



PROCEDURE & DOCUMENTS REQUIRED FOR REGISTRATION OF HOUSING SOCIETY

The procedure for registering a society in Mumbai is relatively straightforward, with little or no scope for misinterpretation. Follow this step-by-step guide to forming a co-operative housing society in Mumbai.

1. Selection of Chief Promoter

To begin with, the law states that at least ten promoters (persons who have signed the application for registration of the society) are needed to form a housing society. A provisional committee selects a Chief Promoter in the first or subsequent meetings.

2. Naming the society

The promoters then have to decide the name of the society. The name of the registered society should be distinctive. The Societies Registration Act of 1860 prohibits a Society from registering a name that already exists. The society's name shall not be similar to the names of any nation, state, or municipal government, or anything else that is forbidden under the Emblems and Names Act of 1950.

3. Submission of Application

The application is submitted to the Registrar stating the intention to form a housing society with the proposed name of the society along with the form for selecting the Chief Promoter. The authority confirms that the chosen name complies with legal requirements and issues a confirmation certificate.

4. Opening of bank account

Once the name approval is obtained from the Registrar, the Chief Promoter must collect the entrance fees and share capital from the members, after which a bank account in the name of the society is to be opened in the branch of the bank permitted by the Registrar. This step has to be completed within three months of receiving name approval. This amount cannot be withdrawn unless the registration procedure is complete.

5. Documents for housing society registration

The application of registration needs to be made with a set of required documents including but not limited to:

- 7/12 extract of the land or property card.
- Certificate from the competent authority regarding non-agricultural land
- The order regarding applicable/non applicable of land ceiling Act
- Construction layout approved by the competent authority
- Letter of sanction for starting construction
- Certificate regarding completion of construction work
- Development Agreement if the land is taken for development
- Letter of Power of Attorney of the land
- Title search report of the land





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- The registered agreement of purchases of the flat with necessary stamp duty paid.
- Architect Certificate regarding construction
- List of Members
- Scheme of the Society
- Application for reserving name
- At least ten members are necessary for registration of society. However the government has given permission subject to some conditions for the Housing society of less than 10 members by exercising powers under section 7. For registration proposal, signature of sixty per cent promoters, who participated in the registration proposal are necessary.
- If the land is given by the government or undertaking agency of the government then its guarantee letter
- No objection certificates from the Charitable Commissioner if the land is of Trust.
- Certificate of the competent authority regarding non-agricultural plot
- While registering SRA/SRD and MHADA recognized Co-operative Housing Societies, it is obligatory to fulfill the necessary papers as per instructions given by the authorities by their circulars in addition to above criterion.
- Application for Registering Society (A form)
- Table giving information of society (B Form)
- Table giving details of the members (C Form)
- Statement of Accounts of the Members (D Form)
- Notarized Guarantee letter by the Chief Promoter of the society on the stamp Paper of Rs. 100/-
- Notarized Guarantee letter by the Builder, Promoter on the Stamp Paper of Rs. 100/-
- Affidavit of Members (Affidavit of Minimum 10 Promoters)
- Two copies of bye laws of the Society approved by the Commissioner, Co-operation and Registrar, Co-operative Societies and Maharashtra State, Pune
- Proof of the bank balance of the promoter member (deposit of each share of Rs. 500 and admission fee of Rs. 100), after getting permission for reservation in the District Central Co-operative Bank
- Challan of Rs. 2500/- deposited in the Government Treasury Registration fee for the Housing Society of Backward class is Rs. 50/-
- For Tenant Ownership Housing Society, in addition to the above-mentioned documents, Layout Plan and Zone Certificate from the competent authority regarding in which area the land situated, are required.

If builder/ promoter is not co-operating in registering the Co-operative Housing Society, then in that case, the application for registration of society be submitted in Form 6 (Rule 12) before the District Deputy Registrar, who has been given power under section 10(1) of the Maharashtra Ownership Flats Act 1963. While submitting the said proposal, a Notarized Indemnity Bond of the members who applied for the registration of society on the stamp paper of Rs. 200 is required.





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6. Acknowledgement & Verification

Upon application submission, the Registrar issues a receipt of acknowledgement of the submission and gives it a serial number. Upon verification, the Registrar decides if the final certificate should be granted to the applicants.

Co-operative Societies Commissioner & Registrar's GR No. SAGRUVO/1094/Pra.Kra 277/14C dated 10 March 1995 says "By exercising the powers in section 7 of the Co-operative Societies Act 1960 the government is pleased to exempt the provision of minimum 10 members for registering co-operative Housing society under sub-clause 1 in Section 6 of the said Act subject to the conditions that the plinth area of each flat in the proposed co-operative Housing Society should not be more than 700 sq. ft and FSI should not be balance for utilization in the proposed societies land/ building."

7. Notification of Registration

It is the duty of the concerned Registrar to register the Co-operative Housing Society, by scrutinizing the proposal submitted after fulfilment of above mentioned documents, and shall make an arrangement of issuing certificate of registration society under Section 9(1) of the Maharashtra Co-operative Society Act 1960, and copy of the registered bye-law, memorandum regarding registration of society to the chief promoter. The order regarding registration of society should have been sent for publishing in government gazette to the Government Printing Press for appropriate action. It is necessary to take decision on the registration of the society within a period of two months from the date of the proposal of the society submitted to the Registrar. The registration certificate is issued to the society members.

If proposal of society registration is denied or no decision is taken within two months then it is necessary to send that proposal to the Divisional Joint Registrar, Co-operative Societies under section 152 of the Maharashtra Co. operative societies Act, can be approached.

FEES

Each promoter member is required to pay a sum of Rs 500 as share capital and an admission fee of Rs. 100.

- A challan (official document) of Rs 2500 is submitted as the Government Treasury Registration Fee.
- A notarized guarantee by the Chief Promoter and Builder Promoter on Rs 100 stamp papers each.
- Advocate fees, if applicable, are to be paid separately in case professional help is obtained to carry out the procedures.

