

Directions to be given to Co-operative Housing Societies under section 79 (A) of Maharashtra Co-operative Societies Act 1960.

To implement procedure and practice for installing mobile towers on the Terrace or to display advertisement board/hoarding on the building of the Co-operative Housing/Premises Societies.

Government of Maharashtra

No.SGY-2014/CR/No.72/14-S

Co-operation, Marketing and Textiles Department,
Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai-400032. **Date 3rd June 2014.**

Whereas Urban Development Department, Mantralaya, Mumbai vide Notification dated 4th March 2014 published in the Gazette of Maharashtra Government has framed Policies/Rules & Regulation for installation of mobile towers in various places of Maharashtra State. In the aforesaid Notification the said Department have mentioned terms and conditions, wherein it is necessary to obtain written No Objection Certificate from the concerned Co-operative Housing Society for installation of mobile tower in their building's terrace.

Whereas it is noticed that generally the members of the Co-op Societies avoid and neglect to attend the General Body Meeting of the society due to unavailability of time or burden of work. Therefore, it is noticed that without having proper quorum, the society issue No Objection Certificate on the basis of resolution unanimously passed by the members present at the time of meeting. Hence, several complaints/objections have been received from the members of the Co-operative Societies in respect of the problems caused to them due to installation of mobile towers and display of advertising boards/hoardings in the society.

Whereas after considering and verifying the suggestions/instruction received from social institutions and federation of housing societies, the government shall notify the decision as per resolution passed in the general body meeting of registered co-operative housing society and when it has been issued for special purpose on the conditions then it is mandatory that Co-operative Housing Society shall issue No Objection Certificate for installation mobile tower or to display advertisement board/hoardings on their building by passing resolution with sufficient quorum of their members and

Whereas there is provision to give instructions/Directions under section 79(A) of Maharashtra Co-operative Societies Act 1960 for the purpose to make compulsory this provision to all Co-operative Societies.

Therefore, under the provisions of section 79 (A) of the Maharashtra Co-op. Societies Act 1960, Government is hereby giving following instructions/directions.

Following instructions should be understood as directions for installation of Mobile Tower and Advertising Board/Hoarding on the building of Co-operative Housing Societies.

1) To call Special General Body Meeting for erection of Mobile Tower and Advertising Board/Hoarding on Co-operative Housing Society's Building.

When the Co-op Housing Society receive any proposal from the Mobile Company or Advertising Agency desiring for installation of Mobile Tower or Advertising Board /Hoarding on the relevant Society, then the managing committee of that society shall collect all the information regarding total number of Mobile Towers or Advertising Hoarding to be installed, their weight and other technical information, and thereafter shall decide to call Annual/Special General Body Meeting to take primary decision. Accordingly, the Managing Committee shall call Annual/Special General Body Meeting for that purpose.

2) Calling of Annual / Special General Body Meeting :-

The Secretary of the society shall call Annual / Special General Body Meeting in respect of fixing/installation of Mobile Tower or Advertising Hoarding. The said subject should be mentioned in the Agenda of meeting as per provisions of the Bye-Laws of the Society. It is essential that minimum 70% member out of total number of member of the society shall attend the said meeting. In this General Body Meeting out of 70% of the total members must give consent and pass resolution for installation of Mobile Tower or Advertisement Hoarding. That should be recorded in minute books of the society and Video Recording of the Meeting should be done. The minutes of said meetings should be circulated to all the members in stipulated period as per provisions of Bye-Laws.

The Managing Committee is required to give information to all members and discuss regarding negative effects causing on the health due to Mobile Tower.

3) Structural Audit :-

After obtaining the consent from 70% of majority of total members resolved in Annual or Special General Meeting, it is mandatory that the Managing Committee shall carry out structural Audit from the Structural Engineer (Approved Panel) of Govt. Dept/Local Authorities/ MHADA/MMRDA/CIDCO and other semi government authorities. After obtaining the Certificate from structural auditor that the Society Building is capable to place Mobile Tower or Advertising Hoarding, then the Managing Committee of the Society shall execute registered Agreement with Mobile Tower or Advertising Agency to that effect.

4) Points to be recorded while executing Agreement with company regarding installation of Mobile Tower or Advertising Hoarding.

In said agreement the following points must be included.

- 1) The period of the agreement to be done with Mobile Tower or Advertising Agency/ Company.
- 2) The number of Mobile Towers or Advertising Hoardings.
- 3) It is essential to be mentioned clearly about receivable total Income per month and per year due to installation of Mobile Tower or Advertising Hoarding. The details of Increase of Income every year must be mentioned in agreement.
- 4) The Mobile Tower or Advertising Hoardings:- Pre-permission of Local planning, authority shall be taken or obtained by relevant company before erecting.
- 5) How much interest free deposit is taken from relevant company?
- 6) Any damages, (slab, column, plaster, roof, walls, leakage or any other construction damage) while erecting and removing Mobile Tower or Advertising Hoarding will be compensated by the relevant company within fixed period shall be included.
- 7) It is essential to keep provision of minimum 3 months notice before cancelling agreement.
- 8) If due to Mobile Tower or Advertising Hoardings any member has caused any loss, it will be responsibility of Society to give compensation to him, and however the said expense will be collected from the relevant company. The aforesaid action can be taken by Managing Committee.

- 9) It shall be binding to approve fresh resolution in presence of 70% of quorum of total members of the society in annual general body meeting if the present agreement is to be expired or it's validity came to an end if it is required to extend further term for the said agreement.
- 10) Time shall be framed for removing the Tower/board after the expiry of the said agreements/contract.

5) **Method in respect of distribution of income received from Mobile Tower or display advertisement board on the building of co-operative housing society.**

50% amount of annual income received from mobile towers or display advertisement board shall be transferred in to sinking fund and it is required to invest the said amount in separate account and rest of 50% amount shall be distributed among the members as bonus. The society is allowed to recover overdue amount from the member.

By order and in name of the Governor of Maharashtra.


(Rajagopal Devara)
Secretary (Co-operation)

C.C. to :

- 1) Co-operation Commissioner & Registrar, Co-operative Society, Maharashtra State, Pune.
- 2) Divisional Joint-registrar, Co-operative Society (All)
- 3) District Deputy-registrar, Co-operative Society (All)
- 4) Select file (14-S)