**BYE-LAWS OF THE**

**CO-OPERATIVE HOUSING SOCIETY LIMITED**

**(WITH ENCLOSURES AND APPENDICES)**

**As per The Goa Co-operative Societies Act, 2001 and Rules, 2003**

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|  |  | **I.PRELIMINARY** | |  |
|  | **1** | (a)The name of the society shall be............. ………………………….......................................... …………………………………………………………………… | | Name of the society. |
|  |  | (b)The society shall follow the procedure laid down under provisions of the Act and Rules for the change of its Name | | Procedure for changing the name Classification |
|  |  | ( c)The society is classified under major class “Co-operative Housing Society” “Co-ownership Society” or “Co-operative Housing Maintenance Society” as per registration certificate annexed hereto. | |  |
|  | **2** | (a)The registered address of the society shall be as under: ………………………………………………………….. ………............................................................................................. | | Address of the society. |
|  |  | Note: Detailed address including the Flat No./Waddo etc. Chief Promoter ‘s address to be given as registered address till the society building is ready, thereafter space should be provided for registered office of the society.  After the society is registered permanent address to be provided. | |  |
|  |  | (b)Any change in the registered address of the society shall be intimated by it to the Registering Authority and all others concerned within 30 days of such change. | | Intimation of change in the address of the Society. |
|  |  | (c)Any change in the registered address of the society shall be made after following the procedure laid down in Rules 28 of the Rules. | | Procedure for changing the address of the societ**y.** |
|  |  | (d)The society shall exhibit at conspicuous place of the Building, a Board indicating its name the registered address. | | Exhibition of name Board. |
|  |  | **II INTERPRETATION** | |  |
|  | **3** | Unless otherwise separately provided in these Bye-laws the following words and terms shall have the meaning assigned to them herein: | |  |
|  |  | (i)‘Act’ means the Goa Co-operative Societies Act 2001. | |  |
|  |  | (ii) ‘Accounts and Records’ means all or any of the items mentioned in Section 73 of the Act and Bye-laws nos. 133 & 134. | |  |
|  |  | (iii)‘Board of Directors’ means the Board of  management or other directing body to which the Management of the affairs of the society is entrusted. | |  |
|  |  | (iv)‘Building Maintenance Fund’ means the fund created under Section 110 of the Act. | |  |
|  |  | (v) ‘Bye-laws’ means the registered bye-laws of the society. | |  |
|  |  | (vi)‘Chief Promoter’ means a person duly authorised as such by the promoter from amongst themselves to act on their Behalf. | |  |
|  |  | (vii)‘Clear days Notice’ means as the number of calendar days intervening between the days of issuing the notice and the day of the meeting. | |  |
|  |  | (viii)‘Co-operative Principles’, means as defined in section 3 of the Goa cooperative Societies Act, 2001. | |  |
|  |  | (ix)‘Federation ‘means the Goa State Co-operative housing Finance & Federation Ltd., | |  |
|  |  | (x) ‘Fees or Premium’ shall mean and include the amount payable to the society by the member transferring his shares and interest in the capital/property of the society as provided under Rule 134. | |  |
|  |  | (xi)‘Flat’ means a separate and self contained set of premises used or intended to be used for residence. | |  |
|  |  | (xii)‘General Body’ means as defined under Section 2(21) of the Goa Cooperative Societies Act, 2001. | |  |
|  |  | (xiii)‘Parking Space’ means open space and covered space within the premises of the society earmarked by it for parking of vehicles and. Includes a stilt. | |  |
|  |  | (xiv) **‘Prescribed Form’** means the form included in the Annexurell indicating the Bye law No. under which it is prescribed and the Appendix at which it is enclosed; | |  |
|  |  | (xv) **‘Premises’** includes plots, dwelling units and commercial units as defined in Section 102 of the Act; | |  |
|  |  | (xvi)’**Promoter’** means a person, who has signed the application for registration of the Society. | |  |
|  |  | (XVII)**’Rules’** means the Goa Co-operative Societies Rules 2003 as in force from time to time. | |  |
|  |  | (xviii)**‘Society’** means the ...........................................  Co-operative Housing Society, Ltd., .......................... | |  |
|  |  | **III. AREA OF OPERATION** | |  |
|  | **4** | The area of operation of the society should be limited to survey No. Chalta No. City, Gram Panchayat. | | Area of operation of the society. |
|  |  | **Explanation : Insert Panchayat or Muncipal area or Taluka or District or State** | |  |
|  |  | **IV. OBJECTS** | |  |
|  | **5** | **The objects of the society shall be as under:** | | Objects of the society |
|  |  | To purchase a building or buildings know as .................................................................................... constructed on the plot/plots Nos ........................ of ............................................................. admeasuring ................................sq. meters for allotment of flats therein to the members of the society for their authorised use. | |  |
|  | (Note): | Allotment should be made by the General Body only) | |  |
|  | (b) | To manage, maintain and administer the property of the society; | |  |
|  | (c) | To raise funds for achieving the objects of the society; | |  |
|  | (d) | To undertake and provide for, on its own account or jointly with a co-operative institution, social cultural or recreative activities; | |  |
|  | (e) | To advance or guarantee loans to members for acquiring Building Sites/Land/Flats and for constructing houses and receive or guarantee repayments in lump sum or in instalments. | |  |
|  | (f) | To keep the surrounding of the buildings clean and hygienic and to take all the preventive steps for mosquito breeding/including providing of mosquito proofing for overhead water tanks, dumps etc. | |  |
|  |  | **V. AFFILIATION** | |  |
|  | 6 | The Society immediately after its registration shall become a member of The Goa State Cooperative Housing Finance & Federation Ltd., and The Goa State Cooperative Union Ltd., and shall pay sums from time to time, payable by it under the bye-laws of the respective organization referred to above. | | Affiliation of the society to other co-op institutions. |
|  |  | **VI. FUNDS THEIR UTILISATION AND INVESTMENT** | |  |
|  | (**A)** | **Raising of Funds** | |  |
|  | 7 | The funds of the society may be raised in one or more of the following ways: | |  |
|  | (a) | by entrance fees, | |  |
|  | (b) | by issue of shares, | |  |
|  | (c) | by loans and subsidies, | |  |
|  | (d) | by deposits from members, | |  |
|  | (e) | by voluntary donations, | |  |
|  | (f) | by contributions towards cost of land/building or buildings, | |  |
|  | (g) | by contributions towards cost of maintenance and providing common amenities, | |  |
|  | (h) | by fee on transfer of share, along with the occupancy right, | |  |
|  | (i) | by premium on transfer of occupancy right over the flats, plots and premises. | |  |
|  | (j) | by non-occupancy charges, | |  |
|  | (k) | by any other mode permitted under this bye-laws. | |  |
|  |  |  | |  |
|  | **(B)** | **Share Capital** | |  |
|  | 8. | The authorised share capital of the society shall be Rs................................... dividend into .................... shares of Rs.50/- each. | | Authorised share capital of the society. |
| . | 9. | (a) A share certificate, bearing distinctive number and indicating the name of the member, the number of shares issued and the value paid thereon, shall be issued by the society to every member for the shares subscribed by him, within a period of one month of the allotment of the shares. | | Issue of share certificates to the members of the society |
|  |  | (b) Certificate of allotment should be made within one month of allotment in Form Q. Certificate of allotment should be issued for each premises allotted to the member. | |  |
|  | 10 | Every such share certificate shall bear the seal of the society and be signed by the Chairman and the Secretary. | | Society’s seal and signatures of office– bearers on every share certificate |
|  | **(C)** | **Limit of Liabilities** | |  |
|  | 11 | Deposits from members and loans may be received by the society for such period and at such rate if interest and upto such amount and on such terms and conditions, as may be determined by the Board provided that at no time, the total amount of such liabilities shall exceed the limit prescribed under Section 51 of the Act. | | Restrictions on incurring liabilities by the society. |
|  | **(D)** | **Constitution of the Reserve Fund** | |  |
|  | 12 | 1. The Reserve Fund of the society shall comprise of:- | |  |
|  |  | (a )The amounts carried to the said fund, from year to year, out of the net profit of the year, subject to the provisions of Section 52(a) of the Act; | | How the Reserve Fund shall be constituted. |
|  |  | (b) all entrance fees received by the society from its members; | |  |
|  |  | (c) all transfer fees received by the society from its members on transfer of shares, alongwith the occupancy rights; | |  |
|  |  | (d) all premia received by the society on transfers of members interest in the capital or property of the society; | |  |
|  |  | (e) all donations received by the society, except those received by it for the specific purpose. | |  |
|  | **(E)** | **Creation of funds** | |  |
|  | 13. | The society shall create and establish any other funds by collecting contributions from its members as provided in the Act and Rules. | | Any other funds to be created by the society. |
|  | **(F)** | **Utilisation of the Funds by the Society** | |  |
|  | 14 | The society may utilise its funds in the manner indicated below: | | Utilisation of the Reserve Fund. |
|  | **(a)** | **Reserve Fund:** The Reserve fund of the society may be utilised for the expenditure on repairs of enduring nature of the properties of the society. | |  |
|  | **(b)** | **Repairs and Maintenance Fund:** The Repairs and Maintenance Fund may be utilised by the Board for meeting the expenditure on maintenance of the society’s property and repairs and renewals thereof. | | Utilisation of the Repairs and Maintenance fund |
|  | **(c)** | **Any other funds be utilised for the purpose** for which it was created. | | Utilisation of any other funds. |
|  | **(G)** | **Investment of Funds** | |  |
|  | 15. | The funds of the society, when not employed in its business may be invested or deposited as required under section 55 of the Act. | | Modes of Investment of funds of the society. |
|  |  | **VII. MEMBERS RIGHTS, RESPONSIBILITIES AND LIABILITIES** | |  |
|  | **1.** | **MEMBERSHIP** | |  |
|  |  | 1. **Classes of members** | |  |
|  | **16.** | The membership of the society shall consist of members, joint members as defined in Section 2(28) and 2(25) of the Act respectively. | | Classes of members |
|  |  | 1. **Eligibility for Membership** | |  |
|  | 17. | (a) An individual, who is competent to contract under the Indian Contract Act, 1872 and who intends to settle down and who does not own a house, a plot or a flat in his name or in the name of any of the members of his family, in the area of operation of the society or who owns it but gives an undertaking under the bye-laws No.19(vi), may be eligible for membership of the society registered as Co-partnership society. | | Eligibility of individuals for membership of the society. |
|  |  | **(b)** A minor or a person of unsold mind, inheriting shares and/or interest of the deceased member in the capital/property of the society, may be eligible for admission to membership of the society through his guardian or legal representative, on application in the prescribed form, along with undertakings/ declarations, in the prescribed forms, mentioned in the application. | | Eligibility of a minor or a person of an unsound mind for membership of the society. |
|  | Note: | **(1)** Family means as defined under explanation to section 6 of the Act. | |  |
|  | Note: | **(2)** Signatories to the application for registration of the society shall be deemed to be the members of the society upon its registration. | |  |
|  | Note : | **(3)** The number of members in the society shall not exceed the number of flats/plots/premises available for allotment. | |  |
|  | 18. | Artificial judicial persons as defined under Section 21(2) are entitled to become members of the society. | | Eligibility of Corporate Bodies for membership of the society. |
|  |  | 1. **Conditions for Membership** | |  |
|  | 19 | An individual who is eligible to be a member and who has applied for membership of the society in the prescribed form, may be admitted as member by the Board on complying with the following conditions;- | | Conditions for individuals desiring to be members of the society. |
|  | (i) | He has fully paid the value of at least Five shares of the society, along with his application for membership; | |  |
|  | (ii) | He has paid the entrance fee of Rs.10/- along with the application for membership; | |  |
|  | (iii) | He has given in the application, the particulars in regard to any house, plot or flat or premises owned by him or by any of the members of his family anywhere in the area of operation of the society; | |  |
|  | (iv) | He has given an undertaking in the prescribed form to the effect that he shall use the dwelling unit and or commercial unit for the purpose for which it was allotted to him; | |  |
|  | (v) | he has furnished an undertaking in the prescribed form if he has no independent source of income; | |  |
|  | (vi) | He has furnished an undertaking in the prescribed form about disposal of the house, plot or the flat or premises, already owned by him or any of the members of his family in the area of operation of the society; | |  |
|  | (viii) | He has furnished such other undertaking/declarations, in the prescribed forms as are required under any law for the time being in force and such other information as is required under the bye-laws of the society along with the application for membership. | |  |
|  | 20. | A firm, company or any other body corporate registered under any law for time being in force, which is eligible to be a member of the society and which has made an application for membership of the society in the prescribed form may be admitted as a member by the Board meeting of the society on complying with the following conditions:- | | Conditions of membership for bodies corporate desiring to became members of the society. |
|  | (i) | It has paid, along with the application for membership, full value of at least Five shares and entrance fees of Rs.10/- | |  |
|  | (ii) | The firm or the company has furnished the undertakings/declarations in the prescribed forms required under any law for the time being inforce along with the application for membership. | |  |
|  | **21** | An individual, a firm, a company or any other body corporate, registered under any law for the time being in force who/which is eligible to be a Joint member and who/which has made an application in the prescribed form for such membership, along with the entrance fee of Rs.10/- may be admitted as such member by the Board. | | Conditions for joint Membership of the society. |
|  | 22. | All applications for membership shall be dealt with as per Section 22 read with Rules 17 and 18. | | Procedure for disposal of applications for membership. |
|  |  | **II. RIGHTS OF MEMBERS** | |  |
|  | **(A)** | **Getting copy of the Bye-laws** | |  |
|  | 23 | A member shall be entitled to receive a copy of the registered bye laws of the society on payment of the price thereof. | | Right to get a copy of the Bye-laws of the society. |
|  | **(B)** | **Inspection of Books and Records** | |  |
|  | 24. | A member shall have right to inspect free of cost books, registers, documents etc., as provided in Section 73 of the Act, and get copies of the documents as provided under Section 32(2) of the Act, on payment of the fees prescribed under the bye-laws No.165. | | Right of inspection of documents and getting copies thereof. |
|  | **(C)** | **Occupation of Flats/Plots/Premises** | |  |
|  | 25. | A member shall have a right to occupy the flat/plot/premises allotted to him subject to the terms and conditions mentioned in the letter of allotment (in the prescribed form) issued under bye-laws No.70. | | Right of occupation of the Flat/ Plot/ Premises |
|  | **(D)** | **Resignation of Membership** | |  |
|  | (1) | **Resignation by a Member** | |  |
|  | **26.** | (a) A member may resign his membership after giving three months notice, in the form to the Secretary of the society as provided under membership of Rule 19(1) of the Rules. | | Notice of resignation of membership of the society. |
|  |  | (b) No resignation of a member of the society shall be accepted unless such member has made payment of all the dues payable to the society in full and cleared all the liabilities as borrower and guarantor. | | Resignation not to be accepted unless dues of the society are fully paid. |
|  |  | (c) Where any dues are found payable by the member to the society, the Secretary of the society shall intimate the same to the member within 15 days of the receipt of the notice of resignation, advising him to make payment thereof within 30 days of the date of the intimation. | | Communication of the amount of dues of the society outstanding to the member |
|  |  | (d) Where there are no dues of the society outstanding with the member, the Board shall accept the resignation of the member and the Secretary shall communicate the same to the member within a period of 3 months from the date of the receipt of the notice of the resignation. | | Acceptance of resignation where no charges of the society are outstanding |
|  |  | (e) Where any resignation is rejected, the Board shall record the reasons therefore and communicate the same to the member concerned within 3 months of the date of receipt of notice of resignation. | | Communication of reasons for rejection of Resignation. |
|  | 27 | On acceptance of the resignation of the member, under bye-law No.26, the society may acquire the shares and interest of the member in the capital/property of the society and pay him the value thereof as provided under the bye-law No.60 | | Acquisition of shares and interest of the member in the capital/property of the society. |
|  | **(E)** | **Nomination by members** | |  |
|  | 28. | A member of the society may, by writing under, his hand, in the prescribed form, nominate a person or persons, to whom the whole or part of the shares and/or interest of the member in the capital/property of the society shall be transferred in the event of his death. No fees shall be charges for recording the first nomination. A member may revoke or vary his nomination, at any time, by making an application, in writing, under his hand, to the Secretary of the society, every fresh nomination shall be charge fee of Rs.10/-. | | Procedure for nomination by a member and its revocation. |
|  | 29. | On receipt of the nomination form, or the letter or revocation of the earlier nomination, the same shall be placed before the meeting of the Board, held next after the receipt of the nomination form, or the letter of revocation of the earlier nomination, by the Secretary of the society for recording the same in the minutes of the Board. Every such nomination or revocation thereof shall be entered in the register of nominations by the secretary of the society within 7 days of the meeting of the Board in which it was accepted. | | Recording of nominations or revocations thereof. |
|  | 30 | Subject to the provisions of the bye-laws No.17(a) or 19, on the death of a member, the society shall transfer the shares and interest of the deceased member in the capital/property of the society as provided in section 30 of the Act and read with Rule 23 of the Rules. | | Transfer of shares and interest of the deceased member in the capital/ property of the society to the nominee. |
|  | 31 | Where a member of the society dies without making a nomination, the society shall invite, within one month of knowledge of his death, claims or objections to the proposed transfer of shares and interest of the deceased member, in the capital/property of the society, by a public notice, in the prescribed form, exhibited on the notice board of the society. It shall also publish such notice in at least two local news papers, having wide circulation. The entire expenses of publication of the notice shall be recoverable from the value of shares and interest of the deceased member in the capital/property of the society. After taking into consideration the claims or objections received, in response to the said notice, and after making such enquiries as the Board considers proper, in the circumstances prevailing, the Board shall decide as to the person, who in its opinion, is the heir or legal representative of the deceased member. Such a person will be eligible to be a member of the society subject to the provisions of the bye-laws No. 17(a) or 19 provided that he give, along with his application for membership in the prescribed form, the indemnity bond in the prescribed form, indemnifying the society against any claims made to the shares and interest of the deceased member in the capital/property at any time in future. If there are more claimants than one they shall be asked to make the affidavit as to who should become a member of the society and such person, named in the affidavit shall furnish the indemnity bond as indicated above along with application for membership, referred to above. If however, the board is not able to decide as to the person who is the heir/legal representative of the deceased member or the claimants do not come to the agreement, as to who should become the member of the society, board shall call upon them to produce succession certificate from the competent Court. If, however, there is no claimant, the shares and interest of the deceased member in the capital/property of the society shall vest in the society. | | Transfer of shares and interest of the deceased member in the capital/ property of the society to the heir |
|  | 32. | If there is a single nominee and if he demands payment of the value of shares and interest of the deceased member, in the capital/property of the society, the society may acquire the same and pay him the value thereof as provided under the byelaws No.60. If however, there are more nominees than one and if they demand payment of the value of the shares and interest of the deceased member in the capital/property of the society, the society may acquire the same and pay them value thereof as provided under the bye-law referred to above in the proportion mentioned in the nomination form. If no proportion is mentioned in the nomination form, the payment shall be in equal proportions. | | Payment of the value of shares and interest of the deceased member in the capital/ property of the society to the nominee/nominees. |
|  | 33. | If, in the opinion of the Board, there is only one heir/legal representative of the deceased member and if he demands payment of the value of the shares and interest of the deceased member in the capital/property of the society, the society may acquire the same and pay him the value thereof as provided under the bye-law No.60 after obtaining the indemnity bond referred to in the bye-law No.31. If, in the opinion of the Board there are more heirs/legal representative than one and if they demand payment of the value of shares and interest of the deceased member in the capital/property of the society, the society may, acquire the same and pay them value thereof in equal proportion as provided under the bye-law No.60 after obtaining the indemnity bond referred to in the bye-law No.31, from all the heirs/legal representatives jointly. | | Payment of the value of shares and interest of the deceased member in the capital/ property of the society to the heirs/legal representative/ heirs legal representatives. |
|  | **(F)** | **Transfer of shares and interest in the Capital/ Property of the Society.** | |  |
|  | **34** | (a) A member, desiring to transfer his shares and interest in the capital/property of the society, shall give 15 days notice of his intention to do so to the Secretary of the society in the prescribed form, along with the consent of the proposed transferee in the prescribed form. | | Notice of transfer of shares and interest in the capital / property of the society. |
|  |  | (b) On receipt of such notice, the Secretary of the society shall place the same before the meeting of the Board, held next after the receipt of the notice, pointing out whether the member is prima-facie eligible to transfer his shares and interest in the capital/property of the society, in view of the provisions of Section 29(2)(a) of the Act. | |  |
|  |  | (c) In the event of ineligibility of the member to transfer his shares and interest in the capital/property of the society, the Board shall direct the Secretary of the society to inform the member accordingly within 3 days of the decision of the Board. | |  |
|  |  | (d) If the Board is satisfied that the member is prima-facie eligible to transfer his shares and interest in the capital/property of the society, the Board shall direct the Secretary of the society to inform the member within 3 days of the decision of the Board to make the compliance as under: | |  |
|  |  | (i) To submit an application for transfer of his shares and interest in the capital/property of the society, in the prescribed form, along with the share certificate; | |  |
|  |  | (ii) To submit an application for membership of the proposed transferee in the prescribed form; | |  |
|  |  | (iii) To give valid reasons for the proposed transfer; | |  |
|  |  | (iv) To discharge all the liabilities to the society; | |  |
|  |  | (v) To pay the transfer fee of Rs.1,000/-; | |  |
|  |  | (vi) To remit entrance fee of Rs.10/- and value of one share payable by the proposed transferee; | |  |
|  |  | (vii) To direct the transferor to pay to the society a premium at a rate of 1% (one percent) of the value of plot/premises as shown in the transfer document. | |  |
|  |  | (viii) To submit “No Objection Certificate”, required under any law for the time being in force or order or sanction issued by the Government, any financing agency or any other authority; | |  |
|  |  | (ix) To furnish the undertaking/declaration in compliance with the provisions of any law for the time being in force, in such form as is prescribed under these bye-laws; | |  |
|  | **Note:** | The condition at Sr. No.(vii) above shall not apply to transfers of shares and interest of the transferor in the capital/property of the society to the member of his family as defined under Explanation to Section 6 of the Act or to his nominee or his heir/legal representative. | |  |
|  | **35.** | (a) The procedure for disposal of applications for transfers of shares and/or interest of members in the capital/property of the society as laid down under the bye-laws No.59 shall be followed by the Secretary and the Board of the Society; | | Disposal of application for transfer of shares and interest of the member in the capital/property of the society. |
|  |  | (b) A meeting of the Board shall not refuse any application for admission to membership or transfer of shares and interest in the capital/property of the society except on the ground of non-compliance of the provisions of the Act, the Rules and the Byelaws of the society or any other law or order issued by the Government in exercise of the statutory powers vested in it. | | The Board general body not to ordinarily refuse any application for membership or transfer of shares and/or interest in the capital/property of the society. |
|  |  | (c) If the decision of the Board, on the application for transfer of shares and/or interest in the capital/property of the society is not communicated to the applicant within 3 months of its receipt, the transfer application shall be deemed to have been refused as provided under section 22(4) of the Act. | | When application for transfer of shares and interest in the capital/ property of the society deemed to have been rejected. |
|  |  | (d) Any transfer made in contravention of the Act, Rules or the bye-laws shall be void and not effective against the society. | | Unauthorised transfer void |
|  | **36.** | The transferee shall be eligible to exercise the rights of membership on receipt of the letter in the prescribed form from the society. | | Right of membership when to be exercised by the transferee. |
|  | **(G)** | **Exchange of Flats / Plots/Premises** | |  |
|  | **37** | The Members, desiring to exchange their flats/plots/premises shall  make a joint application to the Secretary of the Society, containing the following details :- | | Application for  exchange of  property by the  members of the  Society. |
|  | (1) | The names of the Members concerned | |  |
|  | (2) | The distinctive numbers of their respective flats/plots/premises; | |  |
|  | (3) | The built areas (in sq. meters) of their respective flats/plots/  Premises | |  |
|  | (4) | The building number/numbers or name /names of the building/buildings, in which the respective flats/plots/premises are situated. | |  |
|  | (5) | The reasons for exchange of flats /plots/premises | |  |
|  | **38** | The procedure for disposal of applications for exchange of flats / plots/premises as indicated in the byelaws No. 59 shall be followed by the Secretary and the Board of the Society. | | Disposal of  applications for  exchange of  property by the members of the society. |
|  | **(H)** | **Sub-letting etc of Flats / Plots/Premises** | |  |
|  | **39** | (1) A member may with the previous permission in writing of the Board, sub-let give on leave and license basis or care-taker basis his flat/plot/ premises or part with its possession in any other manner under the following circumstances: | | Sub-letting etc. not permissible except under the Society’s permission. |
|  | (i) | Where the member is required to go out of the area of operation of the society for a long duration of account of exigencies of service or business or on account of the prolonged illness; | |  |
|  | (ii) | Where the member is unable to occupy the flat owing to absence of facilities for education of his children or is unable to secure admission to the school in the locality for them; | |  |
|  | (iii) | Where his employer, with a view to ensure efficient discharge of duties, requires him to stay in the accommodation allotted to him by his employer. | |  |
|  | (iv) | Where a member satisfies the Board about his inability to occupy or continue to occupy the flat for any other genuine reasons. | |  |
|  | (2) | No member shall give on leave and license basis or care-taker basis his flat/premises or any part thereof with its possession in any manner, written permission is obtained from the Board and unless: | | Application for permission to sub-let etc |
|  | (i) | he has made an application in the prescribed form; | |  |
|  | (ii) | his application contains the undertaking that- | |  |
|  | (a) | he shall, by joining the society as a party to the proceedings initiate necessary legal proceedings against the sub-lettee , license, care-taker or possessor, on his failure to get vacant possession of the flat or part thereof on expiry of the period of sub-letting, giving on leave and licence or care-taker basis the flat or part thereof or parting with its possession in any other manner and reimburse the cost of the legal proceedings required to be incurred by the Society. | |  |
|  | (b) | he shall pay the regular charges of the society every month during the period of sub-letting, licence etc. | |  |
|  | (c) | he shall pay non – occupancy charges to the society as prescribed under Rule 133. | |  |
|  |  | Provided that while permitting sub-letting, giving on leave and licence or care-taker basis the flat or part thereof or permitting parting with its possession in any other manner, the Board shall restrict the period thereof to 11 months which may, on the request of the member be extended for similar period or part thereof from time to time. | |  |
|  | 40. | The procedure for disposal of the applications for permission for sub-letting, giving on leave and license or care-taker basis flats or parts thereof or parting with their possession in any other manner, as laid down under the bye-laws No.59 shall be followed by the Secretary and the Board of the society. | | Procedure for disposal of applications for sub-letting etc. |
|  | 41. | No members of the Society shall assign, mortgage or create any charge on his occupancy right in the flat/plot/premises without the previous permission in writing of the Board, in case he has availed the loan for his flat/plot/premises. Any charge created without the permission of the society, is not enforceable against the society. | | Restriction on assignment of occupancy right in the flat. |
|  | **III** | **RESPONSIBILITIES AND LIABILITIES OF MEMBERS** | |  |
|  | **(A)** | **Maintenance of Flats/ Premises by Members** | |  |
|  | **42** | Every member shall keep his flat/premises clean. | | Flats to be kept clean. |
|  | **43** | (a) No member shall without the previous permission of the Board in writing, make any additions to or alterations in his premises. | | Additions and alterations in a premises permissible with the Board’s permission. |
|  |  | (b) The member, desirous of making any additions to or alterations in his premises, shall make an application to the Secretary of the society giving all the required particulars. Further action on such application shall be taken by the Secretary and the Board of the society as provided under the Bye-law No.59. | | Application for permission for making additions and alteration in a premise. |
|  | **44** | (a) For facilitating discharge of functions mentioned under the bye-law No.149 by the Board, every member shall allow the Secretary of the society, accompanied by any other member of the Board, to enter upon his flat/premises to examine its conditions for ascertaining the repairs, if any, necessary. The Secretary of the Society shall make a report to the Board, indicating therein, the particulars of the external repairs to be carried out by the society at its cost and the internal repairs to be carried out by the members at their cost. | | Examination of premises and report about Repairs of premises. |
|  |  | (b) On receipt of such report, the Board shall ascertain the cost involved in the external repairs, which are required to be carried out by the society at its cost as provided under the bye-law No.153(a) and cause the notice to be served on the member of such period as the Board thinks adequate, of its intention to carry out the external repairs and there-upon the member concerned shall allow the workmen engaged by the society directly or through its architect, access to his flat/premises for carrying out the repairs. If the members concerned fails to give access to his flat/premises without any reasonable and convincing reasons, the Secretary of the society shall have authority to enter upon the flat/premises and carry out the work under the supervision of the member of the Board duly authorized by it in that behalf or the architect appointed by the society. | | Notice to the member about carrying out repairs in his flat by the society at its cost. |
|  |  | (c) In respect of the internal repairs to be carried out by the member at his cost, the Board shall cause the notice to be served on the member, indicating therein, the particulars of repairs necessary to his flat and calling upon him to carry out the repairs to his flat to the satisfaction of the Board at his cost, within such period as the Board may allow. On his failure to comply with the notice, the Secretary of the Society or the architect appointed by the society shall have authority to enter upon the flat/premises and cause the repairs to be carried out after giving due notice to the member concerned. The amount spend by the society on such repairs shall be recoverable from the member concerned. | | Notice to the member about carrying out repairs in his flat at his cost. |
|  | **45.** | No member shall store or stock any kind of goods or materials, which are combustible, obnoxious or hazardous to life or not permitted under any other law. | | Restriction on storing of certain goods. |
|  | **46** | (a) No member shall do or suffer anything to be done in his flat/premises which may cause nuisance, annoyance on inconvenience to any of the members of the society or carry on practices which may be repugnant to the general decency or moral of the members of the Society. | | Not to do anything on a flat causing inconvenience nuisance or annoyance to other members. |
|  |  | (b) It shall be competent for the Board either Suo-moto or on receipt of complaint from any member, to take steps to stop all such practices referred to in the byelaws No. 46(a) fortwith. | | Board to take action on complaint about infringement of the Bye laws no 46(a). |
|  | **(B)** | **Removal and Expulsion of a Member** | |  |
|  | **47** | A member may be expelled from the membership of the society, if such a member: | | Grounds on which a member could be removed or expelled. |
|  | (i) | has persistently failed to pay the charges due to the society for a period of 3 years and for an amount exceeding Rs. 5,000/- in terms of section 25(4). | |  |
|  | (ii) | has willfully deceived the society by giving false information. | |  |
|  | (iii) | has used his flat for immoral purposes or misused it for illegal purposes habitually. | |  |
|  | (iv) | has been in the habit of committing breaches of any of the provisions of the bye-laws of the society, which, in the opinion of the Board are of serious nature. | |  |
|  | (v) | has furnished false information or omitted to furnish the material information to the Registering Authority at the time of registration of the society. | |  |
|  | **48** | (a) The cases of expulsion from the membership of the society shall be dealt with in the manner provide under section 26 of the Act, read with Rules 25 and 26 of the Rules. | | Procedure for expulsion of a member. |
|  |  | (b) Expulsion from membership may involve forfeitures of the shares held by the member. Where the Board decides that expulsion from membership should also involve forfeitures of the shares, it shall make necessary reference to the proposed forfeited to the shares in the notice to be issued under Rule 26 of the Rules. | | Procedure of shares of the expelled member. |
|  | **49.** | The member, duly expelled from the membership of the Society, shall cease to be the member of the society, with effect from the date on which the resolution of expulsion from the membership of the society is passed by the general body. The forfeiture of shares shall take effect after the meeting of the general body has so decided and the resolution of expulsion from the membership of the society has been passed by the general body under section 26 of the Act. | | Effect of expulsion on membership of the society. |
|  | **50.** | The member, who has been duly expelled from membership of the society, shall not be entitled to continue in occupation of his flat/premises and he shall arrange to handover peaceful and vacant possession of his flat/premises to the Secretary of the society, within two months from the date of passing the resolution of the expulsion. On his failure to do so, he shall be liable to be evicted from his flat/premises. | | Handing over vacant possession of the flat by the expelled member. |
|  | **51** | The shares, if the meeting of the general body meeting of the society has decided not to forfeit them and interest of the expelled member in the capital/property of the society shall be acquired by the society and the value thereof shall be paid to the expelled member, within 3 months of his handing over possession of his flat/premises or his eviction from it, after following the procedure as laid down under the byelaw No. 60 in respect of payment of the value of the shares and interest in the capital/property of the society acquired by the society. | | Acquisition of the Shares and interest of the expelled member. |
|  | **52** | No member of the society, who has been expelled from its membership, shall be eligible for readmission to membership in the society until expiry of the period of one year from the date of his expulsion, in terms of Section 26(2). | | Eligibility of the expelled member for readmission to membership of the society. |
|  | **(C)** | **Cessation of Membership** | |  |
|  | **53** | The person shall cease to be the member of the society: | | Circumstances under which a person ceases to be a member of the society. |
|  | (i) | On his resignation from membership of the society having been accepted by the Board. | |  |
|  | (ii) | On transfer of all his shares and interest in the capital/property of the society. | |  |
|  | (iii) | On his death. | |  |
|  | (iv) | On his expulsion from the membership of the society. | |  |
|  | (v) | On being adjudged as an insolvent or legally disabled from continuing as member. | |  |
|  |  | The Board shall take further action in the matter as indicted in the bye-law No. 54. | |  |
|  | **54** | The Board shall record the facts of cessation of member’s membership of the society under the byelaws No. 53(iii) and (v)in the minutes of its meetings. The Secretary of the society shall send intimations of cessation of membership to the members, within 7 days of the dates of the meetings of the Board in which the facts about cessation of membership were recorded. | | Action by the Board on cases of cessation of membership of the society. |
|  | **(D)** | **Restrictions of Holding more than One Flat** | |  |
|  | **55** | (a) No individual member of the society shall be eligible to hold more than one flat, in the area of operation of the society in his name or in the name of any of the members of his family without the previous consent in writing of the Board of the society. | | Member ordinarily not to hold more than one flat. |
|  |  | (b) The members, who desires to hold more than one flat/premises the area of operation of society, in his name or in the name of any of the members of his family, shall make an application to the Secretary of the society in the prescribed form, giving full justification for holding the additional flats/premises. | | Application for permission to hold additional flat. |
|  | **56.** | The procedure for disposal of application for permission to hold more than one flat as laid down under the bye-laws No. 59 shall be followed by the Secretary and the Board of the society. | | Disposal of applications for permission to hold more than one flat. |
|  | **(E)** | **Liabilities of a Member and the Past member** | |  |
|  | **57.** | The liability of a member for the debt of the society shall not exceed the amount unpaid on the shares. | | Liability limited to unpaid amount on shares. |
|  | **58** | The liability of the past member of the society for the debts of the Society, as they stood on the date of the cessation of his membership and the liability of the of the estate of the deceased member of the Society for the debts of the Society as they stood on the date of his death shall continue for the period of 2 years from the date of his cessation or death respectively as per the provisions of Section 33(1) of the Act. | | Liability of the past member. |
|  | **(F)** | **Other Matters** | |  |
|  | **59.** | (a) All the applications for (i) admission to membership of the society, including joint membership (ii)approval to the transfers of Shares and interest in the capital/ property of the Society, (iii)permission for sub-letting or giving flats/premises thereof on leave and license or care-taker basis,(iv)permission for additions and alterations in flats/ premises (v) allotment of parking spaces and stilts, (vi)permission for exchange of flats/premises, (vii) permission for holding additional flats/premises (viii) permission for assigning, mortgaging or creating charge on interest in flats/premises (ix) permission for use of terrace, open space and (x) for any other purpose provided under the bye-laws but not specifically mentioned above, shall be addressed to the Secretary of the Society. | | Disposal of applications. |
|  |  | (b) On receipt of the applications, the Secretary of the Society shall scrutinize them and bring any short-comings therein to the notice of the members concerned within 7 days of their receipt for compliance. | |  |
|  |  | (c) The Secretary shall place all the applications, complete in all respects before the meeting of the Board or the general body, as the case may be, held next after receipt of the applications. | |  |
|  |  | (d) The Board or the General Body, as the case may be, shall consider all such applications at its meetings and take decisions thereon; | |  |
|  |  | (e) The Board shall ensure that all the applications received by the Secretary of the society are disposed of within the maximum period of 3 months from the dates of their receipt. | |  |
|  |  | (f) If the Board or General Body, may reject any application after recording the reasons thereof in the minutes; | |  |
|  |  | (g) The Secretary of the Society shall communicate the decisions of the Board or the General Body, as the case may be, to the applicants concerned within 15 days of the decisions of the Board or the General Body, as the case may be, with reasons where the applications are rejected by the Board or the General Body, as the case may be. If the society does not communicate the decision to the applicant within three months from the date of receipt of application for membership, including joint membership, the application shall be deemed to have been refused as provided under Section 22(4) of the Act. | |  |
|  | **60.** | Wherever the question of payment of the value of the shares and the interest of any member of the society, in its capital/property, as the result of acquisition of the same by the Society arises, the following procedure shall be followed: | | Payment of the value of the shares and the interest of a member or past member of the Society. |
|  | (i) | The value of shares shall be decided in accordance with the provisions of Rule 21 of the Rules. | |  |
|  | (ii) | Within one month of the date of demand for payment of the value of the shares and interest in the capital/property of the Society, or acquisition of the same by the society, the Board shall by publication of the notice in at least two widely circulated newspapers and exhibition thereof on the notice Board of the society, invite offers for price proposed to be paid for acquiring interest in the flat/premises within such period as is mentioned in the notice. | |  |
|  | (iii) | On receipt of the offers along with 10% of offer price as Earnest Money the Board, in its meeting, shall scrutinize the same and decide to accept the offer which is the highest. | |  |
|  | (iv) | The board shall then advise the person, offering the highest price, to make an application for membership of the society, in the prescribed form, along with a demand draft for the price offered, value of 5 shares of the society and the entrance fees of Rs.10/-. | |  |
|  | (v) | On realization of the demand draft and within one month of the admission of the said person to membership of the Society, the Board shall arrange to pay the value of the interest in the flat/premises realized by the Society to the member whose resignation has been accepted or the nominee/s heir/s of the deceased member who demanded payment of the value of the Shares and the interest in the capital/property of the Society or to the expelled member, together with the value of the shares as determined under (i) above, after deducting the outstanding amount, if any due from such member and the entire expenses of the publication of the notice. The payment shall be made in the manner provided under the byelaws Nos. 32,33 and 51 to the nominee/ nominees or heir/heirs. respectively. | |  |
|  | **VIII.** | **LEVY OF CHARGES OF THE SOCIETY** | |  |
|  | **61.** | The contribution to be collected from the members of the society, towards outgoings as defined under Section 102(n) of the Act and establishment of its funds, referred to in these bye-laws as the charges/dues may be in relation to the following: (i)Property Taxes, (ii) Water Charges, (iii) Common Electricity Charges,(iv) Contribution to Building Maintenance Fund, (v)Expenses on repairs and maintenance of the lifts of the society, including charges for running the lift, (vi) Building Fund,(vii) Service charges, (viii) Car parking charges, (ix) Interest on the Defaulted charges, (x) Repayment of the instalment of the loan and interest, (xii) Non-occupancy Charges, (xii) Insurance charges, (xiii) Lease rent, (xiv) Non-agricultural tax, (xv) any other charges. | | Composition of the charges of the society. |
|  | **62.** | The service charges of the society referred to at (vii) above shall include the following: | | Break up of Service Charges of the Society. |
|  | (i) | Salaries of the office staff, Liftmen, Watchmen, Gardener and any other employee of the society. | |  |
|  | (ii) | Where the society has independent office, the property taxes, electricity charges, water charges etc for the same. | |  |
|  | (iii) | Printing, stationary and Postage. | |  |
|  | (iv) | Travelling allowance and conveyance charges to the staff and the members of the Board of the Society. | |  |
|  | (v) | Sitting fees paid to the members of the Board of the Society. | |  |
|  | (vi) | Subscription to the Goa State Coop. Union Ltd. | |  |
|  | (vii) | Annual Subscription of the Federation and any other cooperative institution to which the Society is affiliated. | |  |
|  | (viii) | Entranced fees for affiliation to the Federation and any other cooperative institution, | |  |
|  | (ix) | Audit Fees for internal, statutory and reaudit, if any. | |  |
|  | (x) | Expenses incurred at meetings of the General Body, the Board and Sub-committee, if any. | |  |
|  | (xi) | Retainer fees, legal charges, statutory enquiry fees, | |  |
|  | (xii) | Any other charges approved by the general body at its meeting. | |  |
|  | **63.** | (a) The Board shall apportion the Share of each member towards the charges of the society on the following basis: | | Sharing of society’s charges by the members. |
|  | (i) | ***Property taxes***: As fixed by the Local Authority. | |  |
|  | (ii) | ***Water Charges***: As decided by the General Body from time to time. | |  |
|  | (iii) | ***Common Electricity Charges***,: At the rate per square meter of each flat/premises. | |  |
|  | (iv) | ***Expenses on repairs and maintenance of the building/buildings of the Society.***  At the rate per square of the built-up area of each flat/premises fixed by the general body of the society at its meeting. | |  |
|  | (v) | ***Expenses on repairs and maintenance of lift, including charges for running the lift***: At the rate per square meter of the flat/premises. | |  |
|  | (vi) | ***Service Charges***: At the rate per square meter of the flat/premises. | |  |
|  | (vii) | ***Car parking charges***: At the rate fixed by the general body of the Society at its meeting under the byelaws No.78. | |  |
|  | (viii) | ***Interest on the defaulted Charges:*** At the rate fixed under the Bye-law No.66 to be recovered from the defaulter members. | |  |
|  | (ix) | ***Repayment of the installment of the loan and interest***: | |  |
|  | (x) | ***Non-occupancy charges*** : At the rate fixed under rule 133. | |  |
|  | (xi) | ***Insurance charges***: The built up area of each flat, provided that if there is increase in the insurance premium due to storing any specific goods in any flat, used for commercial purposes, the extra burden of insurance premium shall be shared by those who were responsible for such increased premium in proportion of the built-up areas of their flats. | |  |
|  | (xii) | ***Lease rent***: The built-up area of each flat. | |  |
|  | (xiii) | ***Any other charges***: As may be decided by the general body of the Society at its meeting. | |  |
|  |  | **(b)** The Board shall fix in respect of every flat/premises the society charges on the basis laid down under the bye-law No. 63(a). | | Board to fit Society’s charges in respect of every flat. |
|  | **64.** | The Secretary of the Society shall prepare demand notices in respect of the charges of the society, payable by members on the basis of the bye-law No.63 and issue the same to all the members on or before the date fixed by the Board in that behalf. Every member of the Society shall pay the amount mentioned in the demand notice in full within such period as may be fixed by the Board. | | Payment of the Society’s Charges |
|  | **65.** | A member shall be deemed to have committed default in payment of the charges of the society, if the payment mentioned in the demand notice is not made within the period fixed by the Board under the bye-law No.64. The Secretary of the Society shall bring the cases of defaults in payment of the Society’s charges to the notice of the Board for taking further necessary action. | | Review of the cases of defaults in payment of the charges of the society. |
|  | **66** | A defaulted member shall be required to pay simple interest not exceeding 18% p.a. on the charges of the society defaulted by a member, from the date the amount was defaulted till its payment. | | Interest on the defaulted payments. |
|  | **IX.** | **INCORPORATION, DUTIES AND POWERS OF THE SOCIETY** | |  |
|  | **67.** | The registration of society shall render it a body corporate by the name under which it is registered, with perpetual succession and common seal and with power to acquire, hold and dispose of the property, to entre into contracts and other legal proceedings and to do all such things as are necessary for the purpose for which it is constituted. | | Incorporation. |
|  | **68** | The common seal of the society shall be in the custody of the Secretary of the society and shall be used under the authority by means of a resolution of the Board and the deeds of conveyance, share certificates or any other documents, to which the seal is affixed on behalf of the society, shall be attested by the Chairman, the Secretary and one member of the Board, authorized by the Board in that behalf. | | Common seal. |
|  | **69** | The society shall have first charge on the shares and or interest of a member, present or past, in the capital/property of the society and upon any dividend, bonus or profits, payable to a member in respect of any charges due from such member or past member to the society and may set off any sum credited by or payable to a member, in or towards the repayment of such charges as provided under Section 43 of the Act. | | Charge and set off in respect of shares and interest of a member of the society. |
|  | **70** | **(a)** The allotments of flats/premises in the building/ buildings of the Society shall be made to its members on the basis of : | | Policy for allotment of Flats |
|  | (i) | The first come first served and full payment of the demand, made by the society from time to time. | |  |
|  | (ii) | By drawing lots as may be decided by the General Body meeting | |  |
|  | (iii) | As agreed between the member / developer the Secretary of the Society shall issue letters of allotment of flats /plots/ premises in the prescribed form to the respective members and obtain confirmation letters from them. | |  |
| . |  | **(b)** No member of the society shall use the flats /plots/ premises allotted to him for a purpose other than that mentioned in the letter of allotment, without the previous consent in writing of the Board. | | Change of user not permissible without the sanction of the Board |
|  | **71.** | (a) No member shall be eligible to get possession of the flat/plot/premises allotted to him unless he has made full payment towards shares, cost of construction, repayment of the loan instalments, Which have fallen due and/or any other charges as demanded by the society, under these bye-laws. | | Handing over possession of flats. |
|  |  | (b) The Board shall, after getting occupation or completion certificate from the local authority, scrutinize the allotment register from time to time and issue instructions to the Secretary of the Society to hand over possession of flats to the respective members who have complied with the provision of the bye-law No. 71(a) as per allotment register and obtain certificates of possession from the allottee members. | | Scrutiny of the allotment register. |
|  | **72.** | Where any member fails to pay any calls made by the Society under the bye-law No.71(a), within the time allowed to him by the Board, the allotment of flat made in his favour, shall stand cancelled and the Secretary of the Society, under instructions from the Board, shall inform the member accordingly. Where such cancellation has been made, the flat may be allotted to other applicant approved by the Board. If a member, whose allotment is cancelled, makes payment of the calls made by the Society, on a later occasion, the general body of the Society; at its meeting may consider the matter regarding re-allotment of any other flat to him, if it is available for allotment. | | Cancellation of allotment of flats. |
|  | **73.** | The allotment of parking spaces/stilts shall be made by the Board on the basis of drawing lots on annual basis. | | Policy of allotment of parking spaces and stilts. |
|  | **74.** | No member shall be entitled to utilize more parking spaces/stilts than what is allotted to him by the Board. | | Restriction of Parking spaces/ stilts. |
|  | **75.** | Where any stilts have been built or open space in the Society’s compound is available for parking of cars, the Society shall number the stilts or the open space in such a way that no inconvenience would be caused to any of the members of the Society. The Board shall ensure that the space is used by the members for the purpose for which it is allotted to them. | | Marking of parking space or stilts. |
|  | **76.** | A member, having a motor vehicle, will only be eligible to have stilt or a parking space. No member shall normally be eligible for being allotted more than one stilt or a parking space for parking the car owned by him or allotted to him or allotted to him by his employer, or the firm of which he is the partner or the company of which he is the director. If any stilts or parking spaces remain un-allotted for want of applicants for allotment, a second or third stilt or parking space may be allotted to the same member who has earlier been allotted the stilt or the parking space. Such allotment of 2nd or 3rd stilt/parking space shall be made on year to year basis, provided the same is not required by another member, who is not allotted even a single stilt /parking space. | | Eligibility for allotment of stilts or parking spaces. |
|  | **77.** | The member, desiring to have a stilt or a parking space, may make an application to the Secretary of the Society giving necessary details. The procedure for disposal of applications for permission under this bye-law, as laid down under the bye-law No.59 shall be followed by the Secretary and the Board of the Society. | | Application for allotment of stilts or parking spaces. |
|  | **78.** | Every member, who has been allotted the stilt or the parking space shall be required to pay the parking charges at such rate as may be decided by the general body of the society at its meeting, irrespective of the fact whether he actually parks his motor vehicle or not. Where a member has been allotted more than one stilt/parking space, he shall pay parking charges in respect of every such stilt or parking space. | | Payment of charges for parking of vehicles |
|  | **79.** | Every member, having a scooter, a motor cycle, or an Auto-rickshaw shall obtain prior permission of the Board for parking his vehicle in the compound of the society, on payment of charges, fixed by the general body of the Society at its meeting. | | Parking of other vehicles. |
|  | **X.** | **GENERAL MEETINGS** | |  |
|  | **(A)** | **First General Meetings** | |  |
|  | **80.** | The first general body meeting of the promoters, who have signed the application for registration of the Society, shall be held within the period of 3 months of the date of the registration of the society, as provided under Rule 45 of the Rules. It shall be the responsibility of the Chief Promoter of the Society to convene the said meeting within the stipulated period. | | Holding of the first general body meeting within the stipulated period. |
|  | **81.** | On failure of the Chief Promoter of the Society to hold the first General Body Meeting, within the period as specified in Rule 45 the body Registering authority shall cause it to be called, as specified in Rule 45. | | Calling the first general meeting by the Registering Authority. |
|  | **82.** | Fourteen clear day’s notice of the first general body meeting of the society shall be given by the Chief Promoter of the Society or as the case may be, by the officer authorized by the Registering Authority, to all the promoters, who have signed the application for the registration of the society. | | Period of notice for the first general body meeting |
|  | **83.** | **(a)** The functions of the first general body meeting of the society shall be as under: | | Functions of the first general body meeting. |
|  | (i) | To elect a president for the meeting. | |  |
|  | (ii) | To admit persons to membership (other than the promoters) who have applied for membership of the society. | |  |
|  | (iii) | To elect a provisional Board and to fix the date of first meeting of the Board of Directors. | |  |
|  | (iv) | To receive and approve the statement of accounts, as prepared by the Chief Promoter of the Society, upto 14 days prior to the date of the first general body meeting of the Society**.** | |  |
|  | **(v)** | To review and approve the report of the Chief Promoter of the Society regarding the work done and proposed to be done with reference to the financial and physical aspects of the scheme of construction. | |  |
|  | (vi) | To fix the limit upto which funds may be borrowed. | |  |
|  | (vii) | To appoint internal auditors of the Society for the year , if necessary and to fix their remuneration. | |  |
|  | (viii) | To confirm the agreement for purchase of the plot/building for the Society entered into by the Chief Promoter of the Society with the vendors. | |  |
|  | (ix) | To approve the site plan and the scheme of construction. | |  |
|  | (x) | To confirm the appointment of the architect of the Society made by the Chief Promoter of the Society or to appoint a architect/engineer, if no such appointment is made by the Chief Promoter of the Society. | |  |
|  | (xi) | To consider affiliation of the society as member of the The Goa State Cooperative Housing Finance & Federation Ltd., of the State and The Goa State Cooperative Union Ltd. | |  |
|  | (xii) | To consider any other matter to be brought before the meeting with the permission of the Chair, exception those requiring proper notice. | |  |
|  | **84.** | The person, who presides over the first general body meeting, shall record the minutes of the meeting, sign them and hand them over to the Secretary of the Society elected at the first meeting of the provisional Board. | | Recording of minutes at the first general body meeting. |
|  | **85.** | The Chief Promoter of the Society shall, immediately after election of the office-bearers of the society, at the first meeting of the provisional Board hand over to the Chairman of Society, or any member of the Provisional Board authorized by it in that behalf, all records of the Society, particularly the copy of the application for registration of the society, received back from the Registering Authority, the copy of the bye-laws of the society registered by the Registering Authority, the certificate of registration of the society, the challans for credit of amounts into the bank, the counterfoils of the used cheques and the unused forms of the cheques, the bank pass books, copies of all the agreements entered into by him with different parties, the statement of accounts as prepared by him, the applications for membership, the statement of information of the promoters, the vouchers for amounts spent, the cash balance, if any, the site plan, the scheme of construction , the minutes of the first general body meeting of the society, the files of the correspondence with the Registering Authority, the Local Authority and all such other records and assets of the society as are in his possession, leaving nothing with him. | | Handing over records by the Chief Promoter of the Society. |
|  | **86.** | The Provisional Board shall have the same powers and functions as the board duly elected in accordance with the bye-laws of the society. | | Powers of the provisional Board. |
|  | **87.** | The Provisional Board shall be in office for a period of one year or till the election of the new Board. The election is conducted by the Registrar of Coop. Societies or such authority or body as authorized by the Government. | | Period of office or the Provisional Board. |
|  | **88.** | The Chairman of the Provisional Board shall hand over charge of all the assets and papers of the society to the Chairman of the newly elected Board at the time of its first meeting leaving nothing with him. | | Handing over charge by the Provisional Board. |
|  | **(B)** | **Annual General Body meetings** | |  |
|  | **89.** | The annual general meeting of the Society shall be held within 6 months from the date of closing the accounting year under Section 72(2) of the Act read with Rule 46. | | Period with which annual general body meeting should be held. |
|  | **90.** | The annual general body meeting of the Society shall transact the following business: | | Functions of the annual general body meeting of the society. |
|  | **(i)** | to read the minutes of the last annual general body meeting of the society and the special general body meeting of the society, if any and to note the action taken thereon. | |  |
|  | (ii) | receive from the Board, the report on the preceeding co-operative year’s working together with the statements of accounts in form ‘L-1 to L-4 prescribed under Rule 50(1) of the Rules, showing the income and expenditure during the preceding co-operative year and the balance sheet as at the close of the preceding coop. year. | |  |
|  | (iii) | to consider audit memorandum if received from the Statutory Auditors for the previous co-operative year or years, along with the audit rectification report of the Board thereon. | |  |
|  | (iv) | to declare the result of election to the Board, if election to Board has taken place during the year in which the annual general body meeting of the society is held. | |  |
|  | (v) | to appoint Statutory Auditors to hold the office till the conclusion of the next annual general body meeting and to fix remuneration within the limits as prescribed by the Registrar under Section 74(4) of the Act. | |  |
|  | (vi) | to appoint an internal auditor, if considered necessary and to fix his remuneration. | |  |
|  | (vii) | to consider any other matter, specifically requiring decisions, concurrence or sanction of the general body meeting of the society, by virtue of the provisions in the Act, Rules and the Bye-laws of the society. | |  |
|  | (viii) | to consider any other important communications received from the Registering Authority, the Statutory Auditor, Internal Auditor, Government , Collector, Local Authority or any other Officer of Government. | |  |
|  | (ix) | to consider any other matter, excepting those requiring proper notice, with the permission of the Chair, after the regular agenda is over. | |  |
|  | **(C )** | **Special General Body Meeting** | |  |
|  | **91.** | A special general body meeting of the Society may be called at any time by the decision of the majority of the Board and shall be called within 30 days of the date of the receipt of requisition in writing, signed by at least one/tenth (1/10th) of the members of the Society or from the Registering Authority or from the Housing Federation, to which the Society is affiliated. The meeting so convened shall not transact any business, other than that mentioned in the notice of the meeting. | | When a special general body meeting should be called. |
|  | **92.** | The requisition for the special general body meeting of the Society, under the bye-law No. 91 shall be placed, within 7 days of its receipt, before the meeting of the Board by the Secretary of the society, for fixing the date, time and place for the special general body meeting of the society. | | Fixing date, time and place for a special general body meeting requisitioned. |
|  | **93.** | The Board shall decide the date, time and place of every general body meeting of the society and the business to be transacted there at, provided that the business to be transacted at the requisitioned special general body meeting shall be only that mentioned in the requisition. The notice convening the general body meeting shall be issued by the Secretary of the Society accordingly. On his failure to issue the notice, the Chairman shall issue the same. | | Notice of a general body meeting. |
|  | **94.** | In case of the annual general body meeting, 14 clear day’s notice and in the case of the special general body meeting 7 clear day’s notice of the meeting shall be given to all the members of the Society, under intimation to the Registering Authority. In case of an emergency, the special general body meeting may be called even at a shorter notice, if the Board unanimously decides to call the special general body meeting at a shorter notice. | | Period of notice of a general body meeting. |
|  | **95.** | The quorum for every general body meeting of the Society shall be more than 50% of the total number of members of the Society or 20 members, whichever is less. | | Quorum for the general body meeting. |
|  | **96.** | If within half an hour after the time appointed for the general body meeting of the Society, there is no quorum, the meeting, if convened upon the requisition of the members, shall be dissolved. In any other case, it 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 7 days, and not later than 30 days and as such adjourned general meeting, the business on the agenda of the original general body meeting shall be transacted , whether there is quorum or not and the decision taken in such meetings shall be binding on all the members of the Society. | | Holding of the adjourned general body meeting. |
|  | **97.** | If all the business on the agenda of the general body meeting of the Society cannot be transacted on the day on which the general body meeting is held, the meeting shall be postponed to any other suitable date, not later than 30 days from the date of the meeting, as may be decided by the members present at the meeting. | | Postponement of the general body meeting which cannot complete the business on the agenda. |
|  | **98.** | The Chairman of the society shall preside over all general body meeting of the society, provided that if the Chairman is absent or if present and is unwilling to preside, the members present may elect a person from amongst themselves to preside over it. | | Chairman of the society to preside over all general body meetings. |
|  | **99.** | No proxy or a holder of power of attorney or letter of authority shall be eligible to attend a general body meeting of the society on behalf of a member of the society except as provided in Section 28 of the Act. | | Restriction on attending a general body meeting by a proxy. |
|  | **100.** | Voting right of a member of the society shall be regulated in accordance with the provisions of Section 28(1) and (2) of the Act. | | Voting right of a member. |
|  | **101** | At a general body meeting of the society, every member of the society shall have one vote only. In case of equality of votes, the Chairman of the meeting shall have a casting vote. | | One member one vote. |
|  | **102.** | Unless otherwise specifically provided under the Act, the Rules and the Bye-laws of the Society, all questions at a general body meeting of the society shall be decided by a simple majority of those present and voting at the meeting. | | How decision shall be taken. |
|  | **103.** | The Board shall finalise the draft minutes of every general body meeting of the society within 1 month from the date of the meeting and circulate the draft minutes amongst all the members of the society within 7 days of the meeting of the Board at which the draft minutes were finalized. The members of the society may communicate to the Secretary of the Society their observations, if any, on the draft minutes, within 7 days of the date of their Circulation. The Board , at its subsequent meeting shall prepare the final minutes of the general body meeting after taking into consideration the observations, if any, made by the members on the draft minutes and cause them to be recorded in the minutes book by the Secretary of the Society or any other person authorized in that behalf. | | Recording of the minutes of the general body meetings. |
|  | **104.** | No resolution can be brought at a general body meeting of the Society, cancelling or modifying it a previous resolution, unless 6 clear months have expired after passing of the previous resolution. | | Cancellation of the previous resolution of the general body meeting. |
|  | **X.** | **MANAGEMENT OF THE AFFAIRS OF THE SOCIETY** | |  |
|  | **105.** | Subject to the provisions of the Act, the Rules and the Bye-laws of the Society, the final authority of the society shall vest in its general body meeting, summoned in such manner as is specified in these bye-laws. | | General body meeting to be the supreme authority**.** |
|  | **106.** | The management of the affairs of the Society shall vest in the Board duly constituted in accordance with the provisions of the Act, the Rules and the Bye-laws of the Society. | | Management of the society to vest in the Board. |
|  | **107.** | Subject to the direction give or regulation made by a meeting of the general body of the Society, the Board shall exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No.130 | | Exercise of powers by the Board. |
|  | **108.** | The Board shall consist of 3/5/7/9/11/13//15 members of the society. Out of which two reserve for woman and one for SC/ST category if the society having member from such class or category of person. | | Strength of the Board. |
|  | **109** | **(a)** Election of all the members of the Board shall be held once in 5 years. The election of the Board shall be conducted by the Registrar of Cooperative Societies, or any body for Authority specified by the Government of Goa, before expiry of the term of Board so as to ensure that the newly elected members of the Board assume office immediately on expiry of the office of members of the outgoing Board. | |  |
|  |  | **(b)** In the event of failure to elect required Directors of the Board to constitute the full Board the vacancies shall be filled by the Registrar of Cooperative Societies in as per section 67A of the Act. | | Action if the nominations received are less than the number of seats to be filled in. |
|  | **110.** | No person shall be eligible for being elected as a member of the Board or co-opted or appointed u/s 67 A of the Act. | |  |
|  | **(i)** | he has been convicted of the offence, involving moral turpitude, unless the period of six years has elapsed since his conviction, | | Disqualification for election to the Board. |
|  | (ii) | he is in default to the society, in respect of any charges due from him or in respect of the demand made by the society towards the shares, or any other charges payable to the society for more than 90 days prior to the date of filing the nomination. | |  |
|  | (iii) | he had, without the previous permission of the society, in writing sub-let his flat/ premises or part thereof or given it on leave and licence or care-taker basis or has parted with its possession in any other manner for more than 6 months. | |  |
|  | **111.(1)**  **(a)**  **(b)**  **(c )** | A person shall cease to be the member of the Board, if:  He has incurred any of the dis-qualifications mentioned under the Bye-law No.110 or,  he has failed to attend any three consecutive meetings of the Board, without the leave of absence or,  he has defaulted payment of any amount, mentioned in the bye-laws No.110(ii) for more than 90 days from the date on which it was due for payment. | | Cessation of a member of the Board. |
|  | **(2)** | If a member of the Board attracts any of the disqualification under the bye-laws No.111(1) the Board shall after giving opportunity; to the concern member shall record the fact in the minutes of its meeting. | | Procedure for removal of a Board member incurring disqualification. |
|  | **112.** | A Bank account shall be opened in the name of the Society in any cooperative, nationalized or scheduled Banks which shall be operated jointly by any two among the Chairman, Secretary and Treasurer. | | Open a Bank A/c in the name of society in any Co-operative, nationalized or scheduled bank. |
|  | **113.** | The period of office of the Board elected under the bye-Law No.109(a) shall be for 5 years from the date of election. | | Period of office of the elected Board. |
|  | **114.(a)** | The first meeting of the newly elected Board shall be held within one month from the date of the election of the society. | | The first meeting of the newly elected Board to be held within three months of its election. |
|  | **(b)** | Subject to the provisions of the bye-law No.114(a) the Secretary of the outgoing Board shall issue notice of the first meeting of the newly elected Board. On the failure of the Secretary of the outgoing Board to convene the said meeting, the Chairman of the outgoing Board shall call it. On the failure of both, the Registering Authority may call such a meeting. | | Issue of notice of the first meeting of newly elected Board. |
|  | **115.** | All records of the society shall be kept at its registered address till construction of the building is not completed. On completion of construction of the building, the records of the society shall be kept at its premises, convenient to the Secretary with the approval of the Chairman of the society. | | Custody of the records of the society. |
|  | **116** | When the new Board is elected, the Secretary of the outgoing Board shall prepare the list of papers and property of the society in his custody and hand over the charge there of to the outgoing Chairman. The retiring Chairman shall hand over charge of the office of the Board and all papers and property of the Society, in his possession to the Chairman of the new Board, as per provision contained in Section 123(A) of the Act. | | Handing over charge by the outgoing Board |
|  | ***Note*** | **The word “papers” used in this bye-law and any other bye-laws shall mean all or any items mentioned in the bye-laws Nos.133 and 134.** | |  |
|  | **117.(a)** | Election to the Office Bearers of the society shall be conducted by the Registrar of Cooperative Societies as per the provision of Section 66(6) of the Act. | | Election of office bearers of the Society. |
|  | **(b)** | The Chairman/Secretary and Treasurer of the Society shall hold office for the period of 5 years from the date of election. Provided that he shall cease to be the Chairman, Secretary, Treasurer or as the case may be of the Society if the motion of “No Confidence” is moved and passed by simple majority of the total numbers of Board member in the special meeting of the Board called upon the requisition signed by not less than 1/3rd of the total number of members of the Board who are for the time being entitled to attend and vote at any meeting of the Board. | |  |
|  | **118.** | The quorum for a Board meeting shall be more than 50% of the number of members of the Board. It shall not be competent for the Board to transact any business unless there is the quorum at the meeting of the Board. | | Quorum for Board meeting. |
|  | **119.** | The Board shall meet as often as necessary but atleast once in three months. | | Number of Board meetings to be held in a month. |
|  | **120.** | In the event of vacancies in the Board, caused on account of the death, resignation, disqualification or removal of any members of the Board, the Board may fill in such vacancies by co-option on the Board of any other members, eligible to be on the Board. Provided such vacancies are not in excess of 1/3 of the total strength of the Board. | | Casual vacancies in the Board to be filled in by Cooption. |
|  | **121** | The period of office of the co-opted member of the Board shall be co-terminus with tenure of office of the Board | | The period of office of the member co-opted on the Board**.** |
|  | **122.** | A member of the Board may, by a letter, addressed to the Chairman of the society, resign his membership of the Board. The resignation shall be effective from the date it is accepted by the Board or on expiry of the period of one month from the date of the receipt of the letter of the resignation by the Society, whichever is earlier. | | Resignation by a member of the Board. |
|  | **123. (a)** | The Chairman of the society may resign his office as Chairman by a letter addressed to the Secretary of the society; | | Resignation of office-bearership of the society. |
|  | (b) | The Secretary of the society may resign his office as Secretary by a letter addressed to the Chairman of the Society; | |  |
|  | (c ) | The Treasurer of the society may resign his office as Treasurer by a letter addressed to the Chairman of the Society; | |  |
|  | (d) | The Board may accept the resignation of the office of the Chairman/Secretary/Treasurer only after it is satisfied that the Chairman or as the case may be the Secretary/Treasurer of the society has brought up-to-date the work entrusted to him and has produced the entire papers and property of the society, in his possession before the Board. | |  |
|  | **124.** | The Secretary of the society shall give 3 clear days notice of every meeting of the Board to all the members of the Board, which shall state the date, time and place of the meeting and the business to be transacted there at, in consultation with the Chairman of the society. Where the Secretary of the society fails to issue such a notice and agenda of any meeting of the Board, the Chairman of the society shall issue it. If the Chairman and the Secretary of the society fail to issue a notice and agenda of any meeting of the Board, any member of the Board can issue such notice and agenda. In case of emergency meeting shorter notice may be given. The majority of managing committee members may also call the meeting. | | Notice of meeting of the Board. |
|  | **125.** | The Chairman of the society shall preside over all the meetings of the Board, provided that if at any meeting of the Board, he is absent, those members of the Board present shall elect one of them to be the Chairman for the occasion, who shall preside over the meeting. | | The Chairman of the society to preside over the meeting of the board. |
|  | **126.** | Every member of the Board shall have one vote, however, in case of equality of votes, the Chairman of the meeting will have a second or casting vote. All decisions shall be taken by majority of votes. In the case of election of office bearer if there is a equality of vote the new office bearer shall be elected by system of lots. | | One member one vote. Decisions by majority of the Board. |
|  | **127.** | On a requisition by 1/5th of the members of the Board, the Secretary of the society shall convene a special meeting of the Board within 7 days of the date of receipt of the requisition to discuss the matters mentioned in the requisition. On the failure of the Secretary of the Society to convene such a meeting, within the time stipulated , the procedure laid down under the bye-laws No.124 shall be followed. | | A special meeting of the Board at the instance of the Chairman or 1/3rd members of the Board. |
|  | **128.** | The Secretary of the Society shall attend every meeting of the Board and record its minutes and place the same for confirmation before the next meeting of the Board .The minutes shall be signed by the Chairman of the meeting . In the absence of the Secretary of the society, the chairman of the society shall make alternate arrangement for recording minutes of the meeting. | | Attending  meeting of the  Board and recording their  minutes by the  Secretary of  society. |
|  | **129.** | The members of the Board shall be jointly and severally liable for making good any loss, which the society may suffer on account of their negligence or omission to perform any of the duties and functions cast on them under the Act, Rules and the bye-laws of the society. | | Joint and several  liability of the member of the Board. |
|  | **130.** | Subject to the bye-law No.107 the Board shall exercise the powers and discharge the functions and duties as mentioned here under: | | Powers, duties and functions of the Board. |
|  | **Sr. No.** | **Items of the powers, functions and duties of the Board.** | | **The bye-law No. under which power, function or duty falls** |
|  | **1** | **2** | | **3** |
|  | 1 | To consider acceptance of deposits and raising of loans. | | 11 |
|  | 2 | To consider and to recommend to the meeting of the general body, the rates of contribution to the Repairs and Maintenance Fund and Reserve Fund. | |  |
|  | 3 | To consider all matters relating to the creation, investment and utilization of the Repair Maintenance Fund & Reserve Fund. | | 13, 14(a), (b) and (c), 15 |
|  | 4 | To consider and decide the resignations received from members and joint members. | | 26 and 27 |
|  | 5 | To ensure that nominations and revocations thereof are recorded in the minutes of the meetings of the Board. | | 29 |
|  | 6 | To take action on the report of the  Secretary on inspection of the flats. | | 44 (b) |
|  | 7 | To take action on cases of cessation of membership , including joint membership. | | 54 |
|  | 8 | To consider and decide the applications for various purposes received by the Society. | | 59 |
|  | 9 | To consider and decide cases of refund of shares and interest in the capital/property of the society where the shares and interest in the capital/ property are acquired by the society. | | 60 |
|  | 10 | To fix the rate of insurance premium in respect of commercial use of the flats. | | 63(a)(xi) |
|  | 11 | To fix in respect of every flat the society’s charges on the basis of the proportion laid down under the bye law No.63(a). | | 63(b )65 |
|  | 12 | To review the position of recovery of the charges due to the society from members and to initiate action against defaulting members. | |  |
|  | 13 | To verify compliance of the provisions relating to charging of interest on defaulted charges of the society. | | 66 |
|  | 14 | To authorize a member of the Board to attest deed of conveyance, share certificates and any other documents to which the seal of the society is affixed. | | 68 |
|  | 15 | To decide subject to the policy laid down by the meeting to the general body, allotment of flats and to consider cancellation thereof. | | 70(a ) & 72 |
|  | 16 | To scrutinize the Register of allotment of flats and ensure handing over possession of flats. | | 71(b) |
|  | 17 | To ensure holding of every annual meeting of the general body within the prescribed period. | | 89 |
|  | 18 | To ensure that all matters required to be considered at an annual meeting of general body are kept on the agenda of the meeting. | | 90 |
|  | 19 | To call a special meeting of the general body when required. | | 91 |
|  | 20 | To arrange for election of a new Board prior to the expiry of the period of the existing Board. | | 109(a) |
|  | 21 | To elect office bearers of the society | | 117(a) |
|  | 22 | To ensure that a meeting of the Board is held once in 3 months. | | 119 |
|  | 23 | To fill in vacancies on the Board. | | 120 |
|  | 24 | To consider resignation of a member of the Board. | | 122 |
|  | 25 | To consider resignation of an office-bearer of the society. | | 123(d) |
|  | 26 | To obtain securities from the paid employees of the society. | | 139 |
|  | 27 | To approve the audit rectification reports of statutory and internal audits and to forward them to the authorities concerned. | | 146 |
|  | 28 | To execute deed of conveyance of the land. | | 147(b) |
|  | 29 | To enter into contract with the Architect/Engineer of the society. | | 148(a) |
|  | 30 | To scrutinize the tenders, received for construction work and to submit the same along with Boards report to the meeting of the general body and to enter into contract with the Contractor. | | 148(d) |
|  | 31 | To take steps to maintain the property of the society in good condition and to carry out repairs to it and renewals thereof. | | 149 and 152 |
|  | 32 | To insure the property of the society | | 154 |
|  | 33 | To suggest to the general body meeting the rates of penalties for breaches of bye-laws and to issue Show Cause Notices. | | 159 |
|  | 34 | To regulate operation to the lift of the Society. | | 161 |
|  | 35 | To suggest to the meeting of the general body the games to be allowed to be played in compound  of the society. | | 162 |
|  | 36 | To consider and decide the admission, transfer, transmission and resignation and expulsion of members. | |  |
|  | 37 | To consider and decide any other matters provided under the Act, the Rules and the Bye-laws of the society but not expressly indicated herein above. | |  |
|  | **131** | The Chairman of the society shall have the power of overall superintendence, control and guidance in respect of management of the affairs of the Society, within the frame work of the Act, the Rules and the bye-laws of the society. In case of any emergency, the Chairman of the society shall be competent to exercise any of the powers of the Board. Any decision, so taken by the Chairman of the society shall, however, be got ratified in the next meeting of the Board. | | Powers of the  Chairman of the society. |
|  | **132.(A)** | **The functions of the secretary of the society shall be those mentioned below:** | | Functions of the  Secretary. |
|  | **Sr. No.** | **Functions of the Chairman** | | **Bye-law No. Under which it falls** |
|  | (1) | (2) | | (3) |
|  | 1. | To issue share certificates to members within 30 days from the date of registration and allotment or transfer or transmission. | | 9 and 10 |
|  | 2. | To deal with resignations from members, including joint members. | | 26 |
|  | **3** | To enter nominations and revocations thereof in the nomination register. | | 29 |
|  | **4.** | To inspect the property of the society. | | 44(a) and 150 |
|  | **5** | To issue notices regarding repairs to be carried out in flats. | | 44(b), ( c) |
|  | **6.** | To deal with cases of expulsion of members. | | 47 to 52 |
|  | **7** | To deal with cases of cessation of membership including joint membership. | | 54 |
|  | **8.** | To deal with the applications for various purposes received by the society. | | 59 |
|  | **9.** | To prepare demand notices for Payment of the society’s charges. | | 64 |
|  | **10** | To bring cases of defaults in payment of the society’s charges to the notice of the Board. | | 65 |
|  | **11** | To issue letters of allotment of flats or cancellation thereof. | | 70(a) and 72 |
|  | **12** | To hand over possession of flats to members under instructions from the Board. | | 71(b) |
|  | **13.** | To issue notices and agenda of all meetings of the general body. | | 93 |
|  | **14** | To record the minutes of all the meetings of the meetings of the general body. | | 103 |
|  | **15** | To call the first meeting of the newly constituted Board. | | 114(b) |
|  | **16** | To issue notices of all the meetings of the Board. | | 124 |
|  | **17** | To attend meetings of the Board and to record minutes thereof. | | 128 |
|  | **18** | To produce records of the society before different authorities concerned with the working of the society with the consent of the Chairman. | | 145 |
|  | **19** | To bring breaches of the bye-laws by the members to their notices under instructions from the Board. | | 159 |
|  | **20.** | To discharge such other functions under the Act, the Rules and the Bye-laws of the society and directions of the Board and the general body meetings, as are not expressly mentioned herein above. | |  |
|  | **132. (B)** | **Functions of the Treasurer :** | |  |
|  |  | **The Functions of the Treasurer of the society shall be those mentioned below:** | |  |
|  | **(1)** | To maintain account books, registers and other records, unless otherwise decided by the Board. | |  |
|  | **(2)** | To finalise accounts of the Society in the required manner. | |  |
|  | **(3)** | To issue Pass Books to members. | |  |
|  | **(4)** | To prepare the audit rectification reports in respect of audit memos received from the Statutory and Internal Auditors. | |  |
|  | **(5)** | Operation of Bank account jointly with chairman or Secretary. | |  |
|  | **XII.** | **MAINTENANCE of ACCOUNT BOOKS AND REGISTERS** | |  |
|  | **133.** | The Society shall maintain the following books of account, records and the registers , in addition to the books as regards in terms of Section 73 of the Act. | |  |
|  | (i) | The Registers of members in “H” form, prescribed under rule 29 (1) of the Rules. | | Books of accounts  Registering and other Books to be maintained. |
|  | (ii) | The list of members in “I” form, prescribed under Rule 29(2) of the Rules. | |  |
|  | (iii) | The Cash Book | |  |
|  | (iv) | The General Ledger | |  |
|  | (v) | The personal Ledger. | |  |
|  | (vi) | The Property Register . | |  |
|  | (vii) | The Share Register . | |  |
|  | (viii) | The Building Fund Register | |  |
|  | (ix) | The Audit Rectification register in ‘M’ form, prescribed under Rule 112 of the Rules. | |  |
|  | (x) | The investment Register. | |  |
|  | (xi) | The Nomination Register | |  |
|  | (xii) | The Loan Register (if loan is raised). | |  |
|  | (xiii) | The Mortgage Register ( if the property is mortgaged). | |  |
|  | (xiv) | The Minutes Book for the meetings of the Board of Directors of the society. | |  |
|  | (xv) | The Minutes Book for the meetings of the General Body of the society. | |  |
|  | (xvi) | Register of deposits made with the Local Authority , the Electric Supply Company and any other Authority. | |  |
|  | (xvii) | The Register of Furniture , Fixtures and Office Equipments . | |  |
|  | (xviii) | The Register of Library Books. | |  |
|  | (xix) | The Register of Allotment of Flat. | |  |
|  | **134** | The society shall maintain files for the following items : | | Other records to be maintained. |
|  | (i) | Applications for membership. | |  |
|  | (ii) | Application for joint membership. | |  |
|  | (iii) | Letters for resignations of membership including joint membership. | |  |
|  | (iv) | Applications for transfer of shares and/or interest in the capital/property of the society. | |  |
|  | (v) | Cases of expulsion of members. | |  |
|  | (vi) | Nominations made by members including revocations thereof. | |  |
|  | (vii) | Separate file for correspondence entered into with each member. | |  |
|  | (viii) | Correspondence with the Registering Authority . | |  |
|  | (ix) | Correspondence on property taxes including Non-agricultural taxes . | |  |
|  | (x) | Correspondence on water charges. | |  |
|  | (xi) | Correspondence of electric supply. | |  |
|  | (xii) | Correspondence about conveyance of the property. | |  |
|  | (xiii) | Agreements, contracts deeds with papers connected there to. | |  |
|  | (xiv) | Approved plans of construction and correspondence thereon . | |  |
|  | (xv) | Applications for exchange of flats. | |  |
|  | (xvi) | Correspondence about allotment of flats. | |  |
|  | (xvii) | Applications for allotment of parking spaces and stilts. | |  |
|  | (xviii) | Vouchers along with the bills relating there to arranged in order of entries in the cash book and the journal. | |  |
|  | (xix) | Counterfoils of challans for credits of amounts into bank, arranged in order of dates of credits. | |  |
|  | (xx) | Counterfoils of cheques issued. | |  |
|  | (xxi) | Counterfoils of share certificates. | |  |
|  | (xxii) | Applications for duplicate share certificate. | |  |
|  | (xxiii) | Application for registration of the society, the copy of the bye-laws and amendments thereto. | |  |
|  | (xxiv) | A certificate of registration duly framed. | |  |
|  | (xxv) | Counterfoils of receipt or carbon copies of receipts issued by the society. | |  |
|  | (xxvi) | Counterfoils of bills or carbon copies of bills for the society’s charges. | |  |
|  | (xxvii) | Correspondence about loan received and property of the society mortgaged. | |  |
|  | (xxviii) | Notice and agenda of the meetings of the general body of the society. | |  |
|  | (xxix) | Periodical statements of accounts prepared by the society. | |  |
|  | (xxx) | Board of Directors annual reports on the working of the society. | |  |
|  | (xxxi) | Audit memos received from the Statutory Auditors, with rectification reports thereon | |  |
|  | (xxxii) | Audit reports received from Internal Auditors, with rectification reports thereon. | |  |
|  | (xxxiii) | Notices and agenda of the meetings of the Board. | |  |
|  | (xxxiv) | Papers pertaining to the Election to the Board. | |  |
|  | **135.** | Unless otherwise decided by the Board. It shall be the responsibility of the Secretary & treasurer of the society to maintain and keep upto date the account books, registers and other records mentioned under the bye laws Nos. 133 and 134 | | Responsibility for maintenance of accounts books, registers, records etc. |
|  | **136** | The Secretary of the society or the paid employee, authorized by the Board in that behalf, may retain in his personal custody, at the close of every day, a sum, not exceeding Rs.5000/- (Rupees Five Thousand Only), for petty expenses. If due to unavoidable circumstances, the cash on hand has exceeded the above limit, the excess cash shall be credited into the bank within the next 3 days by the Secretary or any other person authorized by the Board to keep cash in hand. | | Limit for maintaining  Cash on hand. |
|  | **137** | All payments in excess of Rs.5000/- (Rupees Five Thousand Only) shall be made by means of the crossed Account Payees Cheques. | | Payment beyond  certain limit by cheques  and authority to sign cheques. |
|  | **138.** | Within 45 days of the close of every cooperative year, the Treasurer of the society or any other person, authorized by the Board in that behalf shall finalise the accounts of the preceding cooperative year, prepare a trial balance, the profit and loss account for the said year and the balance sheet as at the close of the said year in the forms prescribed under Rule 50 of the Rules, along with the list of members, as at the close of the preceding cooperative year, with amounts to their credit in the share capital account and deposits, if any, the schedules of investments, the debtors, the creditors, the furniture , the fixtures and the office equipment etc. | | Finalization of accounts. |
|  | **139.** | Every paid employees, holding any office in the Society and handling cash and /or securities of the society, shall furnish such security as specified by the Board. | | Security by the employees |
|  | **140** | Each member of the society may be supplied with a Pass Book in which the Treasurer of the society shall enter or cause to be entered the amounts due from the member and payments thereof received by the society. At the close of each cooperative year, the Secretary shall obtain confirmation letters from all the members about the correctness of the entries in the Pass Books. | | Issue of Pass  Books to the members. |
|  | **XIII.** | **APPROPRIATION OF PROFITS** | |  |
|  | **141.** | The appropriation of profits shall be in accordance with the provisions of Section 52 of the Act. | | Appropriation of  Profits. |
|  | **XIV.** | **WRITING OFF OF OUTSTANDINGS FUND IRRECOVERABLE** | |  |
|  | **142.** | In accordance with Rule 40 society may write off any loan and interest thereon, Society’s charges due from the members, the expenses incurred on recovery thereof and the accumulated losses, which are approved by the Statutory Auditors. | | Amounts which could be written-  Off. |
|  | **143.** | The amounts mentioned in the bye-law No.142 shall not be written off unless: | |  |
|  | (i) | The meeting of the general body of the society has given due sanction for writing off the amounts; | | Procedure to be  followed before  writing off any  Amount. |
|  | (ii) | The approval of the financing agency to the writing off of the amounts, if the society is indebted to it, is obtained. | |  |
|  |  | Provided that, if the society is affiliated to the Central Cooperative Bank or any other financing agency but is not indebted to it, the permission of the bank or the financing agency is not necessary. | |  |
|  | **XV.** | **AUDIT OF ACCOUNTS OF THE SOCIETY** | |  |
|  | **144.** (i) | The Annual Accounts of the society shall be audited within 6 months from the close of financial year as provided in section 74 of the Act. | |  |
|  | (ii) | The society may, if it considers it necessary, appoint an internal auditor, to audit the accounts of the society, at the annual meeting of the general body and fix his remuneration. | | Appointment of an  Internal Auditor. |
|  | **145** | The Secretary of the society shall produce or cause to be produced all the books, registers records before the Internal Auditor and the Statutory Auditor, in the office of the society or where the records are normally kept and furnish such information as may be required by him for the conduct of the audit of accounts of the society. | | Production of books and records for audit. |
|  | **145(A)** | The society shall cause the “Structural Audit” of the society as follows: | | Structural audit of the Building. |
|  | a) | For the building ageing between 15 to 30 years once in 5 years. | |  |
|  | b) | For the building ageing above 30 years – once in 3 years. Such structural Audit shall be conducted by Architects from the panel of Municipal Corporations in case of the societies, which are in the limit of the Municipal Corporation. In case of the other societies, such structural Audit shall be carried out by the Government approved architect. | |  |
|  | **146** | On receipt of the audit reports from the Statutory and Internal Auditors, the Treasurer of the society shall prepare draft audit rectification reports on the objections raised and suggestions made, in the form prescribed and place the same before the meeting of the Board, held next after the date of the receipt of the audit reports, for its approval. | | Preparations of the  audit rectification report. |
|  | **XVI.** | **PURCHASE OF LAND, CONSTRUCTION OF BUILDING AND REPAIRS AND MAINTENANCE OF PROPERTY.** | |  |
|  | **147 (a)** | The Secretary shall examine , it consultation with the Advocate of the Society, the deed of conveyance or lease deed of the land, prepared by the Vendor or the Lessor and place the same before the meeting of the Board of the Society for approval . | | Finalisation of the  deed of  conveyance. |
|  | (b) | On approval of the draft deed in the General Body of the Society, the authorized office bearers shall execute it. | | General body to approve draft deed |
|  | **148 (a)** | The Board shall enter into the contract with the Architect, on the basis of the terms and conditions approved at the meeting of the general body of the society in that behalf. | | Board to enter into contract with the Architect. |
|  | **(b)** | The Architect shall prepare the plans and the estimates of the construction of the building/buildings in consultation with the Board, which shall place the same before the meeting of the general body of the society . The Architect shall submit the plans and the estimates of the construction of the building/buildings, approved by the meeting of the general body of the society to the Local Authority for sanction. | | Preparation of the  Plans and estimates  of the construction. |
|  | **(C)** | After approval of the plans of the construction of the building /buildings by the Local Authority, the Board shall invite tenders in consultation with the Architect of the Society: | | Inviting tenders for construction of the building/ buildings. |
|  | **(d)** | The Secretary shall open the tenders received by him in the meeting of the Board, which shall scrutinize them and prepare its report along with the draft of the terms and conditions, in consultation with the Architect of the society and place the same before the meeting of the general body for its decision. The Board shall then enter into the contract with the Contractor. | | Approval of the  tender by the  meeting of the  general body. |
|  | **(e)** | The contract deeds, enter into with the Architect of the society, shall provide a stipulation for settlement of the dispute arising out of execution of the contract, under the Arbitration and Reconciliation Act of 1996. The Contract deed entered into with the contractor of the society shall provide stipulation of the disputes arising out of execution of contract, under Arbitration and Reconciliation Act, 1996. | | Settlement of  disputes with the  Architect and the Contractor. |
|  | **149** | It shall be the responsibility of the Board to maintain the property of the society in good condition at all times. | | Board’s  responsibility to  maintain the  property of  the society. |
|  | **150** | The Secretary of the society, on receipt of any complaints about the maintenance of the property of the society from any members of the society or on his own motion, shall inspect the property of the society from time to time and make the report to the board, bringing out the repairs, if any, considered necessary. The Board shall consider the report made by the Secretary of the Society and decide as to which of the repairs should be carried out. | | Inspection of the property  of the society  to see if it  needs repairs. |
|  | **151(a)** | The Board shall be competent to incur expenditure on the repairs and maintenance of the society’s property, if the expenditure does not exceed Rs.1,00,000/-. | | Limits for incurring expenditure on repairs and  maintenance of  the society’s  property. |
|  | **(b)** | If the expenditure on repairs and maintenance of the society’s property exceeds Rs.1,00,000/- prior sanction of the meeting of the general body of the society shall be necessary. | |  |
|  | **(c)** | The meeting of the general body of the society shall decide: | |  |
|  | (i) | The limit upto which the expenditure on repairs and maintenance of the property of the society could be incurred by the Board without calling for tenders for the work. In respect of the work, the cost of which exceeds the limit, so fixed, the Board shall follow the procedure of inviting tenders, placing them before the Board for approval and entering into contract with the architect (if appointed) and the contractor. | |  |
|  | (ii) | The limit of expenditure on repairs and maintenance of the property of the society to be incurred by the society in a cooperative year. | |  |
|  | **152** | Subject to the provisions of the bye-law No.151 (a), (b) and (c), the Board shall proceed to carry out the repairs and maintenance of the property of the society. It shall be the responsibility of the Board to see that the repairs are carried out as per the contract. | | The Board to execute the work of repairs and maintenance of the Society’s property. |
|  | **152.** | The following repairs and maintenance of the property of the society shall be carried out by the society at its cost: | | Various items of repairs and maintenance to be carried by the society at its cost. |
|  | (a) | All external repairs as defined under section 102(k) of the Act including (i) all internal roads,(ii) compound walls,(iii) external water pipelines,(iv) water pumps,(v) water storage tanks, (vi) drainage lines, (vii) septic tanks, (viii) stair-cases, (ix) terrace and parapet walls, (x) roofs of flats, (xi) stair-case lights, (xii) street lights, (xiii) outside walls of the building/buildings, (xiv) external painting,(xv) all leakages of water, (xvi) electric lines upto main switches in the flats and (xvii) lifts, if any, | |  |
|  | (b) | All internal repairs, as defined under section 102 (i) shall be carried out by the members at their cost. | | Repairs by the members at their cost. |
|  | (c) | In the case of repair/leakage in the toilet/bathroom kitchen and service balconies the cost of repairs should be borne by the affected members. In case the members fail to carry out repairs on their own or at the instance of the society, the society shall carry out the repairs and recover the expenses from the concerned members. | |  |
|  | **154.** | The society shall insure its building/buildings necessarily against risk of fire, earthquake, riots etc. | | Insurance of the building/buildings of the society. |
|  | **155.** | No member of the society shall plant, grow, destroy, deface or cut down any trees in the compound of the society without the prior permission of the Board. Any action, in contravention of the above provision may render the member concerned liable for action. | | Trees in the compound of the society. |
|  | **XVII.** | **OTHER MISCELLANEOUS MATTERS** | |  |
|  | **156. (i)** | It shall be open to the society, having regard to the importance of the matter and the specific provision made therefore under the Act, the Rules and the Bye laws of the society, to give notice of every meeting and communicate the resolution or the decision, to the members of the society on their last known addresses, by one of the following modes: | | Service of notice of the meeting, communication of resolution or decision. |
|  | (a) | Hand delivery, | |  |
|  | (b) | Despatch through post office under certificate of posting or by registered post, with or without acknowledgement due. | |  |
|  | (ii) | A copy of such notice/communication of the decision/resolution shall be displayed on the notice board of the society and thereupon, the notice shall be deemed to have been duly given or communication shall be deemed to have been duly made and the complaints received or made that the notice/communication was not received or was not sent to the correct address shall not affect the validity of the notice or the communication. | |  |
|  | **157**. | The accounting year of the Society shall be that commencing on the 1st April and ending on the 31st March. | | Cooperative year. |
|  | **158.** | The society shall have its Notice Board, fixed at a conspicuous part of the building, on which shall be exhibited all notices and communications referred to in the bye-law No.153 the Statements of Accounts, the Annual Reports of the Board and other matters, of which notices are required to be given to all the members of the society under the Act, the Rules and the Bye-laws of the society. | | Notice Board of the Society. |
|  | **159.** | The meeting of the general body of the society may prescribe penalties for different breaches of the bye-laws of the society. The Secretary of the society, under instructions from the Board shall bring to the notice of the member concerned, the breach/breaches of the bye-law/bye-laws committed by him. If the member persists in continuing the breach/breaches, the Board shall give the notice to the member to show cause as to why the penalty should not be inflicted on him for breach/breaches of the bye-law/bye-laws. The general body meeting, after considering the say of the member and after giving him hearing, may levy penalty at the rate fixed by the meeting of the general body of the society. | | Penalties for breaches of the bye-laws of the society. |
|  | **160.** | No bye-law shall be made, altered or abrogated unless (i) a proposal to do so has been communicated to all members, 14 days before the meeting of the general body or 7 days before the meeting of special General body of the society, at which it is proposed to be considered (ii) the resolution is passed by not less than 2/3rds majority of the members present and voting at the meeting of the general body of the society and (iii) the making, alteration of abrogation is approved and registered by the Registering Authority. | | Amendments tot eh bye-laws of the society. |
|  | **161** | The Board shall regulate the operation of the lifts, taking into consideration the convenience of the majority of the members of the society. | | Hours of the operation of the lift. |
|  | **162.** | The meeting of the general body of the society may, after taking into consideration the location of the building or buildings of the society and their surroundings and the open space available for playing games by the members of the society and their children, allow such games to be played during such hours as may be fixed by the meeting of the general body of the society and subject to such restrictions, charges and penalties as it may impose. | | Restrictions on playing of games in the society’s compound. |
|  | **163.** | The society shall not let out or give on leave and licence basis or permit any subletting, giving on leave and license basis any open space available under the stair-cases or in any other part of property of the society to any person whether the member of the society or not for any purpose whatsoever. | | Restrictions on letting or giving on leave and licence basis open space. |
|  | **164.** | Notwithstanding the provisions under the bye-law No.163, the Board may allow temporary use of the terrace and open space of the Society’s building by any member, on his written application, for any function subject to such restrictions and on payment of such charges to the society as the meeting of the general body of the society may decide. The Board may with the previous permission of the Local Authority, if needed allow exhibition of advertisement boards on any part of the building including terrace and open space on such terms and conditions as are approved by the general body meeting. | | Permission for use of terrace. |
|  | **165.** | The member of the society, requiring copies of the following documents shall pay copying fees at the rates mentioned against them: | | Copying fees for supply of copies of documents to members of the society. |
|  | **1** | Bye-laws of the society | At cost price |  |
|  | **2** | Amendment of the bye-laws of the society | Rs.100/- plus photocopying charges. |  |
|  | **3** | Last audited Balance Sheet of the  Society. | Rs.50/-. |  |
|  | **4** | Application for membership of the Society | Rs.10/-. |  |
|  | **5** | Second and Subsequent Nomination by the member of the society. | Rs.10/-. |  |
|  | **6** | Share Certificate of the society. | Rs.50/-. |  |
|  | **7** | List of members of the society. | Rs.5/-per page. |  |
|  | **8** | Correspondence | Rs.50/- per page. |  |
|  | **9** | Minutes of the General body meeting and committee meetings. | Rs.10/- per page. |  |
|  | **10** | Indemnity Bond | Rs.50/-. |  |
|  | **166. (1)** | No Officer of the Society shall have any interest, directly or indirectly, otherwise than as such Officer: | | Prohibition against being interested in the society. |
|  |  | in any contract made with the society, | |  |
|  | (b) | in any property sold or purchased by the society, | |  |
|  | (c) | in any other transactions of the society, except as investment made in or loan taken from the society or provision of residential accommodation by the society to any paid employee of the society. | |  |
|  | **(2)** | No Officer of the society shall purchase directly or indirectly, any property of a member of the society, sold for recovery of the amount due from the member of the society. | | Restrictions on purchase of the property of a member by an Officer of the society. |
|  |  |  | |  |
|  | **167** | Notwithstanding any provisions in the byelaws herein above, the Goa Coop. Societies Act, 2001 and Rules 2003 as amended and notify from time to time and any directions given by the Government or Registrar of Coop. Societies, shall prevail. | |  |

**ANNEXURE I**

**LIST OF FORMS PRESCRIBED UNDER THE BYE-LAWS**

|  |  |  |
| --- | --- | --- |
| **The Bye-law No. under which the form is prescribed.** | **Name of the Form** | **Appendix at which the form in column No.2 is enclosed.** |
| **(1)** | **(2)** | **(3)** |
| 17(b) | The form of application for membership of the Society by a Nominee/heir, who is a minor, through his Guardian/Legal Representative. | 1 |
| 19 and 60 (iv) | The Form of application for membership of the Society by an individual | 2 |
| 17 (b) and 19 (iv) | The form of undertaking to be furnished by the Prospective Member to use the flat for the purpose for which it is purchased. | 3 |
| 19 (v) | The Form of Undertaking to be furnished by the person, on whom the Prospective non earning member is dependent for discharge of liabilities to the Society. | 4 |
| 17 (b) and 19 (vi) | The Form of Undertaking to be furnished by the Prospective Member, who is owning the house, plot or flat, to dispose off the same. | 5 |
| 20 | The form of application for membership of the Society by a Firm, a Company or a Body Corporate. | 6 |
| 21 | The form of application for Associate membership by an individual, who desires to hold shares jointly, with another person, who is already admitted to membership of the Society. | 7 |
| 21 | The Form of application for Associate membership, where both the persons apply for Associate membership at a time. | 8 |
| 21 | The Form of application for Associate membership by a Firm or a Company or a Body Corporate with the Person already admitted to membership of the Society. | 9 |
| 21 | The Form of application for Associate membership where the Firm, the Company or the Body Corporate and the other person desire to apply for such membership at a time. | 10 |
| 25 and 70(a) | The Form of letter of allotment of flats to members. | 11 |
| 26(a) | The Form of Notice of Registration of membership of the society by a member. | 12 |
| 28 | The Form of Nomination by a member: |  |
|  | 1. Where there is a single nominee | 13(1) |
|  | 1. Where there are more nominees | 13(2) |
| 30 | The form of application for membership by the Nominee. | 14 |
| 31 | The Form of Notice, inviting claims or objections to the transfer of the shares and the interest of the deceased Member in the capital/property by the Society. | 15 |
| 31 | The Form of application for membership by the Heir of the Deceased Member of the Society. | 16 |
| 31 | The Form of Indemnity Bond: |  |
|  | 1. Where there are more nominees than one | 17(1) |
|  | 1. Where there is no nominees | 17(2) |
| 34(a) | The Form of Notice of intention of member to transfer his shares and interest in the Capital/Property of the society. | 18 |
| 34(a) | The Form of letter of consent of the proposed Transferee for the transfer of the shares and interest of a member(Transferor) to him(Transferee) | 19 |
|  | The Form of application for the transfer of shares  and interest in the Capital/Property of the Society by the proposed transferor. |  |
| 34(d)(i) | (i) Being an individual | 20(1) |
| 34(d)(ii) | (ii) Being a Body Corporate | 20(2) |
|  | (iii) Transfer form | 20(3) |
| 34(d)(ii) | The Form of application for membership of Society by the Proposed Transferee(being  an individual) | 21 |
| 34(d)(ii) | The Form of application for membership of Society by the Proposed Transferee (being a Body Corporate) | 22 |
| 36 | The form of intimation by the Society to the transferee about exercise of rights of membership by him. | 25 |
| 39(2)(i) | The Form of application for permission to sub-let, give on leave and licence or caretaker  basis his flat or part thereof. | 26 |
| 55(b) | The Form of application for permission to hold more than one flat in the Building/Buildings of the society. | 27 |

**Annexure E-1**

Provisional/Final list of members of the ………………………………………………………………..

Co-operative Housing Society Ltd.,…………………………………………………………………………

……………………………………………………………………………………………………………………………….

As on 31st March, 20…………………………………………

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr. No | Sr. No. in the Members register (G form) | Name of the member and his flat/house No. | Date of admission to membership | No. of fully paid up shares held | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 |

(SEAL) HON. SECRETARY/CHAIRMAN

PLACE

DATE

**Appendix 1**

**{Under the Bye-law No. 17(b)]**

The form of application for membership of the society by a nominee\* heir, who is a minor through his guardian \*legal representative.

To,

The Secretary

………………………………………………………………………Cooperative Housing Society Ltd., …………………………………………………………………………………………………………………………….

Sir,

Shri\*Shrimati …………………………………………………………………….. who was the member of the……………………………….. Cooperative Housing Society Ltd. having address at …………………………………………… holding 5 shares of Rs. Fifty each and the Flat No………………………………died on …………………………… His\* Her death certificate is enclosed. He\*She had nominated Shri\*Shrimati ……………………………………… ……………… ………..... who is minor. \*He had not made nomination. His\*Her heir Shri\*Shrimati ……………………….………………………………………………. is a minor.

I, Shri\*Shrimati……………………………………………………………………….. being his\*her natural guardian \*guardian appointed by the deceased member\* legal Representative hereby make an application on behalf of the said minor for membership of the ………………………………………………………………………………………………

Cooperative Housing Society Ltd., having address at …………………………………………..

……………………………………………………. and for transfer of shares and interest of the deceased member in the capital\* property of the society to me on behalf of the minor nominee \*heir as provided under rule 18(3) of the Goa Coop. Societies Rule, 2003. The share certificate held by the deceased member is enclosed.

An entrance fee of Rs.10/- is sent herewith

\*I declare that the said minor or any of his member’s family or person dependent on the minor does not own any plot\*flat\*house in the area of co-operation of the society.

or

\*The particulars of the plot\*Flat\*house owned by the minor nominee\*heir or any of the members of the minor’s family or the person dependent on the minor in the area of operation of the society are given below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Name of the minor nominee of heir or his\*her family members of the person depen dent on the minor | Particulars regarding plot\*flat\*house owned by the minor nominee\*heir or any of the members of the minor’s family or the person dependent on the minor | Place where situated | reasons as to why it is necessary to have a flat in this society |
| 1 | 2 | 3 | 4 | 5 |

My particulars for the purpose of consideration of this application are as under

Age:- ………………………………………………………………………………

Occupation:- ……………………………………………………………………………..

Office Address:- ………………………………………………………………………………

Monthly Income:- Rs. ………………………………………………………………………..

I undertake to contribute, on behalf of the minor, such further amounts, as the society may require from time to time towards cost of construction and other charges. \*As I have no independent sources of income, I enclose herewith the undertaking in the prescribed form from the person on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

I enclose the undertaking in the prescribed form to use the flat on behalf of the minor for the purpose for which it was held\*acquired by the deceased member and that any change of user will be made with the prior approval of the society.

I enclose the undertaking in the prescribed form on behalf of the minor to dispose off the plot\*flat\*House owned by; the minor or minor’s family member or the person dependent on the minor, the details of which are given above.

I have gone through the registered Bye-laws of the society and undertake to abide by the same with any modification the Registering Authority may make in them.

I undertake to discharge all outstanding liabilities against the deceased member and also pay the charges of the society in future on behalf of the minor.

I declare that I will take all action as a member of the society on behalf of the minor in his\*her interest only.

On behalf of the minor, I request you to admit me as a member of the society.

Yours faithfully,

Place:-

Date:-

Note:- The undertaking about registration of the transfer of the flat is not necessary where the minor is related to the deceased member within the meaning of Section 2(41) of the income-tax act.

\*Strike out which is not applicable.

**APPENDIX 2**

**(Under Bye-laws No.19 and 60(iv)**

**The Form of application for membership of the society by an individual**

To,

The Chief Promoter\*Secretary,

………………………………………………. Cooperative Housing Society Ltd., (Proposed)\*

…………………………………………………………………………….

Sir,

I, Shri\*Shrimati ………………………………………………………………………………… hereby make an application for membership of the …………………………………………………………

Cooperative Housing Society Ltd., (Proposed)\* …………………………………………………….

I have been residing in the area of operation of the society for the last………..

……………………………………………………… years. \*I intend to settle down and reside in the area of operation of the society.

My particulars for the purpose of consideration of this application are as under:-

Age:- ……………………………………………………………………………………….

Occupation:- ………………………………………………………………………………………

Monthly Income:- ………………………………………………………………………………………..

Office Addres:- …………………………………………………………………………………………

Residential Address:- ………………………………………………………………………………………..

\* I declare that there is no plot\*flat\*house either owned by me or by any of the members of my family or the person dependent on me in the area of operation of the society.

OR

\* I give below the particulars of the plot\*flat\*house owned by me or by any of the members of my family or the person dependent on me in the area of operation of the society.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Name of the person. | Particulars of the plot\*flat\*house owned by the applicant or any of the members of his family of the person dep- endent on him in the area of operation of the society. | Location of the plot\*flat\*house. | Reasons as to why it is necessary to have a flat in this Society. |
| 1 | 2 | 3 | 4 | 5 |

I remit herewith a sum of Rs.250/- towards value of 5 shares of Rs.50/- each and Rs.10/- for entrance fee and Rs. ……………………………………………… towards contribution for the cost of construction.

I undertake to contribute such further amounts as the society may require from time towards the cost of construction of the building and other charges.

OR

As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person, on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

\* I also enclose herewith the undertaking in the prescribed form that I will dispose off the plot\*flat\*house owned by me or any of the members of my family or the person dependent on me, the details of which are given in this application.

I undertake to use the flat for the purpose for which it is purchased by me and that any change of user will be made with the prior approval of the society. An undertaking to that effect in the prescribed form is enclosed herewith.

I have gone through the proposed\*registered Bye-laws of the society and undertake to abide by the same and any modification the Registering Authority may make in them.

\* I request you to please include my name in the application for registration of the society.

OR

\* I request you please admit me as the member of the society.

Yours faithfully,

Place:-

Date:-

Attested by,

Chief Promoter\*Chairman

The expression “a member of family” means and includes husband, wife, father, mother, unmarried daughter and unmarried son.

\*Strike out which is not applicable.

**APPENDIX 3**

**[Under the Bye-laws No.17(b) and 19(iv)]**

**Form of undertaking to be furnished by the prospective member to use the flat for the purpose for which it is allotted**

I\*We, Shri\*Shrimati\*Messers ………………………………………………………………………………..

……………………………………………………………………………………………………………………………….

at present residing a\*having address at ………………………………………………………………..

member\*intending member of the ……………………………………………………………………….

Cooperative Housing Society Ltd., Proposed\*Registered

having address at…………………………………………………………………………………………………..

……………………………………………………………………………………………………………………………….

hereby give the undertaking that I\*We will use flat allotted to me\*us\*proposed to be acquired by me\*us on cessation of membership of the earlier member under the Bye-laws of the society for the purpose mentioned in the letter which will be issued under Bye-law No.70(a) of the Bye-laws of the society proposed\*registered.

I\*We further give the undertaking that no change of user will be made me\*us without the previous permission in writing of the Board of Directors of the society.

Place:-

Date:-

Signature……………………………….

\*Strike out which is not applicable.

**APPENDIX 4**

**(Under the Bye-laws No.19(v)**

**The Form of undertaking to be furnished by the person, on whom the prospective Non-earning member is dependent for discharge of liabilities to the society**

To,

The Chief Promoter\*Secretary,

………………………………………………. Cooperative Housing Society Ltd., (Proposed)\*

……………………………………………………………………………………………………………………….

Sir,

I, Shri\*Smt. ……………………………………………………………………………………………….

had made an application for membership of the ……………………………………………….

……………………………………………………………………. Cooperative Housing Society Ltd., having address at…………………………………………………… He\*She has no independent source of income and is dependent on me. I, therefore undertake to discharge all the liabilities present and future, payable by him\*her on his\*her admission to membership of the society, on his\*her behalf as communicated to me directly or through him\*her from time to time by the society.

My details are given below:-

1. Name:-………………………………………………………………………………………………………
2. My address:-………………………………………………………………………………………………
3. Office:- ………………………………………………………………………………………………..
4. Residence:- ………………………………………………………………………………………….
5. Telephone No………………………………………………………………………………………
6. Mobile No…………………………………………………………………………………………….
7. Occupation :-……………………………………………………………………………………………
8. Name and full address of the employer:-……………………………………………………

........................................................................................................................

1. Monthly Income:-……………………………………………………………………………………….

Place:-

Date:- Yours faithfully,

\*Strike out which is not applicable.

**APPENDIX 5**

**Under the bye-law No.17(b) and 19(vi)**

The form of under taking to be furnished by the prospective member, who or any of the members of his family is owning the plot\*/flat\*/house to dispose off the same.

I, Shri\*Smt\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

at present residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ intending member of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Co-operative Housing Society Ltd. Proposed \*Registered having its address at------------------------------------------------------------------------------- ------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------give the undertaking that the plot\* house\* flat at present owned by me\* Shri\*Smt\*--------------------------------------------------------------------------------------------------------the member of my family \*the person dependent on me, in the area of operation of the society, the details of which are given in the application for membership made by me to the society, shall be disposed off by me \*Shri\*Smt-----------------------------------------------------------------------------within a period of six month’s from the date of the letter of allotment transfer of the flat to me in this Society, without any excuse.

Place:

Date: Signature---------------------

\*Strike out which is not applicable.

**APPENDIX 6**

**[Under the bye-law No.20]**

**The form of application for membership of the housing society by a Firm, a Company or Body Corporate.**

To

The Secretary\*chief Promoter

-----------------------Co-operative Housing Society Ltd.,\*(Proposed)---------------------------------------------------------------------------------------------------------

Sir,

We, M/S-------------------------------------------having address at----------------------------------------------------------------------------------------------------------hereby make an application for membership of the--------------------------Co-operative housing Society Ltd.,(\*Proposed),

Having address at -----------------------------------------------------------------------

We send herewith an amount of Rs.260/-(Rupees two hundred sixty only),being the value of 5 shares of Rs.50/- each and entrance fee of Rs.10/-

Shri\*Smt-------------------------------------------------------------------------has been authorised by us to sign the application for membership of the society on our behalf and furnish such information as is needed by you for the purpose of consideration of our application for admission to the membership of the Society. A true copy of the authority is enclosed for your record.

We need---------------flats which are constructed \*under construction for being allotted to our bonafide employees for their residential purpose only.

We send herewith the application for nominal membership of the following bonafide employees of the Firm\*Company, who will occupy the flats on our behalf:

1. Shri\*Smt--------------------------------------------------------------------------
2. Shri\*Smt--------------------------------------------------------------------------
3. Shri\*Smt--------------------------------------------------------------------------
4. Shri\*Smt--------------------------------------------------------------------------
5. Shri\*Smt--------------------------------------------------------------------------
6. Shri\*Smt--------------------------------------------------------------------------
7. Shri\*Smt--------------------------------------------------------------------------
8. Shri\*Smt--------------------------------------------------------------------------
9. Shri\*Smt------------------------------------------------------------------------

(10) Shri\*Smt--------------------------------------------------------------------

The entrance fee at the rate of Rs.10/- per employee is also remitted herewith.

We will not allow any other employee to occupy any of the flats allotted or proposed to be allotted to us without getting their applications for nominal membership accepted by the Society.

We undertake to use the flat\*flats, allotted\* proposed to us in the building/buildings, constructed\*under construction, for the purpose mentioned in the letter to be issued to us, under the bye-law No.78(a) of the society and further add that no change of user will be made without the previous consent in writing of the committee of the Society. The undertaking to that effect is enclosed herewith.

We herewith remit an amount of Rs.-------(in words Rupees-------------------------------)The proportionate cost of construction and other charges payable in respects of the flats constructed\*under construction, allotted\* proposed to be allotted to us.

Our Head Office is situated in the area of operation of the Society, where we are carrying on our business.

The Articles of Memorandum\* Partnership Deed of our Company\*Firm do\*does not prohibit us from becoming a member of a co-operative housing Society.

Our Articles of Memorandum\*Partnership Deed allow\*allows us to utilize our funds for providing housing accommodation to our employees.

We have gone through the Registered \*proposed bye-laws of the society and the notification issued by Government from time to time under Section 22 of the Goa Co-operative Societies Act2001 regulating membership of corporate bodies, and we undertake to abide by the same with any modification that the Registering Authority/Government respectively may make in them.

Place: FOR AND ON BEHALF OF THE

Date: ------------------------------------

-----------------------------------

(signature of the applicant)

\*Strike out which is not applicable.

**APPENDIX 7**

**[Under the bye-law No.21]**

**The form of application for membership by an individual, who desires to hold shares jointly with another person, who is already admitted to membership of the Society.**

To

The Secretary,

-----------------------------------------------------Co-operative Housing Society Ltd.,-----------------------------------------------------------------------------------------

Sir,

Shri\*Smt.--------------------------------------------------------------is already a member of the ----------------- Co-operative Housing Society Ltd., having address at ---------------------holding five fully paid shares of Rs. Fifty each.

He\*she desires Shri\*Smt------------------------------------------------------to join him\*her as a Joint member for the purpose holding the shares jointly with Shri\*Smt-------------------------------------------------------------------

Accordingly, I make application for admitting me as a Joint member to Shri\*Smt---------------------------------------------------------------and remit herewith the entrance fee of Rs.10/-.

On my admission as a joint member by the Society, we shall be jointly and severally liable to discharge the present and future liabilities of the Society.

The right of attending General Body Meetings and voting by them will ordinarily be exercised--------------------------------------------------------by Shri\*Shrimati------------------------------------------------------------------------------whose name stands first in the share certificate. The name of Shri\*Shrimati------------------------------------------------------------shall stand second in the share Certificate and he\*she (Jointly Member) shall have no rights or privileges of a member, except attending General Body Meeting of the society and voting by them, provided that the member whose name stands first in the share certificate is absent at such meetings.

I request you to admit me as a Joint member and include my name as a Joint member in the share certificate just after the name of the first member.

The consent of the first member for my admission as a member is given below:

Place: Yours faithfully,

Date : (Signature of the applicant

whose name to stand second

in the share certificates)

I Shri\*Shrimati------------------------------------------------------------------member of the ------------------------------------------------Cooperative Housing Society Ltd., Having address---------------------------------------and holding five paid up shares of Rupees fifty each recommend the application made by Shri\*Shrimati------------------------------------------------------------------------for Joint membership of the Society for the purpose of holding the shares jointly on terms and conditions set out in the above application. The name of Shri\*Shrimati-------------------------------------------------------------be added in the share certificate (enclosed herewith), after my name.

Place:

Date: -------------------------------------------

Signature of the first member.

\*Strike out which is not applicable.

**APPENDIX 8**

**[Under the bye-law No.21]**

**The form of application for membership by Individuals where both the persons apply for membership at a time.**

To

The Secretary\*Chief Promoter,

---------------------------------------------Cooperative Housing Society Ltd., (\*Proposed)------------------------------------------------------------------------

Sir,

We the undersigned Shri\*Shrimati-------------------------------and Shri\*Shrimati--------------------------------------------------hereby make application for membership of the -------------------------------Cooperative Housing Society Ltd., \*(Proposed) having address at---------------------------for the purpose of holding the shares of the society jointly.

We have paid the full value of five shares of Rupees fifty each along with entrance fee at Rs.10 each, as required under the bye-laws of the Society.

We will be jointly and severally liable to discharge the present and further liabilities to the society.

The right of attending and voting at General Body Meetings of the Society will ordinarily be exercised by Shri-Shrimati-------------------------------------------whose name should stand first in the share certificate. The name of Shri-Shrimati------------------------------------shall stand second in the share certificate and he\*she (Joint member) shall have no rights or privilege of a member except attending general body meeting of the society and voting by them provided the member whose name stands first in the share certificate is absent at such meetings.

The share certificate should please be issued in our names in the order mentioned above.

Place: Yours faithfully,

Date:

(1)--------------------------------------

(Signature of the applicant

whose name to stand firs

in the share certificates).

Place:

Date:

(2)-------------------------------------------------

(Signature of the applicant whose

name to stand second in the

share certificates).

\*Strike out which is not applicable.

**APPENDIX 9**

**[Under the bye-law No.21]**

**The form of application for membership by a firm or company or any other body corporate with the person already admitted to membership of the society.**

To

The Secretary,

---------------------------------------------------------------------Co-operative Housing Society Ltd.,-------------------------------------------------------------------------------------------------------

Sir,

Shri\*Shrimati----------------------------------------------------------------is already a member of the -----------------------------------------------------------------Co-operative Housing Society Ltd., having address at -------------------------------holding five fully paid shares of Rs. fifty each.

He\* She desires M/S -----------------------------------------------------------------------------------------------------------------------------------------------------------------------having address at ---------------------------------------------------------------------------to join him\*her as a Joint member for the purpose of holding the shares jointly with him\*her.

Accordingly, we make this application for admitting us as a Joint members to Shri\*Shrimati\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and remit herewith the entrance fee of Rs.10/-.

The signatory to the application for joint membership is duly authorized by us to sign the application on our behalf. A certified copy of the authority in this behalf is enclosed.

On our admission as a member by the society, we shall be jointly and severally liable to discharge the present and future liabilities to the society.

The right of attending General Body Meeting and voting by them will ordinarily be exercised by Shri\*Shrimati-------------------------------------------whose name stands first in the share certificate, our name shall stand second in the share certificate. We M/s.--------------------------------------------------------------------have no rights privileges of a member, except attending and voting at General Body Meeting at which Shri\*Shrimati------------------------------remains absent.

We request you to admit us as a Joint member and include our name in the share certificate next after the name of Shri\*Shrimati-------------------------------------

The consent of Shri\*Shrimati--------------------------------------------------------------------------------------------------------------------------------------------------------------------for our admission as a Joint member is given below.

FOR AND ON BEHALF

Place:

Date: ---------------------------------------

--------------------------------------

(Signature of the applicant)

I, Shri\*Shrimati---------------------------------------------------------------------------a member of the --------------------------------------------------------Cooperative Housing Society Ltd., having address at ------------------------------and holding five paid up shares of Rupess fifty each, recommended the application made by M/s. ---------------------------------- for Joint membership with me for the purpose of holding the shares jointly on terms and conditions set out in the above application. The name of M/S------------------------------------------------------------------be added in the share certificate (enclosed herewith), after my name.

Place:

Date:

----------------------------------------

Signature of the first Member.

\*Strike out which is not applicable.

**APPENDIX 10**

**(Under the bye-laws No.21)**

**The form of application for membership where the firm, the company or any other body corporate and the other person desire to apply for such membership at a time.**

**To**

**The Secretary\*Chief Promoter,-----------------------------------------Co-operative Housing Society Ltd.,(\*Proposed)--------------------------------------------------------------**

Sir,

We the undersigned Shri\*Shrimati--------------------------------------------------------------------------------------------------------------------------------------------------------------------and M/s.------------------------------------------------------------------------------- hereby make application for membership of the -------------------------------------------------------------Co-operative Housing Society Ltd.,(Proposed) having address at ------------------------for the purpose of holding the shares of the society jointly.

Both of us paid the full value of five shares of rupees fifty each along with entrance fee of Rs.10 each, as required under the bye-laws of the society.

Both of us, on admission to membership of the society shall be jointly and severally liable to discharge the present and future liabilities to the society.

The right of attending and voting at General Body Meeting of the society will ordinarily be excerised by Shri\*Shrimati-----------------------------------whose name should stand first in the share certificate.

The second signatory to the application is duly authorized to sign the application on behalf of M/s ---------------------------------------------------------A certified copy of the authority is enclosed herewith. The name of M/s--------------------------------------------------------------------should stand second in the share certificate.

M/s--------------------------------------------------------------------------shall have no rights or privilege of a member except the right of attending and voting at General Body Meetings at which Shri\*Shrimati-----------------------------------------------whose name would stand first in the share certificate, remains absent at such meetings.

Both of us request you to please accept the application for membership of the society and issue share certificate in the joint names arranged in the order suggested above.

Place: Yours faithfully,

Date:

(1) ----------------------

(Signature of the applicant

whose name to stand first

in the share certificate)

For and on behalf of

-------------------------------

Place: (2)-------------------------------

Date:

(Signature of the applicant

whose name to stand second

in the share certificate)

\*Strike out which is not applicable.

**APPENDIX 11**

**[Under the bye-law Nos.25 and 70 (a)]**

**The form of letter of Allotment of the Flat to the Member of the Society.**

To

Shri\*Smt.\*M/s---------------------------------------

----------------------------------------------------------

----------------------------------------------------------.

Dear Sir,

1. You are the member of the -----------------------------Cooperative Housing Society Ltd., having address at -----------------------------------------------registered or deemed to be registered under the Goa Cooperative Society Act, 2001 by the Assistant Registrar of Cooperative Societies,-----------------under no -------------dated ------------------------------------

2. We are pleased to inform you that the Board of Directors of the Society, by its resolution at its meeting held on-----------------------------------------has decided to allot flat No.------------------------------------admeasuring------------------------sq. meters, constructed\*proposed to be constructed in the building No--------------------\*known as ------------------- constructed\* proposed to be constructed on the plot no-------------------------of --------------------admeasuring---------------------sq. meters to you under the provisions of the bye-law No.78 (a) of the bye-law of the society. \*The flat No----------------------admeasuring------------------------sq. meters, in the building of the society numbered\*known as ----------------------------stands allotted to you on transfer of interest in the said flat by Shri\*Smt---------------------------------------------to you and approved by the Board of Directors/General Body Meeting of the society held on----------------------------------------------------

3. On getting the occupation\* building completion certificate from the local authority of the area in which this society is situated, possession of the flat mentioned in para 2 of this letter will be handed over to you as provided under the bye-laws No.71 (b) of the bye-laws of the society, if all amounts demanded by the society from time to time are paid by you to the society within the time allowed by the society for the payments, in case the payments are delayed beyond the limit laid down in that behalf of the Board of Directors of the society shall have the right, under the bye-law No.72 of the byelaw of the society to cancel the allotment of the flat in questioned and you will have no claim whatsoever on the flat, the allotment in respect of which is cancelled and this letter shall cease to have any effect on issue of the letter cancelling the allotment of the flat in question.

4. On handing over to you possession of the flat mentioned in para 2 of this letter, you will be entitled to occupy the flat as provided under the bye-law No.25.

5. So long as the said flat stands in your name in the records of the society, your right of occupying the said flat shall be subject to the provisions of the bye-laws of the society concerning sub-letting, giving on leave and licence or care-taker basis the said flat or part there of or parting with its possession in any other manner, maintenance of the flat by the member and repairs to it, additions and alterations in the flat, avoiding any kind of nuisance, annoyance or inconvenience to other members of the society stocking or storing of any kind of goods or material, which are combustible, abnoxious or other goods for the storing of which, permission of the authority, under any law relating thereto, is necessary, restrictions on holding more than one flat, payment of charges of the society, transfer of shares held by you and your interest in the capital/property of the society and any other matter not specified.

6. The flat allotted to you shall be used for the purpose mentioned below:

(state here specifically the purpose for which the flat in question was allotted by the society).

7. No change of user of the flat shall be made by you without the previous consent in writing of the Board of Directors of the society.

8. On transfer of the shares and the interest in the flat held by you subject to the provisions of section 29 of the Goa Cooperative Societies Act,2001 and Rule22 of the Goa Cooperative Societies Rules, 2003 and the bye-laws of the society governing transfer of shares and interest of the member in the capital/property of the society, the transferee, who is duly admitted to the membership of the society, shall be deemed to have been allotted the said flat under the bye-law No.70(a) of the bye-law of the society and he will enjoy the right of occupation of the flat transferred to him as provided under the bye-law No.25 of the bye-laws of the society subject to what has been stated in para 5, 6 and 7 of this letter.

9. Any breach /breaches of the bye-law/bye-laws of the society, which is/are considered by the board of directors of the society of serious nature shall render you liable for expulsion from membership of the society and consequent eviction from the flat.

Yours faithfully,

Place:

Date: Chairman/Secretary

\*Strike out which is not applicable.

**APPENDIX 12**

**(Under the bye-law No.26(a))**

**The form of notice of resignation of membership of the society by a member.**

To,

The Secretary,

..................................................................... Cooperative Housing Society Ltd., ...............................................................................................................................

Sir,

I\*We\* Shri \*Shrimati\* Messrs ................................................................... am\*are a member of the ............................................ Cooperative Housing Society Ltd., holding ........................................ Shares of Rupees fifty each, amounting to Rs.......... ........................... and the flat No........................................... in the building of the society numbered \*known as ................................................................................

I\*We desire to withdraw from the society and therefore give you a notice of three months of my\*our intention to resign membership of the society, as required under the bye-laws No.26(a) of the Bye-laws of the society.

I\*We hereby state that I\*we\* am\* are prepared to discharge in full the amount of liability to the society as per records of the society before my \*our\* resignation is considered by the Board of Directors of the society.

OR\*

I \*we authorise the society to recover the charges of the society, amounting to Rs................. according to my \*our records, from the value of my\*our interest in the flat.

On acceptance of my \*our resignation, I \*we will surrender the share certificate No........................ for shares numbering from ........................ to ......................... (both inclusive) for Rs.......................... to the society and the vacant possession of the flat for being acquired by the society. I\*we request you please to pay me\* us the value of the shares referred to above and the value of my\*our interest in the flat, due to me\* us after deducting the amount payable to the society and outstanding against me\*us.

Yours faithfully,

Place :

Date :

\*Strike out which is not applicable.

**APPENDIX 13(1)**

**FORM OF NOMINATION TO BE FURNISHED IN TRIPLICATE**

**(Under the bye-law No.28)**

**(APPLICABLE WHERE THERE IS SINGLE NOMINEE)**

To,

The Secretary,

..................................................................... Cooperative Housing Society Ltd., ...............................................................................................................................

Sir,

I, Shri\*Shrimati.................................................................................. am the member of the ............................................................................. Cooperative Housing Society Ltd., having address at .......................................................................................

2. I hold the share certificate no..........................................dated ........................... for five fully paid up shares of rupees fifty each, bearing numbers from ...................... to .................................... (both inclusive), issued by the said society to me.

3. I also hold the flat No................................... admeasuring ................................... sq. meters, in the building of the said society, known \*numbers as ......................................

4. As provided under Rule 24 of the Goa Cooperative Societies Rules 2003 I hereby nominate Shri\*Shrimati...................................................................................... who is related to me as .................................................................................................... and who is major\*minor with age of ............................... years.

5. As provided under section 30 of the Goa Cooperative Societies Act, 2001 on my death the share mentioned above and my interest in the flat the details of which are given above should please be transferred to the name of the above mentioned nominee on his\*her complying with the provisions of the Bye-laws of the society regarding requirements of membership.

6. As the nominee is minor, I hereby appoint Shri\*Shrimati..............................................................................residing at.................... as the guardian\*legal representative of the minor to represent the minor nominee during his minority, in matters connected with this nomination.

Signature of the Nominator Member.

Place:-

Date:-

Witnesses :

Name and Address of witnesses

1. Shri \* Shrimati ........................... (1) Signature of the Witness

Address ......................................

.....................................................

1. Shri\*Shrimati ............................. (2) Signature of the Witness

Address .......................................

Place :

Date :

\*Strike out which is not applicable.

**APPENDIX 13(2)**

**FORM OF NOMINATION TO BE FURNISHED IN TRIPLICATE**

**(Under the bye-law No.28)**

**(APPLICABLE WHERE THERE ARE MORE NOMINEES THAN ONE)**

To,

The Secretary,

..................................................................... Cooperative Housing Society Ltd., ...............................................................................................................................

Sir,

I, Shri\*Shrimati.................................................................................. am the member of the ............................................................... Cooperative Housing Society Ltd., having address at .....................................................................................................

2. I hold the share certificate No.......................................... dated ........................... for five fully paid up shares of rupees fifty each, bearing numbers from ...................... to .......................................... (both inclusive), issued by the said society to me.

3. I also hold the flat No................................... admeasuring ................................... sq. meters, in the building of the said society, known \*numbered as ......................................

4. As provided under Rule 24 of the Goa Cooperative Societies Rules, 2003 I hereby nominate the person whose particulars are as shown below :

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr. No. | Names of the Nominee | Permanent address of the Nominee | Relationship with the Nominator | Share of each Nominee | Dates of Birth of the Nominee if the Nominee is Minor |
| 1 | 2 | 3 | 4 | 5 | 6 |

5. As provided under Section 30 of the Goa Coop. Societies Act, 2001 and the Bye-law No.30 of the bye-laws of the society, I state that on my death the shares mentioned above and my interest in the flat, the details of which are given above, should be transferred to Shri\*Shrimati..................................... the first named nominee, on his \*her complying with the provision of the Bye-laws of the society regarding requirements of admission to membership and on furnishing an indemnity bond, along with the application for membership, indemnifying the society, against any claims made to the said shares and my interest in the said flat by the other nominee\*nominees.

6. As the nominee at Sr. no................................... is the minor, I hereby appoint Shri\*Shrimati........................................................................... as the guardian\*legal representative of the minor to represent the minor nominee during his minority, in matters connected with this nomination.

Signature of the Nominator member.

Place :

Date :

Name and Address of witnesses

1. Shri \* Shrimati ........................... (1) Signature of the Witness

Address ......................................

.....................................................

1. Shri\*Shrimati ............................. (2) Signature of the Witness

Address .......................................

Place :

Date :

\*Strike out which is not applicable.

**APPENDIX 14**

**(Under the bye-law No.30)**

**The form of application for membership by the Nominee**

To,

The Secretary,

..................................................................... Cooperative Housing Society Ltd., ...............................................................................................................................

Sir,

I\* We Shri\* Smt.\* Messrs ............................................................................... hereby make an application for membership of the ........................................... Cooperative Housing Society Ltd.................................................................................. and for transfer of shares and interest of Shri \* Shrimati ............................................................, deceased member of the society in the capital \*property of the society.

Shri \* Smt. .............................................................. was a member of the society holding .................................... shares of Rs.50/- each and Flat No................................... in the society’s building.

Shri \* Shrimati .................................................. the deceased a member of the society died on ......................................... A copy of the death certificate of the said member is enclosed.

Shri \* Shrimati ................................................ the deceased member of the society had nominated me\* us under Rule 24 of the Goa Cooperative Societies Rules, 2003.

Being the only nominee \*first named nominee as per the nomination filed with the society by the deceased member, I\* we am\* are entitled to make an application for membership of the society and for transfer of shares and interest of the deceased member in the capital/property of the society to my\*our name.

I\*We have executed the indemnity bond in favour of the society indemnifying it against any claim made at any subsequent time by other nominee \* nominees to the shares and interest of the deceased member in the capital/property of the Society. The said indemnity bond is enclosed herewith.

I\*We remit herewith an amount of Rs.10 as entrance fee.

My particulars for the purpose of consideration of my application for the society are as under:

Age : ......................................

Occupation : ......................................

Monthly income : Rs..................................

Office Address : ......................................

Residential Address : ......................................

\*I declare that there is no plot\*flat\*house either owned by me or any of the members of my family or person dependent on me in the area of operation of the society.

**OR\***

\*I give below the particulars of the plot\*flat house owned by me or any of the members of my family or person dependent on me in the area of operation of the society.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Name of the Person | Particulars of the plot\*flat\*house owned by applicant or by any of members of his family or a person dependent on him in the area of operation of the society. | Location of the plot\*flat\*house. | Reasons as to why it is necessary to have a flat in this society. |
| 1 | 2 | 3 | 4 | 5 |

I\*We undertake to use the flat for the purpose for which it was allotted to or acquired by the deceased member and that any change or user will be made with the prior approval of the society. The undertaking in the prescribed form to that effect is enclosed.

\*I also enclose herewith the undertaking in the prescribed form that I will dispose off the plot\*flat\*house, owned by me or any of the members of my family or the person dependent on me, the details of which are given above.

I\* We undertake to discharge all the present and future liabilities to the society. \*As I have no independent source of income, I enclose herewith the undertaking in the prescribed form, from the person on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

I\*We have gone through the Bye-laws of the society and undertake to abide by same and any modification that the Registering Authority may make in them.

I\*We request you to please admit me\* us as a member of the society and transfer the shares and interest of the deceased member in the Capital/Property of the society to my \*our name. The share certificate held by the deceased member is enclosed herewith.

Yours faithfully,

Place :

Date :

Note: (1) The expression a member of a family” means and includes husband,

wife, father, mother, unmarried daughter and unmarried son.

(2) The undertaking about registration of the flat is not necessary if the

nominee is related to the deceased member within the meaning of section 2(41) of the Income-tax-Act.

Not applicable where there is a single nominee.

\*Strike out which is not applicable.

**APPENDEX 15**

**(Under the Bye-law No.31)**

**The form of Notice, inviting claims or objection to the transfer of the shares and the interest of the deceased member in the capital/property of the society**

**NOTICE**

Shri\*Smt....................................................................................................... a member of the ............................................... cooperative housing society Ltd., having address at ................................. and holding flat No.................................. in the building of the society died on ........................... without making any nomination.

The society hereby invites claims or objection from his heir or heirs or other claimant or claimants/objector or objectors to the transfer of the said shares and interest of the deceased member in the capital \*property of the society within a period of ....................... day from the publication of this notice, with copies of such documents and other proofs in support of his \*her their claims/objections for transfer of shares and interest of the deceased member in the capital/property of the society. If no claims are received within the period prescribed above, the society shall be free to deal with the shares and interest of the deceased member in the capital/property of the society in such manner as is provided under the bye-laws of the society. A copy of the registered bye-laws of the society is available for inspection by the claimants/objectors, in the office of the society, with the secretary of the society between............................ A.M./P.M. to ...............A.M./P.M., from the date of publication of the notice till the date of expiry of its period.

For and on behalf of

The ........................ Coop. Housing Society Ltd.

Place :

Date ;

Secretary

\*Strike out which is not applicable.

+Delete the alternative if the society has independent office.

**APPENDEX 16**

**(Under bye-laws No.31)**

**Application for membership by the Heir of the Deceased Member of the society.**

To,

The Secretary,

....................................................................................... Cooperative Housing Society Ltd., ..................................................................................................

Sir,

I, Shri\*Smt............................................................................ hereby make an application for membership of the .............................................................. Cooperative Housing Society Ltd., having address at ......................................................... and for transfer of shares and interest of the deceased member of the society in the capital/property of the society.

Shri\*Smt.............................................................. who was a member of the society and holding ............................................. shares of Rs. fifty each and the flat No................ in the society’s building, died on ...................................... without making a nomination. His\*Her death certificate is enclosed.

I hereby state that I am the only heir of the said deceased member\*there are ............................. heirs of the deceased member and all of the heir have made an affidavit choosing me to make an application for membership of the society and for transfer of shares and interest of the deceased member in the capital/property of the society to my name. The affidavit in original is enclosed.

I have also executed the Indemnity Bond in favour of the society indemnifying it against any claim made by any other person\*persons or heir\*heirs at any subsequent time in respect of the shares and interest of the deceased member in the capital/property of the society. The said indemnity bond is enclosed herewith.

I remit herewith an amount of Rs.10 /- as entrance fee.

My particulars for the purpose of consideration of my membership are as under:

Age : ......................................

Occupation : ......................................

Monthly income : Rs..................................

Office Address : ......................................

Residential Address : ......................................

\*I declare that there is no plot \*flat\* house either owned by me or any of the members of my family or person dependent on me in the area of operation of the society.

**OR\***

\*I give below the particulars of the plot \*flat house owned by me or any of the members of my family or person dependent on me, in the area of operation of the society.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Name of the Person | Particulars the plot\* Flat\* house owned by applicant or by any of members of his family or a person dependent on him in the area of operation of the society. | Location of the plot\* flat\* house. | Reasons as to why it is necessary to have a flat in this society. |
| 1 | 2 | 3 | 4 | 5 |

I undertake to use the flat for the purpose for which it was allotted to or acquired by the deceased member and that any change or user will be made with the prior approval of the society. The undertaking in the prescribed form to that effect is enclosed.

I also enclose herewith the undertaking in the prescribed form that I will dispose off the plot\*flat\*house, owned by me or any of the members of my family or the person dependent on me, the details of which are given above.

I undertake to discharge all the present and future liabilities to the society. \*As I have no independent source of income, I enclose herewith the undertaking in the prescribed form, from the person on whom I am dependent to the effect that he will discharge all the present and future liabilities to the society on my behalf.

I have gone through the Bye-laws of the society and undertake to abide by same and any modification that the Registering Authority may make in them.

I request you to please admit me\* us as a member of the society and transfer the shares and interest of the deceased member in the capital/property of the society to my \*our name. The share certificate held by the deceased member is enclosed herewith.

Yours faithfully,

Place :

Date :

Note: (1) The expression “a member of a family” means and includes husband,

wife, father, mother, unmarried daughter and unmarried son.

(2) The undertaking about registration of the flat is not necessary if the

nominee is related to the deceased member within the meaning of section 2(41) of the income-tax-act.

\*Strike out which is not applicable.

**APPENDEX 17 (1)**

**(Under the bye-law No.31)**

**FORM OF INDEMNITY BOND**

**To be given on stamp paper of Rs.50.00 or to be affixed with adhesive stamps of the same denomination.**

(To be given where there are more nominees than one)

I, Shri\* Shrimati...................................................................................................... of ........................................................................................ Indian inhabitant state as under:

2. Shri\*Shrimati..................................................................................................... residing at ........................ was the member of the cooperative housing society Ltd., having address at .................................... He\*She was holding Share Certificate No.................................. for five fully paid up shares of Rupees fifty each, bearing distinctive numbers from ........................ to....................................... (both inclusive)

3. The said Shri\*Shrimati ........................................... was holding the flat No................................ on ....................... floor in the building of the society, know \*numbered as .......................................... constructed on the plot of land bearing No............................... at ............................................................

4. The said Shri\*Shrimati........................................................................ had nominated the following persons under Rule 23 of the Goa Coop. Societies Rules, 2003.

(i) Shri \* Shrimati ...............................................................

(ii) Shri \* Shrimati ...............................................................

5. My name is first in the nomination.

6. The said Shri\*Shrimati died on or about...........................................

7. According to the bye-law No.30 of the bye-laws of the said society I am entitled to make an application for membership of the said society and for transfer of the said shares and interest of the said deceased member in the said flat to my name. Accordingly, I have made an application for membership of the said society and for transfer of the shares and the interest of the said deceased member in the said flat to my name.

8. I hereby indemnify and keep indemnified and harmless the said society and its office-bearers against any claim, demand, suit or other legal proceedings by the other nominee\*nominees claiming either lawfully and/or equitably, through the said deceased Shri\*Shrimati................................................................... I further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand, suit and/or legal proceedings which be filed by the other nominee/nominees either lawfully and/or equitably claiming through the said deceased member of the society.

9. I am conscious of the fact that the society will admit me as its member in place and instead of the said deceased member of the society on the basis of this indemnity and undertaking.

Signature

Place:

Date;

Witnesses

1. Name ........................... (1) Signature of the Witness

Address ......................................

.....................................................

1. Name ............................. (2) Signature of the Witness

Address .......................................

Place :

Date :

\*Strike out which is not applicable.

**APPENDIX 17 (2)**

**(under the bye –law No. 31)**

**FORM OF IDENTITY BOND**

**To be given on stamp paper of Rs. 50.00 or to be affixed with adhesive stamps of the same denomination.**

(to be given where there is no nomination)

I, Shri\*Shrimati……………………………………………………………..of …………………………………..Indian inhabitant state as under:

1. Shri\* Shrimati………………………………………… residing at ………………………..who was the member of the ……………………………….co-operative Housing Society Ltd., having address at ……………………………….died on or about ………………………………….
2. The said Shri\*Shrimati ……………………………had nominated the following persons under Rule 23 of the Goa Co-op. Societies Rules, 2003.
3. The said Shri\*Shrimati ………………………………………was holding the share certificate No………………………for five fully paid up shares of Rupees fifty each, bearing distinctive numbers from……………………….. to …………………………………..(both inclusive).
4. The said Shri\*Shrimati ………………………………………was holding the flat No……………………………..on …………floor in the building of the Society known \*numbered as ………………………………, constructed on the plot of land bearing No. ……………………………………..at…………………………………….
5. The said Shri\* Shirmati………………………………………..has left behind me as his\*her only heir the following heirs :
   1. Shri\* Shrimati……………………………………………………………………………………………………………
   2. Shri\* Shrimati……………………………………………………………………………………………………………
   3. Shri\* Shrimati……………………………………………………………………………………………………………
   4. Shri\* Shrimati……………………………………………………………………………………………………………
   5. Shri\* Shrimati……………………………………………………………………………………………………………

I am the only heir of the deceased Shri\* Shrimati………………………………………………………………………. I inherit his\*her shares and his \*her interest in the said flat. According to the bye-law No. 31 of the bye-law of the said society, I am entitled to make an application for membership of the said and for transfer of the said shares and the interest of the said deceased member in the said flat to my name. Accordingly, I have made an application for membership of the said society and for transfer of the said shares and the interest of the deceased member in the flat to my name.

**OR\***

According to the bye-law No. 31 of the bye –laws of the society all the above heirs have jointly made an affidavit, naming me to make an application for membership of the said society and for transfer of the said shares and interest of the said deceased member in the said flat to my name. Accordingly, I have made an application for membership of the said society and for transfer of the shares and the interest of the said deceased member in the said flat to my name.

1. I hereby indemnify and keep indemnified and harmless the said society and its office bearers against any claim, demand, suit or other legal proceedings by the other heir\*heirs claiming lawfully and/or equitably, through the said deceased Shri\*Shrimati………………………………………………………………. I further declare and undertake to bear all expenses, costs, charges in respect of any such claim, demand suit and/or legal proceedings which may be filed by the other heir/heirs either lawfully and/or equitably claiming through the said deceased member of the society.
2. I am conscious of the fact that the society will admit me as its member in place and instead of the said deceased member of the society on the basis of this indemnity and undertaking.

Place:

Date: Signature

Witness

1. Name:…………………………………. ………………………………………………………..

Address……………………………….. (i) Signature of the witness

1. Name:…………………………………. ………………………………………………………..

Address……………………………….. (i) Signature of the witness

Place :

Date :

\* Strike out which is not applicable.

**APPENDIX 18**

**(Under the Bye –law No. 34 (a))**

**A form of Notice of intention of a member to transfer his Shares and interest in the capital/property of the society.**

To

The Secretary

……………………………………………………………………………………………..Cooperative Housing Society Ltd.,

…………………………………………………………………………………………………………………………………………………

Sir,

I\*We Shri\*Shrimati\* Messrs……………………………………………………………………………….member of the ……………………………………………………Co-operative Housing Society Ltd., having address at ………………………………………………………………. and holding five fully paid up shares of Rupees fifty each, bearing distinctive numbers from………………………..to ………………………………(both inclusive) and the flat No……………………………………………..admeasuring …………………………….Sq. mtrs. in the building of the society numbered \*known as …………………………….hereby give you notice as required under Rule 22(b) of the Goa Co-operative Societies Rules 2003 as under:

I\*We Shri\*Shrimati\* Messrs………………………………………………………………intend to transfer my\*our shares and my\*our right, title and interest in the flat in the building of the society and my\*our interest in the capital of the society to Shri\*Shrimati\* Messrs…………………………………… for consideration of Rs………………………………………………….

The consent of the transferee is enclosed.

Yours faithfully,

Place:

Date :

Encl (1) Consent letter from the transferee

\*Strike out which is not applicable

**APPENDIX 19**

**(Under the bye-law No. 34(a))**

**A Form of letter of consent of the proposed Transferee for the transfer of the shares and interest of the member (Transferor) to him (Transferee)**

To

The Secretary

……………………………………………………………………………………………..Cooperative Housing Society Ltd.,

…………………………………………………………………………………………………………………………………………………

Sir,

Shri\*Shrimati\*Messrs…………………………………………………………………………………….……member of …………………………………………………………………..Co-operative Housing Society Ltd., propose\* proposes to transfer his\*her their shares and interest in the capital/property of the society to me\*us. I\*We hereby give my\*our consent for the proposed transfer of shares and interest of Shri\* Shrimati\*Messrs…………………………………………………………………………………………in the capital/property of the society to me\*us as required under Rule 22 of the Goa Co-operative Societies Rules, 2003.

My\*Our name and address is as under:

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

Place : Yours faithfully,

Date :

\*Strike out which is not applicable.

**APPENDIX 20 (1)**

**[Under the bye-law No.34(d)(i)]**

**Form of application for transfer of shares and interest in the Capital/Property of the society by the Proposed Transferor (being an individual).**

To

The Secretary

……………………………………………………………………………………………..Cooperative Housing Society Ltd.,

…………………………………………………………………………………………………………………………………………………

Sir,

1. I, Shri\* Shrimati……………………………………………………………………………………………………..a member of the………………………………………..Co-operative Housing Society Ltd., having address at …………………………………………………………………….and holding the Shares Certificate No. ………………………………………………for five fully paid up shares of Rupees fifty each, bearing distinctive numbers from ………………………………………………………………………….to ……………………. (both inclusive) and holding the Flat No………………………………………..admeasuring ……………………. Sq. meters, in the building of the said society, numbered \*known as……………………………………………………………………………………………………………………………………………
2. I had given you notice of my intention to transfer the said shares and my interest in the capital/property of the society on…………………………………..as required under Rule 22 of the Goa Co-operative Societies Rules, 2003 along with the consent of the proposed transferee. Shri/Shrimati\*Messrs………………………………………………………………………………….
3. I enclosed herewith the application in the prescribed form for membership of the said Society by the said proposed transferee.
4. I remit herewith the transfer fee of Rs. 1000(Rupees one thousand only). I also remit herewith the amount of the premium of Rs………………..(Rupees………………………….………………..only), as provided under bye-laws No. 34 of the bye-laws of the society.
5. I state that the said shares and the interest in the capital/property of the said society have been held by me for a period of not less than a year.
6. I further state that the liabilities due to the said society by me, as on the date of this application have been fully paid by me. I also undertake to pay the liabilities, which may become due till the transfer application is approved by the society.
7. I hereby undertake to discharged any liabilities to the said society, which related to the period of my membership with said society and have become payable by me after cessation of my membership due to any demand made by the local authority, Government or by any authority on any account after cessation of my membership.
8. I propose to transfer the said shares and my interest in the capital/property of the said society on the following grounds :
   1. ……………………………………………………………………………………………………………
   2. ……………………………………………………………………………………………………………
   3. ……………………………………………………………………………………………………………
9. I request you to approve the proposed/transfer and inform me accordingly.

Place: Yours faithfully,

Date: (Signature of the Transferor)

\* Strike out which is not applicable.

**APPENDIX 20(2)**

**[Under the bye-law No. 34 (d)(ii)]**

**Form of application for transfer of shares and interest in the capital/property of the society by the proposed transferor (being a corporate Body)**

To

The Secretary

……………………………………………………………………………………………..Cooperative Housing Society Ltd.,

…………………………………………………………………………………………………………………………………………………

Sir,

1. We, M/S………………………………………………………………………………………………………..are the member of the …………………………………………Co-operative Housing Society Ltd., having address at ……………………………………………..and holding the share certificate no …………………………………………………………. for five fully paid up shares of Rupees fifty each, bearing distinctive numbers from…………………………………………………..to …………………………………..(both inclusive0 and holding the flat no……………………………………..admeasuring …………………………………….sq. meters in the building of the said society, numbered\*known as…………………………………….
2. We had given notice of my intension to transfer the said shares and my interest in the capital /property of the society on ……………………………………..as required under Rule 22 of the Goa Co-operative Societies Rules 2003 along with the consent of the proposed transferee. Shri\*Shrimati\*Messrs…………………………………………………………………………………………………………..
3. We enclosed herewith the application in the prescribed form for membership of the said society by the said proposed transferee named in the notice referred to above.
4. We remit herewith the transfer fee of Rs. 1000 (Rupees one thousand only). We also remit herewith the amount of premium of Rs. …………………….(Rupees………………………………………………..only), as provided under bye-laws No. 34(d)(vii) of the bye-laws of the society.
5. We state that the said shares and the interest in the capital/property of the said society have been held by me for a period of not less than a year.
6. We further state that the liabilities due to the said society by me, as on the date of this application have been fully paid by me. I also undertake to pay the liabilities which may become due till the transfer application is approved by the society.
7. We hereby undertake to discharge any liabilities to the said society which related to the period of my membership with the said society and have become payable by me after cessation of my membership due to any demand made by the local authority government or by any other authority on any account after cessation of my membership.
8. We propose to transfer the said shares and any of my interest in the capital/property of the society on the following grounds:
   1. ……………………………………………………………………………………………………………
   2. ……………………………………………………………………………………………………………
   3. ……………………………………………………………………………………………………………
9. We have authorized Shri\*Shrimati…………………………………………………………………………………… to sign the application for transfer on our behalf. A certified copy of the authority is enclosed herewith.
10. I request you to approve the proposed transfer and inform me accordingly.

Place: Yours faithfully,

Date: (Signature of the Transferor)

\* Strike out which is not applicable.

**APPENDIX 20(3)**

**TRANSFER FORM**

This instrument of transfer made on this day………………………………….of ……………………….20 between Shri/Smt……………………………………………………………………………registered member of the……………………………………………………………………………………………..Co-operative Housing Society Ltd and Shri/Smt……………………………………………………………………………………….…………………………………………….. resident of ……………………….witnesses that in consideration of the total sum of rupees……………………………… (in words Rupees ………………………………………………………………………………only) paid by said Shri/Smt..…………………………………………………………………………………………………………………………………………to me Shri/Smt……………………………………………………………………………………………..on …………………..20…………………...… I said Shri/Smt………………………………………………………………………………………..do hereby transfer to the said Shri/Smt…………………………………………………………………………………………………….his executors administrators and assigns the fully paid up shares of rupees fifty each bearing numbers……………………..entered in the share certificate number………………………………………………… standing in my name this day in the books of the ………………………………………………………………. Cooperative Housing Society Ltd., dully registered under registration number………………………………………………….. of 20………………………………………with its registered address at ………………………………………………………………..and my following interest in the property of the society, viz.

1. Flat No. …………………………………….with a floor area/carpet area of …………………………………… sq. meters on …………………………………………. Floor building No………………………… of the said society which was allotted to me as tenant member of the society with fittings and fixtures or plot No…………………………………………having an area of ………………………….sq.mts which was allotted to me as a tenant leasee and the construction thereon.
2. All amounts standing to my credit on this day in the books of the society towards deposits, loan, sinking fund, dividend and other amounts to which I am legitimately entitled or as my liability to the society in respect of my being the member of the said society.

Further, I the said Shri/Smt………………………………………………………………………………………………… do hereby declare that none else expect myself has any claim or charge upon the said flat and that I hold myself responsible for the same.

And I the said Shri/Smt……………………………………………………………………………………………. accept to hold the said shares/amounts in credit and the said flat no……………………………… floor……………………………………………allotted by the society/plot no…………………………………with construction thereon to Shri/Smt………………………………………………………………………………………. alongwith all fittings and fixtures in the present condition subject to the right existing at present and the liabilities to be discharged in future as per bye-laws of the society.

All the dues of the society in respect of the said flat/plot and the membership have been fully paid this day the …………………………..of ……………………………20………………….in witness whereof we have hereunto set our hands.

Name and Signature of transferee Name and signature of transferor

Name of the Witness & signatures

1. ………………………………………………………
2. ………………………………………………………

Place:

Dated:

N.B. The transfer application should be accompanied by membership application from the transferee with an admission fee of Rupees five only.

**APPENDIX 21**

**[Under the bye-law No 34(d)(ii)]**

**Form of application for membership of the society by the proposed transferee**

**(Being an Individual)**

To

The Secretary

……………………………………………………………………………………………..Cooperative Housing Society Ltd.,

…………………………………………………………………………………………………………………………………………………

Sir,

1. I, Shri\*Shrimati…………………………………………………………………………………………………intend to become a member of the ……………………………………………………..co-operative housing society Ltd., having address at………………………………………………………….by transfer of share certificate no…………………………………………. for five fully paid up shares of rupees fifty each bearing distinctive numbers from……………………….to …………………………(both inclusive) held by Shri\*Shirmati……………………………………………………………………………………………………..the member of he said society and his\*her interest in the flat No………………………………………admeasuring ………………………………………………sq.mts in the building of the said society numbered \*known as …………………………………………….held by the said Shri\*Shrimati……………………………………………. to my name.
2. I had given my consent to the proposed transfer of the said shares and the interest of the said transferor in the capital/property of the said society to me on…………………………………

1. I now make this application for membership of the said society and for transfer of the said shares and the interest of the said transferor in the capital/property of the said society to my name.
2. The particulars for the purpose of consideration of my application for membership of the …………………………………………………co-operative housing society Ltd., are given below :

Age:

Occupation:

Monthly income:

Office Address:

Residential Address:

1. I remit herewith the entrance fees of Rs. 10/- (Rupees ten only)
2. I declare that there is no plot\*flat house either owned by me or any of the members of my family or person dependent on me in the area of operation of the society.

**OR**

I give below the particulars of the plot\*flat house owned by me\*any of the members of my family or person dependent on me in the area of operation of the society.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Name of the person | Particulars of the plot\*flat\*house owned by me \*the members of my family the dependent on me in the area of operation of the society. | Location of the plot\*flat house | Reasons as to why it is necessary to have a flat in this society |
| 1 | 2 | 3 | 4 | 5 |

1. I undertake to use the flat, proposed to be transferred to me for the purpose mentioned in the letter that will be issued to me by the said society, under bye-law No. 70(a) of the bye law of the said society and that no change of the user of the said flat will be made by me without the prior approval of the society in writing and the undertaking in the prescribed form to that effect is enclosed herewith.
2. I undertake to discharge all the liabilities to the society which may become due from the date of my admission to the membership of the society. \*As I have no independent source of income, I enclose herewith the undertaking in the prescribed form from the person on whom I am dependent, to the effect that he will discharge all liabilities to the society on my behalf including charges of the society.

1. I also enclose herewith the undertaking in the prescribed form that the plot\*flat\*house owned by me or any of the members of my family \*the person dependent on me the details of which are given above in this application about the disposal of the said plot\*flat\*house.
2. I have gone through the bye laws of the said society and undertake to abide by the same and any modification that the Registering Authority may make in them.
3. I request you to please admit me as a member of the society and transfer the shares and interest of the transferor in the capital/property of the said society to my name.

Place: Yours faithfully,

Date:

Note: (1) The expression “a member of a family” means and includes husband, wife, father, mother, unmarried daughter and unmarried son.

* Strike out which is not applicable

**APPENDIX 22**

**[Under the bye-law No. 34(d)(II)]**

(Form of application for membership of the society by the proposed transferee

(being a body corporate)

To,

The Secretary,

………………………………………………………………………………..……………….. Cooperative Housing Society Ltd., …………………………………………………………………………………………………………………………………………………………….

Sir,

We, messrs ………………………………………………………………………….. having address at …………………………………………………………………………………………….. intend to become a member of the ………………………………………………………………………………………… Co-operative Housing Society ltd., having address at ……………………………………….. by transfer of the share certificate no. ……………………………………………………………. for five fully paid up shares, bearing distinctive numbers from …………………………………………… to …………………………………………. (both inclusive) held by Shri/Shrimati……………………………………………………………………………. the member of the said society and his\*her interest in the Flat No. …………………………………………….. admeasuring……………………………………. Sq. meters in the building of the society, numbers \*known as …………………………………………………… held by the said Shriu8Shrimati…………………………………………………………………………………………………. to our name.

2. We had given our consent to the proposed transfer of the said shares and the interest of the transferor in the capital/property of the said society to us on ………………………………………………………..

3. We now make this application for membership of the said society and for transfer of the said shares and the interest of the transferor in the capital/property of the said society to our name. We also remit herewith the value of five additional shares of Rs. 250/- required to be purchased by us.

4. We remit herewith the entrance fees of Rs. 10/-(Rupees ten only).

5. We hereby undertake to discharge all the liabilities to the society which may become due from my admission to the membership of the society.

6. We declare on the basis of the information, given to us by the said society that by admitting to us to membership of the said society the total membership of corporate bodies of the said will not exceed the limit mentioned in the government order enclosed at Annexure-I to the bye-laws of the society.

7. We further declare on the basis of the information given to us by the said society that by transfer of the flat in question to our name, the limits on holding of flats by firms and/or companies in the building/buildings of the society, put under government order enclosed at Annexure I to the bye-laws of the society will not be transgressed.

8. We undertake to use flat, proposed to be transferred to us for the purpose, mentioned in the letter that will be issued to me by the said society, under bye-laws No. 70(a) of the bye-laws of the said society and that no change of the user of the said flat will be made by me without the prior approval of the society in writing. The undertaking in the prescribed from to that effect is enclosed herewith.

9. We have gone through the bye-laws of the said society and the Government orders issued under section 22 of the Goa Co-operative Societies Act, 2001 and undertake to abide by the same and any modification that the Registering Authority and Government may respectively make in them.

10. Shri\*Shrimati ………………………………………………………………………………………………….. has been authorized to sign this application on our behalf. A certified copy of the authority is enclosed herewith.

11. We request you to please admit me as a member of the society and transfer the shares and interest of the transferor in the capital/property of the said society to my name.

Place:

FOR ON BEHALF OF THE

……………………………………………………

Date:

Signature

\*Strike out which is not applicable.

**APPENDIX 23**

**[Under the bye-law No. 34(d)(II)]**

**A form of intimation by the society to the transferee about Exercise of Rights**

**of membership by him.**

To,

Shri\*Shrimati\*messrs,

………………………………………………………………………………..…………………..……………………………………………………. …………………………………………………………………………………………………………………………………………………………….

Sir,

Upon acceptance of the application for transfer of shares and interest of Shri\*Shimati\*Messrs …………………………………………………………………… in the capital/property of the society, to you and upon acceptance of your application for membership of this society simultaneously, in the General Body Meeting of the society held on ……………. Your name has been entered in the register of members in ‘G’ Form and list of members in “H” form and necessary endorsement of transfer of Shares held by the transferor to your name has been made in the share certificate No…………………………. You are eligible to exercise the right of membership of this society in accordance with the Act, Rules and the Bye- laws of the society, on receipt of this letter.

2. The said share certificate, duly endorsed in your name is enclosed herewith.

Enclosure : Share Certificate.

Place:

Yours faithfully,

Date:

Signature,

……………………………………………Cooperative Housing Society Ltd.,

\*Strike out which is not applicable.

**APPENDIX 24**

**[Under the bye-law No. 39(2)(i)]**

**A form of application for permission to sub-let, given on leave and licence or care taker basis the flat or part therof.**

To,

The Secretary

………………………………………………………………………………..Co-operative Housing Society Ltd.

Sir,

I Shri\*Shimati ………………………………………………………………………………….. am the member of the ………………………………………………………………………………… Co-operative housing society Ltd., holding flat No.………………………………………………. admeasuring ……………………………………… sq. meters on …………………….. floor of the building number named as ……………………………………………… of the society.

I propose to sub-let\* give on leave and licence\* care-taker basis my flat\*part of the/to the person named hereinafter under an agreement (copy enclosed) under the following circumstances:

1. I am required to go out of the area of operation of the society under conditions of

Service\* on business proposition \* my prolonged illness. The duration of my absence from the headquarters will not be less than ……………………..years ……………… months. I cannot continue in occupation of my flat during the period of my absence from the headquarters.

1. There are no facilities available at he moment in the locality of the society for

education of my children. According to the information gathered by me, the provision of facilities for education of my children may require ……………….. years/months. In the absence of these facilities, it will not be possible for me to occupy the flat\* continue in occupation of the flat during the above period.

1. I could not secure admission to the school for my children in the locality of the

Society. It may take…………………………………….. months for me to secure admission to the school in the locality for my children. During this period it will not be possible for me to occupy the flat\* continue in occupation of the flat.

Note : State any reason other than those mentioned above to justify your inability to occupy or continue occupation of the flat.

The name of the person to whom the flat\* part of the flat is proposed to be sub-let\*

Proposed to be given on leave and licence\* care –taker basis is Shri\*Shrimati/Messrs

……………………………………………………………………………………………………………………………..………………..residing at ……………………………………………………………………………………………………….\*having office address at ………………………………………………………………………………………………………………………………….His\*her\*their application for nominal membership of the society in the prescribed form is enclosed herewith.

I undertake to initiate legal proceedings against the sub-lettee\*licence\* care-taker on my failure to secure vacant and peaceful possession of the flat from the sub-lettee \*licensee\*care-taker on expiry of the original or extended period of sub-letting\*licence\* caretaking and to make the society the party to the proceedings and to reimburse the expenditure which the society may be required to incur on legal proceedings to get back the possession of the flat\*part of the flat.

I also undertake to pay all the charges of the society every month within the time stipulated without any excuse from the date, I part with the possession of the flat\* part of the flat till I get possession thereof.

I also undertake to pay non-occupancy charges at the rate fixed by the society during the period mentioned above.

I request you to please grant necessary permission to sub-let\*give on leave and licence\*care-taker basis the flat\*part of the flat to the person here in above mentioned for a period of ………………………………………….. years\*……………………………………………………………… months. In case it becomes necessary for me to extend the period of sub-letting\* giving on leave and licence\* care taker basis the flat\* part of the flat, I will submit an application for extending the period well in advance of expiry of the original period with due justification for extending the period.

Place:

Yours faithfully,

Date:

Signature of the applicant

\*Strike out which is not applicable.

**APPENDIX 25**

**[Under the bye-law No. 55(b)]**

**Form of application for permission to hold more than one flat.**

To,

The Secretary\*Chief Promoter,

………………………………………………………………………………..Co-operative Housing Society Ltd.,

……………………………………………………………………………………………………………………………………………………………….

Sir,

1. I am member\*promoter of the ……………………………………………………………Co-operative Housing

Society Ltd., \*(Proposed) at ………………………………………………………………………… Holding\*Proposing to hold the flat No. …………………………………………….admeasuring ……………………………………………sq.meters in the building No. \*known as …………………………………………………………………………………………………………………… …………………….

1. I intend to have additional flat in the building of your society constructed, in my name\* in

the name of my wife \*husband\* son having no independent source of income\*unmarried daughter \*person dependent on me. The area of the additional flat is ……………………………… sq. meters.

3. As the number of members in the family is large\* the number of persons dependent on me and required to stay with me is large \* my business activities are such as need special arrangement to accommodate visitors, coming to me for business\* (State here any other convincing reason) the additional flat is absolutely necessary.

4. It is hereby declared that both the flat will be used for my\* our bonafide residential purpose and would not be sub-let of given on leave and licence or care-taker basis or possession thereof would not be parted with in any other manner, without the previous permission of the Board of Directors of the society.

5. I request you to please grant necessary permission for holding the additional flat.

Place:

Yours faithfully,

Date:

Signature of the applicant

\*Strike out which is not applicable.