

No .SAGRUYO- 1096/PRA. KRA. 137/14-  
5 Co-operative & Textile Department,  
Mantralaya, Mumbai- 400 032 Dt. 29<sup>th</sup>  
April, 2000.

### **Order**

#### **Read :**

1. Letter No. Housing/D-3/ charging of Service charges/96, dt 18<sup>th</sup> May 1996 of the Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune.
2. Orders of the government dt. 26<sup>th</sup> May 1999.

Whereas memorandum/letters received to the government in respect of the government order of equal number dt 26<sup>th</sup> May 1999 from members/office bearers of various co-operative housing societies similarly from Mumbai District Co-operative housing federation, Pune district co-operative housing federation and Up Lokayukta, Maharashtra State.

And whereas while receiving the said memorandums/letters, it seems that confusion and problems arose among the committee of societies and its members in implementing the orders of the government dt. 26-05-1999. On one side the societies have shown severe opposition as bigger flat owners have to pay fees several times more than earlier if the charging of maintenance fee is made as per area of the flats and galas and in the ratio of taxable value stipulated by the authority. And on other side as small flat holders are benefitting from it, they are insisting for making implementation of the said orders by the society immediately. Since the value base price of the flat is changing /increasing continuously due to reasons like when the building of the society was built, in which zone /area it is situated, at which floor the flat is, repurchase of the flat. Therefore the society will have to depend on the Municipal Corporation every year for taxable value and monthly rent chart. Because it could not be denied the possibility that the municipal Corporation will take more period for / taking decision /giving ruling on complaints, appeals in that respect. Consequently it could not be possible to the auditors to submit report of the most of the housing society in time. While observing the above reasons it seems that it is not possible to the societies to implement the government order easily.

There may be whatever rate value, the services like sweeper, secretary, watchmen, garden, lift, office are to be given to all members in equal proportion. And therefore

office bearers and members of many housing society and similarly Mumbai District co-operative housing society Federation, Pune District Co-operative Housing Federation and Up Lokyukta, Maharashtra state has expressed opinion that to club the monthly service charges with rateable value would not logical, proper and justifiable. By considering the said opinion the government has cancelled the order dated 26/05/2011. The government is of the opinion that it would be proper to charge equally as mentioned in Rule 71(A) (7).

And therefore, by considering above fact, the government is hereby cancelled the earlier orders dated 26<sup>th</sup> May 1999. And in view of the public interest, the government directs under Section 79 (A) of the Maharashtra Co-operative Societies Act, 1960 as follows :

- 1) The Co-operative Housing Societies should charge the maintenance charges ‘equally to all flats’ as earlier under rule no 71 (A) (7) of model bye laws they accepted.**
- 2) The Above order shall be applicable to all residential flats and commercial galas in all types of registered Co-operative Housing Societies. Similarly these orders will come into force from 26/05/1999 respectively.**
- 3) Those housing societies have collected maintenance charges from their members as per the government order dt. 26-05-1999, then such societies should return the said maintenance charges to the concerned member or adjusted in the next months monthly charges with the consent of the concerned members.**
- 4) All the registered co-operative housing societies in the state should make necessary amendments in their bye-laws as above. However, even after not doing this, these orders shall come into force from dt. 26-05-1999 respectively. By order and in the name of the Governor of Maharashtra.**

Sd./-

(S.P. Dhekane)  
Under Secretary, Government)  
Maharashtra, Co-operative and Textile Department.)