

Seminar on Elections in Co-operatives & Professional Opportunities

**PROFESSIONAL OPPORTUNITY
FOR CA IN CO-OPERATIVE
SECTOR AND HOUSING
SOCIETIES.**

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24/12/2016,
COOP COMMITTEE(MAHARASHTRA) OF WIRC OF ICAI.**

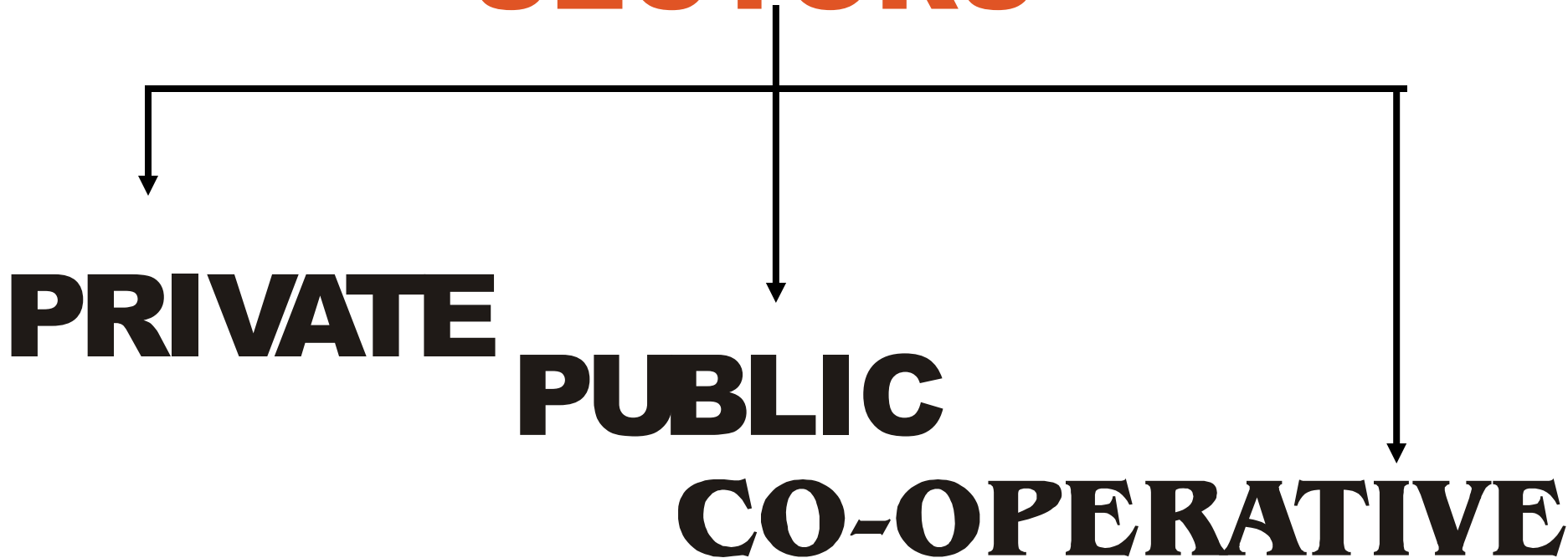
Areas for Discussion

- *About and types of Cooperative Business Enterprise*
- *Professional Opportunities in in Cooperatives and Housing Societies.*
- *97th Constitutional Amendments – Professional Mgt.*

1. UNDERSTAND CO-OPERATIVE AS BUSINESS ENTERPRISE

ECONOMIC ACTIVITIES

THREE SECTORS



CO-OPERATIVE ENTERPRISE- BUSINESS OPPORTUNITIES

Agriculture

Food

Retail

Wholesale

Housing

Child Care

Community Development

Financial Services

Community Economic Development

Media & Communications

Arts & Culture

Transportation

Energy

Environment

Travel

Education & Research

Recreation

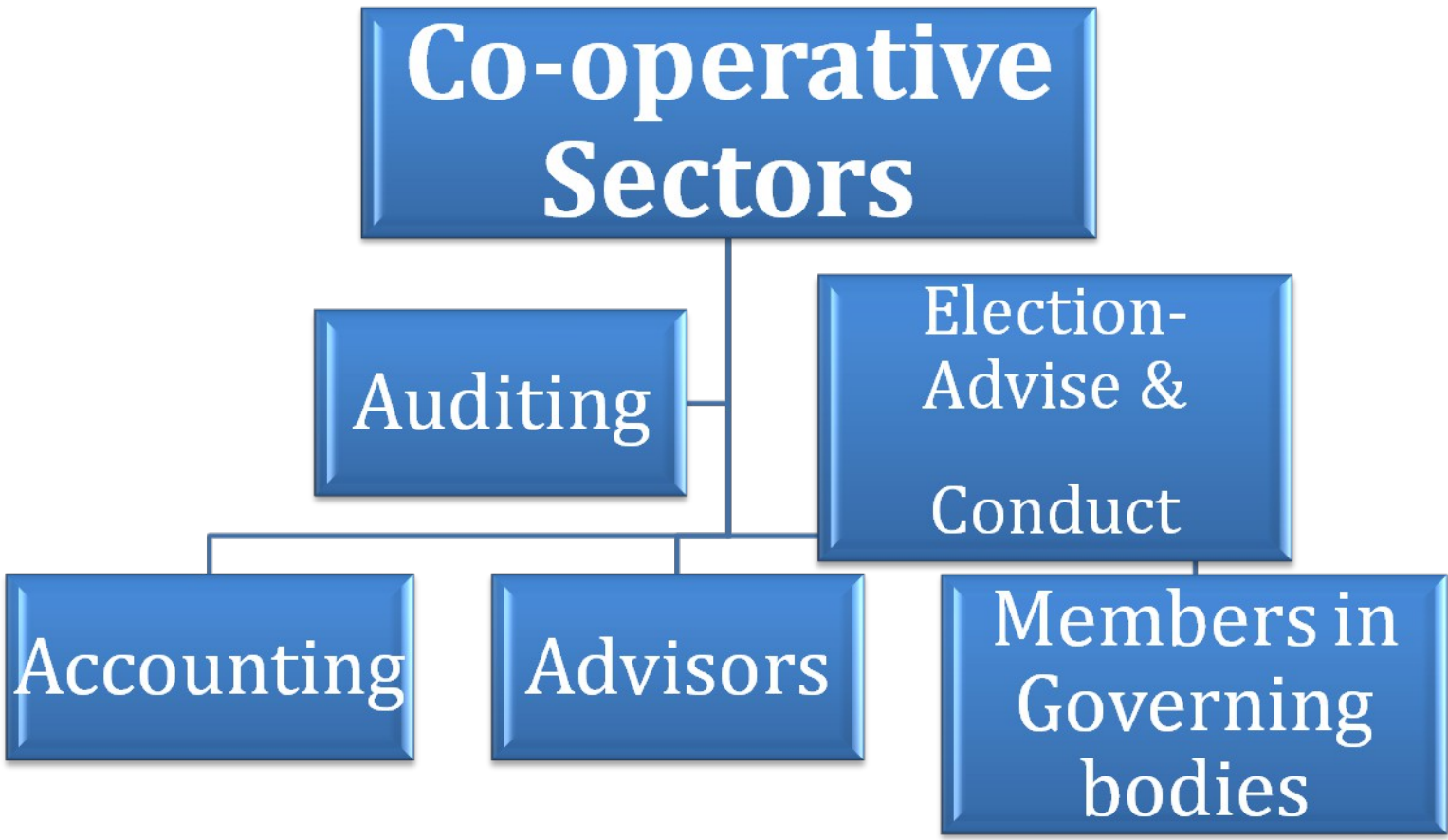
Health

Federations & Associations

Services



PROFESSIONAL OPPORTUNITIES IN CO-OPERATIVE SECTORS





Financial Management- An Overview



4. Ensure Good Governance

1. Principles of democratic member control-through active members.
2. Autonomous functioning
3. Professional management
4. Avoid Political Interference & corruption.
5. Improve administration & Improve reporting system to govt and members.
6. Good ACCOUNTING & AUDITING practices
7. Accountability on Mgt & members

97th Constitutional Amendment for Co-op Reforms (Jan 2012) –



- Amendment of Article 19 makes Right to form Cooperative Societies a **Fundamental Right**.
- Insertion of Article 43B makes it a **Directive Principles of State** to ensure voluntary formation, autonomous functioning, democratic control and professional management of Cooperative Societies.
- **Election Commission-like authority mandated:** “The superintendence, direction and control of the preparation of electoral rolls for, and conduct of, all elections to a co-operative society shall vest in such an authority or body, as may be provided by the Legislature of a State...”

97th Constitutional Amendment – Highlights (Cont'd)

- Fixed term of **five years** to elected board.
- **Active members-** Economic Participation & attending meetings
- **Professional Mgt** by Expert & Functional Directors
- Equality by providing reservations for **women & SC/ST**
- Provides for **independent professional audit**
- Gives **Right to Information** to Members of Co-op Societies
- Empowers Govt to obtain periodic reports & A/cs.
- Provides for **offences** relating to Coop Societies & **penalties** for such offences

REGISTRATION OPPORTUNITIES

- **Registration of the society or the Federation**
- **Society registration through the builder or by the members under non co-operation from the builder**
- **Formation of condominium (under Mah. Apartment Ownership Act, 1970)**
- **Formation of company for managing the Affairs of the Complex**
- **Registration of society under Society Registration Act.**
- **Consultancy for facilitating registration through builder**

ARRANGING MEETINGS THROUGH THE REGISTRAR

- **First meeting, if not conducted within 3 months from the registration, if reported to the registrar by any members.**
- **Requisition general body meeting, if not done by the committee within 1 month of request made by 1/5th members.**
- **Attending the meeting of the members on behalf of the registrar**
- **Conducting the Annual General body meeting after 14th Aug or after 14th November on behalf of the registrar.**

TAKING OVER THE CHARGE

- **Consultancy and facilitation to verify the documents to be received from the chief promoter or builder at the time of taking over of the society.**
- **Facilitating to take the charge from the outgoing committee**
- **If the old committee reluctant to give the charge or handover the documents, approach the registrar and facilitate to receive the records.**

CONDUCT THE ELECTION AND CONSTITUTE THE COMMITTEE

- **Society can appoint the CA as the Election officer**
- **Registrar also can appoint as the Election officer**
- **Constitution of the committee by the Registrar by the proper order**
- **Helping for signing the Indemnity bond**
- **Taking over the charge from the old committee to the new committee**

AUDIT, INSPECTION AND ENQUIRY

- **Statutory audit – by registrar or by the society**
- **Internal audit - by the Society**
- **Inspection u/s 89 through the registrar**
- **Enquiry officer u/s 83 by the registrar**

AUTHORISED OFFICER APPOINTMENT BY THE REGISTRAR

- To conduct the first meeting or any general body or committee meeting.**
- To execute the orders of transfer of shares etc u/s 79**
- To conduct the meeting for the purpose of re-development**
- Election officer**
- Verification of documents filed under deemed conveyance.**
- For vetting of the conveyance deed on behalf of registrar**
- For execution and registration of conveyance deed under the deemed conveyance procedure**

CONSULTANCY TO THE PARTIES

- **Societies**
- **Individual members**
- **Registrar as a representative or authorized officer.**

VARIOUS DEPARTMENT / AUTHORITIES WITH WHOM THE SOCIETIES MAY HAVE TO INTERACT

- Dy. Registrar**
- Joint Registrar**
- Ministry**
- High court**
- Consumer Court**
- Co-operative Court**
- Appellate Court**
- B. M. C. – Illegal construction, dispute in property taxes, dispute in water charges levied, BMC notices for pest control, leave and license information, change of users etc.**
- Federation of the society for executing the recovery order issued by the registrar,**
- Represent to the Federation not to appoint any administrator**
- Various disputes to be handled by the Federation**

REPRESENTATION BEFORE THE REGISTRAR

- ▶ **For admission of membership filed u/s 22 and 23 of the M.C.S Act either on behalf of the society or on behalf of member.**
- ▶ **Appeal before the Joint registrar**
- ▶ **Recovery of dues from members u/s 101 either on behalf of the society or on behalf of member**
- ▶ **Expulsion of member u/s 35 again on behalf of the society or on behalf of member.**
- ▶ **For conveyance under deemed conveyance provision on behalf of the society or on behalf of the builder**
- ▶ **Adoption of bye-laws**
- ▶ **Withdrawal of Sinking Fund**

CONSULTANCY

- **For stamp duty and registration**
- **Drafting of the agreement**
- **Filing of Income tax returns**
- **Filing of TDS returns**
- **Transfer documents**
- **Transfer of shares and the flat due to the death of the member**
- **Gift deed and transfer of flats and shares.**

PREPARATION OF STATUTORY REGISTERS & Annual Filing of Returns

- **Share register,**
- **Member register in I form**
- **List of members in J form**
- **Nomination register**
- **Property Register**
- **Mortgage Register**
- **Investment register**
- **Issue of share certificate**
- **Record of individual files of the members with application form, agreement copies, receipt of various undertakings etc.**
- **Allotment of flat registers**
- **Filing of Annual Returns as per section 79(1A)**

CONVEYANCE AND DEEMED CONVEYANCE

- Procuring the various documents**
- Studying the case and giving the report**
- Attending the meeting with the committee and the general body to discuss about the conveyance advantages and the various remedies.**
- Drafting the petition for deemed conveyance**
- Appearing for the society or the builder in the hearing of deemed conveyance before the deputy registrar.**

CONVEYANCE AND DEEMED CONVEYANCE

- **Act as the authorized officer appointed by the registrar**
- **Vetting of the conveyance deed, if referred by the registrar**
- **Get the stamp duty adjudicated on the conveyance deed.**
- **Verification of the stamp duty liability of the individual flat buyers**
- **Registration of conveyance deed and obtaining the deemed conveyance order**

RE-DEVELOPMENT PROCESS AND PROCEDURE

- **Procuring the various documents required for re-development**
- **Studying the case and giving the feasibility report**
- **Attending the meeting with the committee and the general body to discuss about the re-development process and procedure**
- **Drafting the various correspondence, agreement on re-developments, minutes writing**
- **Appearing for the society or the builder in the before the deputy registrar.**

RE-DEVELOPMENT PROCESS AND PROCEDURE

- **Act as the authorized officer appointed by the registrar to attend the general body in which developer is appointed.**
- **Vetting of the various agreements provided by the developer**
- **Get the stamp duty adjudicated on the Development agreement, individual agreements etc.**
- **Verification of the stamp duty liability of the individual flat buyers**
- **Registration of development agreement, individual agreement etc.**

INCOME TAX, SERVICE TAX AND TAX PLANNING

- **Tax Planning**
- **Income Tax filing**
- **T.D. S return**
- **Service tax payment**
- **Service tax Return.**

RETAINERSHIP

- **Attending the meeting of the society**
- **Annual contract for various services
(Retainer ship)**
- **Case to case consultancy for transfer,
recovery or legal heir transfer etc.**

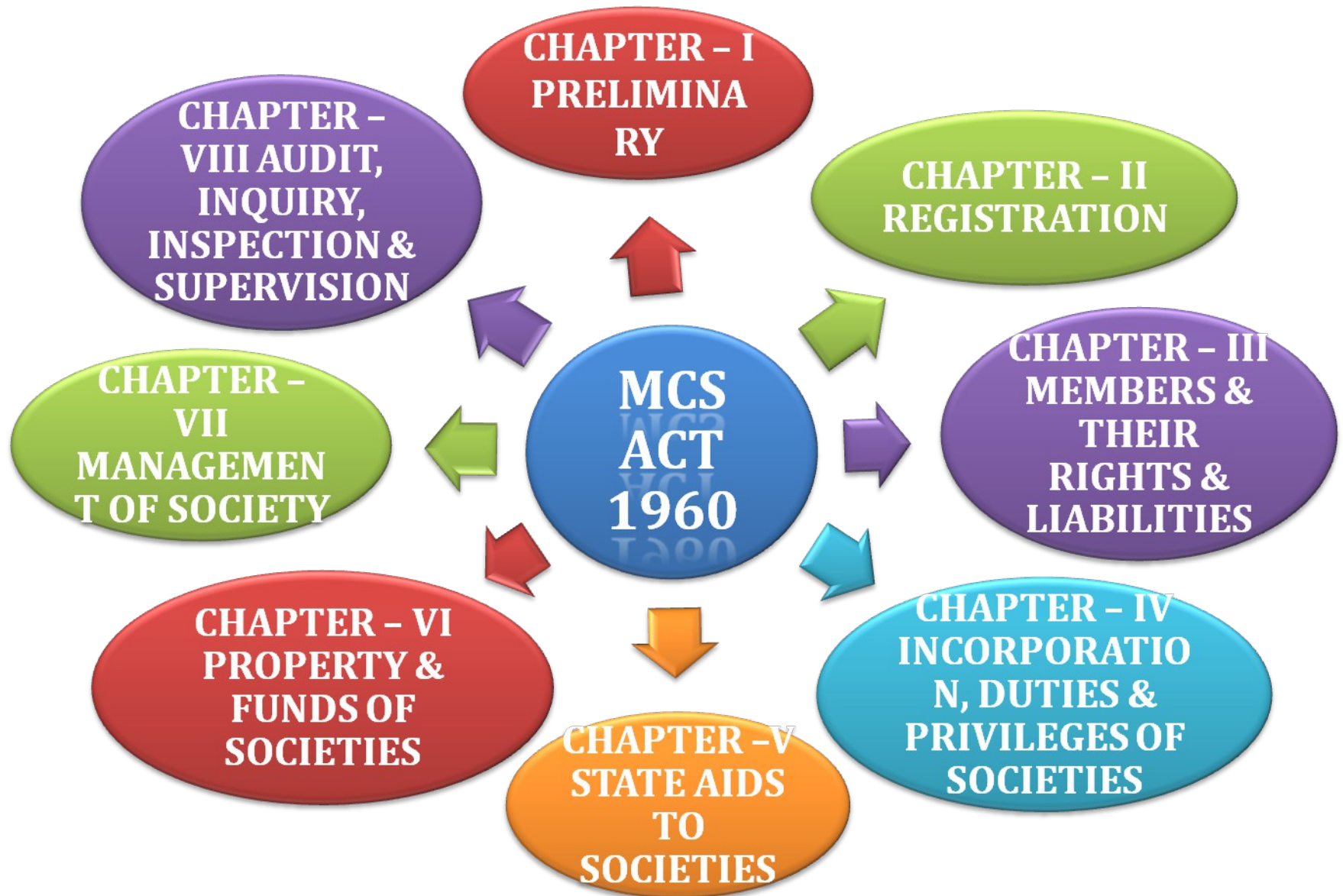
STAMP DUTY AND REGISTRAR.

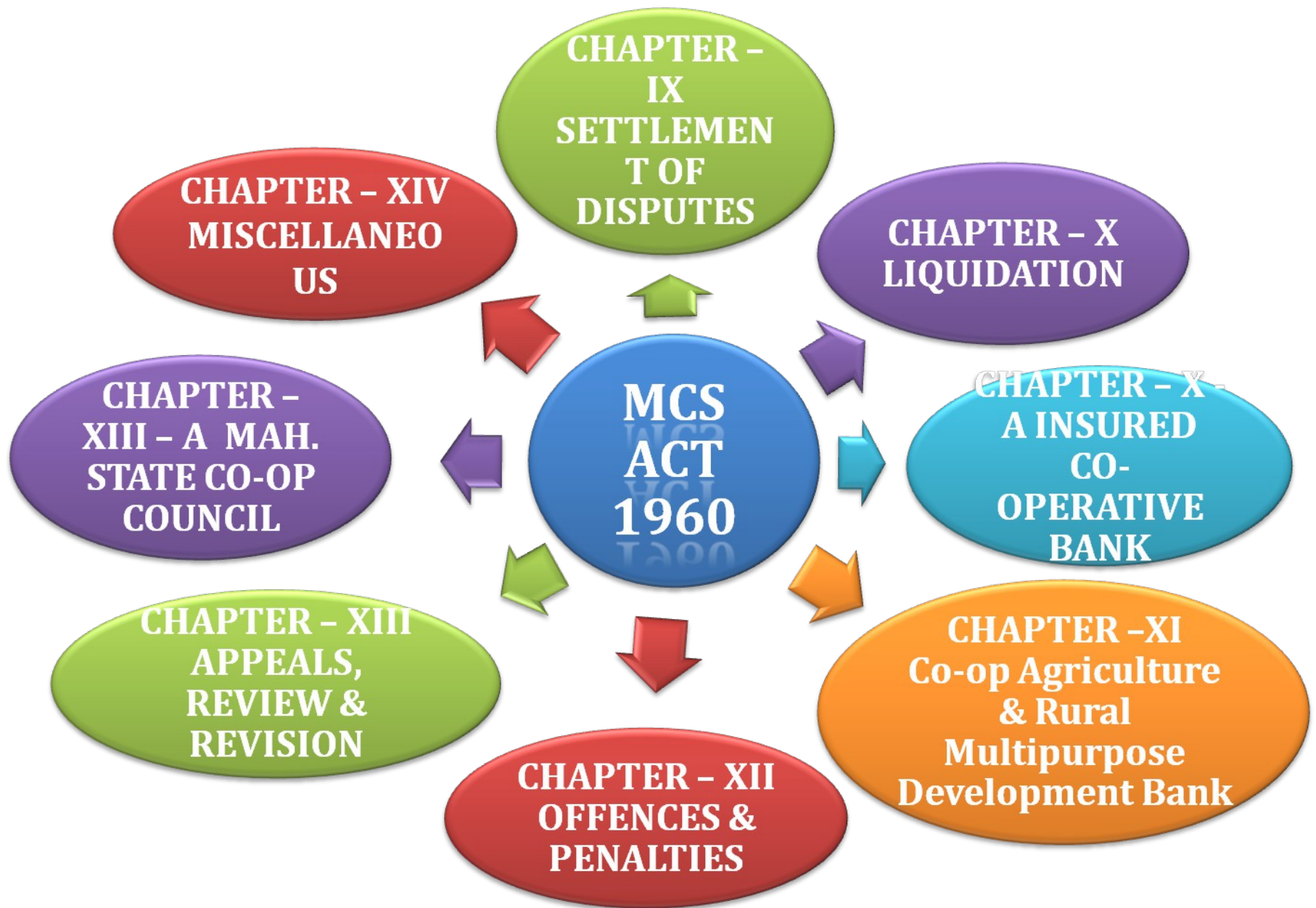
- **Drafting the agreement and deeds**
- **Calculation of stamp duty on various types of instruments.**
- **Obtaining the certified copies and index ii**
- **Registration of the documents with the sub-registrar**

PROJECT LOANS AND HOUSING LOANS

- **Housing loans for individuals**
- **Project loans for the builder**
- **Re-development loans**
- **Major repairs from the Mumbai District
Central Co-op bank or**
- **Maharashtra State Co-operative Bank.**

THE MAHARASHTRA CO-OP. SOCIETIES ACT - 1960





Co-op Enterprises & Co-op Stakeholders



Let us be Partner in Nation Building

CA.Ramesh S. Prabhu, FCA, CISA(USA)

What is all this empowering us to do? Innovate, Get involved & Solve social problems for financial inclusion and better India through Co-ops!

Thank you for Getting involved in the discussion!

CA RAMESH PRABHU ,