

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,

Mumbai 400 032, Dated 15th April 2025.

NOTIFICATION

MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960.

No. Sanini 0321/ C.R. 41/13C.— The following draft of rules further to amend the Maharashtra Co-operative Societies Rules, 1961, which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of section 165 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and of all other powers enabling it in that behalf, is hereby published, as required by sub-section (3) of section 165 of the said Act, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 16th May 2025.

2. Any objections or suggestions, which may be received by the Principal Secretary (Co-operation and Marketing), Co-operation, Marketing and Textiles Department, Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya Annex, Mumbai 400 032, from any person with respect to the said draft before the aforesaid date, will be considered by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Co-operative Societies (Amendment) Rules, 2025.

2. In rule 2 of the Maharashtra Co-operative Societies Rules, 1961 (hereinafter referred as “the principal Rules”), in clause (1), after the words, figures and letter “under section 24A” the words, figures and letter “or section 154B-6” shall be inserted.

3. In rule 4 of the principal Rules, in sub-section (1), in clause (e), sub-clauses (vii), (viii) and (viii-a) shall be deleted.

4. In rule 8 of the principal Rules, in sub-rule (1),—

(1) in clause (f), for the words “nominal and associate members,” the words “nominal, associate, joint and provisional members” shall be substituted;

(2) in clause (x-1), after the words, figures and letter “section 24A”, the words, figures and letter “, section 154B-6 and section 154B-28” shall be inserted.

5. In rule 10 of the principal Rules, in sub-rule (1), in the table, in entry 5 of,—

(1) in column (3) against sub-class (c), for the words, figures and letter “House Mortgage Societies and House Construction Societies”, the words, figures and letter “House Mortgage Societies, House Construction Societies and Premises Societies” shall be substituted;

(2) in class 5, in columns (2) and (3), after sub-clause (c), the following classes shall be inserted, namely :—

“(d) Co-operative Housing Association.-	A housing association comprises at least two housing co-operative societies registered in the same layout;
“(e) Association of Society.-	An association of five or more housing co-operative societies or other legal entities registered in the same layout.”

6. Rule 20A of the principal Rules shall be deleted.

7. Rule 20B of the principal Rules shall be deleted.

8. In rule 26 of the principal Rules, after the words, brackets and figures “sub-section (1) of section 30” the words, figures and letter “or section 154B-13” shall be inserted.

9. For rule 33 of the principal Rules, the following rule shall be substituted, namely :—

“33. *List of members.*— The list of members to be kept by every society shall be in Form J. ”.

10. In rule 57A of the principal Rules, in sub-rule (7), in clause (g), for sub-clause (iii), the following proviso shall be added, namely :—

“Provided that, sub-clause (iii) shall not apply to the Housing Societies.”

11. In rule 58 of the principal Rules, after the words, figures and letters “disqualification as mentioned in section 73CA” the words, figures and letter “or section 154B-23” shall be inserted.

12. In rule 60 of the principal Rules,—

(1) in sub-rule (1), the words “an active member elected by the active” shall be deleted;

(2) in sub-rule (3), the word “active” shall be deleted;

(3) in sub-rule (4), the word “active” shall be deleted.

13. In rule 65 of the principal Rules, in sub-rule (1), clauses (1-a) and (1-b) shall be deleted.

14. In rule 85 of the principal Rules, in sub-rule (1), for the words and figures “under sections 98, 101 and 137” the words figures and letters “under sections 98, 101, 137 and 154B-29” shall be substituted.

15. After rule 106B of the principal Rules, the following CHAPTER shall be inserted, namely:-

“CHAPTER XI-B

CO-OPERATIVE HOUSING SOCIETIES

106C-1. *Non-application of provisions of these Rules to housing societies.*- Rules 4, 19, sub-rule (1) of rule 20, rules 22, 25, 27, 30A, rules 35 to 48, rules 49B, 49C, 53, 53C, 63A, 66, 86A, rules 93 to 103 of these Rules shall not apply to the housing societies.

106C-2. *Application for reservation of name and permission to open bank account.*- (1) Every application for the reservation of a name and permission to open a bank account for the proposed housing society shall be submitted in Form Y-1. The application shall be accompanied with,-

- (i) a resolution of promoters who attended the meeting for electing and authorizing the Chief Promoter, along with the minutes of the said meeting;
- (ii) a commencement certificate or building completion certificate, certified by an architect, for a proposed tenant co-partnership housing society or premises society, or a copy of the tentative layout plan, certified by an architect, or the sanctioned layout plan for a proposed tenant ownership housing society.

(2) Every application for the reservation of a name and permission to open a bank account for the proposed Association of Societies or Co-operative Housing Association shall be submitted in Form Y-2. The application must be signed by at least two authorized office bearers of each society or legal entity. The application must be accompanied with,-

- (i) a list of office bearers who attended the general body

meeting of the proposed association of societies or co-operative housing association for electing and authorizing the Chief Promoter, alongwith the minutes of said general body meeting.

(ii) a resolution from the general body meeting of at least five societies for the proposed Association of Societies, or a resolution from the general body meeting of at least two societies or legal bodies for the proposed Co-operative Housing Association, giving consent and authorizing any two office bearers to attend the general body meeting and sign the necessary documents.

(iii) a copy of the registration certificate of each individual society or legal body.

(iv) a certificate from an architect certifying that the individual societies or legal bodies are part of the same layout or plot.

(3) The application shall be sent to the Registrar by registered post, hand delivery or electronic mode.

(4) The Registrar shall upon receiving an application under the sub-rule (1) or (2), enter the particulars into the register maintained in Form Y-3, give a serial number, and issue a receipt in acknowledgment thereof.

(5) The Registrar may allow the promoters to amend the application before reserving the name and granting permission to open a bank account.

(6) The Registrar shall dispose off such application within thirty days of receipt. The Registrar may grant permission for the reservation of the name and the opening of a bank account for

the proposed society or the Registrar may reject the application after recording reasons therefor in writing and communicate the decision to the applicant. The permission may be subject to such conditions, if any, as specified in letter communicating such decision.

106C-3. Application for registration and registration fees.- (1)

Every application for the registration of a society under section 154B-3 shall be made in Form 'Y-4' in Marathi, Hindi or English within two months from the date of granting permission for the reservation of the name of proposed society and opening of a bank account.

(2) The application, subject to the provisions of section 154 B-2, be signed by the Chief Promoter and shall, in addition two copies of the proposed bye-laws of the society, be accompanied by,-

- (a) a list of persons who have contributed to the share capital, together with the amount contributed by each of them, and the entrance fee paid by them;
- (b) a certificate from the bank or banks stating the credit balance in favour of the proposed society;
- (c) a scheme showing the details explaining how the working of the society will be economically sound and, where the scheme envisages the holding of immovable property by the society, a description of such property proposed to be purchased, acquired, or transferred to the society.
- (d) the registration fees at the following rates, namely:-

	Rs.
(i) Tenant Ownership Housing Societies	5,000
(ii) Tenant Co-partnership Housing Societies	5,000

(iii)	Other Housing Societies	5,000
(iv)	Housing Societies of Backward Class Persons	50
(v)	Housing Societies under Lok Awas Yojana	50
(vi)	Co-operative Housing Association	5,000
(vii)	Association of Societies	5,000

(3) The application shall be submitted to the Registrar by registered post, hand delivery or electronic mode.

106C-4. *Conditions to be complied with for admission to membership, etc.-* (1) No person shall be admitted as a member, except associate or provisional member of a society, unless,-

(a) he has applied in writing in the form specified in the Bye laws of the society for membership alongwith value of at least five shares and entrance fee of rupees hundred;

(b) applicant has submitted, alongwith the application for membership of the Society, a certified copy of the agreement, duly stamped and registered entered into by him with the Promoter Builder or Transferor; or Registered Gift deed;

(c) his application is approved by the committee of the society:

Provided that, if the application is made by any person as defined in section 154 B-1(20) (ii to xii), then the application for membership shall also be accompanied by a resolution authorising it to apply for such membership.

106C-5. (i) Any person defined in section 154 B-1 (18) (a) may apply for being as an Associate Member of any member in Form Y-4 alongwith a recommendation of a member.

(ii) An Associate Member ceases to be an associate member on

the death of the member who has made recommendation for his membership or on the resignation or death of such associate member.

106C-6. (1) Procedure for admission of provisional members.-

(a) After the death of any member or joint member, the nominee of such member may apply for provisional membership in Form Y-4, along with an indemnity bond indemnifying the society against any future claims regarding the shares or interest of the deceased member in the society's property. If there is more than one nominee, all nominees shall make joint application.

(b) Where a member of society dies without making a nomination, or no nominee comes forward for transfer, the society shall, invite applications from legal heirs of the deceased member for admitting as a provisional member, by publishing a notice in at least two local daily newspapers having wide circulation. Such notice shall also be exhibited on the notice board of the society.

(c) After taking into consideration the application received and after making such inquiries as the committee deems fit in the circumstances prevailing the committee shall if it is of the opinion that a person is a legal heir or representative of the deceased member, admit any of the legal heirs as a provisional member as per the provisions of this rule. The Applicant shall make an application in Form Y-5 for admitting as a provisional member alongwith Indemnity Bond.

(d) If there are more claimants than one, they shall be asked to make an affidavit as to who should become the provisional member. The person named in the affidavit shall furnish an Indemnity Bond alongwith his application, as mentioned in sub-rule (a).

(e) If the claimants do not come to agreement, as to who should become the provisional member, the committee shall call upon them to produce a legal heirship certificate or succession certificate or a letter of administration from the competent court.

(f) A provisional member shall cease to be a provisional member once the names of the legal heirs are entry on record.

(g) A provisional member shall not have any right, title or ownership of the property and his name shall not be included on the share certificate.

(2) Procedure for Transfer on the basis of family arrangement.-

(a) After the death of any member or any of the joint members, the legal heirs of such member or any of the joint members may enter into a duly registered deed of family arrangement recording the terms and conditions with respect to the share, right, title, and interest in the flat held by the deceased member or joint member in the society's property.

(b) The legal heirs shall thereafter make an application in Form Y-5 to the society, along with the duly registered deed of family arrangement and an indemnity bond indemnifying the society against any claims made to the shares, right, title, or interest in the flat of the deceased member or joint

member in the property of the society at any time in the future, by any person.

(c) The committee shall, after receipt of the application, immediately publish a public notice in two daily local newspapers having wide circulation, inviting any claims or objections regarding the proposed transfer of shares, right, title, and interest in the flat held by the deceased member or joint member. Such notice shall also be exhibited on the notice board of the society.

(d) If no claim or objections are received within a prescribed time period, the committee may transfer the share, right, title and interest in the flat of the deceased member or joint member to the legal heirs as provided in the duly registered family arrangement.

(e) If any claims or objections are received from any person claiming to be the legal heir of the deceased member or joint member or having any dispute pertaining to the duly executed family arrangement, then the committee shall not transfer the right, title or interest of the deceased member and inform such legal heirs to obtain a legal heirship certificate or a letter of administration from the court of competent jurisdiction.

106C-7. Co-operative education and training for members, officers, and employees of housing societies.- (1) Every Co-operative Housing Society, Association of Societies, or Co-operative Housing Association shall organize annual education and training programs for its members, officers, and employees through the State Federal Society or the State Apex Training

Institutes.

(2) Every co-operative housing society shall contribute rupees ten per member per month to the Co-operative Education and Training Fund, and every Co-operative Housing Association or Associations of societies shall contribute Rs.1000 annually to this fund. Such contributions shall be collected annually and used within the financial year, or the following year, for training programmes.

(3) As far as possible period of education and training shall be,-

- (a) for member at least one session of three hours, annually,
- (b) for members of committee, office bearer and employees at least two sessions of three hours, annually.

(4) The State Federal Society or the State Apex Training Institute notified by the State Government shall arrange to cater the co-operative education and training to the members, officers and employees of the Co-operative Housing Society, Association of Societies, or Co-operative Housing Association.

(5) The State Federal Society or State Apex Training Institutes to be notified by the State Government shall have,-

- (a) registration under the provisions of the Act or any other Act;
- (b) a State-wide operational area;
- (c) provisions in their bye-laws for providing co-operative education and training to the members, officers and employees of the society;
- (d) adequate infrastructure to provide co-operative education and training to the societies;
- (e) qualified teaching and non-teaching staff; and

(f) adequate experience in the field of imparting co-operative education and training.

(6) The societies shall, every year make provision and contribute to Co-operative education and training fund of the notified State Federal Societies or State Apex Training Institutes.

106C-8. *Nomination of persons.*- (1) A member or joint member of a co-operative housing society may nominate any person or persons for provisional membership by submitting the prescribed nomination form, as outlined in the society's bye-laws. The nomination form must be signed by the member submitted to the society during their lifetime. In case of Joint members, separate nomination form shall be submitted for each member for their respective share.

(2) Any nomination made may be revoked or varied by submitting a new nomination form, by following procedure specified in the society's bye-laws.

106C-9. *Registration of nominations.*- The name and address of every person nominated for the purpose of provisional membership, as well as any revocation or variation of such nomination, shall be entered in the register maintained under rule 32.

106C-10. *Conditions for borrowing by societies with limited liability.*- No housing society shall incur liability exceeding ten times the total amount of its paid-up share capital, accumulated reserve fund, amount contributed by members towards land and building, and the building fund, minus accumulated losses:

Provided that, at the time of re-development, a housing

society may borrow up to ten times the value of the land, as per the valuation report obtained by the society from a Government-approved valuer.

106C-11. Creation of funds.- The society may establish and maintain the following funds, as approved by the general body, namely:-

(1) *Reserve fund.-* The society may establish reserve fund which shall consist of,-

- (a) all entrance fees received by the society from its members;
- (b) all transfer fees received by the society from its members on transfers of membership;
- (c) the amounts allocated to this fund from the net profit or surplus of that year, in accordance with the provisions of sub-sections (1) and (2) of section 66;
- (d) all donations received by the society, except those designated for specific purposes.

(2) *Sinking fund.-* The Society may establish Sinking Fund which shall consist of contributions collected from its members at a rate determined in the general body meeting, subject to a minimum of 0.25% per annum of the construction cost of each flat, incurred during the building's construction and certified by the Architect. This fund shall be used for heavy repairs, as approved by the general body.

(3) *Repair and maintenance fund.-* The Society may establish Repair and Maintenance Fund which shall consist of contributions collected from its members at a rate fixed in the general body meeting, subject to a minimum of 0.75% per

annum of the construction cost of each flat, incurred during the building's construction and certified by the Architect. This fund shall cover expenses for routine recurring repairs of the society's buildings or property.

(4) *Major repair fund.*- The Society may establish Major Repair Fund which shall consist of contributions collected from its members at a rate fixed *pro-rata* on an area basis, as and when required, and decided by the general body. The Major Repair Fund shall be used for significant repair and maintenance work on the society's building and property.

(5) *Education and training fund.*- The Society may establish Education and Training Fund which shall consist of contributions collected from its members.

(6) *Election Fund.*- The Society may establish election fund which shall consist of contributions collected from its members. The society may collect contributions equally from all members for conducting elections of the managing committee, as decided by the general body.

(7) *Welfare Fund.*- The Society may establish Welfare Fund which shall consist of equal contributions collected from its members. The welfare fund, shall be used for social, cultural and recreational activities organized by the society.

(8) *Corpus fund.*- The Society shall maintain Corpus Fund.

(9) *Any Other Funds with the Permission of the General Body.*- The Society may establish any other additional funds for specific purposes with contributions collected equally from all members, subject to approval of general body.

106C-12. Levy of the charges.- (1) The contributions to be

collected from the members or unit holders of the society, for the funds and the rates specified therein are as follows, namely:-

- (a) service charges;
- (b) property tax;
- (c) water charges;
- (d) expenses on repairs and maintenance of the lifts of the society, including charges for running the lift;
- (e) car parking charges;
- (f) interest on defaulted charges;
- (g) repayment of the installment of the loan and interest;
- (h) non-occupancy charges;
- (i) insurance charges;
- (j) lease rent;
- (k) non-agricultural tax;
- (l) contribution towards various funds created by the society;
- (m) any other charges approved by the general body at its meeting, however such charges should not contradict the provisions of the Act and rules.

(2) The service charges of the society referred to in sub-rule (1) above shall include the following, namely:-

- (a) salaries of the office staff, lift men, watchmen, mali's, and any other employees of the society;
- (b) where the society has an independent office, the property taxes, electricity charges, water charges, etc., for the same;
- (c) printing, stationery, and postage;
- (d) travelling allowance and conveyance charges to the staff

- and the members of the committee of the society;
- (e) sitting fees paid to the members of the committee of the society;
- (f) annual subscription of the housing federation and any other cooperative institution to which the society is affiliated;
- (g) entrance fees for affiliation to the housing federation and any other cooperative institution;
- (h) audit fees for internal, statutory, re-audit, and test audit, if any;
- (i) expenses incurred at meetings of the general body, the committee, and the sub-committees, if any;
- (j) retainer fees, legal charges, territory enquiry fees;
- (k) common electricity charges.
- (3) *Share of charges.*- The committee shall apportion the share of each member or unit or flat holder towards the charges on the society on the following basis,-

Sr. No. (1)	Charges (2)	Nature of apportion (3)
1.	Service charges	equally divided by number of units/flats.
2.	Property tax	As fixed by the local authority and for common area on the basis of carpet area of each unit or flat.
3.	Water charges	on the basis of total number and size of inlets or taps provided in each flat as per the sanctioned building plan by the competent authority.

4.	Expenses on repairs and maintenance of the lift of the society including charges for running the lift	on the basis of unit/flat, equally divided by the number of units/ flats of the building in which lift is provided.
5.	Car parking charges	at the rate fixed by the general body
6.	Interest on defaulted charges	at the rate fixed by the general body not exceeding simple interest 12% per annum.
7.	Repayment of the installment of the loan and interest	the amount of each installment with interest as fixed by the financial agency.
8.	Non-occupancy charges	10% of service charges.
9.	Insurance charges	as per the carpet area of each flat: Provided that if there is increase in the insurance premium due to storing any specific goods in any flat or unit used for commercial purposes than the extra burden of insurance premium shall be shared by those who are responsible for such increased premium in the proportion of the carpet areas to their flats.
10.	Lease rent	the carpet area of each unit/flat

11.	Contribution towards	
	(i) Sinking fund	At the rate fixed by the general body subject to minimum 0.25% per annum of the construction cost of each flat / unit
	(ii) Repair and maintenance fund	At the rate fixed by the general body subject to minimum 0.75% per annum of the construction cost of each flat / unit
	(iii) Major repair fund	The carpet area of each flat/ unit.
	(iv) Education and training fund	Ten rupees per member or as per the rates fixed by the Government for each member, from time to time whichever is higher.
	(v) Election fund	Equally by the members
	(vi) Welfare fund	Equally by the members
	(vii) Any other fund	Equally by the members
	(viii) Amenities charges	Club house, club membership, gym, swimming pool on the basis of use of facility by the member.
	(ix) Playground, garden, jogging track	equally divided by number of units or flats.

106C-13. Management of housing societies.-

(1) Adoption and Governance by Model Bye-Laws.-

(a) The management of every housing society, association of

society, or co-operative housing association shall be governed by the bye-laws of the society approved by the Registrar. Bye-laws of the society shall form the core governance framework for the society.

(b) The Registrar of Co-operative societies shall issue the model bye-laws, for the housing society, Association of Societies and Co-operative Housing Association.

(c) Every housing society, Association of Society, or Co-operative Housing Association shall adopt the model bye-laws within three months from the date of their publication by the Registrar.

(2) *Duties and functions of the Managing Committee.-*

(a) The Managing Committee shall execute decisions taken by the general body, prepare the annual budget, maintain financial records and ensure timely audits, repairs and maintenance of the society's property.

(b) The committee may with the approval of the general body, appoint professionals, such as architects, contractors, etc., for projects of the society and for the purposes of the society.

(c) The committee shall also ensure that the Society adheres to the model bye-laws adopted by the it and perform duties as per the model bye-laws.

(3) *General Body,-*

(a) The general body shall be the supreme decision-making authority in the society and its decisions are binding on the managing committee, which is responsible for

implementing them.

(b) The general body shall have the power to resolve matters that fall within its jurisdiction as per the Act, rules, Bye-laws and Government directives issued under section 79A of the Act.

(c) The annual general body meeting (AGM) shall be held every year as per the provisions of section 75 of the Act.

(d) The notice and the agenda of the annual general body meeting (AGM) shall be in accordance the provisions of the Act.

(e) The quorum for the general body meeting (AGM) shall be two-thirds of the total members or 20 members, whichever is less.

(f) If there is no quorum, within half an hour after the time appointed for general body meeting of the society, the meeting, if convened upon the requisition of the Members, shall be dissolved. In any other case, it shall be adjourned to a later hour on the same day and at the same place, as may have been specified in the notice, calling the general body meeting of the society or to a subsequent date, not earlier than seven days and not later than thirty days and at such adjourned general body meeting, the business on the agenda of the original general body meeting shall be transacted, whether there is requisite quorum or not. Decisions at the general body meeting (AGM) shall be passed by a majority vote of fifty-one per cent. of the total members of the society present, including those attending through video conferencing.

(g) For regular matters, a special general body meeting may be called by giving five clear days' notice.

(h) For redevelopment matters, such as selecting a developer or contractor, a fourteen clear days' notice period is mandatory and the quorum for redevelopment-related special general body meeting shall be two-third of the total members of the society. Such meeting shall be conducted in the presence of the representative of the Registrar. Video recording of the meeting for re-development shall be made and shall be kept in custody of the Chairman and one copy of the said shall be kept in the office of the Deputy Registrar for Co-operative Societies within whose jurisdiction the society is located.

(i) A resolution for the selection of a developer or contractor for redevelopment shall be passed by a majority of fifty- one per cent. of the total members of the society.

(4) Casual Vacancies in the Committee.-

(a) A casual vacancy in the committee, arising due to the death, resignation, disqualification, removal or incapacity of a member or any other reason before the expiry of their term, may be filled by the Managing Committee.

(b) The Secretary or an authorized person shall invite nominations from members by giving a seven day notice on the society's notice board.

(c) After scrutinizing the nominations the valid nominations shall be placed before the committee.

(d) If the number of valid nominations exceeds the vacancies, the committee shall fill the vacancies by majority vote.

(e) The term of the co-opted member shall be coterminous with the term of the committee members.

(5) *Maintenance and repairs,-*

(a) The managing committee is responsible for maintaining and repairing of the society property.

(b) The managing committee shall be competent to incur expenditure on the repair and maintenance of the society's property once in a financial year provided the one-time expenditure does not exceed,-

for 1 to 25 members upto rs. 1,00,000,

for 26 to 50 members upto rs. 2,00,000, and

51 and above member upto Rs. 3,00,000.

106C-14. *Grant of certificate for recovery under section 154B-29.-*

(1) *Application for grant of certificate for recovery.-*

(a) Every application for the grant of a certificate for recovery under section 154B-29 shall be submitted alongwith a court fee of rupees one hundred.

(b) The application must specify the dues the society claims from the person against whom the amount is due.

(c) The application shall clearly state whether the person from whom the amount is claimed is a member of the society or not.

(2) *The application shall be accompanied with,-*

(a) A letter of authority, authorizing an officer or a representative to submit the application and represent the society before the Registrar.

(b) A certified true copy of the up-to-date account of dues or

personal ledger of the defaulting member or occupier.

- (c) A certified true copy of the resolution approving the levy of major repair funds or construction costs.
- (d) A certified true copy of the resolution approving the levy of simple interest on the dues.
- (e) The original treasury challan or any other proof of the deposit of fees.
- (f) A copy of the notice issued by the society.

(3) *Scrutiny and Registration of Application.-*

- (a) Upon receiving the application, the Registrar shall ensure that the application is complete before proceeding to register it.
- (b) If the application is incomplete, the Registrar may direct the society to rectify the deficiencies within seven days.
- (c) After compliances of the requirements, the application shall be registered. If the requirements are not complied with, within the period specified, the Registrar shall dismiss the application.
- (d) After registration, the Registrar shall, within fifteen days, issue a notice to the opponent, requiring them to file a written statement on the specified day, date and place as specified in the notice.
- (e) The notice shall be served through hand delivery, registered post acknowledgment due, or if the opponent could not be easily found by publication of public notice thereof in at least one local daily newspaper.
- (f) The provisions of the Code of Civil Procedure, 1908 shall *mutatis mutandis* apply to such public notice.

(g) The expenses for the publication of the notice shall be borne by the applicant.

(4) *Appearance of parties and consequences of non-appearances,-*

(a) On the date fixed as aforesaid, the opponent shall appear either personally or through his advocate or his representative before the Registrar and shall file a written statement in his defense. The Registrar may grant adjournment for a period not exceeding fifteen days in the first instance to file a written statement.

(b) On the date of hearing, if the applicant appears and the opponent or any of the opponents, if more than one, does not or do not appear, as the case may be, the Registrar shall after satisfying himself that all the opponent are duly served the notices, order the applicant to prove the claim on the next date and decide the application *ex-parte*:

Provided that, before deciding the application, if the opponent appears and shows a sufficient cause for his non-appearance on the earlier occasions, he shall be heard in the matter as if he had appeared before the Registrar on the first day.

(c) If, on the date fixed for the hearing, the opponent appears and applicant does not appear,-

(i) the Registrar may issue a recovery certificate as admittance by the opponent;

(ii) non-appearance of the applicant would not be reason for dismissal of the claim and the Registrar shall decide the application on merit.”.

16. In rule 107 of the principal Rules, in sub-rule (1), in clause (e),-

(1) after the words and figures and “or under sub-section (1) of section 137” the words, figures and letter “or sub-sections (1) and (2) of section 154B-29” shall be inserted;

(2) in the proviso, after the words and figures “under sub-section (1) or (2) of section 101” the words, figures and letter “or sub-sections (1) and (2) of section 154B-29” shall be inserted.”.

17. Forms J-1 and J-2 appended to the principal Rules shall be deleted.

18. Forms M-1 to M-19 appended to the principal Rules shall be deleted.

19. After Form-Y appended to the principal Rules, following Forms shall be added, namely:-

“Form ‘Y-1’

(See rule 106C-2(1))

Form of application for reservation of name and permission for opening of bank account for a proposed Co-operative Housing Society.

To,
The Joint/ Deputy / Assistant Registrar of Co-operative Societies.

.....

Subject: Reservation of Name and opening of bank account of the proposed Co-operative Housing Society.

Sir,

I wish to inform you that I have been elected as the Chief Promoter of theCo-operative Housing Society Ltd.(proposed). I enclose a certified true copy of the resolution of the Promoters of the proposed society, held on..... at..... electing me as the Chief Promoter. As per the authority vested in me by virtue of Resolution No. passed in the said meeting of the Promoters, I am making this application for reservation of name as Co-operative Housing Society Ltd. (Proposed).

If the above proposed name is not available for reservation, any one of the following alternative names, in the order of preference, may be reserved :-

1. _____
2. _____
3. _____
4. _____

The information required for securing reservation of name is as follows:-

1. Name of the proposed society to be reserved:
2. Details of plot, such as location and Municipal ward on which the building is proposed to be constructed or already constructed :
3. Postal address for correspondence purpose :
4. e-mail address:
5. Details of land whether it is already acquired or proposed to be acquired :
6. No. of flats proposed to be constructed or already constructed :

7. No. of promoters who have already joined the proposed society :
8. Whether the applicant is one of the promoters of the proposed society :
9. Address of the proposed society :
10. Details of the Chief Promoter :
 - (a) Full name, occupation and address of the Chief Promoter :
 - (b) Residential Address :
 - (c) Business/ Service :
 - (d) Occupation :
 - (e) Mobile No :

I hereby enclose the following documents:-

- (1) Copy of resolution of promoters of society.
- (2) In case of tenant co-partnership housing society or premises society, copy of agreement with any one proposed member by the builder promoter, copy of commencement certificate or the building completion certificate certified by the architect.
- (3) In the case of tenant ownership housing society, a certified copy of the agreement for sale of land or letter of consent from Vendor for sale of land, or assurance letter from Government and copy of tentative lay-out plan certified by Architect or sanctioned lay-out plan.

I declare that the information given above, including in the enclosures, is correct.

I request you to reserve the above name and grant permission for opening of bank account of the proposed housing society accordingly.

Yours Faithfully,

Date :-

Place:-

(Name and Signature of Chief Promoter)

Form 'Y-2'
(See rule 106C-2(2))

Form of application for reservation of name and opening of bank account for a
proposed Association of Society or Co-operative Housing Association.

To,
The Joint/ Deputy / Assistant Registrar of Co-operative Societies.
.....

Subject: - Reservation of Name and opening of bank account of the
proposed Association of Society/Co-op Housing Association

Sir,

I wish to inform you that I have been elected as the Chief Promoter of the Association of Society/ Co-operative Housing Association (proposed), I enclose a certified true copy of the minutes of general body meeting and list of office bearers who attended the general body meeting of the proposed Association of Society/ Co-operative Housing Association, held on..... at..... electing me as the Chief Promoter. As per the authority vested in me by virtue of Resolution No. passed in the said meeting of the office bearers, I am making this application for reservation of name as Association of Society/ Co-operative Housing Association. (Proposed).

If the above proposed name is not available for reservation, any one of the following alternative names, in the order of preference, may be reserved :-

1. _____
2. _____
3. _____
4. _____

The information required for securing reservation of name is as follows:-

1. Name of the proposed Association of Society/ Co-operative Housing Association to be reserved:
2. Details of individual societies or legal bodies that are part of the same layout or plot :
3. Postal address for correspondence purpose :
4. e-mail address:
5. Details of societies or legal bodies giving consent or authorizing two office bearers to sign the necessary documents:

6. No. of societies or legal bodies forming the association :
7. No. of office bearers who have already joined the proposed association :
8. Whether the applicant is one of the office bearer of the proposed association :
9. Address of the proposed association :
10. Details of the Chief Promoter :
 - (a) Full name, occupation and address of the Chief Promoter :
 - (b) Residential Address :
 - (c) Business/ Service :
 - (d) Occupation :
 - (e) Mobile No :

I hereby enclose the following documents:-

- (1) Copy of minutes of general body meeting and list of office bearers who attended the general body meeting.
- (2) Copy of the resolution from the general body meeting of five societies for the proposed Association of society or a resolution of the general body meeting of two societies or a consent of the legal bodies for the proposed Co-operative Housing Association to authorize two office bearers to attend the general body meeting and to sign the necessary documents.
- (3) Copy of the Registration certificate of such individual society or legal body.
- (4) Copy of a certificate from an architect certifying the individual societies or legal bodies are part of the same layout or plot.

I declare that the information given above, including in the enclosures, is correct.

I request you to reserve the above name and grant permission for opening of bank account of the proposed association of society accordingly.

Yours Faithfully,

Date :-

Place:-

(Name and Signature of Chief Promoter)

Form 'Y-4'

(See Rules 106C-3 (1), 106C-5(i) and 106C-6(1))

The Form of application for Provisional Membership by the nominee

To,
The Secretary,
.....Co-operative Housing Society Ltd.

Subject :- Application for provisional membership.

Sir,

I, Shri/Smt. hereby make an application for provisional membership of the..... Co-operative Housing Society Ltd., as nominee / legal representative of the of the deceased member Shri/Smt. was a member of the society holding.....shares of Rs. each and flat / tenement no...in the society's buildings.

Shri/Smt. died on A copy of the death certificate is enclosed. The late Shri./Smt. the deceased member of the society had nominated me/us under Rule 106 C-7 of the Maharashtra Co-operative Societies Rules, 1961.

or

The late Shri/ Smt. the deceased member of the society has not made any nomination and I am the legal representative of the deceased member and I shall abide by the provisions of the Maharashtra Co-operative Societies Act, 1960 and the Maharashtra Co-operative Societies Rules, 1961.

I request you to please admit me as a provisional member of the society till the legal heirs are brought on the record of the society to transfer the shares and interest of the deceased member in the capital and property of the society in their names. The share certificate held by the deceased member is enclosed herewith.

Being the only nominee as per nomination filed with the society by the deceased member or being the legal representative of the deceased member, I am entitled to make an application for provisional membership of the society. I undertake to discharge the present and future liabilities to the society.

I have got understood the provisions of Act, Rules and bye-laws of the society and undertake to abide by the same.

Yours Faithfully,

Date :-

Place:-

(Signature of Nominee/
Signature of legal Representative).

Form 'Y-5'

(See Rule 106C-6(1)(c) and (2)(b))

The Form of application for Membership by the Legal Heirs executing duly
registered Family Arrangement

To,
The Secretary,
.....Co-operative Housing Society Ltd.
.....

Subject :- Application for Membership.

Sir,

I, Shri/Smt. hereby make an application for membership of the..... Co-operative Housing Society Ltd., as the legal heir / legal representative of the deceased member or joint member. Shri/Smt. was a member or joint member of the society holding.....shares of Rs. each and flat / tenement no.....in the society's buildings.

Shri/Smt. died on
A copy of the death certificate is enclosed.

I hereby state and submit that I am the person entitled to inherit the property of late Shri./Smt., the deceased member of the society and thereby I have entered upon a duly registered Family Arrangement with other legal heirs to transfer the share, right, title and interest for the flat no. _____ held by Late Shri/Smt. _____, the deceased member of the society in my name.

I request you to please admit me as a member of the society. The share certificate held by the deceased member is enclosed herewith. I undertake to discharge the present and future liabilities to the society.

I have got understood the provisions of Act, Rules and bye-laws of the society and undertake to abide by the same.

Date :-
Place:-

Yours Faithfully,

(Signature of Legal Heirs /Legal
Representative).

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

PRAVIN DARADE,
Principal Secretary to Government.