



BYE LAWS

OF

**THE KENDRIYA  
VIHAR  
COOPERATIVE  
HOUSING SERVICE  
SOCIETY LTD.**

AHMEDABAD



Spl. CD. ADM. 4. g.



## નોંધણીનું પ્રમાણપત્ર

જાંદણ/એએચએમ/આ(હા)૪૧૮૧  
ક્રમાંક : \_\_\_\_\_ સને ૨૦૦૭ .

આ ઉપરથી પ્રમાણપત્ર આપવામાં આવે છે કે :-

શ્રી કેવિન્દ્રય વિહાર કો.ઓ.પ. ડાઉન્સીંગ સાર્વિસ સોસાયટી  
સહકારી મંડળી \_\_\_\_\_ લી.

સ્થળ ગોપલ તાલુકો દસક્રીઈ જિલ્લા અમદાવાદ

સને ૧૯૬૨ના ગુજરાતના કાયદા ૧૦ (ગુજરાત સહકારી મંડળીઓનો કાયદો સને ૧૯૬૧)ની  
સદરકુ મંડળીની જાંદણી આજે.  
કલમ ૯ મુજબ આજરોજ નોંધવામાં આવે છે. ગોપલના હલોડ નં. ૪૧૬ માં આપણે  
કેવિન્દ્રય વિહાર લીજના ના A, B, તથા  
સ્થળ : અમદાવાદ C ટાઇપના ફ્લેટના માલિકો/વપરાશ-  
કારો માટે ૭૪ સભ્યો માટે ઉરવામાં  
આપણે છે.

તા. ૩૦ - ૦૩ - ૨૦૦૭.



(ઈ.મ. પટેલ)  
નોંધણી અમલદારની સહી તથા હોદ્દો  
જિલ્લા રજીસ્ટ્રાર સ.મં. (રૂરલ) અમદાવાદ



**Application for Registration of the society  
(Form under rule 3)**



To,  
The District Registrar \_\_\_\_\_  
Cooperative Societies (City/Rural)  
Ahmedabad

We, the undersigned, whose names and addresses are subscribed are planning to form a co-operative society with limited liability and hereby apply as per subsection (1) of section 8 of the Cooperative Societies Act, 1961 for registration of the society under section 9 of the said Act. We are enclosing herewith three copies of the proposed byelaws, along with other relevant papers, as agreed upon and duly signed by us.

Particulars of information regarding the proposed society are as under

1.	Name of the proposed society	The <b>KENDRIYA VIHAR</b> Co-op. Housing Service Society Ltd.
2.	Full address of the proposed society	<b>"Sanskriti" Community Centre, Kendriya Vihar, B/h Sun City, Bopal, Ahmedabad-380058, Gujarat</b>
3.	Is liability limited or unlimited?	Limited
4.	Area of operations	As per Bye-law No.1(3)
5.	Objects of the Society	As per Bye-law No.2
6.	Whether the applicants belong to different families and whether as per definition of Section 6 of the Co-operative Societies, they hold family relations with each other.	Promoters belong to different families and they do not hold family relations with each other
7.	If the capital is to be raised by shares, state the value and number of shares to be issued, along with the list of shares subscribed and paid;	Shares issued ... <b>370</b> ... Share value ... <b>Rs.50/-</b> . Number of paid-up shares ... <b>370</b> .. Value of paid-up shares <b>Rs.18,500/-</b> .....
8.	State the total amount of share capital collected and deposited in a Bank and the balance certificate is to be enclosed with the application.	Share capital <b>Rs.18,500/- + Rs.370/- = Rs.18,870/-</b> has been deposited in the bank on Date: <b>12-12-2006</b> . Enclosed herewith.
9.	The amount of preliminary expenditure incurred by the promoters till the date of the application	Income-Expenditure statement is enclosed herewith



10.	The name of the chief promoter and his address where the correspondence is to be directed	DR. ARVIND KUMAR SINGH C-1/ 50, KENDRIYA VIHAR, B/H SUN CITY, BOPAL, AHMEDABAD – 380 058.
11.	The language in which the Books and Accounts will be maintained by the Society	ENGLISH (COMPUTERISED)

Details of Promoters

Sr. No.	Full Name of Promoter	Age YEARS	Occupation	Residential Address	Amount of share contribution	Entrance Fee	Signature
1.	DR. ARVIND KUMAR SINGH	36	SERVICE	C-1/50, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
2.	SRI HARSHADRAY S KOTHARI	65	RETIRED	C-2/65, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
3.	SRI AMITABH	31	SERVICE	B-24, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
4.	SRI KISHORE KUMAR PATEL	42	SERVICE	B-36, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
5.	SRI S. DEVAKANTH NAIDU	32	SERVICE	C-1/48, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
6.	SRI AKHILESH SHARMA	51	SERVICE	C-1/46, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
7.	SRI KRISHNA LAL	34	SERVICE	B-28, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
8.	SRI PRASANTA DAS	31	SERVICE	B-23, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
9.	SRI VEGDA KHEMABHAI	53	SERVICE	A-6, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	
10.	IYER KANNAN VENKATESH	39	SERVICE	B-32, KENDRIYA VIHAR, BOPAL, AHMEDABAD	Rs.250/-	Rs.5/-	

Place: Ahmedabad  
Date:



અગ્રણી કરેલી નોંધણી ક્રમાંક .....  
તા. ૩૦/૩/૧૯૭૯ ના નોંધણી કરેલ છે.  
જા.સા.પુ.સં. (૧૧) ૪૧૮૯

Approved

(વ.મ. પુરોહિત)

જિલ્લા રજીસ્ટ્રાર સ.મં. (કુલ) અમદાવાદ



(1) Society's Name, Address and Area of Operation

1. Name of the Society: The name of the society shall be The **KENDRIYA VIHAR** Co-operative Housing Services Society.
2. Address of the society: The registered address of the society shall be as under... **"Sanskriti" Community Centre, Kendriya Vihar, B/h Sun City, Bopal, Ahmedabad-380058, Gujarat** .....
3. Any change in the registered address of the society shall be intimated to the concerned Registrar, Co-operative Societies within 30 days of such change. Any change in the registered address of the society shall be made only after approval of the amendments in the bye-laws.
4. Area of Operation of the society: The area of operation of the society shall be confined to **the members and tenants of KENDRIYA VIHAR in an extent of 1.4 acres of land under Survey Number 3/3/1 and Plot No. 416 of Bopal Village, Daskroi Taluka, Ahmedabad district.**

(2) Objects

The objects of the Society shall be as under

1. To make appropriate arrangements for the cultivation of good health, education, entertainment and cultural activities among the members.
2. To carry out the maintenance and repair of the common utilities and common area of the apartment and land, water, cleanliness, electricity/lighting and exterior colouring etc.
3. To administer and maintain the properties of common usage of the members.
4. To educate/inculcate among the members the modern fields of co-operative activities, arrange training or support in such activities.
5. To administer and maintain so that the members can avail the services of water, electricity, sanitation/cleanliness, and encourage the development and expansion of such services and to ensure that the services are continued, maintained and kept in good condition.
6. To purchase property, equipments and tools etc. and to fulfill the above purpose and appoint employees on payroll.



### (3) Funds

1. The funds for the society shall be raised in the following manner.
  - (1) By entrance fee
  - (2) By issue of shares
  - (3) By accepting donations & subsidies
  - (4) By deposits by members
  - (5) By service funds
  - (6) By borrowing or loans
  - (7) By common repair funds
2. The share capital raised by issue of shares should not exceed **Rs.18,870/-**.
3. The total funds raised by borrowing and deposits should not exceed ten times the balance amount put together the fully paid-up share capital plus reserve funds plus the house fund minus the expenses. The rates of interest on deposits shall be decided by the Committee looking at the existing market trends. But it should not exceed the maximum lending rates of the medium co-operative bank.
4. When the funds of the society are not reserved/utilized then they should be deposited in accordance with Section 71 of the Co-operative Societies Act.

### (4) Membership

1. Any person/individual
  1. who is competent to contract and who resides in ~~Ahmedabad district or working~~ *the area of operation of the society.*
  2. who owns property in the area of operation of the ~~the society.~~ *the society.*
  3. who has paid the entrance fee of Rs.5/-
  4. who has fully paid the value of at least five shares
  5. who has given an undertaking to abide by the Society's bye-laws, sub-laws and annexures.
  6. whose application form in Form-A of the Society has been accepted by the Executive Committee.can become member of the Society.
2. A firm, company, trust registered under the law and eligible as per byelaw 4.1 above can become a member of the society and on furnishing in writing, the representative of



the firm, company or trust can exercise his rights on their behalf.

Note:- Those who have signed in the application for the registration of the Society shall be exempted from Section 6 of the Bye laws.

#### (5) Expulsion of Members

1. A member may be expelled from the membership of the Society if such a member fails to provide the required information or has given insufficient details and information or has been disqualified for seeking the membership by willfully deceiving the society by giving false information.
2. The member duly expelled from membership of the Society, shall cease to be the member of the Society and all the services and facilities provided by the Society to him shall be withdrawn without informing him and no dispute in this reference shall be entertained.
3. The members availing the services and facilities of the Society will be required to pay the charges (contribution/deposit) in accordance with the Resolution passed by the Society, within the time limits. If a member has persistently failed to pay charges due to the Society, he may be expelled from the membership of the Society and all facilities provided by the Society shall be withdrawn without informing him and no dispute in this reference shall be entertained.

#### (6) Cessation of Membership

Any member shall cease to be a member of the Society under the following circumstances:

1. On payment of the value of his shares to him upon his resignation from the membership of the society or all the shares have been transferred to another member, or
2. On his expulsion from the membership of the Society in accordance with the bye-laws of the Society, or
3. On his death, or
4. He ceases to hold ownership rights of the property in the area of the operation of the Society.

(7)



1. A Society may, by resolution passed by three-fourths majority of all the members present and voting at a general meeting of members held, expel any member under section 36 of the Cooperative Societies Act, 1961 for the following reasons.
  - i. If he consistently disregards the bye-laws of the Society and the instructions of the Committee.
  - ii. Has willfully cheated the Society by giving false information.
  - iii. On being adjudged as an insolvent or legally disabled from continuing as a member.
  - iv. He has been declared as an offender for an act of demoralization under the Indian Penal Code.
  - v. He has acted willfully in a manner to damage the reputation or credibility of the Society.
  - vi. He has committed breach of any of the provisions of the bye-laws of the Society.
2. However before expulsion of a member in this manner, he should be given an opportunity to explain his say in the General Body Meeting and before implementing the decision of the General Body prior permission shall be obtained from the District Registrar, Cooperative Societies, as per section 36 of the Gujarat Cooperative Societies Act, 1961.
3. No member of the Society, who has been expelled from its membership, without prior permission of the District Registrar, shall be eligible for admission to membership of the Society or any other Society, until expiry of the period of two years from the date of such expulsion.
4. In case any member is expelled in this manner, the amount due to the society plus five percent of the actual amount shall be deducted from the value of the shares and other interests held by the member on the date on which the resolution was passed and the balance amount shall be paid to the member.

(8) Any Member

1. Who has not paid the amount as may be prescribed in bye-laws of the Society.
2. who has long pending dues to the Society

shall have no right to vote, to contest in the election of Executive Committee or to exercise any other rights as a



member of the Society.

(9) Liability of every member shall be restricted to the value of shares held by him and, he or his property will be held responsible for such liability.

(10) At the General Body Meeting of the Society , every member shall have the right to one vote only. If the share is held in the name of more than one person, then the person whose name appears as the first name in the share certificate shall have the voting rights.

(11) Transfer of interest on death of a member

1. Subject to the provisions of the bye-laws and rules in accordance with Gujarat Co-operative Societies Act, 1961, on death of a member, the Society shall transfer the shares and interest of the deceased member in the capital/property of the Society to the person who has been nominated as his heir or to such a person who has been delegated power for transfer under the Gujarat Co-operative Societies Act, 1961 (Section 31) or to a person nominated as a heir or to a legal heir of the deceased. The value of shares and interest shall be decided in accordance with law and after deducting the amount due to the Society by the deceased the balance amount shall be paid to the heir after taking necessary guarantee letter in writing and power of attorney. However, time bound deposits shall be repaid only after their maturity period.
2. If more than one heir have been nominated and/or share or shares are in more than one name, then the names shall be entered in the share certificate only in accordance with the nomination form. However, if the nominator (nominating member) has not clearly specified the order/sequence in which names shall be entered in the certificate, then the decision taken in this behalf by the Executive Committee of the Society shall be considered as final.
3. If the amount of the nominated member is held by the society, the society shall be bound to return the same to the nominated person or legal heir in accordance with the functions.
4. All transfers carried out and money paid in accordance with the bye-laws shall be considered legal and appropriate and the claim, if any, made by any other person shall not be entertained.



(12)

1. On death of a member and in case he has already stated the name of his heir, and if such person claims his rights as heir of the member, and if the Executive Committee accepts him as a member, then he will be exempted only from buying the shares.
2. A member who has already nominated his heir has absolute powers to cancel such nomination or make changes in them by submitting a self hand-written document.
3. Nomination of the heir by the member at the time of application will be noted without any fees. Thereafter, for every nomination or cancellation or changes to be done, a fee of Rs.100/- will be charged for making such noting which should be paid along with the written application.

(13) In case of any member losing his membership in accordance with the bye-laws 5, 6, 7 or any other bye-laws of the Society and if there are any dues towards the Society, he must fulfill his responsibilities as if his membership has not ceased and continues in that manner for three years.

(14) Share: Every share shall have a face value of **Rs.50/- (Rupees Fifty only)**. Share certificates bearing different/unique number shall be given for every share. The total value of the share shall be paid at a time.

(15) Any member can hold shares worth  $1/5^{\text{th}}$  (one-fifth) of the total share capital.

(16) The member of the society can transfer his own shares and other interests to any other member subject to the bye-laws and Section 30 of Gujarat Co-operative Societies Act, 1961 and Rule 18. But any such transfer shall be done only after seeking prior permission from the Committee. For such transfer an amount of **Rs.10,000/- (Rupees Ten thousand only)** shall be paid to the Society as transfer fee. The Committee shall have the sole right to grant or refuse permission in this behalf.

(17) In accordance with bye-law No.29 of the Society the amount received as transfer fees shall be credited to the development fund and shall be utilized for joint services or for maintaining or development or expansion of places/property of





### **General Body Meeting**

(24) The general body meeting shall have the supreme power. The first general body meeting shall be held within 3 months from the date of registration of the Society or such period which may be extended by the Registrar. The business to be carried out in the annual general meeting shall be taken up in the first general body meeting.

(25) The annual general body meeting shall be held within 3 months or the extended period with consent of the Registrar on completion of the co-operative year ending 31<sup>st</sup> March every year.

(26) A special general body meeting of the society may be called at any time at the instance of more than half of the member of the Executive Committee for any special purpose. It is the responsibility of the society's President to compulsorily convene a special general body meeting, on request from 1/5<sup>th</sup> or 20 member whichever is less or on order of the District Registrar or if society is associated with other Society, then on request of the Managing Committee of that society.

(27) Functions of the Annual General Body Meeting of the Society. The annual general body meeting of the Society shall transact the following business:

1. To elect a President for the meeting and to read the minutes of the last general body meeting of the Society and to note the action taken thereon.
2. To receive from the Committee, the report on the preceding co-operative year together with working statement of income and expenditure account and balance sheet, read out and accept the same and if required, take necessary action thereon.
3. To consider the audit memorandum for the previous co-operative year, along with the audit rectification report of the Committee thereon and accept the same and if required take necessary action on them.
4. To appoint an internal auditor and to fix his remuneration.
5. To conduct the election of the Executive Committee or if the election rules have been adopted/ followed, to take note of the result of the election.
6. To decide upon the work to be executed and policies to be followed for the following year.



7. To remove a general member of the society in case the Executive Committee wishes to do so.
8. To amend, cancel or add in the bye-laws of the Society or sub-rule in accordance to the Gujarat Co-operative Societies Act.
9. Approval of administrative rules related to the employees of the Executive Committee or Society or related to the work of the Society to settle the matter presented legally on other matters.
10. To transact any other business proposed as per law.

(28) In case of general body meeting, 14 days advance and in case of special general body meeting 7 days advance notice shall be issued by the Office of the Society. Moreover, a written notice in this behalf shall be sent to every member at the address registered in the Society. The notice shall consist of date, time and place of the meeting and the business to be transacted in the meeting as has been decided by the Executive Committee.

(29) During the general meeting any member can put forward a proposal on any matter which is not mentioned in the given notice with the consent of 2/3 (two-third) of the members present in the general body meeting. But any such proposal should not be related to dismissal of any member or changes in bye-laws.

(30) The quorum for every general body meeting should be 2/5 (two-fifth) of the total number of members of the Society or 25, whichever is less (presence required to conduct the business/transaction). If there is no quorum on the day of the meeting, the meeting shall be postponed by half an hour, and thereafter i.e. after half an hour the meeting shall be held and the members present for the meeting shall be considered as the quorum and the transaction shall be conducted.

(31) The President of the meeting shall have the privilege for a special decision-making vote (casting vote) in addition to his own vote, in case there is equal voting on either side on any issue.

(32) In a General Body Meeting no resolution which was passed just prior to six months shall be taken up and cancel without prior permission of the District Registrar.



### **Management committee**

(33) From the date of formation of the Society till the time the Executive Committee elected by the members in the first general body meeting takes charge of the society after electing the President, the members who have been nominated as President and the Executive Committee for formation of the Society shall execute the duties of the President and as members of the Managing Committee during the intervening period. However, all these activities shall have to be approved by the first general body meeting.

(34) The Managing Committee shall consist of 5 to 11 members and shall be in office for a period of 3 years from the date of its first meeting and continue in office till the newly elected managing committee starts functioning or till any other arrangement is made.

(35) The managing committee, within 1 month from the date of the general body meeting of the Society, shall elect their President, Secretary and on need basis, Vice-President, Joint Secretary and Treasurer and decide upon the duties and responsibilities in accordance with the bye-laws or otherwise as agreed upon by them.

(36) The President of the Managing Committee shall hold the prime position among all the members of the Committee. In his absence, the Secretary and in the absence of both, the remaining member shall elect one of the members to preside over the meeting.

(37)

1. In a Committee meeting every member present shall have the right of giving only one vote. However in case of equality of votes on any issue the Chairman of the meeting will have a right for casting vote in addition to his individual vote.
2. A number equivalent to more than half of total number of members in the Committee shall be considered as a quorum for the working of the society. If there is no quorum at the time of assembly of the meeting, then the meeting shall be postponed by half an hour and on re-assembling after half an hour, the number of members present in the meeting shall be considered as quorum and the working can be carried out.



3. A minimum of 3 clear days written notice for every meeting of the Committee shall be given to all the members of the Committee which shall state the date, time and place of the meeting and the business to be transacted thereat. For any special work the meeting of the Committee can be convened by giving 24 hour advance notice.
4. On requisition of at least more than half of the members of the Committee for any special matter, the President shall be bound to convene the meeting.
5. The meeting of the Committee can be convened as many times as required to resolve the Committee's work. However, the meeting of the Committee shall be convened at least once every three months.

(38) Apart from being disqualified by the provisions of byelaws and election rules, a member shall not be eligible to be elected to the Managing Committee, or if elected, shall not be eligible to continue in the Committee for the following reasons:

1. if he has any type of long pending dues towards the society or
2. if he has been declared insolvent or mentally unstable or
3. if he has undergone imprisonment for a period of more than three months for an act of demoralisation during the last year or
4. if he has lost the ownership rights in the area of operation of the Society or
5. if he is not qualified in accordance with the resolutions passed under the rules of the Gujarat Co-operative Societies Act.

(39) Any member of the Managing Committee shall cease to be a member of the Committee automatically on the following reasons.

1. on his death or
2. if he ceases to be a member of the society or
3. if he has failed to attend any three consecutive meetings of the Committee without the leave of absence or
4. if he ceases to be the owner of the house in the area of operation of the society or
5. if he ceases to hold the office of the Managing



- Committee by virtue of the bye-laws of the society and the election rules, or
6. if he tenders his resignation as the member of the Committee, or
  7. if he is disqualified by virtue of any Resolution passed in accordance with the provisions of the Cooperative Societies Act, However if disqualification of any member under Section 5 comes to notice, the Committee shall immediately issue a minimum 3 day's notice to such member seeking explanation from him as to why his membership should not be discontinued and thereafter if the Managing Committee is of the opinion that the concerned member has lost the eligibility for continuing as a Committee member, the Committee shall declare his dismissal as a Committee member.

(40) In case any vacancy arises by virtue of the provisions of the bye-law no.38, such vacancy shall be filled in by the Committee till next election by cooption. The member so appointed shall continue in office for the period for which the original member has been elected.

(41)

1. Any member of the Managing Committee shall be removed by a resolution passed to that effect at a General Body Meeting by 2/3<sup>rd</sup> majority of the members remaining present and voting.
2. The President, Vice-President or Joint Secretary shall be removed by more than ¾ (three-fourth) majority of the members remaining present and voting.

(42) If the works carried out by the Committee or by any person who is the member of the Committee and if at a later date the appointment of that Committee or that member is found to be illegal, but if the Committee or such a person has been properly appointed or elected, then whatever work had been legally carried out by him shall be considered to be legal and proper. But the work so carried out should have been in good faith and to should not have caused any damage to the interest of the society.

**-:Duties and Responsibilities of the Managing Committee:-**

(43)

1. To dispose off applications for membership and resignations from membership.
2. To dispose off application for shares or transfer of



- shares
3. To appoint the accountant, manager, solicitor, auditor and other required employees for the Society. To remove them from the post for some time, to dismiss them, to punish them and to frame rules for their employment and salary, staff provident fund, gratuity etc. and implement the same. To ensure at least once in a year that the guarantee given by them is self sufficient and that their guarantor is alive.
  4. To prepare the annual report and accounts and to recommend to the General Body Meeting on the distribution of profits, and decide on the date, time, place and the business to be transacted in the General Body Meeting.
  5. To examine that the day-to-day accounts are written properly and authorise the President, Secretary or any member of the Committee to sign on behalf of the Society and to approve the expenditure of the Society's functioning and examine the balance sheet every quarterly and approve the expenditure and accounts.
  6. To examine the cash balance, other sureties and other property of the Society, and fix the limits for cash on hand and its responsibility as well as responsibility for maintaining register. The President shall be solely responsible for these matters till such responsibilities are fixed.
  7. To make required arrangements for taking insurance for sufficient amount for the property of the Society and covering other risks.
  8. To appoint sub-committee, on need basis, giving them required power and assigning them duties.
  9. To initiate legal proceedings, defend them or make settlements.
  10. To frame all necessary administrative rules related to the working of the Society and implement them after seeking approval in the General Body Meeting.
  11. To send society's representatives to co-operative organisations to which the society is associated and other places or functions.
  12. To hear the complaints and to dispose of them by proceeding with or by settling the same.
  13. To raise necessary funds for the working of the Society and approve the required rules for the same or to enter into necessary agreements/contracts and to invest the excess funds of the Society in accordance with Section 71 of the Co-operative Societies Act.
  14. To rectify the defects mentioned in the audit report



- within one month and present the respective report in the General Body Meeting for approval. To provide the necessary accounts and other documents for the auditors.
15. To fix the rate of regular charges (contributions) and collect the same from the member, towards providing the services and facilities by the society and to ensure their recovery. To take legal action for recovery of dues arising on account of non-receipt of timely payment.
  16. To provide in time the details and documents sought by the Registrar.
  17. To maintain the membership register with up to date information.
  18. To provide necessary facilities, other information and required documents to the auditors/officers for inspection.
  19. To fix the duties and responsibilities of the Joint Secretary.
  20. To convene Special General Body Meeting on request as per the provisions of section 81 of the Cooperative Societies Act and also to convene Annual General Meeting on time.
  21. In general, to carry on the work of the Society within the purview of the objects of the Society, and in accordance with the resolution passed in the General Body Meeting, rules and regulations and bye-laws.

(44) In case any member/s of the Committee, due to his negligence or not performing his duties properly on time, causes any damage to the society, such member/members of the Committee shall be responsible for the same individually.

#### (45) The President's Duties and Responsibilities

In addition to the provisions contained in the bye-laws of the Society, the President shall have the following duties and responsibilities:

1. To implement the resolutions of the General Body Meeting and the Management Committee, through the Secretary.
2. To supervise the working of the Secretary and be responsible for the work executed by him.
3. To examine all the communications/letters of the society, to make note thereof and instruct the Secretary to take necessary action accordingly.
4. To deposit the total balance of the Society in the bank at least once in every month.



5. To verify the cash balance, property and surety of the society at least once in every month and make appropriate noting in the society's office records.
6. To take proper steps to get the necessary modifications done by the Secretary and send the rectification report on the defects within one month from the date of receipt of the inquiry note, audit note and inspection note.
7. To provide all the details in time, as and when sought by Government department or finance providing agencies.
8. To observe that the Society's work is carried out in accordance with the society's bye-laws, objects and rules and regulations.
9. To sign on behalf of the Society on receipts, applications, agreements, write-up, deeds, affidavit, tender etc. in accordance with the authority/power given by the Managing Committee.

(46) Duties and Responsibilities of the secretary

In addition to the provisions contained in the bye-laws, the Secretary shall have the following duties and responsibilities:

1. To execute all the affairs of the society in accordance with the instructions of the President from time to time.
2. To convene the General Body Meeting, Committee and Sub-committee Meetings in accordance with the instructions of the President.
3. To be present in the General Body Meeting, Committee and Sub-Committee meetings and take note of the proceedings and make proper entries in the respective register books.
4. To receive and make payments on behalf of the Committee in accordance with the resolution of the Committee.
5. To supervise the working of the employees of the society and give them appropriate instructions.
6. To place for approval the progress reports on monthly accounts, expenditure details, building constructions and repair works.
7. To provide the required information to the members and others.
8. To prepare the rectification report on defects in the audit note and investigation note on urgent basis and place it before the Committee and send to the concerned authorities within the stipulated time period.



9. To write down the daily accounts of the society accurately in the appropriate ledger and sign it.
10. To keep the cash on hand as per the defined limits.
11. To recover the installments, due and other borrowings and in cases where it is not timely received, initiate legal action by presenting the report along with his views before the Committee and take necessary action, in accordance with the resolution of the Committee in this regard.
12. To sign the share certificate, affidavit, agreements and bank accounts, along with the President or any other authorised Committee member.
13. To carry out the work of the society as decided by the Committee.
14. In accordance with Section 85 of Gujarat Co-operative Societies Act the Secretary shall present the rectifications to the audit defects report within 3 months from the date of audit report to the concerned auditor, failing which the Secretary shall be personally responsible.
15. To sign on the receipts, application, agreements, writings, affidavit, tenders in accordance with the responsibility/power given by the Managing Committee.

(47) The Secretary should have taken co-operative training and if he has not undergone the training, then he shall be required to attend the training at the time as instructed by the District Registrar. The Society shall provide all possible facilities for the same. If the Secretary is not getting trained in this manner, then the committee shall dismiss him, on receipt of such communication in writing from the District Registrar.

(48) During temporary absence of the Secretary, if necessary, the Committee can appoint any person to perform the duties of the Secretary.

(49) If any member or tenant does not get his own repair work done within the stipulated time period as directed by the Committee, then the Committee shall get that work done on its own, and recover the amount towards the expense from him and if required the Society shall seize/confiscate his interests or make the recoveries by taking other legal steps.

(50) A member or tenant of the Society shall not conduct in a manner so as to create obstruction/nuisance to other members or tenants.

(51) Every house owner or tenant shall be required to permit the entry of workers of the Society without any objection



into the place of their ownership for carrying out common repairs or maintenance work but if on account of such entry has caused any damage to the personal property of the individual, the Society shall have to bear the cost of such damage.

(52) Every member or the tenant of his property or his employee shall not damage or obstruct or create hurdles to the property of common usage and if any damage or obstruction is caused, then he shall be held responsible and the society shall remove such obstruction or hurdles at his expense and risk and recover such damages.

(53) Every member or the tenant of the property shall carry out the repairing and maintenance of his personal property.

(54) The society shall carry out the repairing, maintenance and management of the member's independent property i.e. the common property which is in the custody and enjoyed by all the members excluding the member's own property. In doing so, whatever expense incurs, the contribution thereof shall have to be paid by the member or tenant in accordance with the rate, accounts and within the stipulated period as decided by the Society.

(55) Members or tenants shall not get involved into any act or carry out any construction activity so as to create obstruction or hurdle in the common property and places of common usage and the society is empowered to take legal recourse against the person involved in such acts. Moreover, the society is empowered to remove such obstructions or constructions at the risk and expense of the person/member doing such act or constructions, and no dispute/controversy in this regard shall neither be taken into consideration nor shall it be honoured.

#### (56) Appropriation of Profits

The gross profit made during the previous year shall be announced in the General Body Meeting and the following deductions shall be made from it.

1. interest payable on loan and deposits.
2. establishment charges for the society's working.
3. depreciation in the property of the society.
4. losses of the previous years.
5. writing off debts against doubtful funds
6. development fund
7. contribution towards the provident fund and gratuity fund of its employees.



(57A) The balance amount after the above deductions shall be considered as the net profit and its distribution shall be done as per the following.

1. 25% of the amount shall be kept for the reserve fund.
2. After keeping 15% over the paid up share capital, the remaining amount shall be distributed.
3. Contribution towards the education fund to be made within the purview of the Gujarat Co-operative Societies Act and the Rules. No dividend shall be paid to its members, unless the said contribution is made to the concerned Co-operative Union.

(57B) The distribution of the balance profit, thereafter, shall be done as per the following:

1. To pay upto 50% for extra-circular activity funds. From this fund the Committee can incur the expenses related to member's health, education, cultural and entertainment activities in accordance with the objectives of the Society.
2. To allocate 5% for co-operative publicity fund
3. To allocate 10% for charitable fund.
4. To allocate 10% for dividend equalisation fund.
5. To allocate 25% for equi-payment fund.

#### MISCELLANEOUS

(58) Maintenance of Accounts and Books shall be made as per the guidelines given in the Gujarat Co-operative Societies Act and the Rules made thereunder and as per the instructions by Registrar and with the required modifications as suggested by Managing Committee. Besides other books of accounts the Society shall also maintain documents on the developments in the Society's Assets.

(59) After completion of accounting year on 31<sup>st</sup> March every year the Secretary will prepare a statement of accounts (Loss/Profit, final accounts etc.) and work done during the accounting year for approval by the Executive Committee. The Executive Committee shall approve the accounts and work done before 15<sup>th</sup> May and publish it and provide a copy of the same to Auditor and District Registrar.

(60) Bye-laws can be changed/modified by 2/3 members present in the General Body Meeting and voting in favour of the change, provided a proper 10 days' notice is given to all members giving detailed proposed change in bye-laws. After the passing of resolution by General Body, it should be approved by the

Registrar as per Gujarat Co-operative Society Act/Bye-laws before the change in the byelaws is implemented.



(61) Whenever there is a resolution or a notice is to be issued, it shall be sent to the last known address available with the society by ordinary post or hand delivery and such service shall be considered sufficient for serving notice. It shall be the responsibility of the member to supply the latest address to the society.

(62) If a member fails to pay any financial dues within the stipulated period, then he will have to pay interest on dues as decided by the Executive Committee. The Executive Committee will take necessary steps to recover all dues from members and it will be the responsibility of the said Committee.

(63) Any member of society can see his accounts during office hours (As per Gujarat Co-operative Society Act – 33) and can request for a copy of the same. It shall be the duty of the Secretary to provide each member such facilities.

(64) Every member of the Society is bound to follow these bye-laws and when asked to provide certain facts, he/she shall be bound to provide all the details sought for on affidavit.

(65) In case of any difference in interpretation of bye-laws of the Society, the interpretation by the District Registrar will be considered correct and final which has to be followed by both parties.

Sr. No.	Name of Promoter	Signature
1.	DR. ARVIND KUMAR SINGH	
2.	SRI HARSHADRAY S KOTHARI	
3.	SRI AMITABH	
4.	SRI KISHORE KUMAR PATEL	
5.	SRI S. DEVAKANTH NAIDU	



6.	SRI AKHILESH SHARMA	
7.	SRI KRISHNA LAL	
8.	SRI PRASANTA DAS	
9.	SRI VEGDA KHEMABHAI	
10.	IYER KANNAN VENKATESH	
11.		

Place: Bopal, Ahmedabad

Approved

Date : . 2007

અંગ્રેજી કચેરીના નોંધણી ક્રમાંક નં.૬૧૭/૨૦૦૭(અ) ૨-૧ (૨૧) ૪૧૮૧  
તા. ૩૬/૩/૦૭ થી નોંધણી કરેલ છે.



(દ.મ. પુસ્તકિત)  
જિલ્લા રજીસ્ટ્રાર શ.મં. (રૂરલ) અમદાવાદ

**Annexure – 1 'Election Rules'**



(1) These Rules shall be called the Rules for Election of the Managing Committee of The ....**KENDRIYA VIHAR**..... Co-operative Housing Service Society Ltd., **AHMEDABAD**

(2) Unless otherwise separately provided in the rules

1. 'Rules' means, rules made under Gujarat Co-operative Societies Act, 1961 and the laws in force, under it.
2. 'Bye-laws' means the registered bye-laws of the ..... Co-operative Housing Service Society Ltd. alongwith amendment in force.
3. 'Returning Officer' means the officer who has been appointed by the Managing Committee for the purpose of these rules.
4. 'Assistant Returning Officer' means the person appointed by the Returning Officer from among the staff members of the Society or any person other than the members, for assisting him in the election work.
5. 'Voter' means the members of the society who are holding voting rights in accordance with the rules and the bye-laws of the Society as on 31<sup>st</sup> March.

(3) Publication of list of voters:-

1. The Secretary shall prepare a provisional list of voters, in accordance with the membership register of the Society as on 31<sup>st</sup> March, every three years and shall display the same on the Society's office notice board along with signature of the society, as per the election programme decided by the Managing Committee.
2. If any member has any objection to the provisional list of voters, he shall inform in writing to the Secretary about his objection alongwith valid reasons within the time and date prescribed in the election programme.
3. The Returning officer shall take appropriate decision on the objections received and publish the final list of voters and display it on the Society's office notice board under his signature as per the election programme as decided by the Managing Committee.
4. Except the members of the Society, no nominal member shall have rights to contest election or give vote or express support on proposals.
5. Apart from the provisions contained in the bye-laws of the Society, if, from a member

(A) any type of Society's dues had been recovered through arbitration in the last three years



(B) he is related to the Society's engineer, contractor, surveyor, legal advisor or land lord or has any direct or indirect interest with them.

(C) he is a salaried worker of the Society or he is having blood relation with it

then he shall not be eligible to contest for election to the Society's Committee nor can put proposal or express support.

#### (4) Notification of vacant posts.

(1) All the posts of the Managing Committee shall fall vacant every three years.

(2) The Managing Committee shall decide the names and numbers of posts falling vacant every three years and these names shall be displayed on the notice board by the Returning Officer in accordance with the election programme. A retired member shall be eligible for re-election.

(3) The posts falling vacant in between shall be filled in as per the rules, only for the duration of the posts.

#### (5) Nomination of candidates:

(1) Every third year, in accordance with the election programme decided by the Managing Committee, the nomination forms for the posts which have fallen vacant, shall be accepted by the Returning Officer at the Society's office during working days between 9.00 a.m. and 12.00 p.m. and shall acknowledge the receipt thereof.

(2) Any eligible voter shall be entitled to file nomination for the vacant posts of the Managing Committee.

(3) Any eligible voter shall be entitled to propose or second only one candidate of vacant posts of Managing Committee of the Society.

(4) The nomination forms shall be issued from the office of the society at free of costs, during the working hours, after taking signature. However, no voter shall be given more than one nomination form.

(5) The nomination form shall be duly and neatly completed.

(6) The Returning Officer shall scrutinize the nomination forms in presence of candidates as per the election programme declared by



the Managing Committee and note down his observations on any objections. The nomination forms can be rejected only for reasons mentioned in the byelaws or the election rules.

(7) The Returning Officer, after scrutiny, shall prepare a list of contesting candidates and cause a copy of the list of contesting candidates to be affixed on the notice board of the Society on the very same day at 4 O' clock under his signature.

(8) If any nominations are withdrawn, the list of the remaining candidates excluding them shall be displayed on the Society's notice board under the signature of the Returning Officer.

(9) If the number of candidates whose nominations have been accepted is equal to the number of seats to be filled in, the Returning Officer shall declare such candidates to be duly elected uncontested. The announcement in this regard shall also be announced in the Society's Annual Report and General Body Meeting.

(10) If the number of nominations are more than the number of posts to be filled in, then election shall be conducted. If necessary, the Returning Officer shall provide every candidate with a symbol.

(11) If the number of nominations are less than the number of posts of the Managing Committee, then the vacant posts shall be filled in the first meeting of the Managing Committee held after the General Body Meeting, through appointment for the full-time duration.

(6) Voter :

1. In case the election is to be conducted, the voting shall be held at the place decided by the Managing Committee, in the morning from 9 to 11 as per the election programme.
2. The ballot paper shall be as per proforma given in form B. The names of the candidates in the ballot paper shall be arranged in alphabetical order.
3. Every voter shall have the right to give as many votes as the number of posts of the Managing Committee but they shall not give more than one vote to any candidate.
4. Voting shall be done by marking a cross in the box against the name of the candidate.
5. Voting shall be done through secret ballot and the Returning Officer shall make the required arrangement for this purpose.



#### (7) Counting of Votes

- (1) The counting of votes shall be commenced immediately on completion of the election, in the presence of the candidates and the results thereof shall be announced immediately on completion of the counting of votes and the candidates who have got more votes shall be declared as elected.
- (2) The result of election shall be displayed on the notice board of the society, under the signature of the Returning Officer on the very same day. It shall also be published in the annual report and announced in the General Body Meeting and shall be noted down the same.
- (3) During the counting of votes, the following ballot papers shall be treated as cancelled by the Returning Officer.
- (4)
  - (A) if any candidate has been given more than one vote
  - (B) if the votes have been given to lesser candidates than the required number of candidates.
  - (C) if it is not clearly shown as to against whom the cross is marked.
  - (D) if any mischief is played with the ballot paper, but for this purpose the Returning Officer shall note down the reasons for rejection under his signature.
- (5) If an equality of votes is found to exist between the candidates, then the Returning Officer shall, in presence of the candidates, draw the lots in their names and declare one of them elected.
- (6) If any candidate desires to seek recounting, then he shall inform in writing of the same to the Returning Officer immediately after completion of the counting of votes.
- (7) On receipt of such an application the Returning Officer shall order the recounting and repeat the earlier counting and announce the results thereof.

#### (8) Miscellaneous

- (1) After the completion of the counting of the votes and declaration of results all the papers with regard to the elections shall be kept inside the ballot box and sealed by the Returning officer and the same shall be kept at a safe place under the observation of the secretary.
- (2) If any voter has any objections on the election process, then he can seek for arbitration within two months from the date of declaration of election results, under the section 96 of the Act.
- (3) If any voter has approached for arbitration, then after two months from the date of result of such proceedings or if no voter has approached for arbitration within two months after



the declaration of the results, the secretary shall destroy all the election papers after such period in the presence of the President of the society.

- (4) The managing committee shall decide the date and timings of the election schedule. In special case and if the committee feels appropriate, the Returning officer may change the election and all other related dates. But the announcement of such changes shall be displayed on the society's notice board under the signature of the President of the society.
- (5) If at a later date any differences arise on the interpretation of these rules, then the District Registrar's decision in this regard shall be considered as final and shall be binding to both the parties.

#### **Election Time-table**

(Election Rules under section 8(4))

Sr. No.	Details	Date
1.	Date of publication of provisional list of voters and vacant posts to be filed in.	
2.	Last date for raising objection against the provisional list of voters.	
3.	Date of publication of final list of voters.	
4.	Last date and time for receipt of nomination forms	
5.	Date of scrutiny of nomination forms	
6.	Date of publication of valid nominations	
7.	Last date for withdrawal of nomination forms	
8.	Date of publication of final list of contesting candidates.	
9.	Date and time of election	
10.	Date and time of counting of votes	
11.	Declaration of results of voting	



**Form No. – 1**

(Proforma for Nomination forms for the elections to Managing Committee)

To,  
The Returning Officer  
The .....Co-op. Housing Service Society Ltd.,  
.....  
Ahmedabad

1. Full name of the Candidate: : .....
2. Serial number in the voter's list: .....
3. Post to which candidature is proposed: .....
4. Full Name of the Proposer: .....
5. Proposer's serial number in the Voter's List. : .....
6. Name of Seconder : .....
7. Seconder's serial number in the Voters' list.....

(Signature of Proposer)

(Signature of Seconder)

The facts stated above are true. I hereby signify to contest the elections and if elected, I shall work as the member of the Managing Committee with all responsibilities.

Date:

(Signature of Candidate)

This nomination form has been received on the date..... at time..... It has been registered with the serial number..... on the form.

Date:

(Signature of Returning Officer)

**RECEIPT**



Sr. No.

The nomination form has been received for the elections to the Managing Committee for the Co-operative year 20... - 20... of the ..... Co-op. Housing Service Society Ltd.

Date: .....  
Time:.....

(Signature of Returning Officer)

**Form No. -2**  
(Proforma of Ballot Paper)

The ..... Co-op. Housing Service Society Ltd.

- (2) Serial number of Voter. ....
- (3) Signature or thumb impression of the voter

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The ..... Co-op. Housing Service Society Ltd.

Sr. No.	Name of the Candidate	Symbol	Space for Cross-marking
1			
2			
3			



**Form B**  
(Proforma of form for transfer of shares)

To,  
Chairman Secretary,  
The ..... Co-op. Housing Service Society Ltd.,  
.....  
Ahmedabad

I, the undersigned Shri..... Is currently holding FIVE share units of your society. I hereby express my desire to transfer these shares at the price value of Rs.250/- which are in my name to Shri..... resident of ....., subject to the approval of the Managing Committee of the society. I am hereby seeking the permission for transfer of the shares which are in my name, under the provision of the bye-laws of the society. I am submitting herewith the amount of Rs..... towards the transfer fees.

Place: Ahmedabad  
Date :

(Signature of the Applicant Member)  
(Signature of the seller of shares)

**Letter of consent of the Proposed Transferee**

As mentioned above, I wish to purchase the FIVE shares at price value of Rs.250/- which are in the name of Shri..... and if all these shares are transferred in my name, then I shall be bound to abide by the bye-laws of the society and provide all the required necessary information as a member of the society and shall be bound to fulfill all the required eligibility criteria. I am submitting herewith the application form in the specified proforma for admission as member of the society and the amount of Rs. 5/- towards entrance fees.

Place: Ahmedabad  
Date:

(Signature of the Transferee)  
(Prospective Member)



