



REGISTRATION  
OF  
HOUSING SOCIETY

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PRABHU

(CHAIRMAN)

MSWA



**CHAPTER - I**  
**CHVĀṆĀLEK - I**

**INTRODUCTION TO  
CO-OPERATIVE SOCIETIES**

# INTRODUCTION

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Co-operative movement in our country shall not only stay but also grow in times to come. In spite of the drawbacks experienced in the working and administration of the co-operative societies, they have positively contributed to the growth and development of the national economy. Promotion of thrift, self-help and mutual aid are the fundamental principles of co-operation. The orientations of commercial organisation and co-operative organisations are basically different. In a commercial organisation, earning and maximizing the profits is the sole motive; whereas in a co-operative organisation profit cannot be the sole motive. The

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prime objectives, in addition to the three fundamentals of co-operation mentioned above are to make available the goods and services in required quantity, of better quality and at a reasonable price to its members. It does not mean that a Co-operative Society is a charitable organisation. It should, therefore, conduct itself in a business like manner in attaining its objectives efficiently.

Broadly speaking there are three sectors operating in the Union of India.

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1. **PUBLIC SECTOR** wherein the State i.e. the Union of India and the respective State Government undertake developments projects which are wholly owned by either the Central Government or the State Government.
2. **PRIVATE SECTOR** which is a sector where private enterprises are permitted in certain fields of economic activities.
3. **CO-OPERATIVE SECTOR** which is beautifully blended in between a public sector and the private

# INTRODUCTION

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sector. It has benefits of both the sectors and disadvantages of neither of them.

## **ACT & RULES APPLICABLE**

A Co-operative Society functions as per the provisions of

1. Co-operative Societies Act under which the same is registered.
2. Co-operative Societies rules made there under

# INTRODUCTION

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3. Bye-laws approved by the registrar at the time of registration and amendments made from time to time and approved by the registrar.

4. Notification and Orders

We are explaining the same in detail as under:

## **1. CO-OPERATIVE SOCIETIES ACT**

We have a number of Co-operative Societies Acts functional in different states like

# INTRODUCTION

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- Maharashtra Co-operative Societies Act, 1960,
- Pondicherry Co-operative Societies Act, 1972,
- Karnataka Co-operative Societies Act, 1959,
- Delhi Co-operative Societies Act, 1972,
- Kerala Co-operative Societies Act etc.

When the area of operation is restricted to one state, the State Co-operative Act & Rules, under which the society is registered, will be applicable.

In a particular state, if Co-operative Act and Rules is not enacted, the Central Act which is known as The Co-operative Act, 1912 and its rules will be applicable.



# **INTRODUCTION**

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When the area of operation of Society is spread in two or more states. The Multi-State Co-operative Societies Act, 1984 and its rules shall be applicable.

## **2. CO-OPERATIVE SOCIETIES RULES**

A set of rules is also framed under the respective State Co-operative Act for procedural aspects.

## **3. BYE-LAWS**

Each society also registered with the bye-laws for internal management of the societies duly approved by

# INTRODUCTION

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the registrar at the time of registration of the society. The bye-laws of a society constitute a contract between a member and the society and it provide for the management of the society. The bye-laws are framed within the provisions of the Act and the rules made there under. Bye-laws include the objects of the society and completely define and restrict the society's activities, but the rights and liabilities of members are determined by the Act and Rules and not by the bye-laws as such.

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## **4. NOTIFICATION AND ORDERS:**

Issued from time to time by the Government or any other Authority as prescribed under the Act, Rules there under.



**CHAPTER - II**  
**CHABLEK - II**

**TYPES OF SOCIETIES**

# **TYPES OF SOCIETIES**

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A Society is categorised on the basis of its objects. There are various types of societies that can be formed under Maharashtra Co-operative Societies Act, 1960. Housing Society is one of the types of societies registered under the Act.

## **TYPES OF SOCIETY**

A co-operative society is registered and classified on the basis of its objectives.

Apart from the multi-state and apex societies, the main categories of societies are enumerated below:

# TYPES OF SOCIETIES

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- (a) Agricultural Marketing Societies;
- (b) Consumer Societies;
- (c) Co-operative Bank;
- (d) Central Bank;
- (e) Crop Protection Societies;
- (f) Farming Societies;
- (g) Lift Irrigation Societies;
- (h) Processing Societies;
- (i) Producer's Societies;
- (j) Credit Societies;
- (k) Housing Societies;
- (l) General Societies.

# TYPES OF SOCIETIES

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## HOUSING SOCIETY

As per section 2(16), "Housing society" means a society, the object of which is to provide its members with open plots for housing, dwelling houses or flats; or if open plots, the dwelling houses or flats are already acquired, to provide its members common amenities and services.

# TYPES OF HOUSING SOCIETIES

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- **Flat Owners Societies:-** A society formed by different purchasers of the residential tenements under MOFA [Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963]. The object of a flat owners society is to obtain the conveyance of the plot along with the building containing the tenements thereon and to manage, maintain and administer the same.
- **Open Plot Society:-** A society formed by a group of individuals with the objective for acquiring a plot of land, constructing tenements thereon and administering, maintaining & managing it.



# TYPES OF HOUSING SOCIETIES

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- **Tenants Societies:** A society formed by the tenants of a building with the objective of acquiring a plot of land with an old building thereon from the landlord and managing, maintaining and administering it.
- **Housing Board Society:-** A society formed by allottees of flats in a building constructed by the Maharashtra Housing and Area Development Board Society (Housing Board). Such a housing board society acquires the plot of land with a building thereon from the board and its objects include the management, maintenance and administration it.

# TYPES OF HOUSING SOCIETIES

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- **Premises Society (General Type):-** A 'General Society' is a type of society similar to a Housing Society. Commonly it is known as a 'Premises Society'. The purchasers of commercial or industrial tenements under MOFA constitute a General Society. The objectives of a general society are similar to those of flat owners society.

# MEMBERS OF SOCIETY

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As per section 6(1) of the Maharashtra Co-operative Societies Act, at least 10 persons are required to form a co-operative society. However, a lift irrigation society consisting of even 5 or more persons may be registered. There is no maximum limit on the membership of a co-operative society. To make a society viable and to keep it free from disputes and differences by policy, different limits for maximum members have been evolved.

# REGISTRATION OF SOCIETY

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The following Sections of the Maharashtra Co-operative Societies Act, 1960 provides for the procedure for registration of a society.

# **TYPES OF SOCIETIES**

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<b>SECTION</b>	<b>PARTICULARS</b>
4	Societies which may be registered
5	Registration with limited / unlimited liability
6	Conditions of registration
7	Power to exempt societies / class of societies from conditions as to registration
8	Application of registration
9	Registration
10	Evidence of registration
11	Power of registrar to decide certain questions

# TYPES OF SOCIETIES

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## JURISDICTION FOR REGISTRATION

For the purposes of registration of societies, the city of Mumbai has been divided as per the Municipal Wards. The Deputy / Assistant Registrar of each ward is the Registration Authority (RA) of the co-operative societies in that particular ward. Normally the office of such RA is situated within the limits of the respective ward. However if no space is available for the office of the RA in any ward, the office of the RA is at the Office of the Deputy Registrar of Co-operative Societies, Malhotra House (India House), 6th Floor, Opposite GPO, Mumbai.

# **TYPES OF SOCIETIES**

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## **REGISTRATION OF SOCIETY**

The following Sections of the Maharashtra Co-operative Societies Act, 1960 provides for the procedure for registration of a society.

# **TYPES OF SOCIETIES**

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## **ADDRESS OF REGISTRAR'S OFFICE**

The Registrar of Co-operative Societies  
Malhotra House, 6th Floor, Opp. GPO,  
Mumbai – 1, Tel: 2261 8471

Divisional Joint Registrar of Co-operative Societies  
Vardhavat Mansion, Shivaji Path, Thane,  
Tel: 2533 1486



# **CHAPTER - III**

## **CHAPLEK - III**

### **PROVISIONS FOR REGISTRATION OF CO-OPERATIVE SOCIETIES**

# **PROVISIONS FOR REGISTRATION OF CO-OPERATIVE SOCIETIES**

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There are different types of Co-operative Societies, which can be registered under the Maharashtra Co-operative Societies Act, which were explained earlier.

In all these types of societies, the procedure to be followed for formulation of registration proposals slightly differs. The requirements in respect of each type of co-operative society's needs to be properly understood by every promoter, or the professional charged with the responsibility of getting the society registered (chief promoter).

# PROVISIONS UNDER THE M.C.S. ACT, 1960

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In all these types of societies, the procedure to be followed for formulation of registration proposals slightly differs. The requirements in respect of each type of co-operative society's needs to be properly understood by every promoter, or the professional charged with the responsibility of getting the society registered (chief promoter).

# PROVISIONS UNDER THE M.C.S. ACT, 1960

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Sections 3 to 11 of the Act, provide for registration of Societies and the conditions for the same. Section 4 provides for a nature of an organisation, which can be registered as a Society. Section 6 lays down the conditions for registration of the Society. Section 8 provides for application for registration bye-laws and the registration fees. Section 9 provides for time bound registration of the Society and the bye-laws.

# JURISDICTION

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Each Society based on its area of operation has to be registered by the Registrar appointed by the Government for the particular jurisdiction.

For the purpose of registration of the Societies the City of Mumbai has been divided as per the Municipal Wards. There is a Deputy or Assistant Registrar of Co-operative Societies for each Ward who is the Registration Authority for the Co-operative Societies in that Ward. Normally the office of such Registering Authority (RA) is situated within the limits of such

# JURISDICTION

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Ward. However if no space is available for the office of the RA in any ward the office of RA of such Ward is at the office of Deputy Registrar Co-operative Societies Malhotra House 6th floor opposite GPO Mumbai. Other places in each Taluka one Deputy/Assistant Registrar, Registers & Supervises the Societies.

# SOCIETIES, WHICH MAY BE REGISTERED

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As per section 4, a society, which has as its objects the promotion of the economic interests or general welfare of its members or of the public, in accordance with co-operative principles or a society established with the object of facilitating the operations of any such society, may be registered under this Act:

Provided that, no society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on development of the co-operative movement, or the registration of which may be contrary to the policy directives, which the State Government may, from time to time, issue.

# REGISTRATION WITH LIMITED OR UNLIMITED LAIBILITY

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As per section 5, a Society may be registered with limited or unlimited liability.

As per section 2[28] “society with limited liability” means a society having the liability of its members limited by its bye-laws;

As per section 2[29] “society with unlimited liability” means a society, the members of which are, in the event of its being wound up, jointly and severally liable for and in respect of its obligations and to contribute to any deficiency in the assets of the society;



# CONDITIONS OF REGISTRATION

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As per section 6(1) No society, other than a federal society, shall be registered under this Act, unless it consists of at least ten persons [or such higher number of persons as the Registrar may, having regard to the objects and economic viability of a society and development of the co-operative movement, determine from time to time for a class of societies](each of such persons being a member of a different family), who are qualified to be members under this Act, and who reside in the area of operation of society :

[Provided that, a lift irrigation society consisting of less

# CONDITIONS OF REGISTRATION

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than ten but of five or more such persons may be registered under this Act.]

(2) No society with a limited liability shall be registered, unless all persons forming the society reside in the same town or village, or in the same group of villages.

[(2-A) No crop protection society shall be registered, unless the Registrar is satisfied, after such inquiry as he thinks necessary, that a draft of the proposal made by the society for protecting crops, structures, machinery agricultural implements and other equipment such as

# CONDITIONS OF REGISTRATION

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those used for pumping water on the land, was duly published for inviting all owners of land likely to be affected by the proposal and all other persons likely to be interested in the said lands to join the proposal or to send their objections or suggestions and that the objections and suggestions received , if any, have been duly considered by the society and that the owners in possession of not less than 66 percent in the aggregate of lands included in the proposal have given their consenting writing to the making of the proposal and that the proposal made is feasible. For this purpose, the society shall submit to the Registrar:

# CONDITIONS OF REGISTRATION

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- (a) a plan showing the area covered by the proposal and the surrounding land as shown in the map or maps of the village or villages affected;
- (b) An extract from the record of rights duly certified showing the names of the owners of lands and the areas of the lands included in the proposal;
- (c) Statements of such of the owners of the lands as consented to the making of the proposal signed by owners before two witnesses;

# CONDITIONS OF REGISTRATION

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(d) A detailed estimate of the cost of implementing the proposal;

(e) A detailed statement showing how the cost is proposed to be met.

When such society is registered, the cost of implementing the proposal shall be met wholly or in part by contribution to be levied by the society from each owner of the land included in the proposal, including any such owner who may have refused to become a member of the society. The owner of every

# CONDITIONS OF REGISTRATION

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land included in the proposal shall also be primarily liable for the payment of the contribution liable from time to time in respect of such land].

(3) No federal society shall be registered unless it has at least five societies as its members.

(4) Nothing in this Act shall be deemed to affect the registration of any society made before the commencement of this Act.

# CONDITIONS OF REGISTRATION

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(5) The word “limited” or “unlimited” shall be the last word in the name of every society with limited or unlimited liability, as the case may be which is registered or deemed to be registered under this Act.

Explanation: For the purpose of this section and section 8, the expression “member of family” means wife, husband, father, mother, [son, or unmarried daughter]

# **POWER TO EXEMPT SOCIETIES [OR CLASS OF SOCIETIES] FROM CONDITIONS AS TO REGISTRATION**

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As per section 7, notwithstanding anything contained in this Act, the State Government may, by general or special order, exempt any society or class of societies from any of the requirements of this Act as to registration, subject to such conditions (if any) as it may impose.



# APPLICATION FOR REGISTRATION

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As per section 8(1) For the purpose of registration, an application shall be made to the Registrar in the prescribed form and shall be accompanied by four copies of the proposed bye-laws of the society and such registration fee as may prescribed in this behalf. Different registration fees may be prescribed for different class of societies, regard being had to the service involved in processing an application for registration. The person by whom, or on whose behalf, such application is made, shall furnish such information in regard to the society, as the Registrar may require.

# APPLICATION FOR REGISTRATION

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- (2) The application may be signed-
- a) in case of a society other than a federal society by at least ten persons (each of such person being a member of different family), who are qualified under this Act, and,
  - b) in the case of a federal society, by at least five societies.

# REGISTRATION

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As per section 9(1) If the Registrar is satisfied that a proposed society has complied with the provisions of this Act and the Rules, [or any other law for the time being in force, or policy directives issued by the State Government under section 4], and that its proposed bye-laws are not contrary to this Act or to the rules, he [shall, within two months], from the date of receipt of application register the society and its bye-laws.

(2) Where there is a failure on the part of the Registrar to dispose off such application within the period aforesaid, the Registrar shall, within a period of

# REGISTRATION

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fifteen days from the date of expiration of that period refer the application to the next higher officer and where the Registrar is himself the registering officer, to the State Government, who are which, as the case may be, shall dispose of the application within two months from the date of its receipt and on the failure of such higher officer or the State Government, as the case may be, to dispose of the application within that period, the society and its bye-laws shall be deemed to have been registered.[and thereafter the Registrar shall issue a certificate of registration under his seal and signature within a period of fifteen days.

# REGISTRATION

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(3) Where the registrar refuses to register a proposed society, he shall forthwith communicate his decision, with reasons therefore, to the person making the application and if there be more than one to the person who has signed first therein.

(4) The Registrar shall maintain a registrar of all societies registered or deemed to be registered, under the Act.



**CHAPTER - IV**  
**CHABLEK - IA**

**PROCEDURE FOR  
REGISTRATION OF  
CO-OPERATIVE SOCIETIES.**

# APPOINTMENT OF CHIEF PROMOTER

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The first step to register a Society is that minimum 10 adult individuals from independent families desiring to form a Society should gather and hold a meeting to

- (a) Select a provisional committee and elect a Chief Promoter for formation of a society and
- (b) Select a name for such Society with three alternatives and to pass appropriate resolutions in that behalf.
- c) To collect the entrance fee and share capital from the prospective members.

# APPOINTMENT OF CHIEF PROMOTER

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- d) To open the Bank account in the name of chief promoter
- e) To decide about area of operation of the Society and
- f) To decide about the registered office of the Society
- g) To authorise chief promoter to submit the proposal for registration and to do any other thing to get the society registered.



# NAME RESERVATION

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The second step would be to apply to the registration authority (RA) for reservation of name for the society and obtain letter from the RA in that connection. The resolutions passed at the promoters meeting as above should accompany such application for reservation of name as aforesaid. The letter reserving the name of the society shall be valid for 3 months. The validity of the name is normally extended on an application for 1 or 2 further terms of 3 months each.

# **BANK ACCOUNT AND DEPOSITS**

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The third step would be to (a) open a bank account in the name of the proposed Society as per the RA's directions in that behalf that shall contain in the letter reserving the name and (b) deposit therein the entrance fee share money and the amount recovered for preliminary expenses from the promoters and obtain the certificate from such bank in respect of such deposits. Normally the directions of the RA are to open account with a proximate branch of the District Central Co-operative Bank or any Maharashtra State Co-operative Bank or any other urban Co-operative bank.

# REGISTRATION FEE

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The fourth step is to deposit the registration fee with the Reserve Bank of India and to obtain the receipted challan in that behalf. The registration fee for Housing Society is Rs.500/- and for general Society is Rs.250/-.

# REGISTRATION PROPOSAL

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The fifth and final step is to prepare and to submit to RA the proposal for registration of the society. Under Rule 4 of Maharashtra Co-operative Societies Rules the chief promoter should submit the following documents for registration

a) Application for registration - Form A

An application for registration of a society should be made in form. The specimen of Form A. The application for registration in quadruplicate should be signed by at least 90% of the promoter's members and Chief Promoter should attest their signatures.

# REGISTRATION PROPOSAL

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- b) Four copies of the proposed bye-laws of the society
- c) A list of promoter's members, such as the name age occupation current residential address of the promoter member the cost of share amount etc.
- d) A certificate from the Bank or Banks stating the credit balance therein in favour of the proposed society;
- e) A scheme showing the details explaining how the working of the society will be economically sound and where the scheme envisages the holding of

# REGISTRATION PROPOSAL

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immovable property by the society, the description of such property proposed to be purchased, acquired or transferred to the society;

f) Such other documents as may be specified in the model bye-laws, if any, framed by the Registrar;

g) The registration fees at the applicable rates,

h) Other documents like affidavit, indemnity bonds, copy of ration cards, public notice in newspaper etc., as may be applicable for different types of society as per the notification issued from time to time.

# REGISTRATION PROCEDURE

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As per rule 5[1] On receipt of an application under Rule 4 the Registrar shall enter particulars of the application in the register of application to be maintained in Form 'B' give a serial number to the application and issue a receipt in acknowledgement thereof.

5[2] The Registrar may give where necessary opportunity to the promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.

# REFUSAL OF REGISTRATION

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Where any society does not furnish the information in regard to the society as required by the Registrar or fulfill any of the conditions laid down in the Act or these Rules, Notification or orders, the Registrar may refuse to register that society.



# APPEALS

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Under section 152 an appeal against an order or decisions of registration of society, refusal of registration of society shall lie

(a) If made or sanctioned or approved by the Registrar, or the Additional or Joint Registrar on whom powers of the Registrar are conferred, to the State Government.

(b) If made or sanctioned by any person other than the Registrar, or the Additional or Joint Registrar on whom the powers of the Registrar are

# APPEALS

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conferred to the Registrar.

Ultimately a remedy of Writ Petition under Article 226 or 227 of the Constitution of India is always available even to a Co-operative society or a person aggrieved in extraordinary circumstances.

Which means if the decision of State government on the appeal made by the aggrieved party is not acceptable a Writ Petition can be filled in the High Court and then Supreme Court.



**CHAPTER - V**  
**CHVBLEK - A**

**GUIDELINES FOR  
REGISTRATION OF  
CO-OPERATIVE HOUSING  
SOCIETIES**

# DEFINATION OF HOUSING SOCIETY

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As per section 2(16) of MCS Act, 1960, "Housing society" means a society, the object of which is to provide its members with open plots for housing, dwelling houses or flats; or if open plots, the dwelling houses or flats are already acquired, to provide its members common amenities and services.

# **TYPES OF CO-OP.HOUSING SOCIETIES**

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There are different types of Co-op.Housing societies such as:

## **(1) OPEN PLOT SOCIETIES:**

Societies in which members desire to purchase or take on lease land on which building or buildings are proposed to be constructed, known as OPEN PLOT SOCIETIES. The Building is constructed by the Society themselves.

## **(2) FLAT OWNERS SOCIETIES:**

# TYPES OF CO-OP.HOUSING SOCIETIES

Societies consisting of purchasers of flats under agreements entered into with builders under Section 4 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, known as FLAT OWNERS SOCIETIES. Here the Builder or the Developer constructs the building and sells the individual flats to different persons. Later, all the flat purchasers come together and form the societies.

## **(3) TENANTS SOCIETIES:**

Societies formed by tenants of the landlords who had

# **TYPES OF CO-OP.HOUSING SOCIETIES**

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constructed the building/buildings and had let out the flats therein, known as TENANTS SOCIETIES.

## **(4) HOUSING BOARD SOCIETIES:**

Societies formed by allottees of flats in buildings constructed by the Bombay Housing and Area Development Board known as HOUSING BOARD SOCIETIES.

# TYPES OF CO-OP.HOUSING SOCIETIES

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## **(4) HOUSING BOARD SOCIETIES:**

Societies formed by allottees of flats in buildings constructed by the Bombay Housing and Area Development Board known as HOUSING BOARD SOCIETIES.





**CHAPTER - VI**  
**CHÅBLEK - ÅI**

**PROCEDURE FOR  
FORMATION OF SOCIETY**

# PROCEDURE FOR FORMATION OF SOCIETY

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In all these four types of societies, the procedure to be followed for formulation of registration proposals slightly differs. The requirements in respect of each type of co-operative housing societies needs to be properly understood by every promoter or the professional, charged with the responsibility of getting the society registered.

For the purpose of registration of the Societies the City of Mumbai has been divided as per the Municipal Wards. There is a Deputy or Assistant Registrar of Co-operative Societies for each Ward who is the Registration

# PROCEDURE FOR FORMATION OF SOCIETY

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Authority for the Co-operative Societies in that Ward. Normally the office of such Registering Authority (RA) is situated within the limits of such Ward. However if no space is available for the office of the RA in any ward the office of RA of such Ward is at the office of Deputy

Registrar Co-operative Societies Malhotra House 6th floor opposite GPO Mumbai. In other places in each taluka a Deputy or Assistant Registrar of Co-operative Societies is assigned the duties of registration and supervision of Co-operative Societies.

# MEETING OF PROMOTORS AND APPOINTMENT OF CHIEF PROMOTER:

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The first step to registrar a Housing Society is that minimum 10 adult individuals from independent families desiring to form a Society should gather and hold a meeting to (a) select a provisional committee and elect a Chief Promoter for formation of a society and (b) select a name for such Society with three alternatives and to pass appropriate resolutions in that behalf. In case of an Open Plot Society, the Chief promoter should be authorised at such meeting to

- (a) Appoint architects and building contractors

# MEETING OF PROMOTORS AND APPOINTMENT OF CHIEF PROMOTER:

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(b) Negotiate and acquire a plot and

(c) get the plans and estimates prepared for such society. The specimen forms of resolutions to elect a Chief promoter and to give him authority as aforesaid set out hereunder as “Annexure 1”.

# NAME RESERVATION

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The second step would be to apply to the registration authority (RA) for reservation of name for the society and obtain letter from the RA in that connection. The resolutions passed at the promoters meeting as above should accompany such application for reservation of name as aforesaid is set out hereunder as “Annexure 2”. The letter reserving the name of the society shall be valid for 3 months. The validity of the name is normally extended on an application for 1 or 2 further terms of 3 months each.

# **BANK ACCOUNT AND DEPOSITS**

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The third step would be to (a) open a bank account in the name of the proposed Society as per the RA's directions in that behalf that shall contained in the letter reserving the name and (b) deposit therein the entrance fee share money and the amount recovered for preliminary expenses from the promoters and obtain the certificate from such bank in respect of such deposits. Normally the directions of the RA are to open account with a proximate branch of the District Central Co-operative Bank or any other urban Co-operative bank.

# REGISTRATION FEE

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The fourth step is to deposit the registration fee with the Reserve Bank of India and to obtain the receipted challan in that behalf. The registration fee for Housing Society is Rs.2500/- and for general Society is Rs.1250/-



# REGISTRATION PROPOSAL

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The fifth and final step is to prepare and to submit to RA the proposal for registration of the society. The Chief Promotor has to submit the following documents along with registration proposal.

a) **FORM 'A'**: Under Rule 4 of Maharashtra Co-operative Societies Rules an application for registration of a society should be made in form 'A'. The specimen of Form 'A' is given hereunder as "Annexure 3". The application for registration in quadruplicate should be signed by at least 90% of the promoters members and their signatures should be attested by Chief Promoter.

# REGISTRATION PROPOSAL

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- b) **Statement 'A':** The prescribed Statement in form 'A' a specimen whereof is given hereunder as "Annexure 4" requires particulars of promoters members and tenements allotted to them, such as the name age occupation current residential of the promoter member the cost of share amount etc.
- c) **Statement 'B':** The prescribed Statement in form 'B' a specimen whereof is given hereunder as "Annexure 5", requires particulars of the Proposed Society.

# REGISTRATION PROPOSAL

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- d) **Statement 'C':** Prescribed statement in form 'C' a specimen whereof is given hereunder as "Annexure 6" requires further information regarding each of the promoters.
- e) Four copies of bye-laws duly signed by all the Promoter members.
- f) Statement of Account a specimen whereof is given hereunder as "Annexure 7" containing the preliminary income and expenditure of the proposed society duly signed by Chief Promoter

# REGISTRATION PROPOSAL

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- g) Bank balance certificate
- h) Certificate of the title of the land by Advocate of good standing,
- i) Specimen of agreement to acquire the land in case of open plot society and specimen agreement for sale of tenements in case of Flat Owners Society,
- j) Scheme showing viability of the society signed by Chief Promoter supported by an Architect's certificate "Annexure 8"

# REGISTRATION PROPOSAL

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- k) Declaration by at least ten promoter members including the Chief Promoter stating that their residence is within the area of operation of the society a specimen whereof is given hereunder as “Annexure 9” and
- l) Undertaking of the Chief Promoter in X Y or Z the specimen whereof are given hereunder as “Annexure 10, 11 and 12” respectively as applicable.
- m) A challan showing the deposit of the registration fees with the Reserve Bank Of India, and

# REGISTRATION PROPOSAL

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n) Copy of the approved plans.

Thereafter pursue and get the same processed and obtain from RA the certificate of registration with registered bye-laws etc.

In all the four types of housing societies the procedure to be followed for formulation of registration proposals differs. Apart from the aforesaid general requirements certain additional documents are required depending on the type of society sought to be registered:

# REGISTRATION PROPOSAL

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- (a) Declarations in the prescribed form by the builders in case of Flat Owners Society
- (b) in case of Society of Tenants, the detailed particulars of tenants
- (c) in case of Housing Board Society a certificate from the Housing Board certifying the list of allottees of the flats and a letter of confirmation from the Housing Board that they will execute the agreement on the society being registered.

# REGISTRATION PROPOSAL

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The proposal for registration of a society as submitted, should be complete in all respects and the RA should be satisfied that

(a) The proposed society has complied with the provisions of the Act and the rules or any other Laws for time being in force

(b) The proposed society has complied with the policy directly decisions issued by the State Government under section 4 and



# REGISTRATION PROPOSAL

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(c) The bye-laws being proposed are not contrary to the Act or Rules. Upon the proposal being complete and upon RA satisfied, as aforesaid, he is under an obligation under section 59(i) of the Act , to register such society within 2 months from the date of lodging of application with RA. If the registration is not completed within 2 months as aforesaid, then and in that event within a period of 15 days from the expiration of the time limit, the RA is under an obligation to forward the proposal

# REGISTRATION PROPOSAL

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for registration to the Government for further action.

Upon registration of a society under section 9(i) of the Act, the RA should grant to the society a Certificate of its registration together with a certified copy of approved byelaws. The order registering or refusing registration of the society is appeal-able.

**CHAPTER - VII**  
**CHAPLEK - VII**

**TENANT CO-OPERATIVE  
HOUSING SOCIETIES  
(FLAT OWNERS)**

# REGISTRATION PROPOSAL

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1. Application for registration of society in form A along with statement A, Enclosure to application for registration as per rule 4 (1) of MCS rules, 1961. (4 copies)
2. Court fee stamp of 65 paise to be affixed to application form 'A'.
3. Information about promoter members of the proposed society in statement 'C' (vide govt. circular dated 2-5-1980). (4 copies)

# REGISTRATION PROPOSAL

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4. Information about promoter members of the proposed society in statement 'C' (vide govt. circular dated 2-5-1980). (4 copies)
5. A.A statements of accounts as per form D.
6. Model bye-laws. (4 copies)
7. Bank balance certificate from the district central co-op bank ltd.,/Maharashtra state co-op bank ltd.
8. Detailed scheme of the working of the proposed society.

# REGISTRATION PROPOSAL

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9. R.B.I / Treasury challan of payment of registration fee of Rs.2500/- .For backward class co-op. housing society, Registration fee Rs.25/-
10. True certified copy of purchase deed of land /agreement for purchase of land/ agreement for development of land.
11. One copy of 7/12 extract or property card extract, where it is applicable.
12. N.O.C. from the competent authority about release of land under urban land ceiling act or certificate

# **REGISTRATION PROPOSAL**

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of non applicability of provisions of urban land ceiling act or undertaking from chief promoters.

13. In case of govt. land or land from semi govt. authorities, a copy of allotment letter from the authorities regarding grant of land.

14. No. Objection certificate from the charity commissioner, if the land belongs to the trust.

15. A.N.O.C. from the housing and area development board if the land or building is owned by the

# REGISTRATION PROPOSAL

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housing and area development board and list of flat purchases.

16. Certificate from the concerned authority that the land is in residential zone.
17. Title clearance certificate from the advocate.
18. A true copy of the approved building plan.
19. Letter of authority granting permission to commence construction work /completion certificate (as applicable).



# REGISTRATION PROPOSAL

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20. Certificate from a certified architect in support of construction work scheme.
21. Affidavit on Rs.20/- stamp paper from at least 10 promoter members to the effect that they are residing in the area of operation of the society (proposed) made before competent authority.
22. Affidavit from the chief promoter on stamp paper of Rs.20/- executed before the competent authority in form 'Y'.

# REGISTRATION PROPOSAL

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23. Affidavit from the chief promoter on stamp paper of Rs.20/- duly made before the competent authority in form 'Z'
24. Certified true copy of agreement made on stamp paper and registered between the builder promoter and purchasers of flat.
25. A certified list from the builder of sold and unsold flats. If the flats have been sold, its cost and the names of purchasers and their addresses to be furnished by the builder promoter.

# REGISTRATION PROPOSAL

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26. Where the promoter members are firms/ companies, a letter of authority from such firms/ companies authorising the promoter to sign on behalf of firm/company.

27. Affidavit from the chief promoter in lieu of undertaking by the builder in 'Z' form where the builder does not co-operate in respect of formation of a society to be given on Rs.20/- stamp paper, signed by the chief promoter and other promoters before the competent authority.

# **REGISTRATION PROPOSAL**

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28. Along with an affidavit in lieu of 'Z' form, the chief promoter and other promoters who are signing the registration proposal should execute an indemnity bond on Rs.20/- stamp paper before the competent authority.

29. In case the promoter is not co-operating in forming the society, true copies of tax-bill from the local bodies or the corporation and receipt of payment thereof be attached, along with the registration proposal in place of architect certificate.

# REGISTRATION PROPOSAL

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30. In case of such proposed societies names of 60% of the flat holders of the total number of flats constructed or proposed to be constructed as per the plan approved, must be included in statement 'A' to be attached to the registration proposal and out of these 60% promoters, 90% promoters must sign.

31. A copy of the order regarding reservation of name of proposed society is enclosed. If the period of reservation of name has expired, a copy of order extending the same is enclosed.

Presented By :  
**CA. Ramesh S Prabhu**

**Thank  
You!!**

The text 'Thank You!!' is rendered in a large, bold, gold-colored font with a sparkling, crystalline texture. The letters are arranged in two lines: 'Thank' on top and 'You!!' below. The text is decorated with several red flowers and green leaves, giving it a festive and celebratory appearance. The entire graphic has a soft white glow around it, making it stand out against the blue background.