



VED HOUSING SOCIETY MANAGEMENT

M.COM, MBA, GDCA, CERTIFIED PANEL AUDITOR, TAX & LEGAL CONSULTANT

महाराष्ट्र सहकारी संस्था अधिनियम, १९६०
गृहनिर्माण संस्थांच्या सभासदाकडील येणे बाकी वसुली

वसुली दाखला मिळवण्यासाठी
अवलंबिण्याची पद्धत, वापरावयाचे फॉर्मस्

RECOVERY OF DUES FROM MEMBER OF
CO-OPERATIVE HOUSING SOCIETY OF
MAHARASHTRA CO-OPERATIVE SOCIETIES ACT 1960

PROCEDURE AND FORMS FOR
OBTAINING RECOVERY CERTIFICATE

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VASAI, PALGHAR, MUMBAI



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DRAFT RESOLUTION

(Regarding recovery of dues from members)

The Meeting of the managing committee of the _____
Co-operative Housing Society Industrial Estate & Premises Society Ltd. was held on _____

A true copy of the resolution passed at the said meeting.

Subject No.

To consider the matter of recovery of dues from Shri. _____

_____ a member / occupant of the society.

In accordance with the provisions contained in Sec. 154B/29 of the Maharashtra Co-operative Societies Act, 1960 and issue of recovery certificate by the Assistant / Deputy Register, C. S. _____

RESOLUTION NO.

The Hon. Secretary Shri. _____ of the
Society placed detailed facts before the managing committee.

The society has allotted flat No. _____ / Plot No. _____ to
Shri. _____ member / nominal member / joint
member, for the purpose of residence / office / shop etc.

The society administers the property in its possession situated at City Survey No. _____

This includes collection of taxes and payment thereof to the authorities concerned, collection of contribution from the members / nominal members towards the funds established by the society, maintenance of the property in good and repairable condition, which includes supply of water, electricity, water storage tanks, open ground, repairs to the property as and when required etc. This has been specifically provided under by-law No. _____. The society carries on the general administration of the society in accordance with the provisions of the Maharashtra Co-operative Societies Act, 1960, Maharashtra Co-operative Societies Rules 1961 and its registered bye-laws. This includes admission of persons to membership, transfer of shares and interest in the flat of the members, recording of nominations, apportionment of the charges of the society amongst the members, to issue notice to the members for payment of charges of the society and other incidental matters.

By virtue of the functions stated in the above paragraph the society is responsible to collect contribution from the members towards the payments to be made by the society and or establishment of its funds, which includes following items and the said itemwise amounts are noted below- (a) Property taxes (b) Water charges (c) Common electricity charges (d) Contribution to repairs the lifts (f) Contribution to the sinking fund (g) Service charges (h) Car parking charges (i) interest on the defaulted charges (j) Repayment of the Instalment of the loan and interest (k) Non-occupancy charges (l) Insurance charges (m) Lease rent (n) Non-agriculture tax (o) Any other charges (p) Non-agricultural licence fee.

The proportion of sharing of the charges of the society under the various heads was decided in the meeting of the general body/managing committee, held on _____
A certified copy of the said resolution, is enclosed.

(1)





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_____ Co-operative Housing Society & Industries Estate / Premises Co-op Society Ltd.

No. : _____

Date : _____

FORM OF NOTICE FOR PAYMENT OF OUTGOINGS DUES OF THE SOCIETY BY THE MEMBER OF CO-OPERATIVE HOUSING SOCIETY REMINDER 1 / REMINDER 2 / REMINDER 3

Sir / Madam / M.S. _____

m _____

You are a member of the _____ Co-operative
Housing Society Ltd., at _____ occupying

Flat No. _____ in Building No. _____ Known as _____

As a member of the society, you from are aware that you have to contribute your share of the charges of the society as communicated to your time to time.

2. It is noticed from the records of the society that your share of the charges, including the contribution to the Sinking Fund, repayment of Loan with Interest Repairs fund. Major Repairing charges for the building and all other charges as decided by the A.G.M. is amounting to Rs. _____ as on _____
3. In spite of repeated requests made to you orally and in writing you have failed and neglected to pay your share of outgoings and charges of the society. So by this notice, you are once again requested to pay the amount mentioned in para 2 of this notice within 15 days from the date of service of this notice.

If you fail to pay the amount mentioned in para 2 within the period stated above, the society will be constrained to apply to the Deputy / Assistant Registrar, Co-operative Societies for issue of Certificate u/s 154B/ 29 (1) of the Maharashtra Co-operative Societies Act. 1960, for recovery of dues as arrears of Land Revenue.

A copy of this notice has separately been endorsed to Shri. / Shrimati / M/s. _____

_____ Who is / are joint / associate member with you.

Yours faithfully,

Chairman / Han. Secretary

Copy forwarded with compliments to Shri. / Shrimati / M/s. _____

2. Shri / Shrimati / M/s. _____ Joint / Associate member with the principal member referred to above, should note that they are jointly and severally liable to pay the dues of the society.

Your faithfully

Chairman / Hon. Secretary

_____ Co-operative Housing Industrial Estate & Primises Society Ltd

(3)





_____ Co-operative Housing Society & Industries Estate / Premises Co-op Society Ltd.

No. : _____

Date : _____

FINAL NOTICE

Form of Final Notice to be issued for payment of dues of the society to the member / occupant before making an application for issue of recovery certificate.

Sir / Madam / Shri. / Shrimati / M/s. _____

You are a member / occupant of the _____ Co-operative Housing Industrial Estate Premises Society Ltd., at _____ occupying Flat No. _____ / Shop No. _____ in the Building No. _____ Known as _____. As a member / occupant of the society, you are aware that you have to contribute your share of the charges of the society as communicated to your time to time.

2. It is noticed from the records of the society that you have defaulted payment of your share of charges amounting to Rs. _____ as on _____
3. In spite of repeated requests made to you orally and in writing under letters dated _____, you have failed and neglected to pay your share of charges of the society. By notice dated _____ you were further informed that if you fail to pay the amount by the period mentioned therein, the society would be constrained to apply to the Deputy / Assistant Registrar, C.S. _____ for issue of recovery certificate u/s 154B/29 of the Maharashtra Co-operative Societies Act. 1960 for recovery of dues of the society. Even then you have not paid the dues of the society.
4. This was considered in the managing committee meeting of the society held on _____ and it was decided that one more notice should be issued to you, calling upon you to make payment of dues of the society and on failure to do so, an application should be made to the Deputy / Assistant Registrar, C.S. _____ for issue of recovery certificate u/s 154B/29 of the Maharashtra Co-operative Societies Act, 1960 for recovery of dues, as arrears of land revenue. Under the said resolution I have been authorised to initiate further action. Accordingly, this Final Notice is issued to you and you are called upon to pay dues of the society amounting to Rs. _____ on or before _____ failing which action for recovery of dues as stated above would be initiated.

Your faithfully

_____ Chairman / Hon. Secretary
_____ Co-operative Housing Society / Premises Co-op. Society Ltd

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Affix Court Fee Stamp as shown
of Front page reverse side

Application to be made by a Co-operative Housing Society Industrial Estate Premises Co-op. Society
for issue of a recovery certificate for recovery of charges of the society

Before-the Deputy / Assistant Registrar C.S.

_____ Co. op.
Housing Society Ltd. / Industrial Estate Premises
Co-op. Society

Applicant

Address _____

Shri./Smt./Messrs _____

Opponent

Address _____

Amount due for recovery Rs. _____

Shri. / Smt. _____

Chairman / Secretary of the _____

Housing Society Indu. Estate / Premises Society Ltd. _____

states as under :

1. _____ Co-op. Housing Society Indu. Estate /
Premises society Ltd. _____ is a Co-op. Housing Society / Indu. Estate
Premises Society registered under the Maharashtra Co-operative Societies Act 1960.
2. The opponent is a member / nominal member / occupant of the society in respect of the
Flat / Shop No. _____ / Plot No. _____ in the Building
named / numbered _____ / Plot No. _____ in possession of the society.
The Opponent is the Joint / Associate member / occupant of the society, holding shares and
Flat No. _____ Plot No. _____ in the building named / numbered as
_____ and in possession of the society, jointly with
Shri / Smt. _____ who is a member of the society.
3. The society administers the property in its possession at city survey No. _____
which includes collection of taxes and payment thereof to the authorities concerned, collection of
contribution from the members/nominal members towards the funds established by the society,
maintenance of the property in good condition including water supply, electricity supply, water storage
tanks. open ground repairs of the property as and when necessary. A specific provision has been
made in this behalf in bye-law No. _____ of the Society.

(5)





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- (b) It should be ordered that amount spent by the society for this application should be recovered from the opponent.
- (c) It should be ordered that the amount due for recovery from the opponent member should be recovered as Arrears of Land Revenue under Maharashtra Land Revenue code 1966.
- (d) The recovery certificate issued for the recovery of the above mentioned amount from the Opponent should be executed through the special Recovery officer of the Co-operative Department, by attachment and sale of movable and / or immovable property of the opponent.

The applicant solemnly declares that the information given in this application is true and correct as per records of the society. The applicant further solemnly that the society shall furnish such further information as is necessary in support of the claim made in this application.

Chairman / Hon. Secretary

_____ Co-operative Housing / Indu. Estate / Premises Co-op. Society

True copies of the following documents are enclosed with this application.

- 1) Two copies of application. One copy may be send to the Opponent.
- 2) A Copy of the resolution of the general body meeting / Managing committee meeting of the society in which the proportion of the charges of the society of each member under the various heads, including service charges, was decided.
- 3) A Copy of the resolution passed by the managing committee in its meeting held on _____
_____ authorising the Chairman / Hon. Secretary to take action under section 154B/29 of the maharashtra Co-operative Societies Act. 1960.
- 4) An extract of the ledger account of Shri. / Smt. / Ms. _____
pertaining to the charges due from the member.
- 5) A copy of acknowledgement Shri. / Smt. / Ms. _____
regarding receipt of notice.
- 6) Other necessary documents.

Note : This is a liberal translation of the form prescribed in Marathi by the Commissioner for Co-operation and Registrar C.S. Maharashtra State, Pune

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