



## FAQs

Category

SubCategory

### 1 What do you mean by the term Builder-Promoter?

The term Builder-Promoter is defined under the Bye-law No. 3(xiii) of the Model Bye-laws of the Society. A "Builder- Promoter" means a person who constructs or causes to be constructed a block or building of flats or apartments for the purpose of selling some or all of them to other persons, or to a Company, Co-operative Society or other Association of Persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both. For example, where the land owner gives the development rights of his plot to any other builder for constructing the building of the Society, the land owner and the builder both will be clubbed under the term Builder-Promoter.

### 2 Is the chief promoters have rights to withdraw money deposited in the bank in the name of proposal society?

The chief promoter no such rights. The chief promoter has a right to withdraw money before registration of society and with the prior consent of the registrar.

### 3 . Minimum how many promoter members are to be participated in the society registration proposal?

If the building is built by the Builder and Developer than 60 per cent purchaser or promoter should be participated in the registration proposal

### 4 Who is a Chief Promoter?

The term Chief Promoter is defined in the Bye-laws under Bye-law No. 3(iii). A "Chief Promoter" is a person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief Promoter lies vacant, till the first general meeting of the Society.

### 5 What is the registration fee for registering co-operative housing society?

It is necessary to pay the registration fee at the rate, prescribed by the government time to time. At present the rate of the registration fee is as under:

Co-owner/Ownership/Co. operative Housing Society Rs. 2,500/-  
Other (general) Co. Operative societies Rs. 2,500/-

### 6 . Minimum how many promoters' sign are required on the registration proposal?

Sign of sixty per cent promoters/who participated in the registration proposal are necessary.

### 7 When the condition of minimum 20 percent backward class member is applied while registering the co. operative housing societies?

The said condition is applicable if the Authority who gave the financial assistant or land to the society laid down such condition.

### 8 . Is it necessary that the promoters of the society have to make an application to chief promoter for membership before registration of society?

Yes, if an application of membership is made before registration of society, then it would be feasible to the chief promoter to take sign on the "Y" form which is to be submitted to the registrar with the proposal of registration and to give its receipt.

### 9 How to register the society and which documents required for it?

It is obligatory to apply for co-operative society or Association of Apartment within four months from the taking possession of galas by holders, necessary for forming the co-operative society or Association of Apartment according to provisions mentioned under section 10 of the Maharashtra Ownership Flat Act 1963 and rule 8 of Rules 1964 there under. While taking into consideration of these provisions it is necessary to make an application for getting permission for opening bank account by keeping the name of the proposed society reserve by the builder/promoters/chief promoter to the Registrar, co-operative societies in the concerned. It is necessary to make selection of the chief promoter in the primary meeting of the members. If not desire to work as Chief Promoter for some reason than in such situation, any member from the gala holder can be selected as a Chief Promoter. However while submitting proposal it is necessary to submit consent letter that builder promoters are ready to co-operate for the work of registering the society. Following papers are necessary for submitting the proposal for getting permission for opening the bank account.

1. Application for opening the bank account by reserving the name of the proposed society in the prescribed format. (On adhesive court fee stamp of Rs.2/-)
2. Copy of the minutes of primary meeting (in the prescribed format)
3. Photo copy of the sell deed/development agreement executed between the original owner of the land and builder promoter.
4. Photo copy of the 7/12 extract or the property registered card.
5. Photo copy of the power of attorney if given to the builder, promoter by the original owner.
6. Copy of the order form competent office under Urban Land Ceiling Act 1976.
7. Detailed scheme of the proposed society and its nature
8. List of the proposed members.

It is necessary to submit the proposal for official registration within three months of the date of getting permission for opening bank account by reserving the name of the proposed society for registration. If for some inevitable reasons, it was not possible to submit the registration proposal in the prescribed time limit then it is necessary to submit an application for extension of time limit for submitting the proposal of registration by the Chief Promoter.

In case of registration, the chief promoter should have to submit following documents:-

1. Application for registration in the prescribed format under rule 4(1) of the Maharashtra Co-operative Societies Rules 1961-Form A (Annexure A)

If the number of galas mentioned in the application submitted for registration is more than 10 then inclusion of promoter members for 60 per cent galas out of the total galas built or to be built in the said application. Otherwise, by preserving such proposal as immature, it is denied for registration. It is necessary that 60 per cent members out of the total members included in the application for registration should have to sign be their name. It is necessary that 10 members of the different families (Definition of the family) includes mother, father, son, husband, wife, unmarried daughter). Similarly minimum 10 members should be the residence in the jurisdiction of the society. As per prevalent policy of the government even less than 10 member's society can be formed. However in such proposals the carpet area of each gala should not be more than 700 sq. ft. Similarly it is also necessary to ensure that the entire F.S.I to be available as per prevalent constructions rules has been used and there is no possibility of additional construction work.

2. Form-B : Information of proposed society (In prescribed format)

3. Form-C : Information of Promoter Members

4. Form-D : Accounts statement (In prescribed format)

5. Detailed scheme of the proposed societies and its nature.

6. Balance statement of saving accounts in the Pune District Central Co-operative Bank (Share Capital of Rs.500 and in addition Admission fee of Rs.100/- of each promoter member and its total amount)

7. Original chalan of payment of Rs.25,00/- as a co-operative housing societies registration fee paid in the Government Treasury.

8. A photo copy of the sell deed or Development agreement executed between original land owner and builder/promoters.

9. Photo copy of the 7/12 extract or property registration card.

10. Photo copy of the Power of Attorney given to the builder promoters by the original land lord.

11. Photo copy of the NOC from the Charity Commissioner if the land is of Public Trust.

12. A photo copy of the land search report or title certificate from the advocate.

13. Photo copy of the order issued by the competent officer under Urban Land Ceiling Act.

14. True copy of the construction lay out approved by the Municipal Corporation.

15. Photo copy of the permission for commencing construction or of completion certificate issued by the Municipal Corporation.

16. Architect certificate endorsing to the construction of the building of the proposed society.

17. Minimum 10 persons affidavit on the stamp paper of Rs.20 (individual) regarding they are residence in the jurisdiction of the society and there is no residential house, open plot in their name or in the name of the other persons in the family depend on them in the jurisdiction of the society. (Affidavit should be made before the competent officer)

18. Guarantee letter of the Chief Promoter on the stamp paper of Rs.20/- in the prescribed format registered before the competent officer.

19. Guarantee letter of the builder promoters on the stamp paper of Rs.20/- in the prescribed format 'Z' registered before the competent officer and in accordance with that information in A B C D Table.

Table A : number of gala sale, name to whom it sale, area of the gala and its price.

Table B : number of gala not sold and its area.

Table C : Name of the person to whom the gala was sold and total amount received from him.

Table D : Details of the expenditure, name of the person to him gala was sold, amount of the share capital, amount of the admission fee and price of the gala.

20. A photo copy of the registered agreement executed between the builder promoters and gala holder.

21. A photo copy of the receipt of the payment made in respect of the registration fee of the gala and stamp duty of the promoter members mentioned in the application made for registration.

22. The signature of the minimum 10 promoter members at the end of model bye laws no 175 is necessary.

## 10 what is DOC?

Department of Cooperation

## 11 Upload PDF redirecting to Login Page

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## 12 What are the main objects of formation of a Society?

The main objects of the formation of a Housing Society are as under:

1. To obtain conveyance from the owner/Promoter (Builder), in accordance with the provisions of the Ownership Flats Act and the Rules made there under, of the right, title and interest, in the land with building/buildings thereon as described in the application for registration of the Society;
2. To manage, maintain and administer the property of the society;
3. To raise funds for achieving the objects of the society;
4. To undertake and provide, for on its own account or jointly with cooperative institution, social cultural or re-creative activities;
5. To do all things, necessary or expedient for the attainment of the objects of the society, as specified in the bye-laws.

## 13 Who is a Promoter?

The term Promoter is defined under Bye-law No. 3(xii) of the Model Bye-laws of the Society. A "Promoter" is a person, who signs the application for registration of the Society before the Registering Authority.

## 14 What are the remedies to be adopted if some person collected money on account of share capital from the proposal members in the name of registration of society by providing false information?

It is a sort of offence under section 146 of the Maharashtra Co-operative societies ACT 1960. Prosecution can be filed against such person by making formed application to the concerned Divisional Joint Registrar and with his consent.

## 15 Q. Whether the registration of the building having less than 10 flats is made?

Ans: Subject to the following orders the society having less than 10 members can found the only condition is that the built up area of each flat should not be more than 700 sq. ft. and the F.S.I. should not be balanced.

#### **16 What are the types of Co-operative Housing Societies?**

Classification of Co-operative Housing Societies is made in the Maharashtra Co-operative Societies Act 1960 and rule 10 of Rules 1961.

1. Tenant Ownership Co-operative Housing Society in which land is holding on lease or independently. Houses are also own by the members.
2. Tenant Joint Ownership Co-operative Housing Society in which land and houses are owned by the society and house are allotted to the members.
3. Other Co-operative Housing Societies-House Mortgage-age Society-House building Society.

#### **17 . What are the measures to be adopted if the chief promoters did not deposited the amount of the share capital collected by the Chief Promoter in the bank?**

The said act of the Chief Promoter can become the offence under section 146 of the Maharashtra Co. Operative Societies Act, 1960. Similarly prosecution may be file in the competent court against the chief promoter with the consent of the concerned Divisional Joint Registrar.

#### **18 What is the Area of Operation of the Society?**

The Area of Operation of the Society is confined to the area in which it is located. The Society has to specify its Area of Operation in its Bye-laws while submitting its bye-laws for approval before the Registering Authority during the registration of the Society. For the societies in Brihan Mumbai, they have to insert the City Survey Number/Gat Number and Ward in its Bye-laws. For the societies located at other places, they have to insert the City Survey Number/Gat Number and Municipal Corporation/City/Village, Taluka and District.

#### **19 What are the remedies if the proposed of societies registration is denied?**

Divisional Joint Registrar, Co-operative Societies under section 152 of the Maharashtra Co. operative societies Act.

#### **20 What are the alternations if builder is not co.-operating for forming co. operative society?**

In such situation, the chief promoter of the society should submit the registration proposal to the concerned registrar in the category of builders' non-co-operation.

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