general body meeting over the plan prepared as aforesaid and shall inform about the same to the members. The plan such prepared shall be displayed on the Notice Board of the society and the same shall be made up-to-date from time to time as per the requirement. Important Telephone Numbers. The meeting of the General body of the society may prescribe penalties for different breaches of the byelaws of the society. The Secretary of the society, under instructions from the Committee, shall bring to the notice of the member concerned, the breach/breaches of the bye-law/bye-laws committed by him. If the member persists in continuing the breach/breaches, the Committee shall give the notice to the member to show cause as why the penalty should not be inflicted on him for breach/breaches of the byelaw/bye-laws. The general body meeting, after considering the say of the member and after giving him hearing, may levy penalty to the extent of maximum consolidated penalty of not more than Rs.5000/- in a particular year

The society shall not let out or give on leave and license basis or permit any subletting, giving on leave and license basis any open space available under the Staircases, Terraces/Open ground/Lawns/Club house/Common Hall etc. or to any person whether the member of the society or not, for any purpose whatsoever.

All open /common spaces meant for use of all members for e.g. staircase, steps, landing areas, parking areas, lift, corridor, and such other spaces, cannot be occupied by any member for his own use. The use of such areas shall be restricted to the cause for which these are meant. Any member found to be violating the above condition by encroachment shall have to vacate the encroachment and further he/she shall pay an amount equal to **five times the monthly maintenance charges per month for the period for which he/she** has encroached such spaces and further members must not carry out any

constructions, structural changes over and above the sanctioned plan without prior permission of the society and concern municipal authorities.

Also members must not use the flat /unit for which it was meant/sanctioned.

Any member violating the above directives shall have to pay twice the monthly maintenance charges, per month for the period for which such violation is existed.

Not with standing the provisions under the bye-law No. 170 the Committee may allow temporary use of the terrace or available open space of the society's building by any member, on his written application, for any function, subject to such restrictions and on payment of such charges to the society as the meeting of the general body of the society may decide.

The committee may, with the previous permission of the Local Authority, if needed, allow exhibition of advertisement boards on any part of the building including terrace, on such terms and conditions as are approved by the general body meeting any member /members want/wants to install a solar energy water heating systems or solar energy electrical system, then space shall be made available to such member/members on the terrace as per availability. The said systems includes a Solar collector stand, hot water tank, cold water tank, stand for the tank and hot water pipeline etc, Panels, battery, inverter charging controller, cabling etc for solar energy/electricity. If any letter requesting to provide space therefore, if received, then it shall be binding on the society to give space thereof as per the availability of the space in the society premises.

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

1. Certified copy of the approved Bye-laws of the Society Rs. 5/- per page.
Amendment of the bye-laws of the society Rs. 5/- per page.
2. Last audited Balance Sheet of the Society Rs. 10/- per page.
3. Application for membership of the Society Rs.25/-.
4. Second and Subsequent Nomination by the member of the Society Rs.50/-
5. Share Certificate of the Society (Duplicate) Rs. 100/-
6. List of members of the Society Rs. 10/- per page.
7. Correspondence (related to member) Rs. 10/- per page.
8. Minutes of the general body meetings and committee meetings Rs. 10/- per page.
10. Indemnity Bond Rs. 20/-.
11. Any other document specifically required by member Rs. 10 per page.

All payments should be done by online banking or cheque with the Society Account Nos. The receipt of online payment should be submitted to the society after payment for record and information.

Procedure & Checklist for Transfer of Flats :

An application for transfer of shares and interest in the capital or property of the society should be made in the prescribed form, along with the share certificate. An application for membership of the proposed transferee should be made in the prescribed form. Valid reasons for the proposed transfer should be furnished. All the liabilities of the society should be discharged. Transfer fee should be paid. Entrance fee of the proposed transferee should be paid. Premium (to be fixed at the general body meeting) has to be paid.

This will not apply to transfer of shares and interest of the transferor in the capital or property of the society to a member of his family, his nominee or his legal representative after his death and in case of mutual exchange of flats amongst the members or a registered gift deed executed by the member. No objection certificate required under any law, an order or sanction issued by the government or a financing agency should be furnished. The managing committee or the general body cannot refuse any application for admission to membership or transfer of shares and interest in the capital or property of the society except on the grounds of non-compliance of the provisions of the Act.

If the decision of the committee or general body meeting, on the application for the transfer of shares and interest in the capital or property of the society is not communicated to the applicant within three months of its receipt, the transfer application will be deemed to have been accepted and the transferee will be deemed to have been admitted as a member of the society.

Any transfer made in contravention of the Act, rules or the bye-laws will be void and will not be effective against the society. The transferee will be eligible to exercise the rights of membership on receipt of a letter in the prescribed form from the society. "No Objection Certificate" of the Society is not required to transfer the shares and interest of the transferor to the transferee. However in case such a certificate is required by the transferor or transferee, he shall apply to the society and committee of the Society may consider such an application on merit within one month. [Bye Law No. 38(d)].

DOCUMENTS REQUIRED FOR TRANSFER OF A FLAT

1. Notice of Intention to transfer shares in the prescribed form 20(1) [15 days Notice of Intention as per Bye law 38(a)].
2. Letter of consent of the proposed transferee in the prescribed form 20 (2) [under Bye law No. 38(a)]
3. Application, for transfer of shares and interest in the capital/property of the society, in the prescribed form. [(Form No. 21) . The application should contain valid reasons for the proposed transfer. As per MCS Act 1960 Section 29 (2) it is necessary that the transferor should hold shares or interests in the society for at least a period of one year.
4. Application for membership of the proposed transferee in the prescribed form No.23 (being an individual).
5. Resignation in the prescribed form [as per Bye law no.27 (a) Appendix No.13]
6. Transfer Form along with Transfer Fee Rs. 500/- & payment of amount of Premium at the rate fixed by the general body meeting but within the limits as prescribed under the circular, issued by the Department of Co-operation/Government of Maharashtra from time to time. No additional amount towards donation or contribution to any other funds or under any other pretext shall be recovered from transferor or transferee [Form No. 21 (1)]
7. Payment of Entrance Fee Rs. 100/-.
8. Declaration by the Transferor for not holding immovable property in any Urban Agglomeration, specified under the provisions of the Urban Land Ceiling and Regulation Act, 1976, exceeding 500 Sq. Meters. [Form No. 25]
9. Declaration by the Transferee for not holding immovable property in any Urban Agglomeration, specified under the provisions of the Urban Land Ceiling and Regulation Act, 1976, exceeding 500 Sq.Meters.[Form No. 26]
10. Undertaking to discharge all the liabilities to Society by transferor.
11. Undertaking to be furnished by the prospective Member to use the flat for the purpose for which it is allotted. [(Form No. 4)].
12. Stamp duty paid Agreement copy along with Copy of N.O.C. issued by Appropriate Authority Income Tax, if applicable.(as per section 269AB of the Income Tax Act) (Above 75,00,000 Agreement).

13. Original Share Certificate.
14. Certified True Copy of Registration Receipt.
15. Proof of payment of Stamp Duty.
16. Copy of Possession Letter issued by the Transferor to the Transferee, that the Transferee has been put Peaceful, vacant & physical possession. (Possession Letter)
17. Obtaining No Dues Certificate from the Society.
18. Letter to the Electricity Department to transfer the Electric Meter
- 19 . remium fee as per Bye-law Rs.25000/-.
20. All dues to be cleared if any.

Rules for Levy of Non Occupancy Charges

ORDER 4

Government order in respect of Non-Occupancy Charges No.SGS 1094/15165/C.No. 317/14C Co-operative & Textile Department, Mantralaya (Extension), Mumbai -400 032. Dated 9th March, 1995.

1. Whereas most of Co-operative housing societies have accepted model Bye-laws and in Bye-laws No. 45-3(C) of the said Bye-laws, powers are given to general meeting of the society as to at what rate non-occupancy charges should be recovered, in case a member has sub-let some portion of tenement/flat in his housing society, and
2. Whereas it has come to the notice of the government and Registrars of co-operative societies that taking advantages of this provision, some co-operative societies, on the strength of their majority, are recovering non-occupancy charges at unreasonable rates from a member who has sub-let his tenement, and
3. Whereas, though non-occupancy charges could be a source of income of co-operative housing societies it would not be proper to charge non-occupancy charges more than a certain proportion.

In view of the above facts and contents in the letter of co-operative Commissioner and Registrar of co-operative societies, dated 19-12-1994, the Government is giving directions, in the public interest, under section 79A of Co-operative Act as follows:

- Non-occupancy charges should not be more than one time of service charges. Further, if members have given their tenements to their nearest relatives mentioned below, non-occupancy charges should not be charged. • Mother, father, sister, brother, son, daughter, son-in-law, brother-in-law, sister-in-law, grandson, grand niece and in addition to that, additional relatives as may be decided by society.
- Subject to the above two conditions, non-occupancy charges can be recovered as per procedure referred to in Byelaw No. 45(3)(C) of model Bye-laws of the concerned co-operative societies. The above directions shall apply to residential and commercial flats as well as all types of housing societies and these directions shall come into force from the date of issuance thereof.
- All housing societies should take action to make necessary amendments in their Bye-laws. However if they fail to do so, they should see that non-occupancy charges cannot be charged, from the date of these directions, exceeding limitation, referred to in these directions.

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

ORDER 4A

Government order in respect of levy of Non-Occupancy Charges No. Sagruyo 1094/15165/Case No.317/14 C Co-operation & Textile Vibhab, Mantralaya (Extension), MUMBAI - 400 032 Dated 1st August, 2001.

ORDER

The Maharashtra Government has rescinded its earlier order dated 9th March 1995, which had fixed Non-Occupancy Charges at one time payment of service charges. The new order issued on 1st August 2001 stipulates that the Non-occupancy Charges should not exceed 10% of the services charges (excluding Municipal corporation/Municipalities taxes). The new rates have come in force from retrospective effect i.e. from 9th March 1995. Close relations such as the member's Father, Mother, Sister, Brother, Son, Daughter, Son-in-law, Daughter-in-law, Brother-in-law, Sadu (husband of Wife's sister), Grandson, Grand Daughter and any other relations recognised by the society continue to be exempted from payment of Non-occupancy charges as before.

This order is applicable to all Co-operative Housing Societies in the State, residential and commercial, and shops.

Creation of Other Funds:

'Reserve Fund' means the fund constituted under the provisions of Section 66 (1) of the Act and the Bye-law No. 12(i);

'Repairs and Maintenance Fund' means the fund constituted under the Byelaw No. 13(a);

'Sinking Fund' means the fund constituted under the Bye-law No.13(c);

"Major Repair Funds" means a Fund created by the Society and constituted under Bye-law No. 13 (b), for the purpose of Major Repairs including Plastering, building of compound wall, pavement, total painting, reconstruction.

The society shall create and establish the following funds by collecting contributions from its members at the rates mentioned hereunder:

(a) The Repairs and Maintenance Fund, at the rate fixed at the general body subject to the minimum of 0.75 per cent per annum of the construction cost of each flat, incurred during the construction of the building of the society and certified by the Architect, for meeting expenses of normal recurring repairs of the society buildings/property.

(b) Major repairs funds, as and when required and decided by the General Body at the rate fixed on area basis.

(c) The Sinking Fund at the rate decided at the meeting of the general body, subject to the minimum of 0.25 per cent per annum of the construction cost of each flat incurred during the construction of the building of the society and certified by the Architect, excluding the proportionate cost of the land

(d) To create Education and Training Fund from the Members as contribution of Rs 10 per month / per unit or as decided by the General Body.

Utilisation of the Funds by the Society

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

- (a) Reserve Fund: The Reserve Fund of the society may be utilised for the expenditure on repairs, maintenance and renewals of the society's property.
- (b) Repairs and Maintenance Fund: The Repairs and Maintenance Fund may be utilised by the Committee for meeting the expenditure on maintenance of the society's property and repairs and renewals thereof.
- (c) Sinking Fund: On the resolution passed at the meeting of the general. Body of the society, the Sinking Fund may be used by the society for reconstruction of its building/buildings or for carrying out such structural additions or alteration to the building/buildings, as in the opinion of the Society's Architect, would be necessary to strengthen it/ them or for carrying out such heavy repairs as maybe certified by the Architect and on approval of General Body.
- (d) The Education & Training Fund be utilized as provided under section 24(A) of the Act.

Sub-letting etc. of Flats

- (1) A member shall intimate to the society, of his intention of sub-letting of his flat and on receipt of the permission in writing of the Committee, sublet or give on leave and license basis or care-taker basis his flat or part thereof or part with its possession in any other manner under the following circumstances :
 - i) Where the member is required to go out of the area of operation of the society for a long duration on account of exigencies of service or business or on account of the prolonged illness;
 - ii) Where the member is unable to occupy the flat owing to absence of facilities for education of his children or is unable to secure admission to the school in the locality for them;
 - iii) Where the employer, with a view to ensure efficient discharge of duties, requires him to stay in the accommodation allotted to him by his employer;
 - iv) Where a member satisfies the committee about his inability to occupy or continue to occupy the flat for any other genuine reasons.

(2) No member shall be allowed by the Committee to sub- let, give on leave and license basis or care-taker basis his flat or any part thereof or part with its possession in any manner unless:

- i. He has intimated in the prescribed form;
- ii. He has furnished the application for nominal membership of the proposed sub-lettee, licensee, care-taker or possessor in the prescribed form;
- iii. His application contains the undertaking that-

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

b. he shall pay the charges of the society every month during the period of sub-letting, license etc; he shall pay non-occupancy charges to society. Non-occupancy charges shall be charged in accordance with the circular issued by the Government of Maharashtra! Commissioner for Cooperation from time to time and shall not be levied if the flat is occupied by the "Family" of the member as defined under these bye-laws.

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

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

e. The members will not give his flat to Bachalers on rental basis in the Society.

LEVY OF CHARGES OF THE SOCIETY

The contribution to be collected from the members of the Society, towards outgoing and establishment of its funds, referred to in these bye-laws as 'the charges' may be in relation to the following:

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

BILLING METHOD

ALL ABOVE CHARGES WILL BE RECOVERED ON QUATERLY BASIS,BILLS WILL BE RAISED IN THE 1ST WEEK OF EVERY QUARTER,MEMBERS ARE REQUIRED PAY ON OR BEFORE THE END OF 2ND MONTH OF EVERY QUTER,DELAYED PAYMENT WILL BE CHARGED INTEREST AS SPECIFIED IN BYE-LAWS

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

- i. Repayment of the installment of the loan and interest: The amount of each installment with interest fixed by the financing agency.
- ii. Non-occupancy charges: At the rate fixed under the bye-law No. 43(2)(iii)(c).
- iii. Insurance Charges: The built up areas of each flat, provided that if there is \ increase in the insurance premium due to storing any specific goods in any flat, used for commercial purposes, the extra burden of

- insurance premium shall be shared by those who are responsible for such increased premium in proportion of the built up areas to their flats,
- iv. Lease Rent: The built up area of each flat,
 - v. Non-Agricultural tax: The built up area of each flat,
 - vi. Education and Training Fund: Rs. 10 per Flat/unit per month.

Interest Charges are payable at applicable rates as under;

QUARTER	PERIOD (QUARTER)	DATE OF PAYMENT ON OR BEFORE	Interest @
I	JANUARY TO MARCH	31 st DECEMBER (I.E. END OF QUARTER IV)	
II	APRIL TO JUNE	31 ST MARCH (i.e. END OF QUARTER I)	
III	JULY TO SEPTEMBER	30 TH JUNE (i.e. END OF QUARTER II)	
IV	OCTOBER TO DECEMBER	30 TH SEPTEMBER (i.e. END OF QUARTER III)	

(THE MEMBER WHO PAYS MAINTENANCE AT A TIME FOR WHOLE YEAR HE WILL PAY FOR ELEVEN MONTHS ONLY)

ROLE OF PETOWNERS :

The Owners should avoid their pets being teased by children and others. This angers the animal causing untoward instances for no fault of the animal.

The dog owner must make sure that their pet is not causing any nuisance in the neighbourhood.

Residents keeping domestic animals or other pets shall abide by the Municipal Sanitary Bye-Laws or Regulations.

Ensure that certain strict rules and regulations are followed so that no one is inconvenienced or affected.

Even on walks within the premises or in any other common area, the animal has to be on a leash and accompanied by the owner at all times.

In an apartment block, you have scores of people walking in and out, from maids to milkman to children. It is essential to train the dogs so that they don't get provoked on seeing neighbours and workers.

Ensure that your pet does not become a nuisance to others.

It needs to be toilet trained and taught some amount of discipline.

Ensure that your pet does not cause inconvenience for others.

Ensure that your pet does not fight with others pets.

POLICY FOR ALLOTMENT OF PARKING SLOTS AND USE OF PARKING COMMON AREA:

The Society shall in the General Body meeting frame and adopt Parking Rules to regulate the Parking slots, in accordance with the Act and Rules there under.

The allotment of Parking Space shall be made by the Committee on the basis of "First Come First Served" for available parking slots after excluding those parking which are already allotted by the builder. However preference will be given to members who have not taken parking from the builder or not having any parking place. However the Member shall have no right to sell or transfer the Parking Slot allotted by the Society.

No Member shall be entitled to utilize more parking slots than that officially allotted to him by the Society.

Where any parking slots have been built or open space in the Society's compound is available for parking of cars, the Society shall number and demarcate the stilts and / or the open space in such a way that no inconvenience would be caused to any of the Members of the Society. The Committee shall ensure that the space is used by the Members for the purpose for which it is allotted to them.

Eligibility for allotment of parking slots

A Member having a vehicle will be eligible to have parking slot. Normally no Member shall be eligible for being allotted more than one parking slot. The vehicles may be owned by him or allotted to him by his employer, or the firm of which he is the partner or the company of which he is the director. If any parking slots remain unallotted for want of applicants, additional parking slots may be

allotted to such Members who already have a slot allotted to them in normal course. Such allotment of additional parking slots shall be made on year to year basis, provided the same are not required by other Members, who have not been allotted even a single parking slot.

If more eligible Members and less Parking Slots

In case the number of eligible Members for parking slots is in excess of the available parking slots, then the Managing Committee shall allot parking slots on annual basis by fair and transparent process, in concurrence with the General Body regulations.

Applications for allotment of parking slot

The Member, desiring to have parking slot, may make an application to the Secretary of the Society giving necessary details.

Payment of charges for parking of vehicles

Every Member shall pay the for parking charges for the number of slots allotted to him / her at such rate as may be decided by the General Body of the Society at its meeting, irrespective of the fact whether he actually parks his vehicle or not.

Parking of other vehicles

Every Member, having a scooter, a motor cycle, or an autorickshaw shall obtain prior permission of the Committee for parking his vehicle in the compound of the Society and pay the charges fixed by the General Body of the Society at its meeting.

Place for Visitors Parking:

The Committee will decide the place for parking of visitors vehicles in the AGM and the place was accordingly reserved for visitors parking.

Operation of Lifts, Dish Antenna, Cable Connections etc.

The Committee shall regulate the operation of the lifts, solar water heaters, Dish Antenna, Cable Connection taking into consideration the convenience of the majority of the Members of the Society.

Dish antenna shall be mounted at proper places and cable must be connected to the point provided by the builders. Cable are not taken from outside the building on hanging. All dish anteenas are required to be re organized so that the cable are also connected to the proper points. Cables which are hanging outside are checked and connected to the proper points only.

Every Dish Antenna should be fixed by prior permission from society only.

Restriction on Playing Games

The meeting of the General Body of the Society may, after taking into consideration the location of the building or buildings of the Society and their surroundings and the open space available for playing games by the Members of the Society and their children, allow such games to be played during such hours as may be fixed by the meeting of the General Body of the Society and subject to such restrictions, charges and penalties as it may impose.