EXHIBIT NO.5

(Performa of appointment letter for the post of Returning Officer)

To,
Shri./ Smt. _____
Add:

Subject: Application Letter to the "RETURNING OFFICER"

We state that, in the Managing Committee meeting held on _____, you Mr. / Mrs. _____ is duly appointed to act vas a **" Returning officer"** as per **Rules No. 76-B of Maharashtra Co-operative Societies (Election to Committee) Rules, 2014** and perform all the duties as specified therein, MCS Act, 1960, MCS Rules, 1961 and the registered bye-laws of the society and any other duty that may arise as a consequence of holding of election of said Society.

We state that, as per **Rules No. 76-B of Maharashtra Co-operative Societies (Election to Committee) Amendment Rules, 2019, you have to compulsorily undergo training related to election from any District Housing Co-operative Federation or any training institute notified by State Government**, from time to time and the cost for your training shall be borne by the _____ Cooperative Housing Society Ltd.

You will be paid fees/ Honorarium of Rs. _____. All the expenses related to the society shall be paid and borne by the society on the basis of the bill submitted by you.

We have circulated the provisional voter list on _____ and the copy of the same is also submitted to the registrar on _____ and objections, finalise the voter list and thereafter declare the election program as per the MCS (Election to Committee), Rules, 2014 as application to E type of societies.

General duties of the election officer is attached herewith for your ready reference. Of course you will be guided by the provisions of MCS Act, 1960, MCS Rules, 1961, registered bye-laws of

[Type text]

the society and the notification issued by the cooperative department and the state cooperative election authority from time to time.

Sd/-

Chairman

_____ Cooperative Housing Society Ltd.

General Duties of the election officer:

It shall be the General Duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in manner provide in Rules and in the Bye laws made by the Society or Societies.

Major duties of the returning officer may be listed as under:

1. Obtain the training from the District Cooperative Housing Federation or from the Govt. approved training institution and submit the certificate of training to the society.
2. Inform the registrar about his appointment as the Returning officer.
3. Ensure that the list of provisional voters is submitted to the members inviting the suggestions and objections.
4. Receive the suggestions and objections from the members regarding the provisional list of voters published by the managing committee and decide about such suhggestions and objections and finalise the voters.
5. Receive the letters from the associate member about the authority given to them by the member to vote in the election and also receive the resolutions or authority letter from the body corporate, firm, trust, Association of persons, society etc as to who has been authorized to vote in the election and include their names in the final voter list.
6. The election offer need to verify the I form and J form register and other relevant records before finalizing the voter list.
7. After the voter list is finalized, publish the election program starting from the last date of receipt of nomination form till the date of counting and declaration of the results of the election.
8. Issue the notice for special general body meeting with agenda to declare the results of the election after the counting of voting is completed.
9. Issue the nomination form to the interested members or issue the same with the notice for conducting the election.
10. Receive the nomination form from the candidates and issue the acknowledgment.

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11. Receive the deposit from the candidates at Rs.500/- from general category and Rs.200/- from SC/ST, backward and OBC and issue the receipt for the same.
12. Conduct the scrutiny of the nomination in the presence of the candidates. The returning officer has to obtain necessary undertaking about not disqualified from contesting the election, certificate of cast, if the contested under reserved category etc. The scrutiny has to be strictly as per the disqualification mentioned in the Act and Rules.
13. The returning officer may give the opportunity to the candidates to rectify the technical mistakes committee in filling the form or remove the disqualification by complying with the same. For e.g. if there is a defaulter, if he clears the dues just before the conclusion of the scrutiny and is coming out of the definition of the defaulter, such candidates may be considered in the valid candidates list. Similarly, someone has not submitted the certificate of cast may be allowed to submit the same before the conclusion of the scrutiny.
14. Issue the rejection letter by citing the reasons for rejection of the nomination.
15. Consider the withdrawal of the nomination .
16. In case, the candidate whose nomination is rejected files an appeal before the Duty registrar, attend to the hearings and make the submission.
17. Prepare the final list of candidates as per the alphabetic order.
18. Allot the symbol to the candidates as per their request letter.
19. Prepare the ballot paper
20. Arrange the venue for carrying out the voting.
21. Appoint the necessary polling staff depending on the number of voters.
22. Conduct the voting.
23. Count the voting.
24. Declare the result.
25. Preserve the documents and papers related to election in the safe custody.
26. If any candidate does not receive 10% of the total voting, then the deposit paid need to be forfeited and deposited in the State Cooperative Election Authority.
27. Inform the registrar about the conduct of the election and the finally elected candidates.
28. The Returning Officer shall call meeting of elected members of committee for electing **"OFFICE BEARER"** on a **fixed date and its notice and agenda shall be given to every member of committee at least seven days before the date fixed** there for in writing with an acknowledgment.