

Office of Co-operative Commissioner and Registrar, Co-operative Societies, State of Maharashtra, Pune New Central Building, 2nd Floor, Pune-1

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Jaavak Kramaank No. Home/ D-3/ Housing Sosa./ Grievance Redressal/ 14 SAA 1654

Date :- 04 May, 2023

Sir,

1. Divisional Joint Registrar, Co-operative Societies, All 2. District Deputy Registrar, Co-operative Societies, All
3. Joint Registrar, Co-operative Societies, CIDCO
4. Deputy Registrar, Co-operative Societies, Mhada
5. District Co-operative Housing Federation, All

Subject: Regarding the complaint made by the members of the organization against the Executive Committee / Administrator in the Co-operative Housing Society in the State.

Reference: This office circular no. Home/D-3/Housing Sosa./Grievance Redressal/10, dated 15/03/2010

Since many complaints of the members of the organization against the executive committee and the administrators in the state cooperative housing organization are being received at the Office of the Hon. The Deputy Commissioner had informed the Government in the reference letter dated 15/06/2019 that it is necessary to carry out effective measures for redressal of the complaints of the members of the Housing Society by conducting independent inquiry and appointing a study group for their effective implementation. Accordingly, the government appointed a study group under the chairmanship of Additional Registrar (Collection and Planning), Co-operative Societies, M.R. Pune vide letter dated 18/07/2009. The said study group submitted the said report on 27/11/2009 to the Government and Hon. It has been submitted to the office of the People's Commissioner. Accordingly circular instructions were issued on 15/03/2010 for redressal of complaints received frequently and on a large scale at various levels. However, after this, many changes have taken place due to the changes brought about by the 97th Amendment to the Co-operative Act, the inclusion of a new section under Section 154 (b) relating to housing societies in the Co-operative Act. Taking that into consideration, the above mentioned circular instructions need to be substantially modified. Therefore, the previous circular is canceled and the following revised circular instructions are being issued.

PREFACE:-

1. Regarding Absence of Members from Annual General Meeting, Non-participation in Elections- The functioning of Co-operative Housing Societies depends on the attendance of all the members in the meeting as well as in the election. Most of the members of the organization do not attend the monthly / annual meetings as well as elections and later complain about the decisions / resolutions of the meeting. As above, remedial measures should be planned to minimize the complaints received and it is hereby indicated that all the meetings/elections organized by the organization should be attended by the members. If the members who will not be present complain about the proceedings of the meeting, they should inform the court under section 91 and close the complaints

2. **Provision regarding security arrangement of members**

In many co-operative housing societies, the original flat holders are not resident and they rent out the flats. The managing committee does not have the details of who lives in the said flats. Also, there is no detail about security guards, cleaning staff coming to the institution. It is necessary from the point of view of the members of the organization that the management committee should have this information.

In this regard, it is indicated that the management committee shall appoint persons residing in the institution, owner tenants, security guards, cleaning staff etc. Complete information along with photographs should be kept in the organization's computer or if there is no computer in the register

3. **Regarding Minutes of Management Committee Meeting**

The minutes of the managing committee of the organization are not written. Following the complaints received regarding wrong entries in the minutes, it is indicated that after the meeting of the Managing Committee, it is mandatory to write in the minutes of one month / next meeting.

4. **Anti-bullying mechanism**

Many complaints are frequently received from organizations and members regarding the functioning of cooperative housing societies at various levels. The said grievances are expected to be resolved at the local level within a short period of time. For that, the following should be done.

In that regard, it is suggested that the complainant should first file their complaint by applying to the organization. After receiving the complaint application, after discussion in the committee meeting, the committee will decide on such application by majority vote. The decision of the management meeting will be communicated to the members within 15 days. If not satisfied with the decision communicated by the committee, a complaint can be made to the advisory committee constituted by the general meeting of the organization.

The Advisory Committee of the Institute shall be as follows -

1. Chairman elected by the General Assembly (other than Working Committee Chairman)
2. A member elected by the General Assembly (other than a working committee member)

3. A member of the Managing Committee
4. Certified Auditors and Statutory Auditors of the Organization
5. Federation representative

The Advisory Committee will resolve the complaint application within 45 days and inform the applicant with a majority decision. If the decision given is not accepted, the complainant may refer to Housing Societies Bye-law no. According to the nature of the complaint as per 174, a complaint can be made to the Registrar/ Cooperative Court/ Civil Court/ Municipal Corporation/ Local Authorities/ Police/ Federation.

If not satisfied with the decision given by the advisory committee of the institute, the complainant can file a complaint with the concerned registrar. The concerned registrar will be required to take action in this regard within 7 days and give a reply/decision within 30 days. However, if action is not taken within the prescribed period, the complainant can file a complaint with the District Deputy Registrar. They should give a decision after hearing the applicant within 45 days. If the district deputy registrar does not act in this way, a complaint can be filed with the divisional joint registrar. They should hold a hearing and give a decision within 60 days. Out of the above, if no action is taken by any of the offices, a complaint can be filed with the Cooperative Commissioner. They should give a proper decision within 60 days.

5. Regarding Registration of Federation of Housing Societies at Ward Level

In Pune/Mumbai/Thane/Nashik district, action should be taken regarding registration of Federation of Housing Institutions separately on the lines of Area Local Management of Mumbai Municipal Corporation, ward and taluka wise.

6. Regarding appointment of administrator

Due to various complaints against cooperative housing societies, the board of directors is dismissed and an administrator is appointed. However, it has been noticed that the members are making many complaints regarding the administrative work.

It is mentioned in this regard that if the registrars are convinced that it is necessary to appoint an administrator / authorized officer to the said institutions, they should appoint the person on the panel prepared by the divisional joint registrar office as the administrator / authorized officer while appointing the administrator / authorized officer. A 3-member administrative board should be appointed preferably. Out of which at least one member should be member of the organization and one member should be on the panel constituted by the office of the Divisional Joint Registrar, Co-operative Societies. Renewal of roll on the panel will be required before 31st March every year.

7. Regarding audit

Audit of Housing Society is not done on time. The members do not get a copy of the audit report.. It is not found that objectionable matters are mentioned in the audit report, as these and many other types of complaints are received regarding the audit, the following points should be strictly followed while auditing housing societies. (a) The CA/Certified Auditor conducting the audit should be changed after a certain period of time.

An auditor cannot audit the same organization for more than three consecutive years.
(b) Instructions have been issued as per the Government Decision dated 27/02/2018

regarding the matters to be checked in the audit so that disputes do not arise in the matter of audit. It mentions the barbie of what auditors should or should not do.

8. Developing Computer Controls.

All the cooperative societies have been computerized and every society is keeping its information in computerized form, so it is convenient to update the information from time to time, so housing societies are also expected to keep their information in the computer.

9. Appointment of manager to look after the working of housing societies

While dealing with many complaints of Housing Societies, it has been observed that many managing committee members / office bearers do not have sufficient knowledge about Co-operative Act and Bye-laws so the work is not carried out properly. Further action should be taken for that.

It is mandatory to appoint a manager who has full knowledge of Cooperative Act, Rules and Bye-laws. If the organization cannot afford a full-time manager financially, organizations should merge as per need. And the Federation should assist the organization in appointing a manager. The federation should form a panel of trained managers and appoint the manager from that panel.

(Anil Kawade)
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