

DCS ACT 2003

1. 2.3. 4. 5. 6. 7. 8. 9. 10. [82] PROVISIONS OF DELHÂ CO-OPERATIVE SOCIETIES ACT-2003 PREOR TO AMENDMENTS BEFORE 17-01-2005 Under Sec-2(a) "arbitration council" means a group of three individuals constituted by the Government for the settlement of disputes under section 71 in accordance With the provisions of this Act; Under Sec-9(d) Under Sec-3 1 (I) "ninty days" Under Seca 1 (2) "ninty days" Under Sec-37(1) "persistently makes default" Under Sec-37(1) "fails to initiate action for recovery or foils to recover any dues of a federal co- operative society or any financial institution after the finality of award and issue of recovery certificate or after such recovery fails to pay the recovery amount to the federal co-operative society or the financial institution" Under Sec-37(7) "five hundred and fifty days" Under - "Provided further that the supersession of the committee of a co-operative society shall be made only where the Government has equity of fifty one percentum or more. Under Sec-60(I) "ninty days" Under Sec-71 (I) "shall" "(a) decide the dispute himself, or (b) refer it for disposal to arbitration council. (2) The Government shall constitute as many arbitration councils as may be necessary each consisting of three members including a Chairman, to decide disputes under this section. (3) (a) For selecting persons for appointment as members of the arbitration council, the Government shall constitute a selection committee as often as may be required which shall consist of the following namely- (i) Principal Secretary to the Government - Chairman (ii) Secretary, Law and Judicial - Member (iii) Registrar Co-operative Societies - Member Secretary (b) The selection committee shall finalise within a period of thirty days from the date on which the reference is made to it. (c) The selection committee shall recommend a panel of names for every vacancy referred to it. (d) All decisions of the selection committee shall be by majority. (4) The Government shall appoint the member of the arbitration council from the names recommended by the selection committee. (5) The method, manner of selection, appointment of members of the arbitration council, designation of one of the members as Chairperson of such council, their qualifications, terms and conditions of appointment and fee payable to them shall be prescribed by the Government from time to time. 11. 12. 13

14. Under Sec-91 Under Sec-97 Under Sec-105 Under Sec-1 18(1) (6) The term of members of the arbitration council shall be three years and they shall hold their office at the pleasure of the Government.(7) The decision of the arbitration council shall be taken on the basis of majority. (8) The Registrar or arbitration council will decide the dispute referred within a period of one hundred and twenty five days. If a dispute is not decided within the aforesaid period, the Registrar or arbitration council, as the case may be, on a written application from the parties to the reference and on being satisfied that there were sufficient reasons for delay, may extend the period upto further period of one hundred and twenty five days, within which the dispute shall be decided. (9) The Registrar may withdraw any reference transferred under clause (b) of sub-section (1) and decide it himself or refer the same to another arbitration council for decision. (10) The Registrar or arbitration council to whom a dispute is referred for decision under this section may, pending the decision of the dispute, make such interlocutory orders as may be deemed necessary in the interest of justice. " Any person who has acquired property on occupancy right in a co-operative housing society through the instrument of power of attorney or agreement for sale shall have the opportunity to become member of the concerned co-operative housing society where the property exists by getting the property converted from leasehold to freehold and on paying the transfer fee to the concerned co-operative housing society along with dues, including the dues of the apex or financial institution, if any . Provided that a power of attorney holder or purchaser of property through agreement of sale and purchase in a co-operative housing society shall get the said property converted from lease hold to free hold within a period of three hundred and sixty days of the commencement of this Act and all subsequent sales and purchases of such property after the commencement of this Act, the property shall be converted from lease hold to free hold within three hundred and sixty days, failure to do so shall be deemed to be an offence under section 1 18 Provided further that any such person can have access to the paid services provided by the committee, namely the use of community hall, swimming pool or any other common facilities available to the members or the use of common parking spaces provided by the co-operative housing society only in the event of his becoming member as aforesaid and the transfer fee for becoming member shall be ten thousand rupees or as may be revised by the Registrar from time to time. " "Notwithstanding

anything to the contrary contained in this Act, the Registrar shall make an order for winding up of a co-operative bank, if so required by the Reserve Bank. " "Arbitration council" "(l) It shall be an offence under this Act, if - (a) the committee, an officer, employee or any member of the co-operative society wilfully makes a false return or furnishes false information relating to the affairs of the co-operative society under this Act; (b) the committee, its officers or employees falsify or tamper with the records of the co-operative society; (c) the committee fails to hold an annual general body meeting under sub-section (1) of section 31 or fails to send returns to the Registrar after the meeting under section 32; [83] (d) committee fails to act on a requisition for holding special general body meeting under sub-section (2) of section 33; (e) the outgoing committee does not hand over the records to the newly elected committee or administrator or the liquidator under sub-section (2) of section 38; (f) the committee or any of its officials fail to comply with the directions given under section 42 or section 138; (g) any person acts in contravention of section 44 or section 45 or sub-section (2) of section 66 or section 67 or section 68 or sub-section (8) of section 92; (h) if any allotment of plot or flat is made in contravention of provisions of sub-section (1) of section 77; (i) an officer, or an employee of the co-operative society including the paid secretary, dishonestly or fraudulently mis-appropriates or otherwise converts for his own use or intentionally causes loss to the Property of the co-operative society entrusted to him or under his control as such officer or employee or allows any other Person so to do; (j) an officer or an employee of the co-operative society is or proved to have been in possession of any Property of the co-operative society reasonably suspected to have been stolen or unlawfully obtained; (k) any officer or employee abets any offence punishable under this Act whether or not that offence is committed in consequence of that abetment; (l) if the committee fails to initiate action against the defaulter member for recovery of dues of the apex or any other financing institution after the finality of the award or after recovery of such dues, fails to pay the recovered amount to the apex or the financial institution; (m) on failure to convert the property to freehold by a power of attorney holder or purchaser of property on agreement to sell within a period of three hundred and sixty days the under provisions of section 91; (n) on failure of the committee of a co-operative housing society to complete construction of its housing project within time limit fixed under sub-section (1) of section 92. (2) An offence under clause (a) of sub-section (1) shall be punishable with fine which may extend to fifty thousand rupees. (3) An offence under any of the clauses (b) to (n) of sub-section (1) shall be punishable with imprisonment for a term which may extend to seven years and with fine which may extend to fifty thousand rupees or the both. (4) On conviction, a member of the co-operative society shall be debarred from contesting election of a committee for a period of six years. (5) The period of limitation for taking cognizance of the offence under this section shall be three years from the date of the offence. " "Arbitration council" "Arbitration council" "Arbitration council" 15. 16. 17. [84 Under Sec-133(I) Under Sec- 137(zI) Under Sec- 137(zm) - 2. 3. 4. 5

6. Under Sec-35(I) Under Sec-60(I) Under Sec-77(I) Under Sec-79(a) Under Sec-91 Under Sec-92(6) OF DELHI CO-OPERATIVE SOCIETIES ACT-2003 PRIOR TO AMENDMENTS BEFORE 13-01-2007 The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of elections of the members of the committee of, a co-operative society shall be vested in the committee. Provided that the entire process of election will be conducted by a Returning Officer to be appointed by the Government who shall be not below the rank of a Gazetted Officer. co-operative society shall get its accounts audited annually by an auditor selected from the panel prepared by the Registrar in the prescribed manner within the period of ninety days' from the close of co-operative year. Allotment of plots of land, flats, houses or other dwelling units shall be made by the committee of a co-operative housing society to the members strictly on the basis of draw of lots only in respect of such members whose enrolment as a member of a co-operative housing society is found proper in accordance with the provisions of this Act, rules framed thereunder and the bye-laws of the co-operative housing society by the Registrar and such a draw of lot shall be conducted by the lessor of the land in accordance with the terms and Conditions of lease, the previous permission of the co-operative housing society has been obtained by the transferor by paying the transfer fee; Any person who has acquired property on occupancy right in a co-operative housing society through the instrument of power of attorney or agreement for sale shall have the opportunity to become member of the concerned co-operative housing society where the property exists by getting the property converted from leasehold to freehold and on paying the transfer fee often thousand rupees or such amount as may be determined by the Registrar from time to time to the concerned co-

operative housing society along with dues, including the dues of the apex or financial institution, if any : Provided that the member who has sold his plot or part on power of attorney or agreement for sale shall have no voting right in the affairs of the co-operative housing society, however, the power of attorney holder shall acquire voting right only after getting the property converted into freehold: Provided further that any such person can have access to the paid services, namely, the use of community hall, swimming pool or any other common facilities available to the members or the use of common parking spaces provided by the co-operative housing society only after becoming a nominal member of the co-operative housing society as per its bye-laws and after paying a nominal membership fee of two hundred rupees to the co-operative housing society: Provided also that the committee of co-operative housing society shall issue 'no objection certificate' to the general power of attorney holder on his application required for submission to get the property converted to freehold from the lessor, within the period of thirty days of its receipt, after ensuring that there are no dues outstanding against the member or general power of attorney holder in the records of the co-operative housing society. All proposals as above, shall be approved by the general body in a meeting by a majority of not less than two-thirds of the total membership of the co-operative housing society. [85] 7. 8. 9. [86] Under Sec-96(I) Under Sec-139 Where the Registrar has reason to believe that a co-operative society - (a) has not commenced business within seven hundred seventy five days after the date shown on its certificate of registration; or (b) has not carried on business for two consecutive co-operative years; 2(ii) receives a reply from the co-operative society that it is not carrying on business; or Any member or creditor having interest in the affairs of the co-operative society may seek information relating to any transaction of the co-operative society and for that purpose may be provided a certified copy of any document within thirty days from the date of receipt of application relating to such transaction on payment of such fee as may be specified. PROVISIONS OF DELHI CO-OPERATIVE SOCIETIES ACT-2003 PRIOR TO AMENDMENTS BEFORE 29-02-2012 Under Sec-35(10) *(cc) where the total amount of issued equity share capital held by the Government is sixty per cent or more of the total issued share capital or the Government has given loan or made advances to the co-operative society or guaranteed the repayment of principal and payment of interest on debentures or bonds issued by the co-operative society or guaranteed the payment of principal and payment of interest on loan and advances to the co-operative society in amount not less than sixty percent in the aggregate of the total amount so borrowed by the co-operative society, three-fourth of members of the committee including the Chairman; Provided that the right once accrued under this clause shall continue until the percentage of the amount in respect of share contribution or guaranteed loan goes down to less than fifty per cent;l