



Bye-Laws

DELHI EPDP CO-OPERATIVE GROUP HOUSING SOCIETY LTD.

(Incorporating amendments certified vide F. No. 47/ARH/593-GH/Sec-II/RCS/2017/2809
dated 25.05.2017 read with letter no. 3006 dated 28.07.2017)



“Dakshinayan” Sector-4, Plot No. 19, Dwarka, New Delhi-110078

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Bye-Laws

BYE-LAWS OF DELHI EPDP CO-OPERATIVE GROUP HOUSING SOCIETY LTD. (Incorporating amendments certified vide F. No. 47/ARH/593-GH/Sec-II/RCS/2017/2809 dated 25.05.2017 read with letter no. 3006 dated 28.07.2017)

I. PRELIMINARY

1. The name of the Society is "Delhi EPDP Co-operative Group Housing Society Ltd.," and its registered address is Plot No. 19, Sector-4, Dwarka, New Delhi-110078.

Any change in the address shall be notified to the Registrar within 14 days.

2. In these bye-laws unless there is anything repugnant to the subject or context, the expression "The Act" means the Delhi Co-operative Societies Act, 2003, "The Rules" means the Delhi Co-operative Societies Rules, 2007 and the words and expression defined in the Act and used in these Bye-laws shall have the same meaning as assigned to them in the said Act and the Rules.

II. OBJECTS

3. Its objects shall be :
 - (i) To acquire either through outright purchase or on lease, land for development and construction of residential houses/flats for giving to its members, either on lease or rent but the ownership of land and of residential houses/flats shall remain with the Society;
 - (ii) To lease out residential houses to its members on such terms and conditions as may be fixed by the Government and the Society;
 - (iii) To undertake repairs of houses of its members when necessary;
 - (iv) To borrow loans for running the business of the Society and to arrange for their repayment;
 - (v) To arrange to provide to its members all necessary common amenities and facilities as may be found practicable by the Delhi Development Authority, the Municipal Corporation of Delhi or such other authority;
 - (vi) To arrange for the maintenance of the estate of Society including roads, lanes and parks etc.;
 - (vii) To do all such things as are incidental or conducive to the attainment of any or all of the above objects.

III. MEMBERSHIP

4. The members shall consist of :
 - (i) persons who joined in the application for registration;
 - (ii) persons admitted in accordance with these Bye-laws; and
 - (lii) Joint, nominal or associate members subject to conditions as laid down in Act & Rules.
5. (i) Any person shall be eligible to be a member of the Society provided :
 - (a) He at the time of enrolment as a member, is domiciled in the NCT of Delhi or has been resident in the NCT of Delhi for three years or more; further provided that this condition will not apply to a Central Government Servants (including officers of All India Services Personnel/Employees of Public Undertakings).

- (b) His written application for membership has been approved by a majority of the Managing Committee;
 - (c) His age is more than 18 years, except in the case of minor heir of a deceased member;
 - (d) He is not a member of any other house building/group housing Society
 - (e) He or his wife (she or her husband, in case of a woman) or any of his/her dependent does not own a dwelling house or plot for building a house in Delhi/New Delhi/Delhi Cantonment;
 - (f) He, directly or indirectly, does not deal in purchase or sale of houses/flats or land for construction of house/flats either himself or through any of his dependents;
 - (g) He has carried out the provisions of these Bye-laws.
- (ii) The Society may admit joint members provided they make a declaration in writing that the person whose name stands first in the share certificate shall have the right to vote and all the liabilities will be borne jointly and severally, by them as provided in the Act, Rules and bye-laws. Joint members shall be in first degree Blood Relation.
- (iii) In accordance with the procedure laid down in the Bye-laws and the Rules for admission of any member, the Society may admit minors and persons of unsound mind inheriting share or interests of deceased members as its members through their legal heir or representatives or guardians respectively. The members so admitted will enjoy such rights and liabilities as are laid down in these bye-laws and which are consistent with the Act and Rules.
- (iv) Every person seeking membership of the Society shall sign a declaration to the effect that he or his wife (she or her husband) or any of his/her dependents does not own a dwelling house or plot in Delhi/New Delhi/Delhi Cantonment and that he/she is not a member of any other cooperative house building/Group Housing Society. He shall also be required to submit a declaration to the effect that he shall abide by the regulations of the Society set out in Annexure 'A'.
- (v) Every member on admission shall pay Rs. 10 as admission fee which shall not be refunded in any case.
- (vi) When a person's application has been accepted by the Committee and he has paid his admission fee and share money, he shall be deemed to have acquired all the rights and incurred all the obligations and liabilities of a member of the Society as laid down in the Act, the Rules made thereunder and these bye-laws.
- (vii) (a) Application for admission as member and for allotment of shares shall be made to the Secretary in the form prescribed by the Society for the purpose. Every such application shall be disposed of by the Managing Committee who shall have power to grant admission or to refuse it after recording reasons for such refusal.
- (b) Any person whose application has been refused by the Managing Committee may prefer an appeal to the Registrar, Co-operative Societies within thirty days from the date of communication of the decision of refusal by registered letter.
6. (a) The provisions of Bye-law 5(i)(b) shall not apply to the original member of the Society.
- (b) The Society shall not admit members within one month prior to the date of the meeting of the general body.
7. A member of the Society may be expelled by a 3/4th vote of the Managing Committee:
- A) if he makes default in the payment of installments of his shares or land and construction money; or
 - b) constantly defaults in settling the maintenance and other charges of the Society;
 - c) he has applied to be adjudicated an insolvent or is an undischarged insolvent; or

- d) he has been sentenced for any offence other than an offence of a political character or an offence involving moral turpitude and dishonesty; or
- e) he undertakes any profession similar to the objects of the Society; or
- f) he intentionally does any act which is likely to injure the credit of the Society or fails to observe proper discipline in regard to the work of the Society; or
- g) for any action which may be held by the Managing Committee or the General Body Meeting to be dishonest or contrary to the stated objects of the Society or to the interest of the co-operation; or
- h) incurs any of the disqualifications as contained in Rule 20.

An opportunity shall be given to the member before expulsion from membership to represent his case to the Managing Committee and expulsion shall not be effective unless it is approved by the Registrar.

8. A person ceases to be a member :-

- (i) on death; or
- (ii) for lack of confirmation of membership as per Bye-law 5(i)(b); or
- (iii) when his resignation is accepted by the Managing Committee; or
- (iv) on expulsion under Bye-law 7; or
- (v) ceasing to hold the minimum number of shares prescribed in these bye-laws; or
- (vi) on withdrawal after 3 months notice in writing to the Society, provided that the member withdrawing does not owe anything to the Society and is not a surety for an unpaid debt; or
- (vii) on undertaking the business of purchase and sale of houses or land for construction of houses either directly or indirectly or on purchasing a house or a plot of land for construction of house either in his own name or in the name of any of his dependents through any other source (and the member shall within one month of his undertaking the said business or purchase of a house or a plot of land shall inform the Society about this). Under such circumstances, lease or rent deed executed will automatically become ineffective.

9. (1) A member or the nominee of successor of an ex-member may transfer his shares to another member or applicant qualified under Bye-law 5 and approved by the Committee or to a share transfer fund created by the Society out of its profits and shall then be paid the value of his share, less any sum due from him to the Society. No transfer of share or interest shall, however, be made unless a member has held such shares for not less than one year but the conditions of Bye-law 5 will not be applicable to the nominee or legal heir of the deceased member.

(2) The value of the share shall in no case be more than the sum received by the Society in payment thereof.

(3) A member on withdrawal, whether voluntarily or through the action of the Society shall subject, however, to the rules of the Society, have no claim on the reserve fund or any other funds or property of Society of any kind.

IV. CAPITAL

10. The Capital shall be composed of :-

- (a) 360 shares of the value of Rs. 100 each;

- (b) loans and deposits from members and non-members;
- (c) donations and grants;
- (d) contributions towards the cost of houses, lands, maintenance of roads, drains and parks etc.;
- (e) other funds; and
- (f) realized profits;

Provided that the acceptance of deposits and loans from non-members shall be subject to any restriction which the Registrar may impose from time to time.

11. (a) The capital of the Society shall be used in carrying out its objects. Surplus funds of the Society not likely to be immediately required, shall be invested in accordance with Section 56 of the Act.

(b) Every member shall purchase atleast one share and no member shall hold shares of which the nominal value exceeds 1/10th of the total share capital subscribed. If any member by inheritance or otherwise become possessed of more than the maximum holding permitted by this bye-law, the Managing Committee shall have power to sell the excess number or buy them on behalf of the Society and to hold the proceeds at its disposal. A member shall not be entitled to pay towards his second and subsequent share until the first or previous one has been paid in full.
12. (A) Shares shall be paid up in a single payment.

(B) A share certificate shall be issued under the seal of the Society after the full amount of share money in respect of his shares has been paid. Share certificate shall be signed by the President, Secretary or one of the members of the Committee authorized for this purpose.
13. If a share certificate is lost or destroyed, a duplicate shall be issued on payment of Rs. 2/-.
14. Share shall not be withdrawn or repaid or transferred otherwise than as provided in bye-law 9.
15. Every member may nominate a person or persons to whom on death his shares shall be transferred but no member may nominate more than one person, unless the amount to be paid to such nominees, whether, by way of whole shares or by fixed proportion of the amount available for transfer, as the case may be, is duly specified when the nominee is appointed and he shall attest the nomination by putting his signature or thumb impression in the register of members. If not admitted to membership the nominee or nominees shall be paid the value of the shares or interest subject to the provision of bye-law 9. If any deduction has to be made from the shares of the deceased and there are more than one nominee, the amount to be deducted shall be set off against the amount due to each nominee in proportion to his interest.
16. The Society shall have the right to set off any money due on any account from the Society to a member or past member or person claiming through him in payment of any sum which he

owes to the Society, or for which he stands surety.

V. LIABILITY

17. The liability of the member for meeting any deficit in the assets of the Society on liquidation shall be limited to 10times the face value of their subscribed shares.

VI. GENERAL MEETING

18. The first general meeting of the members shall have the same powers as are herein given to the annual meeting.

(a) The preliminary General Meeting shall be called within a period of not less than one month and not more than three months from the date of its registration. In this meeting the following business shall be discussed and decided :

- (i) Approval of allotment of shares, amount collected and amount spent in connection with the registration of the Society;
- (ii) Election, if any, of the members of the Committee other than nominated members, subject to the provisions of section 35(1) of the Act;
- (iii) Consideration of the programme for ensuing year.

(b) The Annual General Meeting shall be called within a period of 180 days next after the date fixed for making up its accounts for the year. A special General Meeting may be called at any time by the Managing Committee and shall be called by the Secretary on receipt of a requisition from 1/5th of the total number of members or from the Registrar, Co-operative Societies or any person authorized by him.

(c) In case of the Annual General Meeting, date, time and place of the meeting shall be announced atleast 15 days clearly in advance and in case of Special General Meeting 7 days in advance, by a written notice pasted on the notice board of the Society and circulated to the members. The election shall be held by Secret Ballot under Schedule II and Rule 53 of Delhi Cooperative Societies Rules, 2007.

(d) The agenda proposed for the Annual General Meeting and Special General Meeting shall be despatched to all members 14 and 7 days in advance respectively before the date of the meeting, giving date, time and place of meeting.

(e) The presence of the 1/3rd of the total number of the members subsisting as such on the date of notice of the meeting, subject to a minimum of 10 members shall be necessary for the disposal of any business at the General Meeting. Each member shall have one vote irrespective of the shares held by him/her. The President shall have a casting vote in addition. No proxy shall be allowed and no member shall be allowed to vote who is in arrear with his share installment or maintenance and other charges of the Society, for which notice has been issued.

19. (i) Provided that if such meeting is not held by the Society within the prescribed period, the Registrar or any person authorized by him may call such meeting in the manner prescribed and that meeting shall be deemed to be a general meeting duly called by the Society and the Registrar may order that the expenditure incurred in calling such a meeting shall be paid by such persons who, in the opinion of the Registrar, were responsible for the refusal or failure to convene the General Meeting.

(ii) If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day for fifteen minutes and the adjourned meeting shall be held at the same place on the same day, for which no quorum is necessary and if the meeting is called on the requisition of members (not the Registrar), it shall stand dissolved.

(iii) If at any time during the meeting sufficient number of members is not present to form a quorum, the President of the meeting on his own motion or on his attention being drawn to this shall adjourn the meeting at such convenient time, date and place as he thinks fit and the business to be transacted at the adjourned meeting shall be transacted in the usual manner even if no quorum is present.

(iv) No matter shall be discussed at any meeting which has not been included in the agenda of the meeting provided that the President may in case of emergency permit the discussion of such matter, when the majority of members present, so desire.

(v) The President or the Vice-President or in their absence one of the other members elected for the purpose shall preside over the meeting.

20. The duties and powers of the General Meeting are :

1. To elect, suspend or remove members of the Managing Committee, including a President and one or more Vice-Presidents and if the number of members of the Society exceeds 20, to elect a Committee of Control;
2. To receive from the Committee a report on the preceding year's working of the Society together with a statement showing the income and expenditure, assets and liabilities and profit and loss for the year;
3. To consider the Audit Note, Inspection Note of the Registrar, or Financing Institution and any other communication from the Registrar;
4. To dispose of profits in accordance with the Act, Rules made thereunder and these Bye-laws;
5. To discharge any member of the Managing Committee on the recommendation of the Committee of Control which may for this purpose call a General Meeting at any time;
6. To consider the reports of the Committee of Control together with comments, if any of Managing Committee thereon and the action to be taken on the recommendation contained and in regard to any matter emerging from that report;
7. To fix the maximum credit limit for each member provided that such maximum limit shall not be more than that laid down in the Registrar's instruction on the subject but this may be exceeded with the special sanction of the Registrar to be obtained in each case;
8. To fix subject to the approval of the Registrar the maximum liability to be incurred during the following year, in loans or deposits from non-members;
9. To amend the bye-laws, subject to the approval of the Registrar;
10. To fix the terms and rates at which penal interest shall be charged by the Managing Committee on overdue amounts of loans and maintenance and other expenses of the Society;
11. To fix the rate of contribution to be made by the members for maintenance of the estate of the Society;
12. To decide the manner in which development and construction work will be carried out by the Society;
13. To decide the terms and conditions on which the houses/flats will be leased to the members;

14. To frame the rules of business subject to the approval of the Registrar; and
 15. To consider any other business brought forward.
21. All business discussed or decided at a General Meeting shall be recorded in a proceedings book which shall be signed by the Chairman of the meeting.
 22. Amendments to the bye-laws shall only be carried out by a majority of not less than two third of the members present in a General Meeting in which due notice of the intention to discuss such amendments has been given and shall be forwarded to the Registrar for registration within a period of 30 days from the date of meeting.

All other matters before the General Meeting shall be decided by the majority of votes.

- (a) If it appears to the Registrar that an amendment to the bye-laws of the Society is necessary or desirable in the interest of such Society, he may call upon the Society to make the amendment.
- (b) The Registrar may by serving a notice inform/call upon a Society to make an amendment within a period not exceeding 60 days.
- (c) After the expiry of the period specified in the notice under sub-section (6) of Section 12 and if the Society fails to make an amendment, the Registrar after giving the Coop. Society an opportunity of being heard may register the amendment and issue to the Society a copy of such amendment certified by him. With effect from date of registration, the amendment is binding on the Society and its members, subject to appeal, if any.
- (d) All amendments of the Byelaws relating to the Cooperative Society when registered by the Registrar shall be assigned a consecutive number in chronological order and shall be noted in the index of the byelaws to be maintained by the Society in the registration file.

VII. MANAGING COMMITTEE

23. (i) The Managing Committee shall consist of 15 members of the Society, over the age of 21 years including a President and a Vice President. In the Managing Committee, two seats shall be reserved for Lady Members of the Society. The elected committee shall elect a Secretary, a Joint Secretary and a Treasurer from among themselves, after the conclusion of the process of election of the Managing Committee by the Returning Officer. The President or Vice-President or in their absence any other member elected for the purpose shall preside. Each member of the Committee shall have one vote but the President shall have a casting vote, in addition.
- (ii) Committee members shall be elected and hold office for three years and shall be eligible for re-election. These office-bearers shall not be eligible to hold such offices on a Committee of another Co-operative Society of the same type or on the Committees of more than three different types of the Societies.
- (iii) The Election of the Managing Committee shall be held by secret ballot under Schedule II of the Delhi Co-operative Societies Rules, 2007. The Managing Committee shall conduct the election as per procedure laid down in Schedule II.
- (iv) The meeting of the Committee shall be held when necessary and shall be called by the Secretary on receipt of the requisition from three or 1/3rd members of the Managing Committee, whichever is more or from the Registrar, Co-operative Societies, or any person authorized by him. The Managing Committee shall cause minutes of all proceedings of its meetings to be entered in the book kept for the purpose. The minutes of each meeting shall contain the names of the members, if any, dissenting from or not concurring to any resolution. At the end of the meeting, each member present and voting shall sign the proceedings register. If

the minutes are not made and recorded in this manner, they shall not be considered valid and it shall be deemed that no such meeting was duly called and held.

- (v) (i) Notice of Managing-Committee Meeting shall be given to every member of the Committee atleast 5 days prior to the scheduled date of the meeting by the Secretary or President either by post or personally, provided that where a member has intimated to the Society in advance that notice of meeting should be sent to him by Regd. Post and has deposited the postage expenses, then, the Society shall send him the Notice by Regd. Post. In case of emergent meeting, the Notice may be sent atleast 24 hours before the scheduled date and time of the meeting.
- (ii) The Quorum of the Managing Committee Meeting shall be 1/3rd of total number of members of the Committee subject to a minimum of 3 (three).
- (iii) The meeting shall be held as often as required but meeting shall be held atleast once in every month.

24. A member of the Committee shall cease to hold office if he :-

1. ceases to be a member of the Society; or
2. applies for insolvency or is declared insolvent; or
3. becomes of unsound mind; or
4. is convicted of any offence involving dishonesty or moral turpitude; or
5. accepts any office of profit under the Society or receives any honorarium; or
6. carries on business on his own account similar to that as specified in Bye-law 3 (i to vii);
7. resigns and his resignation is accepted by the Committee; or
8. is a defaulter in payment of dues of the Society.

25. The Committee shall exercise all the powers of the Society except those reserved for the General Meeting. Subject to any regulation, or restrictions laid down by the Society in a General Meeting or in the Bye-laws and in particular shall have the following powers and duties :-

1. to observe in all their transactions, the Act, the notified Rules and these bye-laws;
2. to maintain true and accurate accounts of all money received and spent;
3. to keep register of members correct and up-to-date;
4. to keep true account of assets and liabilities of the Society;
5. to prepare and lay before the General Meeting, the annual profit and loss account and audited balance sheet;
6. to examine the accounts, sanction contingent and other expenditure and supervise the maintenance of the prescribed registers;
7. to consider the inspection notes of the Registrar or any other person authorized by the Registrar or Financing Institution to inspect and to take necessary action;
8. to admit new members and issue new shares and transfer old shares;
9. to arrange for the recovery of dues of the Society;
10. to summon General Meetings in accordance with the bye-law 18;
11. to contract loans subject to any restriction imposed by the Registrar or General Body and to make necessary arrangements for its repayments;
12. to decide the terms and the periods for which loans are to be given to approve, or reject the security, to arrange for the recovery of loans and interest and to impose and recover penal interest on overdue installments and maintenance and other expenses of the Society, as laid down by the General Meeting and to sanction, renew loans when necessary;
13. to decide the terms and the period for and the rate of interest at which deposits are to be received and to arrange for the payment of such deposits;

14. to watch that the loans are used for the purpose for which they were taken;
15. to assist in the inspection of' the books, other documents and papers of the Society by any person authorized to see them;
16. to appoint, suspend, punish and dismiss employees subject to the provisions in these bye-laws and to fix their remuneration;
17. through any member or officer or employee of the Society or any other person specially authorized, to conduct, defend, compromise, refer to arbitration or abandon legal proceedings by or against the Society or Committee or the officer or employees concerning the affairs of the Society;
18. to acquire on behalf of the Society, shares in other Registered Co-operative Societies;
19. to fix the rate of interest on loans to members subject to bye-laws;
20. to arrange for the custody of books and to appoint one of its members or one of the officers of the Society residing in the area of operation to take charge of all the registers and papers prescribed in these bye-laws;
21. to invest the surplus funds of the Society in accordance with the Section 56 of the Act;
22. to acquire and hold property and to enter into contract on behalf of the Society;
23. to fix the maximum credit limit of each member in accordance with the instructions of the Registrar, subject to the approval of the General Meeting. This limit will be fixed only when a member files a declaration giving the amount of his debts secured and unsecured with the rate of interest. The proposal for maximum credit limit of a member of the Committee shall be brought before the General Meeting in a separate detailed resolution and shall not be included in the proposal for maximum credit limits of other members ;
24. to decide the manner of execution of work and its allotment to members and employees;
25. to appoint a treasurer to keep the money of the Society and to require him to provide such security as it may deem sufficient;
26. to elect a Secretary out of Managing Committee members;
27. to distribute the duties among the Secretary and Manager/other officials and members of the Managing Committee;
28. to carry out the development, construction in the manner as may be decided by the General Meeting and allotment of house/flats to members in accordance with the rules framed by the Society with approval of the Registrar;
29. to appoint a custodian of the properties of the Society and to keep them in good state of affairs;
30. to co-opt members against the vacancy caused by the resignation or disqualification of any member of Committee;
31. generally to carry on the business of the Society including general maintenance, security services, cleanliness and essential services defined in Rule 102;
32. to submit annual return in the prescribed manner to the office of the Registrar, Co-operative Societies within 30 days of holding the Annual General Meeting as prescribed in Section 32 of the Act;
33. As provided in Rule 89 :
 - (1) The committee shall charge the entire cost of the flat or plot along with garage or parking area, servants quarter and shop etc., before allotment of the same;
 - (2) The committee shall take all legal steps to remove the encroachment and unauthorized construction in the common areas of complex of the co-operative society;
 - (3) Save as otherwise provided in the Act, the cost of maintenance, repair and replacement in the common areas and facilities shall be apportioned amongst the members, power of attorney holders and holders of conveyance deed whoever may be having occupancy rights of the plot or flat or garage etc.;
 - (4) On failure of a member or resident to pay the charges as demanded by the

committee by the specified date or thirty days after raising the demand, the member or resident may be advised finally to clear the default within further thirty days, failing which the committee shall initiate proceedings for recovery of the dues from the defaulter member or a resident, as the case may be, under sub-section (2) of Section 89 of the Act as arrears of land revenue by approaching the Registrar as provided in Sub-Section (2) of Section 111 of the Act. A list of such defaulters may also be displayed on the notice board of a co-operative housing society. The committee shall approve the above action through a resolution authorizing an officer to initiate action against the defaulter member or resident, as the case may be.

26. In the conduct of the affairs of Society, the Committee shall exercise the prudence and diligence of ordinary man of business and shall be responsible for any loss sustained through acts contrary to the Act, the Rules made thereunder and Bye-laws.
27. No member of the Committee shall receive any remuneration for his work as a member of the Committee. No member of the Committee shall vote in any application for a loan in which he himself is interested as a borrower, he shall not stand surety for a new loan to another member of the Committee.
28. All business discussed or decided at a meeting of the Committee shall be recorded in minutes book which shall be signed by the Chairman of the meeting and all members of the Committee present.
29. The Committee may appoint from amongst its own members a sub-committee and may delegate to it or any officer of such of its own powers as it may consider desirable for the better conduct of the Society's affairs. The sub-committee or officers, shall in the discharge of the function entrusted to them, conform in all respects to these bye-laws and to the instructions given by the Managing Committee.

VIII. SECRETARY AND/OR MANAGER

30. The Committee of the Society shall specify which of the officers of a Society shall
 - (a) keep the books of accounts;
 - (b) keep other books and registers; and
 - (c) prepare returns and statements.

Provided that the person charged with the keeping of accounts shall not be incharge of cash.

31. If the Committee of the Coop. Society has not specified the officers required to be specified in sub-rule (1) of rule 44 notwithstanding anything contained in the bye-laws of the Society, the following officers shall be responsible for keeping accounts, records etc. indicated against each, namely:
 - (a) **Treasurer** :Shall keep or cause to be kept all the books of accounts and vouchers and shall prepare or cause to be prepared annual profit and loss account, receipt and disbursement account and the balance sheet. Whosoever may be writing these books of accounts, these shall always be deemed to be in his/her custody, possession, power and control. He/she shall be responsible for their safe delivery to his successor after making a list of documents handed and taken over.
 - (b) **Secretary** :Shall keep or cause to be kept all other records of the Society and shall be responsible for preparation and submission of various returns to the Registrar. Whosoever

may be keeping these records, these records shall always be deemed to be in his/her custody, possession, power and control. He/She shall be responsible for their safe delivery to his successor after making a list of documents handed and taken over.

(c) **Cash** :Cash balance in hand shall always remain in the hands of an officer authorized by committee.

32. The Society shall from time to time determine in a meeting of the Committee the minimum number of paid staff required for the business. The Committee shall prescribe their qualifications, experience and emoluments. The Committee shall be competent to appoint, dismiss or remove any paid staff.
33. The minimum paid staff for a Co-operative Society with working capital or annual transaction of Rupees five lakhs or more shall be :
- (i) One Secretary or Manager
(ii) One Accountant; and
(iii) One Cashier.

IX. REGISTERS

34. The following registers and papers shall be maintained and shall be open for inspection of anyone interested in its funds, except that no one shall be allowed to see the deposit account of any other person, without that person's consent in writing :
1. a register of members showing the name, address and occupation of every member, the number of shares held by him, the date of admission to membership, date of termination of membership and the nominee appointed under Bye-law 15;
 2. a cash book showing the income, expenditure and balance on each day on which business is done;
 3. a ledger account for each member, depositor, creditor and miscellaneous and contingent income and expenditure;
 4. an account showing monthly deposits and contributions;
 5. a Register showing all the properties purchased and disposed/leased out by the Society;
 6. the Register of application for membership containing the name and address of the applicant, the date of receipt of application, the number of shares applied for and in case of refusal, the date of communication of the decision refusing admission to the applicant; and
 7. any other Register prescribed by the Registrar.
35. Copies of the bye-laws and balance sheet shall be supplied free of cost on demand to any member. The last balance sheet shall be open to public inspection during office hours.
36. The Committee shall appoint one of its members or one of the officers of the Society to take hold and to keep in safe custody all the registers prescribed in Bye-law 34 and other papers in use of the Society.

X. COMPULSORY DEPOSITS / CONTRIBUTIONS

37. (1) Every member shall subscribe to deposits and contributions to funds for specific objects.
(2) Such deposits shall be governed by rules to be framed by the Society subject to the

approval of the General Meeting of the Society.

- (3) With the approval of the Committee, a member may be exempted from the obligation to deposit for any period during which his circumstances do not permit of such payments.

XI LOANS

38. No loan shall be advanced by the Society to the members/non-members in ordinary course of business.
39. Society shall not allot any property (houses or flats) to any person except, to its own members. No member shall be allotted on lease or rent more than one house or flat by the Society.

XII. ACCOUNTS AND AUDIT

40. (1) The accounts of the Society should be ready within 30 days of the close of the year, as provided in Rule 38.
- (2) Deleted.
- (3) The audit compliance report has to be submitted to the Office of the Registrar, Co-operative Societies within 3 months of completion of audit of accounts as per Rule 80 (10).

XIII. DISTRIBUTION OF PROFITS

41. (a) The following shall be first charge on the profits and loss account of the Society:
- (i) Any loss undergone by the Society;
- (ii) Necessary deduction for depreciation of machinery, equipments, building etc.;
 - (iii) All insurance charges;
 - (iv) All payments of salaries, provident fund and working expenses;
 - (v) Interest on loans and deposits etc. ;
 - (vi) Audit fees as may be fixed from time to time by the Registrar;
 - (vii) All maintenance and other expenses of the Society
- (b) The balance shall be the net profit of the Society,
- (1) Not less than 25% of the net profit shall be carried to the Reserve Fund which shall be indivisible and no member shall be entitled to any share in it.
 - (2) The Society shall credit a sum calculated at two per cent of its net profit subject to a maximum of Rs. 50,000 every year for contribution to the Co-operative Education Fund to be administered by the Registrar. The Registrar may frame regulation for the utilization and the administration of the Fund. This fund shall be kept with the State Bank of India. Any such amount payable by the Society, shall be a charge on the profit of the Society.
 - (3) Dividend on shares may be paid not exceeding 18% per annum.
 - (4) Not more than 20% of the balance may be distributed as bonus to all employees subject to provisions in the payment of Bonus Act.
 - (5) The remaining amount, if any, may be allotted to any or all of the purposes detailed below or may be carried over to :
 - (a) bad debt fund;

- (b) common good fund according to Section 54 of the Act;
 - (c) dividend equalization fund;
 - (d) share transfer fund; and
 - (e) any other fund required for the business of the Society.
42. If no dividend be claimed for a period of three years from the date of the declaration, a notice shall be issued by the Society at the registered address for the member at his cost calling upon him to take the amount within one month of the receipt of the notice. If the dividend is not claimed during this period it shall be credited to the dividend equalization fund.
43. Bonus to members, if any, shall be paid according to the rules approved by the General Meeting and subject to any restriction imposed by the Registrar.
44. No bonus in addition to the dividend shall be distributed on shares of the members.
45. Dividend shall not be paid while any claim due from the Society to member remains unsettled.
46. Allocation and distribution of profit shall be made only after the annual audit. Members shall have no right to the dividend unless declared and approved by the General Body. The dividend shall be paid to all the members within three months of the approval by the General Body.

XIV. RESERVE FUND

47. The Reserve Fund is indivisible and no member is entitled to claim a specified share in it. It shall be invested in Government securities or otherwise as directed by the Registrar under Section 56 of the Act.

XV. DISPUTES

48. If any dispute touching the constitution or business of the Society arises between members or past members of the Society or person claiming through a member or past member or between members or past members, persons so claiming and any officer, agent or servant of the Society (past or present) or between the Society or its Committee and any officer, member, or servant of the Society (past or present) it shall be referred to the Registrar as provided in the Act and the Rules made thereunder.

XVI. GENERAL

49. Every member of a co-operative housing society shall be entitled to an undivided interest in the common area and facilities pertaining to the plot of land or dwelling unit allotted to him/her, as provided in Section 76(5) of the Act.
50. All matters not specially provided for are to be decided in accordance with the Delhi Co-operative Societies Act and the Rules made thereunder.
51. The Managing Committee with the approval of the General Meeting may frame rules of business for carrying on the work of the Society and may make additions or alterations in them from time to time.

XVII. LIQUIDATION

52. (1) The Society shall be wound up and dissolved only by an order of the Registrar under Section 95 or 96 of the Delhi Co-operative Societies Act, 2003 and Rules made thereunder.
- (2) After meeting the liabilities including the paid up share capital have been met, the surplus assets, if any, shall not be divided among the members, but shall be utilized towards any object of public utility determined by the General Meeting of the Society within three months of the date of the final liquidation and approved by the Registrar. Registrar may with the approval of the General Meeting of the Society, place the said surplus on deposit with the Delhi State Co-operative Bank Ltd., until such time a new Society with similar conditions is registered, when with the consent of the Registrar, such surplus may be credited to the Reserve Fund of the new Society or assign the surplus either wholly or in part to an object of public utility of local interest or a charitable purpose as defined in Section 2 of the Charitable Endowments Act, 1890 (6 of 1890).

ANNEXURE 'A' **[Bye-law 5 (iv)]**

REGULATIONS RELATING TO THE HOUSES/FLATS LEASED OUT BY THE SOCIETY TO ITS MEMBERS

1. Residential houses will be allotted by the Society to its members who fulfill the prescribed conditions and agree to abide by these regulations.
2. The residential houses will be allotted by the Society to its members by draw of lots.
3. Each sub-lessee shall be required to execute an agreement with the Society and the Government as may be found necessary before entering in the house allotted to him.
4. No sub-lessee shall at any time, quarry any stone, dig out sand or soil or do any act which may be harmful to the building or the estate of the Society.
5. No sub-lessee shall make any alteration in or addition to house allotted to him without the approval of the Committee in writing and subject to the Municipal bye-laws.
6. Each sub-lessee shall be required to get the house insured against fire or damage and shall be liable to annual premium regularly paid by the Society, which will be debited to the account of the sub-lessee concerned and shall be recovered from him in accordance with the provisions of the Act, the Rules made thereunder and the bye-laws of the Society.
7. Each sub-lessee shall pay proportionate cost of the land on which the houses have been constructed, calculated by the Society and approved by the General Meeting and each sub-lessee shall pay ground rent as may be fixed by the General Meeting of the Society or by Government in addition to the contributions, levied for the maintenance of the Society.
8. Each sub-lessee shall be responsible for the internal repairs of the house allotted to him. The outer white washing and other major repairs is the responsibility of the Society.
9. Each sub-lessee shall permit the Society and all authorized persons and workmen to enter upon the house to examine its condition from time to time.
10. The sub-lessee will not do anything which in the Society's opinion may cause a nuisance, annoyance or inconvenience to the occupants adjacent or in the neighbourhood or to be prejudicial to the Society.

11. No sub-lessee shall be allowed to transfer his rights over the house/flat allotted to him without the consent of the Society in writing or the Government as the case may be.
12. No sub-lessee shall be allowed to sub-let any portion of the house to any one without the approval of the Society in writing.
13. If at any stage it is found that the information given by the sub-lessee, differs in accordance with the terms of lease, the Society shall have right to forfeit his right over the house allotted to him without any refund and to get the house vacated immediately.
14. If the Society fails to recover the ground rent from any of the sub-lessee concerned in accordance with the terms of lease, the Society shall have the right to forfeit his right over the house allotted to him without any refund and to get the house vacated immediately.
15. Each sub-lessee shall always abide by the rules and regulations and, other instructions issued by the Registrar, Co-operative Societies, Delhi or the Government on his behalf from time to time.
16. These Regulations are subject to such modifications by the General Meeting of the Society with the approval of the Registrar, Co-operative Societies, where necessary, as may be deemed fit.



Co-operative Principles

- 1. Voluntary and Open Membership**
- 2. Democratic Member Control**
- 3. Member's Economic Participation**
- 4. Autonomy & Independence**
- 5. Education, Training & Information**
- 6. Co-operation Among Co-operatives**
- 7. Concern for Community**

