Model Bye-Laws of The Co-Operative Housing Societies

I. Preliminary

1. Name of the Society

(a) The name of the society shall be................................................................. Procedure for changing
the name

(b) The society shall follow the procedure laid down under Section 15 of the Act and Rule 14
of the Rules for the change of its name. Classification

(c) The society is classified under major class "Housing" with sub-class "Tenant
Ownership/Tenant Co-partnership Housing Society."

2. Address of the Society

(a) The registered address of the society shall be as under:

Intimation of change in the address of the society

(b) Any change in the registered address of the society shall be intimated by it to the
Registering
Authority and all others concerned within 30 days of such change.

Procedure for changing the address of the society

(c) Any change in the registered address of the society shall be made after following the
procedure laid down in Rule 31 of the Rules.

Exhibition of Name Board

(d) The society shall exhibit at a conspicuous place at the main entrance of the building, a
Board
indicating its name, Registration number and the registered address.

II. Interpretations

3. Interpretations of the words and terms:- Unless otherwise separately provided in these Bye-
laws, the following words and terms shall have the meaning assigned to them herein-

(i) 'Act' means the Maharashtra Co-operative Societies Act; (MCS Act) 1960;
(ii) 'Bye-laws' means the registered Bye-laws of the society;

(iii) 'Chief Promoter' means the person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief Promoter lies vacant, till the first general meeting;

(iv) 'Committee' means the committee of members or other directing body to which the management of the affairs of the Society is entrusted;

(v) '.............. Days' Clear Notice means the number of calendar days intervening between the day of posting the notice and the day of the meeting:.

(vi) 'Flat' means a separate and self-contained set of premises used or intended to be used for residence, or office, or show room, or shop, or god own and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or coaching classes, or palnaghar, beauty parlour, the premises forming part of a building and includes an apartment;

(vii) 'Housing federation' means the; federation of co-operative housing societies, registered under the Act;

(viii) 'Ownership Flats Act' means the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963;

(ix) 'Papers' means all or any of the items mentioned in the Bye laws Nos.142 and 143;

(x) 'Parking Space' means open space within the premises of the society earmarked by it for parking of vehicles and includes a stilt;

(xi) 'Prescribed Form' means the form included in the Annexure 11 indicating the Bye-law number under which if is prescribed and the Appendix at which it is enclosed;

(xii) 'Promoter' means a person, who has signed the application for registration of the society;

(xiii) 'Builder Promoter' means a person who constructs or causes to be constructed a block or building of flats or apartments for the purpose of selling some or all of them to other persons, or
to a company, cooperative society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both;

(xiv) 'Rules' means the Maharashtra Co-operative Societies Rules, 1961;

(xv) 'Reserve Fund' means the fund constituted under the provisions of Section 66(1) of the Act

and the Bye-law No. 12(i);

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

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

(xviii) 'Major Repair Funds' means a Fund created by the society and constituted under Bye law No. 13(b). for the purpose of Major Repairs, such as Plastering, building of compound wall, pavement, total painting, reconstruction.

(xix) 'Municipal Act' means the Maharashtra Municipalities Act, 1965 (Man. XL of 1965);

(xx) 'Open space' means an area, forming an integral part of the site, left Open to sky;

(xxi) 'Open terraces' means terraces which are otherwise not in the exclusive possession of any of the members.

(xxii) 'Common Areas and Facilities' means

(a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stair ways, fire escapes and entrances and exits of the building;

(c) The basements, cellars, yards, gardens, parking areas (unless not specifically sold), and
storage spaces;
(d) The premises for the lodging of janitors or persons employed for the management of the property;
(c) Installations of central services, such as power, light, gas, hot and cold water, heating refrigeration, air conditioning and generators;
(f) The elevators, tanks, pumps, motors, fans, compressors, duets and in general all apparatus and installations existing for common use;
(g) Such community and commercial facilities as may have been provided for;
(h) All other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use;
(xxiii) 'Society' means the...............................................................Co-operative Housing Society Ltd..............................................

(xxiv) 'Member' means a person joining in an application for the Registration of a Co-operative Society which is subsequently registered, or a person duly admitted to membership of a Society after Registration and includes a Nominal and Associate member;
(a) 'Associate Member' means a member who holds jointly a share of a society with others, but whose name does not stand first in the share certificate;
(b) 'Nominal Member' means a person admitted to membership as such after registration in accordance with the Bye-laws;

(xxv) 'Family' means Group of persons which includes husband, wife, father, mother, sister, brother, son, daughter, son-in-law, brother in law, sister in-law, daughter-in-law, grandson/daughter;

(xxvi) Transfer Fees' means the sum payable by a transferor to the society for the transfer of his shares along with occupancy right as provided under the Bye-law No.38 (e) (vii);

(xxvii) 'Premium' shall mean and include the amount payable to the society by the member, transferring his shares and interest in the capital/ property of the society, in addition to the transfer fee as provided under Bye-law No.38(c)(ix);

(xxviii) 'Working Capital' means funds at the disposable of the society inclusive of the paid up capital, share capital, funds created out of profits and money raised by borrowing or by any other means.

III. Area of Operation

4. Area of operation of the society.-The area of operation of the society shall be confined
Explanation.
(i) For the Society in the Brihan Mumbai insert ward in the gap.
(ii) For the Society at other place, insert Corporation/ Municipal limits/Town/Village of ...............................................................Taluka...................................District...............................in the gap.

IV Objects
5. The Objects of the Society shall be as under.-1(a) To obtain conveyance from the owner/Promoter (Builder), in accordance with the provisions of the Ownership Flats Act and the Rules made thereunder, of the right, title and interest, in the land with building/buildings thereon, the details of which are as hereunder;
The building/buildings known/numbered as..........................constructed on the plot/plots Nos.........................of.......................admeasuring.......................sq. meters, more particularly described in the application for registration of the Society;

Footnote:-
1. Struck out whichever is not applicable

Or
(Applicable For Plot-Purchased Type Society)

Objects of the Society
1(a) To buy or-take on lease a plot or plot nos........................of.......................admeasuring................. sq. mts. and to construct flats thereon for allotment to the members of the society for their authorized use.

Or
To purchase a building or buildings known as.............constructed on the plot/plots nos..............of..............admeasuring................. sq.mts. for allotment of flats therein to the members of
the society for their authorized use.

(b) To manage, maintain and administer the property of the society;

(c) To raise funds for achieving the objects of the society;

(d) To undertake and provide for, on its own account or jointly with a co-operative institution, social cultural or recreative activities;

(e) to do all things, necessary or expedient for the attainment of the objects of the society, specified in these Bye laws.

Footnote:-
1. Struck out whichever is not applicable.

V. Affiliation

6. Affiliation of the society to other co-op. institutions:- The society, immediately after its registration, shall become a member of the Housing Federation of the district/area, the district Central Co-operative! Hank of the District and shall pay sums; from time to time payable by it, under the Bye laws of the respective organisations referred to above.

VI. Funds. Their Utilization and Investment

(A) Raising of Funds

7. Modes of raising the funds of the society.- The funds of the society may be raised in one or more of the following ways.

(a) By entrance fees

(b) By issue of shares

(e) By loans and subsidies

(d) By deposits

(e) By voluntary donations, but not from Transferor and Transferee (0 by contributions towards
cost of building or buildings

(g) By fee on transfer of shares, along with the occupancy right.

(h) By premium on transfer of occupancy right over the flats

(i) By any other mode permitted under these Bye-laws (j) by way of statutory requirements

(B) Share Capital

8. Authorized share capital of the society:- The authorized share capital of the society shall be
Rs....................divided into..................shares of Rs.50 each.

9. Issue of share certificates to the members of the society:- A share certificate, prescribed in
Bye laws, bearing distinctive number and indicating the name of the member, the number of
shares issued and the value paid thereon shall be issued by the society to every member for the
shares subscribed by him, within a period of six months of the allotment of the shares.

10. Society's seal and signatures of office-bearers on every share certificate:- Every such
share certificate shall bear the seal of the society and be Signed by the Chairman, the
Secretaryand one member of the committee, duly authorized by the Committee in Flat behalf. The names shall be issued by the Secretary of the society.

(C) Limit of Liabilities

11. Restriction on incurring liabilities by the society:- Deposits from members and loans may
be received by the society for such period and at such rate of interest and up to such amount
and on such terms and conditions as may be determined by the Committee, provided Flat at no
time, the total amount of such liabilities shall exceed the limit prescribed under Rule 35 of the Rules.
(D) Constitution of the Reserve Fund

12. How the Reserve Fund shall be constituted: - (i) The Reserve Fund of the society shall comprise of-
(a) The amounts carried to the said fund, from year to year, out of the net profit of Flat year, subject to the provisions of Section 66(1) and (2) of the Act;
(b) All entrance fees received by the society from its members:
(e) All transfer fees received by the society from its members on transfer of the shares, along with the occupancy rights;
(d) All premium received by the society from its members on transfers of their interest in the capital or property of the society;
(e) All donations received by the society, except those received by it for the specific purpose.

Appropriation of amounts to the Reserve Fund of the society
(ii) The society shall, while finalising the accounts for the preceding go operative year, appropriate all amounts referred to in the Bye law No. 12(i)(b) to (e) to the Reserve Fund of the society.

(E) Creation of Other Funds

13. Other Funds to be created by the society: - The society shall create and establish the following funds by collecting contributions from its members at the rates mentioned hereunder:

Creation of the Repairs and Maintenance fund by the society
(a) The Repairs and Maintenance Fund, at the; rate fixed at the general body from time to time, subject to the minimum of 0.75 per cent per annum Of the construction cost of each flat for meeting expenses of normal recurring repairs;

Creation of the Sinking Fund by the society
(b) Major repairs fund, 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, excluding the proportionate cost of the land.

(F) Utilisation of the Funds by the Society

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

Utilisation of the reserve Fund

(a) Reserve Fund: The Reserve Fund of the society may be utilized for the expenditure on repairs, maintenance and renewals of the society's properly.

Utilisation of the Repairs and Maintenance Fund

flat by the society subject to the terms and conditions set out in the letter of allotment in the prescribed form, including subsequent modifications made by the society to it.

Change of user not permissible without the sanction of the Committee

(b) No member of the society shall use the flat deemed to have been allotted to him under (a) above, for a purpose other than Flat mentioned in the letter of allotment, without the previous consent in writing of the Committee.

Or

(Applicable For Plot-Purchased Type Society)

76. Policy for allotment of flats

(a) The allotment of flats in the building/buildings of the society shall be made to its members on the basis of

(i) The first come first served

(ii) Full payment of the demands, made by the society from time to time or
(iii) By drawing lots as may be decided by the General Body Meeting. The Secretary of the society shall issue letters of allotment of flats in the prescribed form to the respective members and obtain confirmation letters from them.

**Handing over possession of flats**

(b) (i) No member shall be eligible to get possession of the flat allotted to him unless he has made full payment towards shares, cost, of construction, repayment of loan installments, which have fallen due and/or any other charges demanded by the society, under these Bye-laws.

To obtain certificate of possession from the allottee members

(ii) The committee shall, after getting occupation or completion certificate from the local authority, scrutinize the allotment register from time to time and issue instructions to the Secretary of the society to hand over possession of flats to the respective members who have complied with the provisions of the Bye-law No.76(a) as per allotment register and obtain certificates of possession from the allottee members.

**Cancellation of allotment of flats**

(c) Where; any member fails to pay calls made; by the society under the Bye law No.765 (a), within the time; allowed to him by the Committee the allotment of flat made in his favour, shall stand cancelled and the Secretary of the society, under instructions from the Committee, shall inform the member accordingly. Where such cancellation has been made, the flat may be allotted to other applicant approved by the committee if a member, whose allotment is cancelled, makes payment of the calls and Committee at its meeting may consider the matter regarding re-allotment of any other flat to him if it is available; for allotment.

Change of user not permissible without the sanction of the Committee

(d) No member of the society shall use the flat deemed to have been allotted to him under (a)above, for a purpose other than Flat mentioned in the letter of allotment, without the previousconsent in writing of the Committee.
77. Society to carry out Structural Audit:- The society shall cause the Structural Audit of the;

building of the society as follows:

(1) For the building ageing 15 to 30 years-Once in 5 years.

(2) For the building ageing above 30 years-Once in 3 years.

Such structural audit shall be conducted by the Engineers from the; panel of Municipal Corporations in case of the societies which arc in the limits of Municipal Corporations. In case;

of other societies such structural audit shall be carried by the Government Approved Architect.

78. Policy of allotment of parking spaces, and stilts

(a) Member may hold parking space/stilts if he; has purchased the same, and he shall have a right
to sell the same to transferee e) or other eligible member of the same society.

(b) The allotment of parking space/stilts shall be; made by the; Committee on the basis of "First
Come First Served" for unsold and available; parking spaces. However in e:ase of parking space/stilts allotted by the society, the member shall have no right to sell e) or transfer the; said allotted parking space/stilts, to anybody.

79. Restriction on parking spaces, stilts:- No member may be entitled to utilize; more parking
spaces/stilts than wFlat is allotted to him by the Committee, or which he has purchased.

80. Marking of parking spaces or stilts:- Where any stilts have been built or open space in the
society's compound is available for parking of cars, the society shall number the stilt or the openspace in such a way Flat no inconvenience would be caused to any of the member of the society. The Committee shall ensure Flat the space is used by the members for the purpose for which it is allotted to them.
81. Eligibility for allotment of stilts or parking spaces:- A member, having a motor vehicle, will only be eligible to have stilts or a parking space. No member shall normally be eligible for being allotted more than one stilt or a parking space for parking the car owned by him or allotted to him by his employer, or the firm of which he is the partner or the company of which he is the director. If any stilts or parking spaces remain un allotted for want of applicants for allotment, a second or third stilt or parking space may be allotted to the same member who has earlier been allotted the stilt or the parking space. Such allotment of 2ml or 3 ml stilts/parking space shall be made on year to year basis, provided the same is not required by another member, who is not allotted even a single stilt/parking space.

82. Eligibility for allotment of stilts of parking spaces by lots:- In case the number of vehicles of eligible members are in excess then the available parking space/stilts, the managing committee shall allot such parking space/stilts by "lot" on years basis.

83. Applications for allotment of stilts or parking spaces:- The member, desiring to have a stilt or a parking space, may make an application to the Secretary of the society giving necessary details. The procedure for disposal of applications for permission under the Bye law, as laid down under the Bye-law No.65. shall be followed by the Secretary and the Committee of the society.

84. Payment of charges for parking of vehicles:- Every member, who has been allotted the stilt or the parking space shall be required to pay the parking charges at such rates as may be decided by the general body of the society at its meeting, irrespective of the fact whether he actually parks his motor vehicle or not. Where a member has been allotted more than one stilt/parking space, he shall pay parking charges in respect of every such stilt or parking space as decided by the General Body Meeting.
85. 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.

X. General Meetings

(A) First General meeting

86. Holding of the first general meeting within the stipulated period:-- The first general body meeting of the promoters, who have signed the application for registration of the Society, shall be held within the period of 3 months of the date of the registration of the Society, as provided under Rule 59 of the Rules. It shall be the responsibility of the chief Promoter of the Society to convene the said meeting within the stipulated period.

87. Calling the first general meeting by the Registering Authority:-- On failure of the Chief Promoter of the Society to hold the first general body meeting within the period, mentioned in the Bye-law No. 86, the Registering Authority shall cause; it to be called.

88. Period of notice for the first general meeting:-- Fourteen clear days' Notice of the first general body meeting of the Society shall be given by the Chief Promoter of the Society or as the case may be, by the officer authorized by the Registering Authority, to all the promoters, who have signed the application for registration of the society.

122. Period of Office of the elected Committee:-- The period of office of the Committee elected under the Bye-law No. 116(a) shall be for 5 years.
123. The first meeting of the newly elected committee to be held within 30 days of its election:- (a) The first meeting of the newly elected and outgoing Committee shall be held within 30 days from the date of constitution of the new committee as per Bye-laws No. 119. 
(b) Subject to the provisions of the Bye-law No. 123(a) the Secretary of the outgoing Committee shall issue notice of the first meeting of the newly elected Committee and the outgoing Committee to the members thereof. On failure of the Secretary of the outgoing Committee to convene the said meeting, the chairman of the outgoing Committee shall call it. On the failure of both, the Registering Authority may call such a meeting.

124. Custody of the records of the society:- All records of the society shall be kept at its premises, convenient to the Secretary, with the approval of the committee of the Society.

125. Handing over charge by the outgoing committee:- When the new Committee is elected, the Secretary of the outgoing Committee shall prepare the list of papers and property of the society in his custody and hand over the charge thereof to the outgoing Chairman. The retiring Chairman shall hand, over charge of the office of the Committee and all papers and property of the Society, in his possession to the Chairman of the new Committee, as per provisions contained in Section 160 of the Act.

Note: The word 'paper' used in this bye-law and any other bye law shall mean all or any items mentioned in the bye-law Nos. 142 and 143

126. Election of office bearers of the Society:- (a) Every Committee, at its first meeting, after its election, shall elect a Chairman, Secretary and Treasurer from amongst the members of the Committee.

Period of office of the Chairman/ Secretary and no confidence motion against either-(b) The Chairman, Secretary and Treasurer of the Society shall hold office for the period of 5 years from
the date on which he is elected to be the Chairman or as the case may be by the Secretary and Treasurer, but not beyond the expiry of term of the Committee.

Provided Flat he shall cease to be the Chairman, or as the case may be the Secretary or Treasurer of the society, if the motion of No. Confidence is moved in the special meeting of the Committee called, and presided by the Registrar or such officer not below the rank of an Assistant Registrar, upon the notice given by 1/3rds members of the Committee and the motion of 'No Confidence' is passed by 3/4th members present at such meeting, having attendance of at least 2/3rd members of the Committee, who an entitled to vote at the election of such Chairman, Secretary and Treasurer:

Provided further Flat another motion of 'No Confidence' shall not be brought against the Chairman or as the case may be the Secretary or Treasurer of the society unless the period of 6 months has elapsed from the date of the preceding motion of the 'No Confidence'.

127. Quorum for Committee meeting:- The quorum for a Committee meeting shall be 3/4/5/6 members of the Committee. It shall not be competent for the Committee to transact any business unless there is the quorum at the time of consideration of every item on the agenda of the meeting of the Committee.

128. Number of Committee meetings to be held in a month:- The Committee shall meet as often as necessary but at least once in a month.

129. Casual vacancies in the Committee to be filled in by co-option:- In the event of vacancies in the Committee, caused on account of the death, resignation disqualification or removal of any members of the Committee, by the Registrar the Committee may fill in such vacancies by co-option on the Committee of any other members eligible to be on the Committee, irrespective of the fact whether there is the quorum or not notwithstanding anything contained in the Bye-law No.127.
130. The period of office of the member co-opted on the committee: - The period of office of
the co-opted member of the Committee shall be Co-terminus with tenure of office of the
Committee.

131. Resignation by a member of the Committee: - A member of the Committee may, by a
letter, addressed to the Chairman of the Society, resign his membership of the Committee.
The resignation shall be effective from the date it is accepted by the Committee or on expiry
of the period of one month from the date of the receipt of the letter of the resignation by the
chairman or the Secretary of the Society, whichever is earlier.

132. Resignation of office-bearership of the society: - (a) The Chairman of the Society may
resign his office as Chairman by a letter addressed to the Secretary of the Society.
(b) The Secretary or Treasurer of the society may resign his office as Secretary or Treasurer,
by a
letter addressed to the Chairman of the Society;
(c) Chairman/ Secretary /Treasurer's resignation will be effective only after its acceptance and
handing over the charge to the newly elected Chairman/ Secretary/ Treasurer, as the case may
be.
(d) The Committee may accept the resignation of the office of the
Chairman/Secretary/Treasurer only after it is satisfied Flat the Chairman or as the case may be
the Secretary or Treasurer of the society has brought up to date the work entrusted to him and
has produced the entire papers and property of the society, in his possession, before the
Committee.
(c) 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 elate of acceptance
of
such resignations by the General Body. The committee shall continue in office till alternate
arrangement is made for the management of the society.

133. Notice of meeting of the Committee: - The Secretary of the society shall give 3 clear
day's,
notice of every meeting of the Committee to all the members of the Committee, which shall state the date, time and place of the meeting and the business to be transacted thereat, in consultation with the Chairman of the Society. Where the Secretary of the society fails to issue such a notice and agenda of any meeting of the Committee, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fails to issue a notice and agenda of any meeting of the Committee, the concerned Housing Federation, of which society is affiliated, on its receipt of such information, may call such a meeting.

134. The Chairman of the society to preside over the meetings of the Committee:- The Chairman of the society shall preside over all the meetings of the Committee, provided 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.

135. One member one vote. Decisions by majority of the Committee:- Every member of the Committee shall have one vote. However, in case of equality of votes, the Chairman of the meeting will have a second or casting vote. All decisions shall be taken by majority of votes.

136. A special meeting of the Committee at the instance of the 1/3rd members of the Committee- On a requisition by 1/3rd of the members of the Committee, the Secretary of the society shall convene a special meeting of the Committee within 7 days of the date of receipt of the requisition to discuss the matters mentioned in the requisition. On the failure of the Secretary of the society to convene such a meeting, within the time stipulated, the procedure laid down under the Bye-law No. 133 shall be followed,

137. Attending meetings of the Committee and recording their minutes by the Secretary of the society- 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 of the society, the Chairman of the society shall make alternate
arrangements for recording minutes of the meeting.

138. Joint and several liability of the members of the Committee - The members of the
Committee shall be jointly and severally liable for making good any loss, which the society
may suffer on account of their negligence or omission to perform any of the duties and
functions cast on them under the Act, Rules and the Bye-laws of the society.

139. Powers, duties and functions of the Committee: - Subject to the Bye-law No. 113 the
Committee shall exercise the powers and discharge the functions and duties as mentioned
hereunder: