

## Bye-laws No.3

### [Interpretations of the words and terms]

Unless otherwise separately provided in these bye-laws, the following shall have the meaning assigned to them here in:

- (i) "**Act**" means the Maharashtra Co-operative Societies Act; (MCS Act) 1960;
- (ii) "**Bye-laws**" means Bye-Laws consistent with Act and registered under this Act for the time being in force and includes registered amendments of such Bye-Laws of the society.
- (iii) "**Chief Promoter**" means the person who is elected by the Promoters, in their first meeting, or in their subsequent meetings in case the post of the Chief Promoter lies vacant, till the first general meeting.
- (iv) "**Committee**" means the Committee of management or board of directors or the governing body or other directing body of a Co-operative Housing Society, by whatever name called, to which the management of the affairs of a Society is entrusted and vested under section 73 of the Act.
- (v) "..... Days" Clear Notice means the number of calendar days intervening between the day of posting the notice and the day of the meeting.
- (vi) "**Flat**" means a separate and self contained set of premises used or intended to be used for residence, or office, or show-room or shop, or godown and includes a garage, or dispensary, or consulting room, or clinic, or flour mill, or coaching classes, or palnaghar or beauty

parlour, the premises forming part of a building and includes an apartment;

- (vii) **“Housing Federation”** means the federation of co-operative housing societies, registered and notified under the Act;
- (viii) **“Ownership Flats Act”** means the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963;
- (ix) **“Papers”** means all or any of the items mentioned in the bye-laws Nos. 142 and 143.
- (x) **“Parking Space”** means open space within the premises of the society earmarked by it for parking of vehicles and includes a stilt.
- (xi) **“Prescribed Form”** means the form included in the Annexure II indicating the bye-law No. under which it is prescribed and the Appendix at which it is enclosed.
- (xii) **“Promoter”** means a person, who has signed the application for registration of the society.
- (xiii) **“Promoter Builder”** means a person and includes a partnership firm or a body or association of person, [whether registered or not] who constructs or causes to be constructed a block or building of flats [or apartments] for the purpose of selling some or all of them to other persons, or to a company, Co-operative Society or other association of persons, and includes his assignees; and where the person who builds and the person who sells are different persons, the term includes both.

- (xiv) **“Rules”** means the Maharashtra Co-operative Societies Rules, 1961.
- (xv) **“Reserve Fund”** means the fund constituted under the provisions of Section 66(1) of the Act and the Bye-law No. 12(i)
- (xvi) **“Repairs and Maintenance Fund”** means the fund constituted under the Bye-law No.13(a)
- (xvii) **“Sinking Fund”** means the fund constituted under the Bye-law No. 13(c).
- (xviii) **“Major Repair Funds”** means a fund created by the society and constituted under Bye-Law No.13(b), for the purpose of Major Repairs including Plastering, building of compound wall, pavement, total painting, reconstruction.
- (xix) **“Municipal Act”** means the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)
- (xx) **“Open Space”** means an Area, forming an internal part of the site, left open to sky.
- (xxi) **“Open terraces”** means terraces which otherwise not in the exclusive possession of any of the members.
- (xxii) **“Common Areas and Facilities”** means
  - (a) the land on which the building is located;
  - (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls corridors, lobbies, stairs, stairs-ways, fire escapes and entrances & exists of the building.

- (c) the basements, cellars, yards, gardens, parking area (unless not specifically sold), and storage spaces;
- (d) the premises for the lodging of janitors or persons employed for the management of the property;
- (e) installations of central services, such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and generators.
- (f) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
- (g) such community and commercial facilities as may have been provided for.
- (h) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(xxiii) "Society" means the .... Co-operative Housing Society Ltd., ..... Registered under the Act.

(xxiv) "Member" means a person joining in an application for the Registration of a Co-operative Society which is subsequently registered, or a person duly admitted to membership of a society after Registration and includes Active Member, Associate Member and Nominal Member ;

- (a) "Active Member" means a person;
  - i. Who has purchased and/or owns the Flat/Unit in the Society.

- ii. Who attends at least one General Body Meeting of the Society in the previous Five consecutive Years?
  - iii. He has at least paid the amount equivalent to one Year of society Maintenance and Service charges, within a consecutive period of Five years.
- (b) “Associate Member” means a member who holds jointly a share of the society with other member but whose name does not stand first in the share certificate;
- (c) “Nominal Member” means a person admitted to membership after registration in accordance with the Bye-laws.
- (xxv) “Family” means group of persons which includes husband, wife, father, mother, sister, brother, son, daughter, son-in-law, brother-in-law, sister-in-law, daughter-in-law, grandson/daughter.
- (xxvi) “Transfer Fees” means the sum payable by a transferor to the society for the transfer of his shares along with occupancy right as provided under the Bye-law No. 38(e)(Vii).
- (xxvii) “Premium” shall mean and include the amount payable to the society by the member, transferring his shares and interest in the capital/property of the society, in addition to the transfer fee, as provided under Bye-law No. 38(e)(ix).
- (xxviii) “Working Capital” means funds at the disposal of the society inclusive of the paid up capital, share capital, funds created out of profits, and money raised by borrowing or by any other means.
- (xxix) “Authorized Person” means a person duly authorized to take action under the provisions of this Act.

- (xxx) “State Co-operative Election Authority” means an authority constituted or nominated by the State Government for the purposes of superintendence, direction, and control of the preparation of the electoral roll for and conduct of the elections of committee of a society or such class of societies as may be notified.
- (xxxii) “Expert Director” means and includes a person having experience in the field of Housing and the field relating to the objects and activities and activities undertaken by the Society.
- (xxxiii) “Functional Director” means and includes a Chief Executive Officer or Manager or by whatever designation called, nominated by a committee and who is available for whole time to look after the working of the society and discharge the duties and functions as may be assigned to him by the committee.
- (xxxiiii) “Officer” means a person elected or appointed by a society to any office of such society and includes any office bearer such as a chairman, vice-chairman, chairperson, secretary, treasurer, manager, member of the committee and any other person elected or appointed to give directions in regard to the business of such society.

**Note on this Bye-law :-**