

To
The Principal
Secretary Co-operation
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To
Commissioner for Cooperation
Registrar of Cooperative
Societies
Honorable Shri. Chandrakant
Dalvi
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Ambedkar Wellesly Rd, Pune,
Maharashtra 411001
Tel.: 020 2612 2846

To
The Divisional Jt. Registrar
Co-op. Hsg. Societies
Mr. V. V. Rasal
Malhotra House 6th Floor
Mumbai 400 001.

Subject : Immediate requirement of more effective and realistic directives under Section 79A

Dear Sir

The Co-operative housing societies, who have initiated the redevelopment programmes in wake of poor and dilapidated condition of their society buildings, have been experiencing the following intricacies and impediments in taking forward the redevelopment programmes while complying with the directives issued by the Govt. of Maha. under section 79A causing non-clearance of file from the office of Registrar Co-op. Societies purely on exploitation of non-compliances of the directives thereby hindering the appointment of authorized officer to attend the special general body meeting for the selection of the developer and getting NOC from him. We like to make some suggestions based on rational grounds to make it more effective, improve and more practical from the point of view of realization of the redevelopment of the housing society's objects,

Sr. No.	Lacunas observed in directive u/s.79(A)	Our suggestions
1.	Occasional refusal of application at the time of submission. There is no provision casting obligation upon the registrar to	The registrar office should receive the file seeking appointment of his personnel for attending GBM for the selection of the developer for the redevelopment of the society building. The receipt of the file should be acknowledged without any

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	receive the application unconditionally without any refusal.	refusal.
2.	<p>No time limit for scrutiny and notifying discrepancies There is no provision in the guidelines under section 79A.</p>	The registrar should scrutinize the file and notify the non-compliances or lapses or discrepancies to the society in writing within 15 days from the date of the receipt of the file.
3.	<p>No Provision for rectification or ratification. No weightage given to the mandate of the majority of the members. There is no as such provision of rectification or ratification for any non-compliance of the directives or discrepancies even if there is clear cut a mandate receiving from the majority of the members for redevelopment.</p>	Any administrative lapse or any discrepancy or society failed in complying the above directives then the society should be allowed to ratify or rectify those administrative lapses or discrepancies or non-compliances by setting aside objections or oppositions from the minority members. These lapses/non-compliances or failures should be informed by Registrar within 15 days from the date of the receipt of the application from the Society in writing clearly suggesting measures for rectification or ratification in the ensuring special general body meeting to be called for the selection of the developer for redevelopment. This should be sent by registrar to Society by Registered AD to ensure the delivery. Under no condition or circumstance, the appointment of authorized officer to be delayed or held up for reason of being non-compliance of the directives issued under section 79A on the part of the society since the mandate of the majority members for redevelopment can be judged in the special general body meeting and the mandate of the majority members will make ground for the society to rectify / ratify the lapses or discrepancies or non-compliances.
4.	<p>Provision for filling before any of other 3 Registrars / Provision for appeal There is no provision of approach to other registrar or appeal if the concerned registrar is causing the impediment or holding up the process of the development.</p>	If the concerned registrar is not discharging his duty properly and disposing off the file satisfactorily within time limit of 15 days further not giving any reply then the society should have the option to approach any other registrar or appeal before the higher authority after 15 days time period of time is elapsed from the date of filing the file.
5.	Timeline for disposing off the	The timeline for disposing off the file should be of

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	file	one month from the date of receipt of the file. If it is rejected, it should be communicated in writing to the society to have an opportunity for the societies to go to other registrar or prefer an appeal before the higher authority.
6	Accountability	In case of no communication from the registrar within one month, the registrar should be made accountable and answerable for his non-action to the authority higher than him and the matter to be disposed off in the light of the above amendment by higher authority by calling the registrar and the societies .
7	Proper procedure for entertaining complainant	It is seen that the registrar is unnecessarily entertaining the complaints from one or a handful members to hold up the redevelopment program for his own gain. The registrar should focus on the mandate of the majority without entertaining these complaints, i.e. not to defer or reject the calling of the meeting because of 2-3 members' complaint or the complaint of the members who are less than 25% of the total members.
8.	<p>No authority or power to the society for calling the special general body meeting.</p> <p>Once the meeting is scheduled by the society and letter informing the meeting submitted to the registrar by the society, the said meeting should be viewed final and constitutional.</p>	On notifying the schedule of the meeting to the concerned registrar of the ward, if the Registrar refused to issue a letter permitting to convene the special general body meeting or the Authorized Officer failed to turn up for the said meeting, the agenda of the said meeting should be transacted in the absence of registrar Authorized Officer provided that the said meeting should be covered with video shooting to record the verbal and written consents of the members for redevelopment of the society building. If $\frac{3}{4}$ members clearly in favour of one particular developer for the redevelopment of their society building with their verbal, written consents bearing personal photos and signatures captured in video photography, then it should be counted as a mandate of the society. Such meeting conducted in the absence of the Authorized Officer should be considered constitutionally valid. On submission of the minutes of the meeting with video recording and written consents of the members to the registrar,

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		the registrar should issue NOC within 10 days after reviewing it. Even after the submission of the minutes of the meeting with video recording and written consents of the members bearing their photo & signatures, if the registrar refused to issue NOC then the matter should be taken up with the District Deputy Registrar or Joint Division Registrar for issuing NOC based on the submission made to the registrar. In the case of non issue of NOC from these authorities within 10 days from the submitting the papers, then it will be deemed that the authorities have no objection and the said meeting should be considered as Legal and Constitutionally valid and the society should proceed with the redevelopment program.

Note :

The following revised directives should be incorporated under section 79A to eliminate the loopholes from the existing guidelines and make it more meaningful and serve the purpose for it was framed.

1. Requisition for convening Special General Body Meeting for Redevelopment of Society’s Building.

In the face of the poor and dilapidated condition of the society building which is ripened for redevelopment, a requisition from any member of the society submitted to the present secretary on the managing committee for convening special general body meeting to finalize the policy on redevelopment of the building. Being paramount requirement of the society and in the interest of the members affected their lives miserably; the authority or the legitimacy of the present committee members convening the special general body meeting should not be questioned or judged against the stipulated parameters of the relevant acts of the housing societies.

10. Selection of Developers:-

- a) **Office of the Registrar to receive file seeking appointment of authorized office for attending general body meeting.**

The registrar office should receive the file seeking appointment of his personnel for attending Special General Body Meeting to be called for the selection of the developer for the redevelopment of the society building. The receipt of the file should be acknowledged by the registrar office without any refusal.

b) Office of the Registrar to appoint Authorised Officer for attending General Body Meeting:-

Upon the receipt the file by the Registrar containing an application for appointment of Authorised officer to attend the Special General Meeting of the Society for selecting a Developer out of those selected by committee of the Society with the help of the consultant, the Registrar should scrutinize and expedite the file within 15 days so as to ripe it for the appointment of authorized officer.

c) On scrutinizing the file, any discrepancy should be brought to notice of the society to make the members to be rectified or ratified in the ensuing special general body meeting :-

Any administrative lapse or any discrepancy or society failed in complying the above directives then the society should be allowed to ratify or rectify those administrative lapses or discrepancies or non-compliances by setting aside objections or oppositions from the minority members. These lapses/non-compliances or failures should be informed by Registrar within 15 days from the date of the receipt of the application from the Society in writing clearly suggesting measures for rectification or ratification in the ensuing special general body meeting to be called for the selection of the developer for redevelopment. This should be sent by registrar to Society by Registered AD to ensure the delivery. Under no condition or circumstance, the appointment of authorized officer to be delayed or held up for reason of being non-compliance of the directives issued under section 79A on the part of the society since the mandate of the majority members for redevelopment can be judged in the special general body meeting and the mandate of the majority members will make ground for the society to rectify / ratify the lapses or discrepancies or non-compliances.

d) Convening Special General Body Meeting for finalizing tender:-

After appointment of authorized officer, with his prior permission Secretary of the Society will fix the time and venue convene Special General Body Meeting for appointment of Developer and Agenda of this meeting will be sent to all the members 14 days prior to the meeting by hand delivery and by registered post and keep acknowledgement thereof on record of the Society. Also, office of the Registrar will make arrangement to keep his authorized representative present for the meeting. Also arrangement will be made for video shooting of the meeting at the cost of the Society. Any person other than formal members will not be entitled to attend this meeting. Therefore members will be required to present at the venue of the meeting with their Identity Cards. At the time of submitting redevelopment proposal to the concerned authority for sanctioning, selection of Developer

and other work should have been done in the presence of authorized officer from Registrar's office.

e) Non-issuance of the letter by the Registrar for convening the Special General body meeting or failure on the part of Authorized Officer to turn up for the said special general body meeting.:-

On notifying the schedule of the meeting to the concerned registrar of the ward, if the Registrar refused to issue a letter permitting to convene the special general body meeting or the Authorized Officer failed to turn up for the said meeting, the agenda of the said meeting should be transacted in the absence of registrar Authorized Officer provided that the said meeting should be covered with video shooting to record the verbal and written consents of the members for redevelopment of the society building. If $\frac{3}{4}$ members clearly in favour of one particular developer for the redevelopment of their society building with their verbal, written consents bearing personal photos and signatures captured in video photography, then it should be counted as a mandate of the society. Such meeting conducted in the absence of the Authorized Officer should be considered constitutionally valid. On submission of the minutes of the meeting with video recording and written consents of the members to the registrar, the registrar should issue NOC within 10 days after reviewing it. Even after the submission of the minutes of the meeting with video recording and written consents of the members bearing their photo & signatures, if the registrar refused to issue NOC then the matter should be taken up with the District Deputy Registrar or Joint Division Registrar for issuing NOC based on the submission made to the registrar. In the case of non issue of NOC from these authorities within 10 days from the submitting the papers, then it will be deemed that the authorities have no objection and the said meeting should be considered as Legal and Constitutionally valid and the society should proceed with the redevelopment program.

The above revised directive will augur well for the societies to carry out their redevelopment programmes smoothly and in clearing the files speedily stuck up at the office of the registrar seeking an appointment of authorized office for attending the special general body meeting for the selection of the developer and consequently obtaining NOC to proceed redevelopment programme with the selected developer.