# THE MAHARASHTRA CO-OPERATIVE SOCIETIES ACT, 1960

[*Text as on6th June 2025*]

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**LIST OF AMENDMENT ACTS**

1. Amended by Mah. 5 of 1962
2. Amended by Mah. 23 of 1963
3. Amended by Mah. 33 of 1963
4. Amended by Mah. 33 of 1964
5. Amended by Mah. 37 of 1965
6. Amended by Mah. 12 of 1966

7. Amended by Mah. 16 of 1969[1]
8. Amended by Mah. 27 of 1969[2]
9. Amended by Mah. 35 of 1969[3]
10. Amended by Mah. 54 of 1969
11. Amended by Mah. 10 of 1971
12. Amended by Mah. 27 of 1971
13. Amended by Mah. 2 of 1972
14. Amended by Mah. 24 of 1972
15. Amended by Mah. 40 of 1972
16. Amended by Mah. 43 of 1972
17. Amended by Mah. 48 of 1972
18. Amended by Mah. 29 of 1973[4] (30-5-1973)
19. Amended by Mah. 44 of 1973[5] (17-10-1973)
20. Amended by Mah. 3 of 1974 (1-3-1975)
21. Amended by Mah. 6 of 1975 (1-5-1975)
22. Amended by Mah. 36 of 1975 (19-2-1976)
23. Amended by Mah. 64 of 1975 (22-12-1975)
24. Amended by Mah. 5 of 1976 (18-2-1976)
25. Amended by Mah. 4 of 1977[6] (25-11-1976)
26. Amended by Mah. 50 of 1977[7] (27-09-1977)
27. Amended by Mah. 58 of 1977
28. Amended by Mah. 30 of 1978

1 Maharashtra Ordinance No. I of 1969 was repealed by Mah. 16 of 1969, s. 3.

2 Section 27 of Mah. 27 of 1969 reads as under :—

"**27. Transfer of certain pending proceedings.—** If any proceedings are pending immediately before the commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 1969 (Mah. XXVII of 1969), in any Court or before any authority in respect of matters which by section 91 of the principal Act as amended by this Act are to be referred to the Registrar, then all such proceedings shall be transferred by such Court or authority to the Registrar for disposal.".

3 Maharashtra Ordinance No. XI of 1969 was repealed by Mah. 35 of 1969, s. 4.

4 Maharashtra Ordinance No. VII of 1973 was repealed by Mah. 29 of 1973, s. 4.

5 Maharashtra Ordinance No. XV of 1973 was repealed by Mah. 44 of 1973, s. 4.

6 Maharashtra Ordinance No. IX of 1976 was repealed by Mah. 4 of 1977, s. 4.

7 Maharashtra Ordinance No. VIII of 1977 was repealed by Mah. 50 of 1977, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.



29. Amended by Mah. 25 of 1979 (17-08-1979)
30. Amended by Mah. 22 of 1980[1] (14-10-1980)
31. Amended by Mah. 63 of 1981[2] (13-10-1981)
32. Amended by Mah. 7 of 1982[3] (17-3-1982)
33. Amended by Mah. 18 of 1982 (1-7-1982)
34. Amended by Mah. 45 of 1983 (26-12-1983)
35. Amended by Mah. 18 of 1984[4] (29-6-1984)

36. Amended by Mah. 9 of 1985 (29-6-1985)

37. Amended by Mah. 10 of 1986 (30-1-1986)

38. Amended by Mah. 20 of 1986 (12-5-1986)

39. Amended by Mah. 37 of 1986[5] (5-9-1986)

40. Amended by Mah. 38 of 1986[6] (24-10-1986)

41. Amended by Mah. 10 of 1988 (20-5-1988)

42. Amended by Mah. 5 of 1990[7]

42. Amended by Mah. 31 of 1990

43. Amended by Mah. 22 of 1991

44. Amended by Mah. 30 of 1991 (31-12-1991)

45. Amended by Mah. 20 of 1992[8] (23-12-1992)

46. Amended by Mah. 13 of 1994 (21-1-1994)

47. Amended by Mah. 27 of 1996 (5-10-1996)

48. Amended by Mah. 7 of 1997 (2-1-1997)

49. Amended by Mah. 41 of 2000 (23-8-2000)

50. Amended by Mah. 4 of 2001[9] (13-1-2001)

1 Maharashtra Ordinance No. XI of 1980 was repealed by Mah. 22 of 1980, s. 3.

2 Maharashtra Ordinance No. XIV of 1981 was repealed by Mah. 63 of 1981, s. 4.

3 Section 17 of Mah. 18 of 1982, provides as follows :—

"**17. Validation and continuation of certain proceedings.—** (*1*) Notwithstanding anything contained in the principal Act, or the rules made thereunder or in any judgement, decree or order of any Court, no decision given by the Registrar or any Officer exercising the powers of the Registrar that any matter referred to him or brought to his notice is a dispute within the meaning of section 91 of the principal Act, and no reference made by the Registrar or such officer of any such dispute for disposal to any Co-operative Court under section 93, at any time before the commencement of this Act, shall be invalid, or ever to have been invalid, merely on the ground that the procedure laid down in the Act and in the rule was not followed, or that an opportunity of being heard was not given to the parties concerned before deciding that the matter is a dispute or before referring the dispute to the Co-operative Court for disposal.

(*2*) All disputes referred to in sub-section (*1*), which may be pending before any Co-operative Court or other authority on the date of commencement of this Act shall be deemed to have been validly referred to it and shall be continued and disposed of by that authority in accordance with the provisions of the principal Act as amended by this Act.".

4 Maharashtra Ordinance No. IV of 1984 was repealed by Mah. 18 of 1984, s. 6.

5 Maharashtra Ordinance No. III of 1986 was repealed by Mah. 37 of 1986, s. 3.

6 Maharashtra Ordinance No. VI of 1986 was repealed by Mah. 38 of 1986, s. 3.

7 Sub-section (*2*) of section 1 of Mah. 5 of 1990 reads as under :—

"(*2*) This section and sections 2, 3, 6, 7 and 13 to 18 and 20 shall come into force at once, sections 4, 5 and 8 to 12 shall be deemed to have come into force on the 1st day of December 1987, and section 19 shall be deemed to have come into force on the 20th June 1988.".

8 Maharashtra Ordinance No. XIII of 1992 was repealed by Mah. 20 of 1992, s. 4.

9 Maharashtra Ordinance No. XII of 2000 and Maharashtra Ordinance No. XXVI of 2000 were repealed by Mah. 4 of 2001, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.



51. Amended by Mah. 34 of 2001 (7-9-2001)

52. Amended by Mah. 6 of 2002[1] (23-4-2001)

53. Amended by Mah. 41 of 2005 (25-8-2005)

54. Amended by Mah. 20 of 2006 (10-5-2006)

55. Amended by Mah. 30 of 2007[2] (18-8-2007)

56. Amended by Mah. 31 of 2007 (10-12-2007)

57. Amended by Mah. 11 of 2008[3] (29-10-2007)

58. Amended by Mah. 2 of 2011 (14-1-2011)

59. Amended by Mah. 16 of 2013[4] (14-2-2013)

60. Amended by Mah. 31 of 2013 (20-12-2013)

61. Amended by Mah. 40 of 2014 (23-12-2014)

62. Amended by Mah. 24 of 2015 (31-7-2015)

63. Amended by Mah. 34 of 2016[5] (21-1-2016)

64. Amended by Mah. 36 of 2016[6] (2-3-2016)

65. Amended by Mah. 14 of 2017 (16-1-2017)

66. Amended by Mah. 33 of 2017 (26-4-2017)

67. Amended by Mah. 57 of 2017 (22-2-2019)

68. Amended by Mah. 14 of 2018

69. Amended by Mah. 50 of 2018[7] (13-6-2018)

70. Amended by Mah. 64 of 2018[8] (8-6-2018)

71. Amended by Mah. 23 of 2019[9] (9-3-2019)

72. Amended by Mah. 14 of 2020

73. Amended by Mah. 27 of 2020[10] (10-7-2020)

74. Amended by Mah. 28 of 2020

75. Amended by Mah. 30 of 2020[11] (28-10-2020)

76. Amended by Mah. 31 of 2020[12] (2-11-2020)

77. Amended by Mah. 11 of 2021

78. Amended by Mah. 5 of 2022[13] (1-10-2021)

79. Amended by Mah. 6 of 2022[14] (2-11-2021)

1 Maharashtra Ordinance No. XXVI of 2001 was repealed by Mah. 6 of 2002, s. 3.
2 Maharashtra Ordinance No. VI of 2007 was repealed by Mah. 30 of 2007, s. 3.
3 Maharashtra Ordinance No. VIII of 2007 was repealed by Mah. 11 of 2008, s. 27.
4 Maharashtra Ordinance No. VI of 2013 was repealed by Mah. 16 of 2013, s. 84.
5 Maharashtra Ordinance No. VI of 2016 was repealed by Mah. 34 of 2016, s. 3.
6 Maharashtra Ordinance No. VII of 2016 was repealed by Mah. 36 of 2016, s. 5.
7 Maharashtra Ordinance No. XVI of 2018 was repealed by Mah. 50 of 2018, s. 5.
8 Maharashtra Ordinance No. XV of 2018 was repealed by Mah. 64 of 2018, s. 3.
9 Maharashtra Ordinance No. IX of 2019 was repealed by Mah. 23 of 2019, s. 11.
10 Maharashtra Ordinance No. XII of 2020 was repealed by Mah. 27 of 2020, s. 4.
11 Maharashtra Ordinance No. XVII of 2020 was repealed by Mah. 30 of 2020, s. 6.
12 Maharashtra Ordinance No. XVIII of 2020 was repealed by Mah. 31 of 2020, s. 5.
13 Maharashtra Ordinance No. VII of 2021 was repealed by Mah. 5 of 2022, s. 5.
14 Maharashtra Ordinance No. IX of 2021 was repealed by Mah. 6 of 2022, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.



80. Amended by Mah. 28 of 2022

82. Amended by Mah. 26 of 2023

83. Amended by Mah. 42 of 2023[1] (10-07-2023)

84. Amended by Mah. 19 of 2024

1 Maharashtra Ordinance No. V of 2023 was repealed by Mah. 42 of 2023, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.



**MAHARASHTRA ACT No. XXIV OF 1961**[1]

[THEMAHARASHTRACO-OPERATIVESOCIETIESACT,1960.]

[This Act received the assent of the President on the 4th May 1961; assent was first published in the *Maharashtra Government Gazette*, Extraordinary No. 24, Part IV, on the 9th May 1961.]

**An Act to consolidate and amend the law relating to co-operative societies in the State of Maharashtra**.

WHEREAS with a view to providing for the orderly development of the co-operative movement in the State of Maharashtra in accordance with the relevant directive principles of State policy enunciated in the Constitution of India, it is expedient to consolidate and amend the law relating to co-operative societies in that State; It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

**1. Short title, extent and commencement.—** (*1*) This Act may be called the Maharashtra Co-operative Societies Act, 1960.

(*2*) It extends to the whole of the State of Maharashtra.

(*3*) It shall come into force on such [2]date as the State Government may, by notification in the *Official Gazette*, appoint.

**2. Definitions.—** In this Act, unless the context otherwise requires,—

(*1*) "agricultural marketing society" means a society—

(*a*) the object of which is the marketing of agricultural produce and the supply of implements and other requisites for agricultural production, and

(*b*) not less than three-fourths of the members of which are agriculturists, or societies formed by agriculturists;

[3][(*2*) "apex society" means a society,—

(*a*) the area of operation of which extends to the whole of the State of Maharashtra,

(*b*) the main object of which is to promote the principal objects of the societies affiliated to it as members and to provide for the facilities and services to them, and

(*c*) which has been classified as an apex society by the Registrar;]

[4][(*2-A*) "authorised person" means any person duly authorised by the Registrar to take action under the provisions of this Act;]

[5][* * * * * *]

(*4*) "bonus" means payment made in cash or kind out of the profits of a society to a member, or to a person who is not a member, on the basis of his contribution (including any contribution in the form of labour or service) to the business of the society, and in the case of a farming society, on the basis both of such contribution and also the value or income or, as the case may be, the area of the lands of the members brought together for joint cultivation as may be decided by the society [6][but does not include any sum paid or payable as bonus to any employee of the society under the Payment of Bonus Act, 1965 (21 of 1965);]

1 For Statement of Objects and Reasons of the L. A. Bill No. LVI of 1960, *see Maharashtra Government Gazette*, 1960, Extraordinary No. 46, Part V, dated the 3rd November 1960, pages 270-273; for Report of the Select Committee, *see ibid*., Part V, pages 432-517.

2 26th day of January 1962, *vide* G.N.C. and R.D.D. No. SCL. 1061/135-G, dated 24th January 1962.

3 Clause (*2*) was substituted by Mah. 20 of 1986, s. 2(*a*).

4 Clause (*2-A*) was inserted by Mah. 16 of 2013, s. 2(*a*).

5 Clause (*3*) was deleted by Mah. 20 of 1986, s. 2(*b*).
6 This portion was added by Mah. 27 of 1969, s. 2(*a*).



(*5*) "by-laws" means by-laws registered under this Act and for the time being in force and includes registered amendments of such by-laws;

1[(*6*) "Central Bank" means a co-operative bank, the objects of which include the creation of funds to be loaned to other societies; but does not include the urban co-operative bank;]

2[(*7*) "Committee" means the committee of management or board of directors 3[or the governing body or other directing body of a co-operative society, by whatever name called, in which the management of the affairs of a society is entrusted] under section 73;]

(*8*) "Company" means a company as defined in the 4Companies Act, 1956 (I of 1956) and includes a Banking Company and also any board, corporation or other corporate body, constituted or established by any Central, State or Provincial Act for the purpose of the development of any industry;

(*9*) "consumers' society" means a society the object of which is—

(*a*) the procurement, production or processing, and distribution of goods to, or the performance of other services for, its members as also other customers, and

(*b*) the distribution among its members and customers, in the proportion prescribed by rules or by the by-laws of the society, of the profits accruing from such procurement, production or processing and distribution;

5[(*10*) "co-operative bank" means a society which is doing the business of banking as defined in clause (*b*) of sub-section (*1*) of section 5 of the Banking Companies Act, 1949 (10 of 1949) and includes any society which is functioning or is to function as 6[a Co-operative Agriculture and Rural Multipurpose Development Bank] under Chapter XI;]

7[(*10-ai*) "Co-operative Appellate Court" means the Maharashtra State Co-operative Appellate Court constituted under this Act;

(*10-aii*) "Co-operative Court" means a Court constituted under this Act to decide 8[disputes referred to it under any of the provisions of this Act];

9[(*10-aii-1*) "co-operative credit structure entity" means the primary agricultural credit co-operative society, the District Central Co-operative Bank or the State Co-operative Bank;]

10[(*10-aiii*) "co-operative year" means a year ending on the 11[31st day of March] or on such other day in regard to a particular society or class of societies 12[as may have been fixed by the Registrar, from time to time,] for balancing its or their accounts;]

13[(*10-A*) "crop protection society" means a society the object of which is protection of the crops, structures, machinery, agricultural implements and other equipment such as those used for pumping water on the land ;]

14[* * * * * * * *]

1 Clause (*6*) was substituted for the original by Mah. 20 of 1986, s. 2(*c*).
2 Clause (*7*) was substituted by Mah. 20 of 1986, s. 2(*d*).
3 These words were substituted for the words "or other directing body, by whatever name called, to which the management of the affairs of a society is entrusted" by Mah. 16 of 2013, s. 2(*b*).
4 Now *see* Companies Act, 2013 (18 of 2013).
5 Clause (*10*) was substituted by Mah. 33 of 1963, s. 2.
6 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 2.
7 Clauses (*10-ai*) and (*10-aii*) were inserted by Mah. 3 of 1974, s. 2(*b*).
8 These words were substituted for the words "disputes referred to it by the Registrar" by Mah. 18 of 1982, s. 2.
9 Clause (*10-aii-1*) was inserted by Mah. 11 of 2008, s. 2(*a*).
10 Clause (*10-aiii*) was inserted by Mah. 20 of 1986, s. 2(*e*).
11 These words were substituted for the words "30th day of June" by Mah. 13 of 1994, s. 2(*a*).

12 These words were substituted for the words "as may have been fixed, with the previous approval of the Registrar" by Mah. 13 of 1994, s. 2(*b*).

13 Clause (*10-A*) was inserted by Mah. 27 of 1969, s. 2(*b*).

14 Clause (*10-B*) was deleted by Mah. 16 of 2013, s. 2(*c*).



(*11*) "Dividend" means the amount paid, out of the profits of a society, to a member in proportion to the shares held by him;

1[(*11A*) "expert director" means a person having experience in the field of banking, management, co-operation and finance and includes a person having specialisation in any other field relating to the objects and activities undertaken by the concerned society;]

(*12*) "farming society" means a society in which, with the object of increasing agricultural production, employment and income and the better utilisation of resources, lands are brought together and jointly cultivated by all the members, such lands (*a*) being owned by or leased to the members (or some of them), or (*b*) coming in possession of the society in any other manner whatsoever;

(*13*) "federal society" means a society—

(*a*) not less than five members of which are themselves societies, and

(*b*) in which the voting rights are so regulated that the members which are societies have not less than four-fifths of the total number of votes in the general meeting of such society;

(*14*) "firm" means a firm registered under the Indian Partnership Act, 1932 (IX of 1932);

2[(*14-A*) "functional director" means a Managing Director or a Chief Executive Officer by whatever designation called, nominated by the Committee;]

(*15*) "general society" means a society not falling in any of the classes of societies defined by the other clauses of this section;

3[(*16*) "housing society" means a society, the object of which is to provide its members with open plots for housing, dwelling houses or flats; or if open plots, the dwelling houses or flats are already acquired, to provide its members common amenities and services;]

4[(*16A*) "lift irrigation society" means a society, the object of which is to provide water supply, by motive power or otherwise to its members, for irrigation and otherwise;]

(*17*) "Liquidator" means a person appointed as liquidator under this Act;

(*18*) "local authority" includes a school board and an agricultural produce market committee constituted by or under any law for the time being in force;

(*19*)(*a*) "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 a nominal, 5[or associate] member 6[and any depositor or financial service user of primary agricultural co-operative credit society];

7[* * * *]

(*b*) "associate member" means a member who holds jointly a share of a society with others, but whose name does not stand first in the share certificate;

(*c*) "nominal member" means a person admitted to membership as such after registration in accordance with the by-laws;

8[* * * * * * * * *]

1 Clause (*11A*) was inserted by Mah. 16 of 2013, s. 2(*d*).

2 Clause (*14-A*) was substituted by Mah. 36 of 2016, s. 2.

3 Clause (*16*) was substituted by Mah. 20 of 1986, s. 2(*f*).

4 Clause (*16A*) was substituted by Mah. 3 of 1974, s. 2(*c*)

5 These words were substituted for the words "associate or sympathiser" by Mah. 16 of 2013, s. 2(*f*)(*i*).
6 These words were added by Mah. 11 of 2008, s. 2(*c*).
7 Sub-clause (*a-1*) was deleted by Mah. 28 of 2022, s. 2.
8 Sub-clause (*d*) was deleted by Mah. 16 of 2013, s. 2(*f*)(*iii*).



1[(*19A*) "National Banks" means the National Bank for Agriculture and Rural Development (NABARD), constituted under the provisions of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981);]

(*20*) "officer" means a person elected or appointed by a society to any office of such society according to its by-laws; and includes 2[any office bearer such as a chairperson, vice-chairperson, president, vice-president, managing director, manager, secretary, treasurer, member of the committee and any other person, by whatever name called,] elected or appointed under this Act, the rules or the by-laws, to give directions in regard to the business of such society;

3[(*20-A*) "Official Assignee" means a person or body of persons appointed by the Registrar under sub-section (*2*) of section 21A;]

(*21*) "prescribed" means prescribed by rules;

(*22*) "processing society" means a society the object of which is the processing of goods;

(*23*) "producers' society" means a society the object of which is, the production and disposal of goods or the collective disposal of the labour of the members thereof;

(*24*) "Registrar" means a person appointed to be the Registrar of Co-operative Societies under this Act;

(*25*) "resource society" means a society the object of which is the obtaining for its members of credit, goods or services required by them;

(*26*) "rules" means rules made under this Act;

(*27*) "society" means a co-operative society registered, or deemed to be registered, under this Act 4[, which is an autonomous association of persons, united voluntarily to meet their common needs and aspirations through a jointly owned and democratically controlled enterprise and adhering to the co-operative principles and values;]

(*28*) "society with limited liability" means a society having the liability of its members limited by its by-laws;

(*29*) "society with unlimited liability" means a society, the members of which are, in the event of its being wound up, jointly and severally liable for and in respect of its obligation and to contribute to any deficiency in the assets of the society;

5[(*29-A*) "State Co-operative Election Authority" means an authority constituted by the State Government under section 73CB;]

6[* * * * * * * *]

(*31*) "working capital" means funds at the disposal of a society inclusive of paid-up share capital, funds built out of profits, and money raised by borrowing and by other means.

## CHAPTER II

## REGISTRATION

**3. Registrar 7[and his subordinates].—** The State Government may appoint a person to be the Registrar of Co-operative Societies for the State; and may appoint one or more persons to assist such Registrar, 8[with such designations, and in such local areas or throughout the State, as it may specify in that behalf,] and may, by general or special order, confer on any such person or persons all or any of the

1 Clause (*19A*) was inserted by Mah. 11 of 2008, s. 2(*d*).
2 These words were substituted for the words "a chairman, vice-chairman, president, vice-president, managing director, manager, secretary, treasurer, member of the committee and any other person," by Mah. 16 of 2013, s. 2(*g*).

3 Clause (*20-A*) was inserted by Mah. 20 of 1986, s. 2(*g*).
4 These words were inserted by Mah. 16 of 2013, s. 2(*h*).
5 Clause (*29-A*) was inserted by Mah. 16 of 2013, s. 2(*i*).
6 Clause (*30*) was deleted by Mah. 3 of 1974, s. 2(*d*).
7 These words were added by Mah. 27 of 1969, s. 3(*c*).
8 These words were inserted by Mah. 27 of 1969, s. 3(*a*).



powers of the Registrar under this Act. The person or persons so appointed to assist the Registrar and on whom any powers of the Registrar are conferred, shall work under the general guidance, superintendence and control of the Registrar. 1[They shall be subordinate to the Registrar, and subordination of such persons amongst themselves shall be such as may be determined by the State Government].

2**[3A. Temporary vacancies.—** If the Registrar or a person appointed to assist such Registrar is disabled from performing his duties or for any reason vacates his office or leaves his jurisdiction or dies, then—

(*a*) in the case of the Registrar, the 3[Special,] Additional or Joint Registrar, in the office of the Registrar, and

(*b*) in the case of a person appointed to assist the Registrar, the senior most officer holding the next higher post, in the respective office,

shall, unless other provision has been made in that behalf, hold temporarily the office of the Registrar or, as the case may be, of the person appointed to assist the Registrar in addition to his own office and shall be held to be the Registrar or the person appointed to assist the Registrar under this Act, until the Registrar or the person appointed to assist the Registrar resumes his office, or until such time as the successor is duly appointed and takes charge of his appointment.]

**4. Societies which may be registered.—** A society, which has as its object the promotion of the economic interests or general welfare of its members, or of the public, in accordance with co-operative principles, or a society established with the object of facilitating the operations of any such society, may be registered under this Act:

Provided that, no society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on development 4[of the co-operative movement, or the registration of which may be contrary to the policy directives which the State Government may, from time to time, issue].

**5. Registration with limited or unlimited liability.—** A society may be registered with limited or unlimited liability.

**6. Conditions of registration.—** (*1*) No society, other than a federal society, shall be registered under this Act, unless it consists of at least ten persons 5[or such higher number of persons as the Registrar may, having regard to the objects and economic liability of a society and development of the co-operative movement, determine from time to time for a class of societies], (each of such persons being a member of a different family), who are qualified to be members under this Act, and who reside in the area of operation of the society :

6[Provided that, a lift irrigation society consisting of less than ten but of five or more such persons may be registered under this Act:]

7[Provided further that, the condition regarding residence of the members in the area of operation of the society shall not apply for registration of the society, being the co-operative credit structure entity:]

8[Provided also that, the Registrar may specify the norms and conditions for registration of societies or class of societies.]

(*2*) No society with unlimited liability shall be registered, unless all persons forming the society reside in the same town or village, or in the same group of villages.

1 These words were added, by Mah. 27 of 1969, s. 3(*b*).
2 Section 3A was inserted by Mah. 20 of 1986, s. 3.
3 This word was inserted by Mah. 16 of 2013, s. 3.

4 These words were substituted for the words "of the co-operative movement" by Mah. 20 of 1986, s. 4. 5 These words were inserted by Mah. 20 of 1986, s. 5.
6 This proviso was added by Mah. 27 of 1969, s. 4(*a*).
7 This proviso was added by Mah. 11 of 2008, s. 3.
8 This proviso was added by Mah. 16 of 2013, s. 4.



1[(*2A*) No crop protection society shall be registered, unless the Registrar is satisfied, after such inquiry as he thinks necessary, that a draft of the proposal made by the society for protecting the crops, structures, machinery, agricultural implement and other equipment such as those used for pumping water on the land, was duly published for inviting all owners of lands likely to be affected by the proposal and all other persons likely to be interested in the said lands to join the proposal or to send their objections or suggestions and that the objections and suggestions received, if any, have been duly considered by the society and that the owners in possession of not less than 66 per cent., in the aggregate of the lands included in the proposal have given their consent in writing to the making of the proposal and that the proposal made is feasible. For this purpose, the society shall submit to the Registrar :—

(*a*) a plan showing the area covered by the proposal and the surrounding lands as shown in the map or maps of the village or villages affected;

(*b*) an extract from the record of rights duly certified showing the names of the owners of the lands and the areas of the lands included in the proposal;

(*c*) statements of such of the owners of the lands as consented to the making of the proposal signed by owners before two witnesses;

(*d*) a detailed estimate of the cost of implementing the proposal;

(*e*) a detailed statement showing how the cost is proposed to be met.

When such society is registered, the cost of implementing the proposal shall be met wholly or in part by contribution to be levied by the society from each owner of the land included in the proposal, including any such owner who may have refused to become a member of the society. The owner of every land included in the proposal shall also be primarily liable for the payment of the contribution leviable from time to time in respect of such land.]

(*3*) No federal society shall be registered, unless it has at least five societies as its members.

(*4*) Nothing in this Act shall be deemed to affect the registration of any society made before the commencement of this Act.

(*5*) The word "limited" or "unlimited" shall be last word in the name of every society with limited or unlimited liability, as the case may be, which is registered or deemed to be registered under this Act.

*Explanation*.— For the purposes of this section and section 8, the expression "member of a family" means a wife, husband, father, mother, 2[son, or unmarried daughter].

**7. Power to exempt societies 3[or class of societies] from conditions as to registration.—** Notwithstanding anything contained in this Act, the State Government may, 4[by general or special order, exempt any society or class of societies from any of the requirements of this Act as to registration, subject to such conditions (if any) as it may impose.]

**8. Application for registration.—** (*1*) For the purposes of registration, an application shall be made to the Registrar in the prescribed form, and shall be accompanied by four copies of the proposed by-laws of the society 5[and such registration fee as may be prescribed in this behalf. Different registration fees may be prescribed for different classes of societies, regard being had to the service involved in processing an application for registration]. The person by whom, or on whose behalf such application is made, shall furnish such information in regard to the society, as the Registrar may require.

(*2*) The application shall be signed,—

(*a*) in the case of a society other than a federal society, by at least ten persons (each of such persons being a member of a different family), who are qualified under this Act, and

1 Sub-section (*2A*) was inserted by Mah. 27 of 1969, s. 4(*b*).

2 These words were substituted for the portion beginning with "grand-father, grand-mother" and ending with "wife of brother or half-brother" by Mah. 33 of 1963, s. 3.

3 These words were inserted by Mah. 27 of 1969, s. 5(*b*).

4 This portion was substituted for the original portion by Mah. 27 of 1969, s. 5(*a*).

5 These words were inserted by Mah. 3 of 1974, s. 3.



(*b*) in the case of a federal society, by at least five societies.

No signature to an application on behalf of a society shall be valid, unless the person signing is a member of the committee of such a society, and is authorised by the committee by resolution to sign on its behalf the application for registration of the society and its by-laws; and a copy of such resolution is appended to the application.

**9. Registration.—** (*1*) If the Registrar is satisfied that a proposed society has complied with the provisions of this Act and the rules, 1[or any other law for the time being in force, or policy directive's issued by the State Government under section 4,] and that its proposed by-laws are not contrary to this Act or to the rules, he 2[shall, within two months], from the date of receipt of the application register the society and its by-laws.

3[(*2*) Where there is a failure on the part of the Registrar to dispose of such application within the period aforesaid, the Registrar shall, within a period of fifteen days from the date of expiration of that period refer the application to the next higher officer and where the Registrar himself is the registering officer, to the State Government, who or which as the case may be, shall dispose of the application within two months from the date of its receipt and on the failure of such higher officer or the State Government, as the case may be, to dispose of the application within that period, the society and its bye-laws shall be deemed to have been registered 4[and thereafter the Registrar shall issue a certificate of registration under his seal and signature within a period of fifteen days.]]

(*3*) Where the Registrar refuses to register a proposed society, he shall forthwith communicate his decision, with the reasons therefor, to the person making the application and if there be more than one to the person who has signed first thereon.

(*4*) The Registrar shall maintain a register of all societies registered, or deemed to be registered, under this Act.

**10. Evidence of registration.—** A certificate of registration signed by the Registrar, shall be conclusive evidence that the society therein mentioned, is duly registered, unless it is proved that the registration of the society has been cancelled.

**11. Power of Registrar to decide certain questions.—** When, 5[* * * * * *] any question arises whether a person is an agriculturist or not, or whether any person resides in the area of operation of the society or not, 6[or whether a person is or is not engaged in or carrying on any profession, business or employment, or whether a person belongs or does not belong to such class of persons as declared under sub-section (*1-A*) of section 22 and has or has not incurred a disqualification under that sub-section,] such question shall be decided by the Registrar 7[and his decision shall be final, but no decision adverse to any such person shall be given without giving him an opportunity of being heard.]

**12. Classification of societies.—** (*1*) The Registrar shall classify all societies into one or other of the classes of societies defined in section 2, and also into such sub-classes thereof as may be prescribed by rules.

(*2*) The Registrar may, for reasons to be recorded in writing, alter the classification of a society from one class of society to another, or from one sub-class thereof to another; and may, in the public interest and subject to such terms and conditions as he may think fit to impose, allow any society so classified to undertake the activities of a society belonging to another class.

(*3*) A list of all societies so classified shall be published by the Registrar every three years in such manner as the State Government may, from time to time, direct.

1 These words and figures were inserted by Mah. 20 of 1986, s. 6(*a*)(*i*).

2 These words were substituted for the words "may, within six months," by Mah. 20 of 1986, s. 6(*a*)(*ii*).
3 Sub-section (*2*) was substituted for the original by Mah. 20 of 1986, s. 6(*b*).
4 These words were added by Mah. 7 of 1997, s. 2.
5 The words "for the purpose of the formation, or registration or continuance, of a society," were deleted by Mah. 20 of 1986, s. 7(*a*).
6 These words were inserted by Mah. 20 of 1986, s. 7(*b*).
7 These words were inserted by Mah. 3 of 1974, s. 4.



**13. Amendment of by-laws of society.—** (*1*) No amendment of the by-laws of a society shall be valid until registered under this Act. For the purpose of registration of an amendment of the by-laws, a copy of the amendment passed, in the manner prescribed, at a general meeting of the society, shall be forwarded to the Registrar. 1[Every application for registration of an amendment of the by-laws shall, 2[* * *] be disposed of by the Registrar within a period of two months from the date of its receipt.]

3[* * * * * * * *]

4[* * * * * * * *]

5[(*1A*) Where there is a failure on the part of the Registrar to dispose of such application within the period aforesaid, the Registrar shall, within a period of fifteen days from the date of expiration of that period refer the application to the next higher officer and where the Registrar himself is the registering officer, to the State Government, who or which, as the case may be, shall dispose of the application within two months from the date of its receipt and on the failure of such higher officer or the State Government, as the case may be, to dispose of the application within that period, the amendment of the bye-laws shall be deemed to have been registered.

(*1B*) No amendment of the bye-laws of a society shall be registered by the Registrar under this section or in the case of the bye-laws which are deemed to have been registered shall have effect, if the amendment is repugnant to the policy directives, if any, issued by the State Government under section 4.]

(*2*) When the Registrar registers an amendment of the by-laws of a society 6[or where an amendment of the bye-laws is deemed to have been registered], he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

(*3*) Where the Registrar refuses to register 7[such amendment] of the by-laws of a society, he shall communicate the order of refusal, together with his reasons therefor, to the society.

**14. Power to direct amendment of by-laws.—** (*1*) If it appears to the Registrar that an amendment of the by-laws of a society is necessary or desirable in the interest of such society, 8[or any by-laws of the society are inconsistent with the provisions of this Act or rules and that amendment is necessary in such by-laws,] he may call upon the society, in the manner prescribed, to make the amendment within such time as he may specify.

(*2*) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard and after consulting such State federal society as may be notified by the State Government register such amendment, and issue to the society a copy of such amendment certified by him. With effect from the date of the registration of the amendment in the manner aforesaid, the by-laws shall be deemed to have been duly amended accordingly; and the by-laws as amended shall, subject to appeal (if any), be binding on the society and its members:

9[Provided that, such notified State federal society shall communicate its opinion to the Registrar within a period of forty-five days from the date of receipt of communication, failing which it shall be presumed that such State federal society has no objection to the amendment and the Registrar shall be at liberty to proceed further to take action accordingly:

Provided further that, the Registrar may specify the Model by-laws, for such type of societies or class of societies, as he may deem fit.]

**15. Change of name.—** (*1*) A society may, by resolution passed at a general meeting, and with

the approval of the Registrar, change its name ; but such change shall not affect any right or obligation

1 This portion was added by Mah. 27 of 1969, s. 6.

2 The words "as far as possible," were deleted by Mah. 20 of 1986, s. 8(*a*)(*i*).

3 This proviso was deleted by Mah. 20 of 1986, s. 8(*a*)(*ii*).

4 This proviso was deleted by Mah. 16 of 2013, s. 5.

5 These sub-sections were inserted by Mah. 20 of 1986, s. 8(*a*)(*iii*).

6 These words were inserted by Mah. 20 of 1986, s. 8(*b*)(*a*).

7 These words were substituted for the words "the amendment" by Mah. 20 of 1986, s. 8(*b*)(*b*).

8 These words were inserted by Mah. 16 of 2013, s. 6(*a*).

9 These provisos were added by Mah. 16 of 2013, s. 6(*b*).



of the society, or of any of its members, or past members, or deceased members; and any legal proceedings pending before any person, authority or court may be continued by or against the society, under its new name.

(*2*) Where a society changes its name, the Registrar shall enter the new name in its place in the register of societies, and shall also amend the certificate of registration accordingly.

**16. Change of liability.—** (*1*) Subject to the provisions of this Act and the rules, a society may, by amendment of its by-laws, change the form or extent of its liability.

(*2*) When a society has passed a resolution to change the form or extent of its liability, it shall give notice thereof in writing to all its members and creditors and, notwithstanding anything in any by-law or contract to the contrary, any member or creditor shall, during a period of one month from the date of service of such notice upon him, have the option of withdrawing his shares, deposits or loans.

(*3*) Any member or creditor who does not exercise his option within the period specified in sub-section (*2*), shall be deemed to have assented to the change.

(*4*) An amendment of the by-laws of a society, changing the form or extent of its liability, shall not be registered or take effect until, either—

(*a*) all members and creditors have assented, or deemed to have assented, thereto as aforesaid ; or

(*b*) all claims of members and creditors, who exercise the option, given by sub-section (*2*), within the period specified therein, have been met in full or otherwise satisfied.

**17. Amalgamation, transfer, division or conversion of societies.—** (*1*) A society may, with the previous approval of the Registrar, by resolution passed by two-thirds majority of the members present and voting at a special general meeting held for the purpose, decide—

(*a*) to amalgamate with another society ;

(*b*) to transfer its assets and liabilities, in whole or in part, to any other society ;

(*c*) to divide itself into two or more societies ; or

(*d*) to convert itself into another class of society :

Provided that, when such amalgamation, transfer, division or conversion, aforesaid, involves a transfer of the liabilities of a society to any other society, no order on the resolution shall be passed by the Registrar, unless he is satisfied that—

(*i*) the society, after passing such resolution, has given notice thereof in such manner as may be prescribed to all its members, creditors and other persons whose interests are likely to be affected (hereinafter, in this section referred to as "other interested persons"), giving them the option, to be exercised within one month from the date of such notice, of becoming members of any of the new societies, or continuing their membership in the amalgamated or converted society, or demanding payment of their share or interest or dues, as the case may be,

(*ii*) all the members and creditors and other interested persons, have assented to the decision, or deemed to have assented thereto by virtue of any member or creditor or any other interested person failing to exercise his option within the period specified in clause (*i*) aforesaid, and

(*iii*) all claims of members and creditors and other interested persons, who exercise the option within the period specified, have been met in full or otherwise satisfied :

[1][Provided further that, in case of societies doing the business of banking, no such amalgamation, transfer, division or conversion shall be initiated without the prior approval of the Reserve Bank of India.]

(*2*) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), or the Indian Registration Act, 1908 (XVI of 1908), in the event of division or conversion, the registration of the new societies or, as the case may be, of the converted society, and in the event of amalgamation, on the amalgamation the resolution of the societies concerned with amalgamation, shall in each case be

1 This proviso was added by Mah. 16 of 2013, s. 7(*d*).



sufficient conveyance to vest the assets and liabilities of the original society or amalgamating societies in the new societies or converted or amalgamated society, as the case may be.

(*3*) The amalgamation of societies, or division or conversion of a society shall not affect any rights or obligation of the societies so amalgamated, or society so divided or converted, or render defective any legal proceedings which might have been continued or commenced by or against the societies which have been amalgamated, or divided or converted; and accordingly, such legal proceedings may be continued or commenced by or against the amalgamated society, or, as the case may be, the converted society, or the new societies.

(*4*) Where two or more societies have been amalgamated, or a society has been divided or converted, the registration of such societies or society shall be cancelled on the date of registration of the amalgamated society, or the converted society, or the new societies between which the society may have been divided.

**18. [1][Power to direct amalgamation, division and reorganisation in the public interest of members, etc.]—** (*1*) Where the Registrar is satisfied that it is essential in the public interest [2][or in the interest of members of such societies], or in the interest of the co-operative movement, or for the purpose of securing the proper management of any society, that two or more societies should amalgamate or any society should be divided to form two or more societies or should be reorganised then notwithstanding anything contained in the last preceding section but subject to the provisions of this section, the Registrar may, after consulting such federal society as may be notified by the State Government by order notified in the *Official Gazette*, provide for the amalgamation, division or reorganisation of those societies into a single society, or into societies with such constitution, property, rights, interests and authorities, and such liabilities, duties and obligations, as may be specified in the order :

[3][Provided that, such notified federal society shall communicate its opinion to the Registrar within a period of forty-five days from the date of receipt of communication, failing which it shall be presumed that such federal society has no objection to the amalgamation, division or reorganisation and the Registrar shall be at liberty to proceed further to take action accordingly.]

(*2*) No order shall be made under this section, unless—

(*a*) a copy of the proposed order has been sent in draft to the society or each of the societies concerned ;

(*b*) the Registrar has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions and objections which may be received by him within such period (not being less than two months from the date on which the copy of the order as aforesaid was received by the society) as the Registrar may fix in that behalf, either from the society or from any member or class of members thereof, or from any creditor or class of creditors.

(*3*) The order referred to in sub-section (*1*) may contain such incidental, consequential and supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation, the division or reorganisation.

(*4*) Every member or creditor of [4][, or other person interested in,] each of the societies to be amalgamated, divided or reorganised, who has objected to the scheme of amalgamation, division or reorganisation, within the period specified, shall be entitled to receive, on the issue of the order of amalgamation, division or reorganisation his share or interest, if he be a member, and the amount in satisfaction of his dues if he be a creditor.

(*5*) On the issue of an order under sub-section (*1*), the provisions in sub-sections (*2*), (*3*) and (*4*) of section 17 shall apply to the societies so amalgamated, divided or reorganised as if they were amalgamated, divided or reorganised under that section, and to the society amalgamated, divided or reorganised.

1 The marginal note was substituted by Mah. 16 of 2013, s. 8(*b*)(*i*). 2 These words were inserted by Mah. 16 of 2013, s. 8(*a*)(*i*).

3 This proviso was added by Mah. 16 of 2013, s. 8(*a*)(*ii*).

4 These words were inserted by Mah. 20 of 1986, s. 9.



[1][(*6*) Nothing contained in this section shall apply for the amalgamation of [2][two or more co-operative banks or two or more primary agricultural credit societies].]

[3]**[18A. Amalgamation of Co-operative banks.—** (*1*) Where the Registrar is satisfied that it is essential in the public interest, or in order to secure the proper management of one or more co-operative banks that two or more such banks should be amalgamated, then notwithstanding anything contained in section 17, the Registrar may, after consulting such federal society or other authority as may be notified by the State Government in the *Official Gazette*, by order provide for the amalgamation of those banks into a single bank, with such constitution, property, rights, interests and authorities, and such liabilities, duties and obligations as may be specified in the order. Such order may provide for the reduction of the interest or rights which the members, depositors, creditors, employees and other persons may have in or against any bank to be amalgamated to such extent as the Registrar considers necessary in the interest of such persons for the maintenance of the business of that bank, having due regard to the proportion of the assets of such bank, to its liabilities. Such order may also contain such incidental, consequential and supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation of the banks:

[4][Provided that, such notified federal society or other authority shall communicate its opinion to the Registrar within a period of forty-five days from the date of receipt of communication, failing which it shall be presumed that such notified federal society or other authority has no objection to the scheme of amalgamation and the Registrar shall be at liberty to proceed further to take action accordingly.]

(*2*) No order shall be made under sub-section (*1*), unless—

(*a*) a copy of the proposed order has been sent in draft to each of the banks concerned ;

(*b*) the Registrar has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions or objections which may be received by him within such period (not being less than two months from the date on which the copy of the proposed order was received by the banks) as the Registrar may fix in that behalf, either from the banks or any members, depositors, creditors, employees or other persons concerned;

[5][(*c*) the Registrar has obtained the prior approval of the Reserve Bank of India.]

(*3*) On the issue of an order under sub-section (*1*), notwithstanding anything contained in this Act or in any law for the time being in force or in any contract, award or other instruments for the time being in force, the provisions thereof shall be binding on all banks and their members, depositors, creditors, employees and other persons having any rights, assets or liabilities in relation to all or any of the banks concerned.

(*4*) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882) or the Registration Act, 1908 (XVI of 1908), the order issued under sub-section (*1*) shall be sufficient conveyance for transfer or vesting the rights, assets and liabilities of the banks concerned as provided in the order.

(*5*) The amalgamation of banks under this section shall not affect any rights or obligations of the banks so amalgamated or render defective any legal proceedings which might have been continued or commenced by or against any such banks; and accordingly, such legal proceedings may be continued or commenced by or against the amalgamated bank.

(*6*) Where two or more banks have been amalgamated, the registration of the bank in which the other banks are amalgamated may be continued and the registration of the other banks may be cancelled, or where the amalgamated bank is newly registered, the registration of all the amalgamating banks shall be cancelled.

(*7*) Any order made by the Registrar under this section shall be final and conclusive, and shall not be called in question in any Court.]

1 Sub-section (*6*) was added by Mah. 5 of 1976, s. 2.

2 These words were substituted for the words "two or more co-operative banks" by Mah. 4 of 1977, s. 2. 3 Section 18A was inserted by Mah. 5 of 1976, s. 3.

4 This proviso was added by Mah. 16 of 2013, s. 9(*a*).

5 Clause (*c*) was added by Mah. 16 of 2013, s. 9(*b*).



1**[18B. Amalgamation of primary agricultural credit societies.—** (*1*) Where the Registrar is satisfied that it is essential—

(*a*) for ensuring economic viability of one or more primary agricultural credit societies;

(*b*) for avoiding overlapping or conflict of jurisdictions of such societies in any area;

(*c*) in order to secure the proper management of one or more such societies;

(*d*) in the interest of the credit structure or co-operative movement in the State as a whole;

(*e*) in the interest of the depositors; or

(*f*) for any other reason in the public interest,

that two or more primary agricultural credit societies should be amalgamated, then notwithstanding anything contained in section 17, the Registrar may, after consulting such federal society or other authority as may be notified by the State Government in this behalf, by order published in the *Official Gazette*, provide for the amalgamation of those societies into a single society. The constitution, property, rights, interest, and authorities and the liabilities, duties and obligations of the amalgamated society shall be such as may be specified in the order. Such order may provide for the reduction of the interest or rights which the members, depositors, creditors, employees and other persons may have in, or against, any society to be amalgamated to such extent as the Registrar considers necessary in the interest of such persons for the maintenance of the business of that society, having due regard to the proportion of the assets of such society, to its liabilities. Such order may also contain such incidental, consequential and supplemental provisions as may, in the opinion of the Registrar, be necessary to give effect to the amalgamation of the societies:

2[Provided that, such notified federal society or the other authority shall communicate its opinion to the Registrar within a period of forty-five days from the date of receipt of communication, failing which it shall be presumed that such notified federal society or other authority has no objection to the scheme of amalgamation and the Registrar shall be at liberty to proceed further to take action accordingly.]

(*2*) No order shall be made under sub-section (*1*), unless—

(*a*) a copy of the proposed order has been sent in draft to each of the societies concerned;

(*b*) the Registrar has considered and made such modifications in the draft order as may seem to him desirable in the light of any suggestions or objections which may be received by him within such

period (not being less than two months from the date on which the copy of the proposed order was received by the societies) as the Registrar may fix in that behalf, either from the societies or any members, depositors, creditors, employees or other persons concerned.

(*3*) When any order is made by the Registrar under sub-section (*1*), the provisions of sub-sections (*3*) to (*7*) (both inclusive) of section 18-A shall, *mutatis mutandis*, apply to such order, in the same manner as they are applicable to any order made by him under sub-section (*1*) of that section.]

[3]**[18C. Reorganisation of societies on account of alteration of limits of local areas in which they operate.—** (*1*) Where the area of operation of any society or societies is restricted to any district, taluka, municipal area or any other local area and such area is divided into two or more areas, or merged in any other area, or is diminished or increased or otherwise altered, under any law for the time being in force, and the State Government is satisfied that in the public interest, or in the interest of the co-operative movement, or in the interest of the society or societies, or for the purpose of proper demarcation of area of operation for the societies in each area, it is essential to reorganise any such society or societies, the State Government may by an order, published in the *Official Gazette*, and in such other manner as it deems fit, provide for division of any existing society into two or more societies, amalgamation of two or more existing societies into one society, dissolution of any existing society or reconstitution of any existing society, affected by the territorial changes.

1 This section was inserted by Mah. 4 of 1977, s. 3.
2 This proviso was added by Mah. 16 of 2013, s. 10.
3 Section 18C was inserted by Mah. 7 of 1982, s. 2.



(*2*) An order made under sub-section (*1*) may provide for all or any of the following matters, namely :—

(*a*) the division of an existing society into two or more societies and the area of operation of each society;

(*b*) the amalgamation of two or more existing societies into one society and the area of its operation;

(*c*) the dissolution of any existing society;

(*d*) the reorganisation of any existing society and the area of its operation;

(*e*) the removal of the committee of any existing society and the [1][appointment of an authorised officer or an interim committee of management from amongst the active members of that society], to manage the affairs of the existing society or of the new society or societies, under the control and direction of the State Government, for a period not exceeding two years, as may be specified in the order or until the successor committee of the concerned society is duly constituted, whichever is earlier :

[2][* * * * * * * *]

(*f*) in the case of an existing federal society, the transfer of any of its member societies as members of another federal society named in the order ;

(*g*) the transfer, in whole or in part, of the assets, rights and liabilities of any existing society, including the rights and liabilities under any contract made by it, to one or more societies, and the terms and conditions of such transfer ;

(*h*) the substitution of any such transferee for the existing society, or the addition of any such transferee, as a party to any legal proceeding or any proceeding pending before an officer or authority, to which the existing society is a party; and the transfer of any proceedings pending before the existing society or its officer or authority to any such transferee or its officer or authority;

(*i*) the transfer or re-employments of any employees of the existing society to, or by, such transferee and the terms and conditions of service applicable to such employees after such transfer or re-employment :

Provided that, the terms and conditions of any such employee shall not be made less favourable than those applicable to him while in the service of the existing society, except with the previous approval of the State Government ;

(*j*) the application of the by-laws of the existing society to one or more societies without any modifications or with such modifications as may be specified in the order ;

(*k*) all incidental, consequential and supplementary matters as may be necessary or expedient to give effect to the order made under this section.

(*3*) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), or the Registration Act, 1908 (XVI of 1908), the order issued under this section shall be sufficient conveyance for transfer of the assets, rights and liabilities of the existing society as provided in the order.

(*4*) Any order made by the State Government under this section shall be final and conclusive and shall not be called in question in any court.

(*5*) Except as otherwise provided by this section or by any order issued thereunder, the provisions of this Act and the rules and orders issued thereunder, shall in all other respects apply to the existing societies and the new or reorganised societies formed under this section.]

**19. Reconstruction of societies.—** Where a proposal for a compromise or arrangement,—

(*a*) between a society and its creditors, or

1 These words were substituted for the words "appointment of an administrator or an interim committee of management" by Mah. 16 of 2013, s. 11(*a*).

2 These provisos were deleted by Mah. 16 of 2013, s. 11(*b*).



(*b*) between a society and its members,

is approved at a special general meeting called for the purpose, the Registrar may, on the application of the society or of any member or of any creditor of the society, or in the case of a society which is being wound up, of the Liquidator, order reconstruction in the prescribed manner, of the society.

**20. Partnership of societies.—** (*1*) Any two or more societies may, with the prior approval of the Registrar, by resolution passed by three-fourths majority of the members present and voting at a general meeting of each society, enter into partnership for carrying out any specific business or businesses, provided that each member has had clear ten days' written notice of the resolution, and the date of the meeting :

1[Provided that, in case of a society which has not taken any financial assistance from the Government, in the form of share capital, loan or guarantee, the prior approval of the Registrar for entering into such partnership shall not be required.]

(*2*) Nothing in the Indian Partnership Act, 1932 (IX of 1932), shall apply to such partnership.

2**[20A. Collaboration by societies.—** (*1*) Any society or societies may, with the prior approval of the State Government, 3[and subject to such terms and conditions as the State Government may impose and in such manner as may be prescribed] enter into collaboration with any Government undertaking or any undertaking approved by the State Government for carrying on any specific business or businesses, including industrial investment, financial aid or marketing and management expertise.

(*2*) Before approving any such scheme of collaboration by any society or societies under sub-section (*1*), the State Government shall have due regard to the following matters, namely :—

(*a*) that the scheme is economically viable ;

(*b*) that it can be implemented without, in any way, eroding the co-operative character of the society or the societies concerned ;

(*c*) that the scheme is in furtherance of the interests of the members of the society or societies concerned, or is in the public interest, and in the interest of the co-operative movement in general]:

[4][Provided that, no prior approval of the State Government shall be necessary in case of a society which has not taken any financial assistance from the Government in the form of share capital, loan or guarantee and such society may enter into collaboration with any undertaking with the prior approval of it's general body if the requirements laid down in clauses (*a*), (*b*) and (*c*) of sub-section (*2*), are being fulfilled in case of such society.]

**21. Cancellation of registration.—** The Registrar shall make an order cancelling the registration of a society if it transfers the whole of its assets and liabilities to another society, or amalgamates with another society, or divides itself into two or more societies or if its affairs are wound up, [5][or it is de-registered under the provisions of sub-section (*1*) of section 21A] [6][or winding up proceeding in respect of the society are closed or terminated under section 109.]

[7][* * * * * *]

The society shall from the date of such order of cancellation, be deemed to be dissolved, and shall cease to exist as a corporate body.

[8]**[21A. De-registration of societies.—** (*1*) If the Registrar is satisfied that any society is registered on mis-representation made by applicants, or where the work of the society is completed or exhausted

1 This proviso was added by Mah. 34 of 2001, s. 2.
2 Section 20A was inserted by Mah. 20 of 1986, s. 10.
3 This portion was inserted by Mah. 10 of 1988, s. 4.
4 This proviso was added by Mah. 34 of 2001, s. 3.
5 These words, brackets, figures and letter were inserted by Mah. 10 of 1988, s. 5.
6 This portion was inserted by Mah. 33 of 1963, s. 4.
7 The portion beginning with the words "or it has not commenced business" and ending with the words "be cancelled" was deleted by Mah. 3 of 1974, s. 5.
8 Section 21A was inserted by Mah. 20 of 1986, s. 11.



or the purposes for which the society has been registered are not served [1][or any primary agricultural co-operative credit society using the word 'Bank', 'Banking', 'Banker' or any other derivative of the word 'Bank' in its name,] he may, after giving an opportunity of being heard to the Chief Promoter, the committee and the members of the society, de-register the society:

Provided that, where the number of members of the society is so large and it is not possible to ascertain the correct addresses of all such members from the records in the office of the Registrar and, in the opinion of the Registrar it is not practicable to serve a notice of hearing on each such individual member, a public notice of the proceedings of the de-registration shall be given in the prescribed manner and such notice shall be deemed to be notice to all the members of the society including the Chief Promoter and the members of the Committee of the Society, and no proceeding in respect of the de-registration of the society shall be called in question in any Court merely on the ground that individual notice is not served on any such member.

(*2*) When a society is de-registered under the provisions of sub-section (*1*), the Registrar may, notwithstanding anything contained in this Act or any other law for the time being in force, make such incidental and consequential orders including appointment of Official Assignee as the circumstances may require.

(*3*) Subject to the rules made under this Act, the Official Assignee shall realise the assets and liquidate the liabilities within a period of one year from the date he takes over the charge of property, assets, books, records and other documents, which period may, at the discretion of the Registrar, be extended from time to time, so however, that the total period does not exceed three years in the aggregate.

(*4*) The Official Assignee shall be paid such remuneration and allowances as may be prescribed; and he shall not be entitled to any remuneration whatever beyond the prescribed remuneration or allowances.

(*5*) The powers of the Registrar under sub-sections (*1*) and (*2*) shall not be exercised by any [2][officer below the rank of a Joint Registrar of Co-operative Societies].]

CHAPTER III

MEMBERS AND THEIR RIGHTS AND LIABILITIES

**22. Person who may become member.—** (*1*) Subject to the provisions of section 24, no person shall be admitted as a member of a society except the following, that is to say—

(*a*) an individual, who is competent to contract under the Indian Contract Act, 1872 (IX of 1872) ;

(*b*) a firm, company or any other body corporate constituted under any law for the time being in force, or a society registered under the Societies Registration Act, 1860 (XXI of 1860) ;

(*c*) a society registered, or deemed to be registered, under this Act ;

[3][(*d*) the State Government or the Central Government ;]

(*e*) a local authority ;

(*f*) a public trust registered under any law for the time being in force for the registration of such trusts ;

[4][(*g*) the depositor or the financial service user :]

Provided that, the provisions of clause (*a*) shall not apply to an individual seeking admission to a society exclusively formed for the benefit of students of a school or college :

Provided further that, subject to such terms and conditions as may be laid down by the State Government by general or special order, a firm or company may be admitted as a member only of a

1 These words were inserted by Mah. 11 of 2008, s. 5.

2 These words were substituted for the portion beginning with the word "person" and ending with the word and figure "section 3" by Mah. 10 of 1988, s. 6.

3 Clause (*d*) was substituted for the original by Mah. 27 of 1969, s. 7(*a*).

4 Clause (*g*) was inserted by Mah. 11 of 2008, s. 6.



society which is a federal or urban society or which conducts or intends to conduct an industrial undertaking :

Provided also that, any firm or company, which is immediately before the commencement of this Act a member of a society deemed to be registered under this Act, shall have, subject to the other provisions of this Act, the right to continue to be such member on and after such commencement.

*Explanation*.— For the purposes of this section an "urban society" means a society the business of which mainly falls within the limits of a municipal corporation, municipality, cantonment or notified area committee.

[1][(*1A*) Notwithstanding anything contained in sub-section (*1*), the State Government may, having regard to the fact that the interest of any person or class of persons conflicts or is likely to conflict with the objects of any society or class of societies, by general or special order, published in the *Official Gazette*, declare that any person or class of persons engaged in or carrying on any profession, business or employment shall be disqualified from being admitted, or for continuing, as members or shall be eligible for membership only to a limited extent of any specified society or class of societies, so long as such person or persons are engaged in or carry on that profession, business or employment, [2][as the case may be ; and the question whether a person, is or is not so engaged in or carrying on any profession, business or employment or whether a person belongs or does not belong to such class of persons as declared under this sub-section and has or has not incurred a disqualification under this sub-section shall be decided by the Registrar under section 11].]

[3][(*1B*) Notwithstanding anything contained in sub-section (*1*), where the Registrar has decided under section 11 that a person has incurred a disqualification under sub-section (*1A*), the Registrar or the person not below the rank of District Deputy Registrar of Co-operative Societies, authorised by him in this behalf, may, by order, remove such person from the membership of the society; and such person shall cease to be a member of the society on expiration of a period of one month from the date of receipt of such order by him.]

(*2*) Where a person is refused admission as a member of a society, the decision (with the reasons therefor) shall be communicated to that person within fifteen days of the date of the decision, or within three months [4][from the date of receipt of the application for admission,— whichever is earlier. If the society does not communicate any decision to the applicant within three months from the date of receipt of such application, the applicant shall be deemed to have been [5][admitted] as a member of the society. [6][If any question arises whether a person has become a deemed member or otherwise, the same shall be decided by the Registrar after giving a reasonable opportunity of being heard to all the concerned parties].]

**23. Open membership**.— (*1*) No society shall without sufficient cause, refuse admission to membership to any person duly qualified therefor under the provisions of this Act and its by-laws.

[7][(*1A*) Where a society refuses to accept the application from an eligible person for admission as a member, or the payment made by him in respect of membership, such person may tender an application in such form as may be prescribed together with payment in respect of membership, if any, to the Registrar, who shall forward the application and the amount, if any so paid, to the society concerned within thirty days from the date of receipt of such application and the amount ; and thereupon if the society fails to communicate any decision to the applicant within sixty days from the date of receipt of such application and the amount by the society, the applicant shall be deemed to have become a member of such society. [8][If any question arises whether a person has become a deemed member or otherwise,

1 Sub-section (*1A*) was inserted by Mah. 27 of 1969, s. 7(*b*).

2 This portion was substituted for the words "as the case may be" by Mah. 20 of 1986, s. 12(*a*).

3 Sub-section (*1B*) was inserted by Mah. 20 of 1986, s. 12(*b*).

4 These words were substituted for the words "from the date of the application for admission,— whichever is earlier" by Mah. 27 of 1969, s. 7(*c*).

5 This word was substituted for the words "refused admission" by Mah. 20 of 1986, s. 12(*c*) 6 These words were added by Mah. 7 of 1997, s. 3.

7 Sub-section (*1A*) was inserted by Mah. 20 of 1986, s. 13(*a*).

8 These words were added by Mah. 7 of 1997, s. 4.



the same shall be decided by the Registrar after giving a reasonable opportunity of being heard to all the concerned parties.]]

(*2*) Any person aggrieved by the decision of a society, refusing him admission to its membership, may appeal to the Registrar [1][, within a period of sixty days from the date of the decision of the society]. [2][Every such appeal, as far as possible, be disposed of by the Registrar within a period of three months from the date of its receipt :

Provided that, where such appeal is not so disposed of within the said period of three months, the Registrar shall record the reasons for the delay.]

(*3*) The decision of the Registrar in appeal, shall be final and the Registrar shall communicate his decision to the parties within fifteen days from the date thereof.

[3][(*4*) Without prejudice to the foregoing provisions of this section, in the case of agro-processing societies or any other society for which a definite zone or an area of operation is allotted by the State Government or the Registrar, it shall be obligatory on the part of such society to admit, on an application made to it, every eligible person from that zone or the area of operation, as the case may be, as a member of such society, unless such person is already registered as a member of any other such society, in the same zone or the area of operation.]

**24.** [4]**[Nominal and associate member.]—** (*1*) Notwithstanding anything contained in section 22, a society may admit any person as a [5][nominal or associate member].

(*2*) A nominal member [6][* *] shall not be entitled to any share in any form whatsoever in the profits or assets of the society as such member. A nominal [7][* *] member shall ordinarily not have any of the privileges and rights of a member, but such a member, or an associate member, may, subject to the provisions of sub-section (*8*) of section 27, have such privileges and rights and be subject to such liabilities, of a member, as may be specified in the by-laws of the society.

[8][24A. **Co-operative education and training to members, etc.—** (*1*) Every society shall organise co-operative education and training, for its members, officers and employees through such State federal societies or the State Apex Training Institutes, as the State Government may, by notification in the *Official Gazette*, specify. Such education and training shall,—

(*i*) ensure the effective and active participation of the members in the management of the society ;

(*ii*) groom talented employees for leadership position ;

(*iii*) develop professional skills through co-operative education and training.

(*2*) Every member of the committee, whether elected or co-opted, shall undergo such co-operative education and training for such period and at such intervals as may be prescribed.

(*3*) Every society shall contribute annually towards the education and training fund of the State Federal Societies or State Apex Training Institutes, notified under sub-section (*1*), at such rates as may be prescribed, and different rates may be prescribed for different societies or classes of societies.]

**25. Cessation of membership.—** A person shall cease to be a member of a society on his resignation from the membership thereof being accepted, or on the transfer of the whole of his share or interest in the society to another member, or on his death, or removal or expulsion [9][from the society, or where a firm, company, any other corporate body, society or trust is a member, on its dissolution or ceasing to exist.]

1 These words were inserted by Mah. 16 of 2013, s. 12.

2 This portion was added by Mah. 20 of 1986, s. 13(*b*).

3 Sub-section (*4*) was added by Mah. 20 of 1986, s. 13(*c*).

4 The marginal note was substituted by Mah. 16 of 2013, s. 13(*b*).

5 These words were substituted for the words "nominal, associate or sympathiser member" by Mah. 16 of 2013, s. 13(*a*). 6 The words "or sympathiser member" and "or sympathiser" were deleted by Mah. 16 of 2013, s. 13(*b*).

7 The words "or sympathiser member" and "or sympathiser" were deleted by Mah. 16 of 2013, s. 13(*b*).

8 Section 24A was inserted by Mah. 16 of 2013, s. 14.

9 These words were substituted for the words "from the society" by Mah. 20 of 1986, s. 14.



[1][25A. **Removal of names of members from membership register.—** The committee of a society shall remove from the register of its members the name of a person who has ceased to be a member or who stands disqualified by or under the provisions of this Act [2][or the rules made thereunder] for being the member or continuing to be the member of a society :

Provided that, if the society does not comply with the requirement of this section, the Registrar shall direct such society to remove the name of such person, and the society shall be bound to comply with such direction.]

[3][26. **No rights of membership to be exercised till due payments are made.—** (*1*) A member shall be entitled to exercise such rights as provided in the Act, rules and by-laws :

Provided that, no member shall exercise the rights, until he has made such payment to the society in respect of membership, or acquired such interest in the society, as may be prescribed and specified under the by-laws of the society, from time to time :

Provided further that, in case of increase in minimum contribution of member in share capital to exercise rights of membership, the society shall give a due notice of demand to the member and give reasonable period to comply with it.]

**27. Voting powers of members.—**[4][(*1*) Save as otherwise provided in sub-sections (*2*) to (*7*), both inclusive, no member of any society shall have more than one vote in its affairs; and every right to vote shall be exercised personally, and not by proxy :

Provided that, in the case of an equality of votes the Chairman shall have a casting vote.]

[5][*Explanation*.— For the purposes of this sub-section, "votes to more than one candidate from the panel" shall be treated as one vote.]

[6][* * *]

(*2*) Where a share of a society is held jointly by more than one person, [7][the person whose name stands first in the share certificate, if present, shall have the right to vote. But in his absence the person whose name stands second, and in the absence of both, the person whose name stands next, and likewise, in the absence of the preceding persons the person whose name is next on the share certificate, who is present and who is not a minor, shall have the right to vote.]

[8][(*3*) A society, which has invested any part of its funds in the shares of any federal society, may appoint one of its [9][* * *] members to vote on its behalf in the affairs of that federal society ; and accordingly such member shall have the right to vote on behalf of the society :

Provided that, any new member society of a federal society shall be eligible to vote in the affairs of that federal society only after the completion of the period of three years from the date of its investing any part of its fund in the shares of such federal society :

Provided further that, where the election is to a reserved seat under section 73-B, no person shall have more than one vote.

(*3A*) An individual member of a society shall not be eligible for voting in the affairs of that society for a period of two years from the date of his enrollment as a member of such society :]

[10][Provided that, nothing in this sub-section shall apply in respect of a co-operative housing society and a co-operative premises society.]

1 Section 25A was inserted by Mah. 20 of 1986, s. 15.
2 These words were inserted by Mah. 28 of 2022, s. 3.
3 Section 26 was substituted by Mah. 28 of 2022, s. 4.
4 Sub-section (*1*) was substituted for the original by Mah. 45 of 1983, s. 2(*a*).
5 The *Explanation* was inserted by Mah. 16 of 2013, s. 16(*a*).
6 Sub-section (*1A*) was deleted by Mah. 28 of 2022, s. 5(*1*).
7 These words were substituted for the words "only the person whose name stands first in the share certificate, shall have the right to vote," by Mah. 27 of 1969, s. 8(*b*).
8 Sub-sections (*3*) and (*3A*) were substituted for sub-section (*3*) by Mah. 41 of 2000, s. 2.
9 This word was deleted by Mah. 28 of 2022, s. 5(*2*).
10 This proviso was added by Mah. 16 of 2013, s. 16(*d*).



(*4*) A company or any other body corporate constituted under any law for the time being in force which has invested any part of its funds in the shares of a society may appoint any one of its directors or officers to vote on its behalf in the affairs of such society; and accordingly such director or officer shall have the right to vote on behalf of the company or body corporate.

(*5*) Where a firm has invested any part of its funds in the shares of a society, any one of its partners [1][appointed by the firm] shall be entitled to vote in the affairs of the society on behalf of the firm.

(*6*) A local authority or public trust which has invested any part of its funds in the shares of a society, may appoint any of its members or trustees, to vote on its behalf in the affairs of that society; and accordingly such persons shall have the right to vote on behalf of the local authority or the public trust, as the case may be.

(*7*) In the case of a federal society, the voting rights of individual members thereof shall be such as may be regulated by the rules made under this Act and by the by-laws of the society.

(*8*) No nominal [2][* *] [3][* *] member shall have the right to vote [4][, and no such member shall be eligible to be a member of a committee or for appointment as a representative of the society on any other society].

[5][(9) No nominee of the Government or any financing bank on the committee of any society shall be entitled to vote at any election of officers of such committee such as, the President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or any other officer by whatsoever designation called, who holds the office by virtue of his election to that office.]

[6][7][If a member has taken a loan from the society, such member shall, whenever he is a defaulter, as provided in the *Explanation* to clause (*i*) of sub-section (*1*) of section 73CA, have no right to vote in the affairs of the society :]

Provided that, a member shall not be deemed to be a defaulter, if he has discharged his obligation to deliver his marketable produce to the marketing or processing society and the value of such produce is not less than the amount of his dues, even if the actual settlement of his dues, either in whole or in part, takes place at a later stage.

(*11*) The agricultural credit society may issue suitable orders for the purpose of carrying out the provisions of sub-section (*10*)].

[8][* * * * *]

**28. Restrictions on holding of shares.—** In any society, [9][no member, other than the Government, or any other society, or with the previous sanction of the State Government a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), shall—]

(*a*) hold more than such portion of the total share capital of the society (in no case exceeding one-fifth thereof) as may be prescribed, or

(*b*) have or claim any interest in the shares of the society exceeding [10][twenty thousand rupees]:

1 These words were inserted by Mah. 33 of 1963, s. 5.
2 The word "associate" was deleted by Mah. 27 of 1969, s. 8(*c*).
3 The words "or sympathiser" were deleted by Mah. 16 of 2013, s. 16(*d*).
4 These words were added by Mah. 27 of 1969, s. 8(*c*).
5 Sub-section (*9*) was substituted by Mah. 7 of 1997, s. 5.
6 Sub-sections (*10*) and (*11*) were added by Mah. 3 of 1974, s. 6.
7 This portion was substituted for the portion beginning with the words "In the case of" and ending with the words, "of the society" by Mah. 16 of 2013, s. 16(*e*).
8 Sub-section (*12*) was deleted by Mah. 16 of 2013, s. 16(*f*).
9 This portion was substituted for the words "no member other than the State Government or any other society, shall—" by Mah. 27 of 1969, s. 9.
10 These words were substituted for the words "five thousand rupees" by Mah. 20 of 1986, s. 16.



Provided that the State Government may, by notification in the *Official Gazette*, specify in respect of any class of societies a higher or lower maximum than one-fifth of the share capital or, as the case may be, a higher or lower amount than [1][twenty thousand rupees.]

**29. Restrictions on transfer or charge of share or interest.—** (*1*) Subject to the provisions of the last preceding section as to the maximum holding of shares and to any rules made in this behalf, a transfer of, or charge on, the share or interest of a member in the share capital of a society shall be subject to such conditions as may be prescribed.

(*2*) A member shall not transfer any share held by him or his interest in the capital or property of any society, or any part thereof, unless—

(*a*) he has held such share or interest for not less than one year ;

(*b*) the transfer is made to a member of the society or to a person whose application for membership has been accepted [2][by the society, or to a person whose appeal under section 23 of the Act has been allowed by the Registrar ; or to a person who is deemed to be a member under sub-section (*1A*) of section 23].

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), where a member is allowed to resign, or is expelled, or ceases to be a member on account of his being disqualified by this Act or by the rules made thereunder or by the by-laws of the society, the society may acquire the share or interest of such member in the share capital by paying for it at the value determined in the manner prescribed, provided that the total payment of share capital of a society in any financial year for such purposes does not exceed ten per cent. of the paid-up share capital of the society on the last day of the financial year immediately preceding.

*Explanation*[3][*I*].— The right to forfeit the share or interest of any expelled member in the share capital by virtue of any by-laws of the society, shall not be affected by the aforesaid provision.

[4][*Explanation II*.— In this section, the expression "financial year" means the year ending on the [5][31st day of March] or, in the case of any society or class of societies the accounts of which are with the previous sanction of the Registrar balanced on any other day, the year ending on such day.]

(*4*) Where the State Government is a member of a society, the restrictions contained in this section shall not apply to any transfer made by it of its share or interest in the capital of the society; and that Government may, notwithstanding anything in this Act, withdraw from the society its share capital at any time, after giving to the society notice thereof of not less than three months.

**30. Transfer of interest on death of member.—** (*1*) On the death of a member of a society, the society shall transfer the share or interest of the deceased member to a person or persons nominated in accordance with the rules or, if no person has been so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member :

Provided that, such nominee, heir or legal representative, as the case may be, is duly admitted as a member of the society:

Provided further that, nothing in this sub-section or in section 22 shall prevent a minor or a person of unsound mind from acquiring by inheritance or otherwise, any share or interest of a deceased member in a society.

(*2*) Notwithstanding anything contained in sub-section (*1*), any such nominee, heir or legal representative, as the case may be, may require the society to pay to him the value of the share or interest of the deceased member, ascertained in accordance with the rules.

(*3*) A society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

1 These words were substituted for the words "five thousand rupees" by Mah. 20 of 1986, s. 16.

2 This portion was substituted for the words "by the society" by Mah. 20 of 1986, s. 17.

3 The *Explanation* was renumbered as *Explanation I* and *Explanation II* was added by Mah. 33 of 1963, s. 6.

4 The *Explanation* was renumbered as *Explanation I* and *Explanation II* was added by Mah. 33 of 1963, s. 6.

5 These figures, letters and words were substituted for the figures, letters and words "30th June" by Mah. 13 of 1994, s. 3.



(*4*) All transfers and payments duly made by a society in accordance with the provisions of this section, shall be valid and effectual against any demand made upon the society by any other person.

**31. Share or interest not liable to attachment.—** The share or interest of a member in the capital of a society, or in the loan-stock issued by a housing society, or in the funds raised by a society from its members by way of savings deposit, shall not be liable to attachment or sale under any decree or order of a Court for or in respect of any debt or liability incurred by the member ; and accordingly, neither the Official Assignee under the Presidency-towns Insolvency Act, 1909 (III of 1909), nor a Receiver under the Provincial Insolvency Act, 1920 (V of 1920), nor any such person or authority under any corresponding law for the time being in force, shall be entitled to or have any claim on, such share or interest.

**32. Rights of members to see books, etc.—** (*1*) Every member of a society shall be entitled to inspect, free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of the Act, the rule, and the by-laws, the last audited annual balance sheet, the profit and loss account, a list of the members of the committee, a register of members, the minutes of general meetings, minutes of committee meetings and those portions of the books and records in which his transactions with the society have been recorded.

(*2*) A society shall furnish to a member, on request in writing and on payment of such fees as may be prescribed therefor, a copy of any of the documents mentioned in the foregoing sub-section within one month from the date of payment of such fees.

[1]**[32A. Certain societies to give pass books to members and entries in such book evidence of amount due.—** (*1*) A society which gives loans to its members [2][or a society or class of societies which

the State Government may notify in the *Official Gazette*, from time to time,] shall furnish each member with a pass book, which shall contain an account of the transactions with the member, such as, the date of the transaction, the amount of loan advanced, the rate of interest, the repayment made by the member, the amount of the principal and interest due, and such other particulars as may be prescribed. The necessary entries shall be made in the pass book, from time to time, which shall be countersigned by such office-bearer of the society as may be authorised in his behalf by the committee. For this purpose, [3][the member] shall be bound to present the pass book to such office-bearer, and if the pass book is required to be kept for some time for making the necessary entries, the member shall be granted a receipt therefor, by such office-bearer.

(*2*) The entries in the pass book duly made shall, until the contrary be proved, be *prima facie* evidence of the account of transactions of the society with the member.]

**33. Liability of past member and estate of deceased member.—** (*1*) Subject to the provisions of sub-section (*2*), the liability of a past member, or of the estate of a deceased member, of a society for the debts of the society as they stood,—

(*a*) in the case of a past member, on the date on which he ceased to be a member, and

(*b*) in the case of a deceased member, on the date of his death, shall continue for a period of two years from such date.

(2) Where a society is ordered to be wound up under any provision of this Act, the liability of a past member or of the estate of a deceased member, who ceased to be a member or died, within two years immediately preceding the date of the order of winding up, shall continue until the entire liquidation proceedings are completed ; but such liability shall extend only to the debts of the society as they stood on the date of his ceasing to be a member or death, as the case may be.

**34. Insolvency of members.—** Notwithstanding anything contained in the Presidency-towns Insolvency Act, 1909 (III of 1909), the Provincial Insolvency Act, 1920 (V of 1920), or any corresponding law for the time being in force, the dues of a society from a member, in insolvency proceedings against him, shall rank in order of priority next to the dues payable by him to Government or to a local authority.

1 Section 32A was inserted by Mah. 3 of 1974, s. 7.

2 These words were inserted by Mah. 20 of 1986, s. 18(*a*).

3 These words were substituted for the words "the depositor" by Mah. 20 of 1986, s. 18(*b*).



**35. Expulsion of members.—** (*1*) A society may, by resolution passed [1][ by a majority of not less than three-fourths] of the members entitled to vote who are present at a general meeting held for the purpose, expel a member for acts which are detrimental to the interest or proper working of the society :

Provided that, no resolution shall be valid, unless the member concerned is given an opportunity of representing his case to the general body, and no resolution shall be effective unless it is approved by the Registrar.

(*2*) No member of a society who has been expelled under the foregoing sub-section shall be eligible for re-admission as a member of that society, or for admission as a member of any other society, for a period of one year from the date of such expulsion :

Provided that, the Registrar may, on an application by the Society and in special circumstances, sanction the re-admission or admission, within the said period, of any such member as a member of the said society or of any other society, as the case may be.

## CHAPTER IV

### INCORPORATION,DUTIES AND PRIVILEGES OF SOCIETIES

**36. Societies to be bodies corporate.—** The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to acquire, hold and dispose of property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all such things as are necessary for the purpose for which it is constituted.

**37. Address of societies.—** Every society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent; and the society shall send notice in writing to the Registrar of any change in the said address, within thirty days thereof.

**38. Register of members.—** (*1*) Every society shall keep a register of its members, and enter therein the following particulars, that is to say,—

(*a*) the name, address and occupation of each member ;

(*b*) in the case of a society having share capital, the share held by each member ;

(*c*) the date on which each person was admitted a member ;

(*d*) the date on which any person ceased to be a member ; and

(*e*) such other particulars as may be prescribed :

Provided that, where a society has by or under this Act, permitted a member to transfer his share or interest on death to any person, the register shall also show against the member concerned the name of the person entitled to the share or interest of the member, and the date on which the nomination was recorded.

(*2*) The register shall be *prima facie* evidence of the date on which any person was admitted to membership, and of the date on which he ceased to be a member.

**39. Copy of Act, etc., to be open to inspection.—** Every society shall keep, at the registered address of the society, a copy of this Act and the rules and of its by-laws, and a list of members, open to inspection to the public, free of charge, during office hours or any hours fixed by the society therefor.

**40. Admissibility of copy of entry as evidence.—** (*1*) A copy of any entry in any book, register or list, regularly kept in the course of business and in the possession of a society, shall, if duly certified in such manner as may be prescribed, be admissible in evidence of the existence of the entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.

(*2*) In the case of such societies, as the State Government may by general or special order direct, no officer of a society shall in any legal proceedings to which the society is not a party, be compelled to produce any of the society's books, the contents of which can be proved under the foregoing sub-section,

1 These words were substituted for the words "by three-fourths majority" by Mah. 33 of 1963, s. 7.



or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

**41. Exemption from compulsory registration of instruments relating to shares and debentures of society.—** Nothing in clauses (*b*) and (*c*) of sub-section (*1*) of section 17 of the Indian Registration Act, 1908 (XVI of 1908), shall apply—

(*a*) to any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immovable property; or

(*b*) to any debentures issued by any society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property, or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(*c*) to any endorsement upon, or transfer of, any debentures issued by any society.

**42. Power to exempt from taxation [1][; power to refund].—**[2][(*1*)] The State Government by notification in the *Official Gazette* may, in the case of any society or class of societies, [3][reduce or remit, whether prospectively or retrospectively, in the whole of the State or any part thereof]—

(*a*) the stamp duty with which, under any law relating to stamp duty for the time being in force, instruments executed by or on behalf of a society or by an officer or member thereof, and relating to

the business of the society, or any class of such instruments, or awards of the Registrar [4][or Co-operative Court] under this Act, are respectively chargeable,

(*b*) any fee payable by or on behalf of a society under the law relating to the registration of documents and to court-fees, for the time being in force, and

(*c*) any other tax or fee or duty (or any portion thereof) payable by or on behalf of a society under any law for the time being in force, which the State Government is competent to levy.

[5][(*2*) The State Government may refund the amount of any tax, fee or duty paid in pursuance of any law referred to in sub-section (*1*) in such circumstances, to such extent and subject to such terms and conditions, if any, as the State Government may by order determine.]

**43. Restrictions on borrowings.—**[6][(*1*)] A society shall receive deposits and loans from members and other persons, only to such extent, and under such conditions, as may be prescribed, or specified by the by-laws of the society :

[7][Provided that, the co-operative credit structure entity shall adopt its own policies regarding interest rates on deposits and loans in conformity with [8][guidelines of the Reserve Bank of India or the National Bank.]

[9][(*2*) If in the opinion of the Registrar it is necessary so to do for ensuring safety of the funds obtained under sub-section (*1*), for proper utilisation of such funds in furtherance of the objects of the society or societies concerned and for keeping them within the borrowing limits as laid down in the rules and by-laws, the Registrar may, by general or special order, impose additional conditions on any society or class of societies, subject to which and the extent upto which such society or such class of societies may receive deposits, issue debentures or raise loans from any creditor other than a Central Bank] :

1 These words were added by Mah. 40 of 1972, s. 2(*3*).
2 Section 42 was renumbered as sub-section (*1*) by Mah. 40 of 1972, s. 2(*1*).
3 These words were substituted for the word "remit" by Mah. 40 of 1972, s. 2(*1*).
4 These words were substituted for the words "or his nominee or board of nominees" by Mah. 3 of 1974, s. 8. 5 This sub-section was added by Mah. 40 of 1972, s. 2(*2*).
6 Section 43 was renumbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 33 of 1963, s. 8. 7 This proviso was added by Mah. 11 of 2008, s. 8(*a*).
8 These words were substituted for the words "the Reserve Bank of India guidelines" by Mah. 16 of 2013, s. 17(*a*).
9 Section 43 was renumbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 33 of 1963, s. 8.



[1][Provided that, nothing in this sub-section shall apply to a society which has not taken any financial assistance from the Government in the form of share capital, loan [2][, subsidy] or guarantee and such society may adopt its own borrowing policy having regard to its financial position. However, such society shall send to the Registrar, in writing, full details about its borrowing policy, and change, if any, introduced in such policy at any time:]

[3][Provided further that, nothing in this sub-section shall apply to the co-operative credit structure entity. However, such entity may adopt its own policy in conformity with [4][guidelines of the Reserve Bank of India or the National Bank.]]

[5][(3) Notwithstanding anything contained in sub-sections (*1*) and (*2*), and subject to the guidelines issued by the Reserve Bank of India and the National Bank, from time to time, a co-operative credit structure entity may,—

(*a*) borrow from any financial institution regulated by the Reserve Bank of India, keeping in view the interest of the society and its members;

(*b*) decide interest rates on deposits and loans; and

(*c*) decide loan policies and issues relating to individual loans.]

**44. Regulation of loan making policy.—** (*1*) No society shall make a loan to any person other than a member or on the security of its own shares, or on the security of any person who is not a member:

Provided that, with the special sanction of the Registrar, a society may make loans to another society.

(*2*) Notwithstanding anything contained in the foregoing sub-section, a society may make a loan to a depositor on the security of his deposit.

(*3*) If in the opinion of the State Government, it is necessary in the interest of the society or societies concerned to do so, the State Government may, by general or special order, prohibit, restrict or regulate the lending of money by any society or class of societies on the security of any property :

[6][Provided that, the Registrar may, for ensuring safety of the funds of the society or societies concerned, for proper utilisation of such funds in furtherance of their objects and for keeping them within the loan making limits laid down in the rules and by-laws, with the approval of the Apex Bank, by general or special order, regulate further the extent, conditions and manner of making loans by any society or class of societies to its members or other societies:]

[7][Provided further that, nothing in this section shall apply to the loan making policy made by the co-operative credit structure entity. However, such entity shall adopt its own policy in conformity with [8][guidelines of the Reserve Bank of India or National Bank.]]

[9]**[44A. Limit on interest in certain cases.—** Notwithstanding anything contained in any agreement or any law for the time being in force, a society [10][(including a co-operative bank and a Co-operative Agriculture and Rural Multipurpose Development Bank)] shall not for any loan (including rehabilitation loan but excluding long-term loan for irrigation or agricultural development purposes or loan exceeding [11][rupees ten thousand] for non-agricultural [12][* *] purposes) given by it to any member (including a member-society) for a period not exceeding 15 years, whether the loan was given before or is given after the commencement of the Maharashtra Co-operative Societies (Second

1 This proviso was added by Mah. 34 of 2001, s. 4.

2 This word was inserted by Mah. 16 of 2013, s. 17(*b*)(*i*).

3 This proviso was added by Mah. 11 of 2008, s. 8(*b*).

4 These words were substituted for the words "Reserve Bank of India guidelines" by Mah. 16 of 2013, s. 17(*b*)(*ii*). 5 Sub-section (*3*) was added by Mah. 11 of 2008, s. 8(*c*).

6 This proviso was added by Mah. 33 of 1963, s. 9.

7 This proviso was added by Mah. 11 of 2008, s. 9.

8 These words were substituted for the words "the Reserve Bank of India guidelines" by Mah. 16 of 2013, s. 18. 9 Section 44A was substituted by Mah. 20 of 1986, s. 19.

10 These brackets and words were substituted for the brackets and words "(including a Co-operative Bank but excluding an Agriculture and Rural Development Bank)" by Mah. 41 of 2005, s. 3(*a*).

11 These words were substituted for the words "rupees three thousand" by Mah. 16 of 2013, s. 19(*a*).

12 The words "or commercial" were deleted by Mah. 16 of 2013, s. 19(*b*).



Amendment) Act, 1985 (Mah. XX of 1986), recover, in any manner whatsoever, on account of interest, a sum greater than the amount of the principal of the loan:]

[1][Provided that, nothing in this section shall apply to a loan exceeding one lakh rupees given by a Co-operative Agriculture and Rural Multipurpose Development Bank to any member.]

**45. Restrictions on other transactions with non-members.—** Save as is provided in this Act, the transactions of a society with persons other than members, shall be subject to such restrictions, if any, as may be prescribed.

**46. Charge and set-off in respect of share or interest of member.—** A society shall have a charge upon the share or interest in the capital, and on the deposits, of a member or past member or deceased member, and upon any dividend, bonus or profits payable to any such member, in respect of any debt due from such member or his estate to the society; and the society may set-off any sum credited or payable to such member in or towards payment of any such debt:

Provided that, no co-operative bank shall have a charge upon any sum invested with it by a society out of the provident fund established by it under section 71, or its reserve fund; and no co-operative bank shall be entitled to set-off any such sum towards any debts due from the society.

**47. Prior claim of society.—** (*1*) Notwithstanding anything in any other law for the time being in force, but subject to any prior claim of Government in respect of land revenue or any money recoverable

as land revenue and to the provisions of sections 60 and 61 of the Code of Civil Procedure, 1908 (V of 1908),—

(*a*) any debt or outstanding demand, owing to a society by any member or past member or deceased member, shall be a first charge,

(*i*) upon the crops or other agricultural produce raised in whole or in part whether with or without a loan taken from the society by such member or past member or deceased member,

(*ii*) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or workshop, godown or place of business, supplied to or purchased by such member or past member or deceased member, in whole or in part, from any loan whether in money or goods made to him by the society, and

(*iii*) upon any movable property which may have been hypothecated, pledged or otherwise mortgaged by a member with the society, and remaining in his custody;

(*b*) any outstanding demands or dues payable to a society by any member or past member or deceased member, in respect of rent, shares, loans or purchase money or any other rights or amounts payable to such society, shall be a first charge upon his interest in the immovable property of the society.

*Explanation*.— The prior claim of Government in respect of dues other than land revenue, shall be restricted for the purpose of sub-section (*1*) to the assets created by a member out of the funds in respect of which the Government has a claim.

(*2*) No property or interest in property, which is subject to a charge under the foregoing sub-section, shall be transferred in any manner without the previous permission of the society; and such transfer shall be subject to such conditions, if any, as the society may impose.

(*3*) Any transfer made in contravention of sub-section (*2*) shall be void.

(*4*) Notwithstanding anything contained in sub-sections (*2*) and (*3*), a society, which has as one of its objects the disposal of the produce of its members, may provide in its by-laws, or may otherwise contract with its members,—

(*a*) that every such member shall dispose of his produce through the society, and

1 This proviso was added by Mah. 41 of 2005, s. 3(*b*).



(*b*) that any member, who is found guilty of a breach of the by-law or of any such contract, shall reimburse the society for any loss, determined in such manner as may be specified in the by-laws.

**48. Charge on immovable property of members borrowing from certain societies.—** Notwithstanding anything contained in this Act or in any other law for the time being in force,—

(*a*) any person who makes an application to a society of which he is a member, for a loan shall, if he owns any land or has interest in any land as a tenant, make a declaration in the form prescribed. Such declaration shall state that the applicant thereby creates a charge on such land or interest specified in the declaration for the payment of the amount of the loan which the society may make to the member in pursuance of the application, and for all future advances (if any) required by him which the society may make to him as such member, subject to such maximum as may be determined by the society, together with interest on such amount of the loan and advances;

(*b*) any person who has taken a loan from a society of which he is a member, before the date of the coming into force of this Act, and who owns any land or has interest in land as a tenant, and who has not already made such a declaration before the aforesaid date shall, as soon as possible thereafter, make a declaration in the form and to the effect referred to in clause (*a*); and no such person shall, unless and until he has made such declaration, be entitled to exercise any right as a member of the society ;

(*c*) a declaration made under clause (*a*) or (*b*) may be varied at any time by a member, with the consent of the society in favour of which such charge is created ;

(*d*) no member shall alienate the whole or any part of the land or interest therein, specified in the declaration made under clause (*a*) or (*b*) until the whole amount borrowed by the member together with interest thereon, is repaid in full :

Provided that, it shall be lawful to a member to execute a mortgage bond [1][in respect of such land or any part thereof in favour of [2][a Co-operative Agriculture and Rural Multipurpose Development Bank] or of the State Government] under the Bombay Canal Rules made under the [3]Bombay Irrigation Act, 1879 (Bom. VII of 1879) or under any corresponding law for the time being in force for the supply of water from a canal to such land, or to any part thereof :

Provided further that, if a part of the amount borrowed by a member is paid, [4][the society with the approval of the Central Bank to which it may be indebted] may, on an application from the member, release from the charge created under the declaration made under clause (*a*) or (*b*), such part of the movable or immovable property specified in the said declaration, as it may deem proper, with due regard to the security of the balance of the amount remaining outstanding from the member;

(*e*) any alienation made in contravention of the provisions of clause (*d*) shall be void ;

(*f*) [5][subject to all claims of the Government in respect of land revenue or any money recoverable as land revenue, and all claims of the [6][Co-operative Agriculture and Rural Multipurpose Development Bank] in respect of its dues, in either case whether prior in time or subsequent,] and to the charge (if any) created under an award made under the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947) or any corresponding law for the time being in force in any part of the State, there shall be a first charge in favour of the society on the land or interest specified in the declaration made under clause (*a*) or (*b*), for and to the extent of the dues owing [7][by the member] on account of the loan;

1 These words were substituted for the words "in favour of a mortgage bank or the State Government in respect of such land or any part thereof," by Mah. 33 of 1963, s. 10(*a*)(*i*).

2 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 4(*a*). 3 *See* now the Maharashtra Irrigation Act, 1976 (Mah. 38 of 1976).

4 These words were substituted for the words "the Central Financing Agency" by Mah. 33 of 1963, s. 10(*a*)(*ii*). 5 These words were substituted for the portion beginning with "subject to" and ending with "in respect of its dues," by Mah. 12 of 1966, s. 2(*a*).

6 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 4(*b*). 7 These words were substituted for the words "by him," by Mah. 12 of 1966, s. 2(*b*).



(*g*) and in particular, notwithstanding anything contained in [1][Chapter X of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966)] the Record of Rights maintained thereunder shall also include the particulars of every charge on land or interest created under a declaration under clause (*a*) or (*b*) [2][and also the particulars of extinction of such charge.]

*Explanation*.— For the purposes of this section, the expression "society" means—

(*i*) any resource society, the majority of the members of which are agriculturists and the primary object of which is to obtain credit for its members, or

(*ii*) any society, or any society of the class of societies specified in this behalf by the State Government, by a general or special order.

[3]**[48A. Deductions from sale price of certain agricultural produce to meet society's dues.—** (*1*) [4][Where a loan has been advanced by any society in accordance with the last preceding section for the growing of any agricultural produce, or has been advanced by any other society which is [5][a Co-operative Agriculture and Rural Multipurpose Development Bank] for any of the purposes enumerated in clause (*a*) of section 111, and if in either case any agricultural produce is tendered by the person who has taken any such loan] for sale at a collection centre under section 30A of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), on any day then the price agreed to be paid therefor shall be paid by the purchaser to the tenderer after deducting the dues of [6][the societies mentioned]

aforesaid [7][* * * *] and the amount so deducted shall be paid to the Market Committee constituted under that Act as provided in that section. On making payment to the tenderer and the Market Committee in the manner provided in the aforementioned section 30A the purchaser shall be discharged of his liability to pay the price to the tenderer.

[8][The amount of the deduction on account of loans advanced by societies shall [9][be made at such rate as may be notified by the State Government in this behalf by general or special order, so, however, that such rate shall] not in the aggregate exceed the following percentage of the total amount to be paid by the purchaser as the price, namely :—

(*i*) if the produce tendered for sale is sugarcane .. 100%

(*ii*) if the produce tendered for sale is [10][cotton] .. 60%

(*iii*) in any other case .. .. .. 40%.]

(*2*) The Market Committee on receiving the amount from the purchaser shall arrange to pay [11][to the societies concerned] the amount of dues due from the tenderer within a reasonable time to be prescribed for the purpose. If the Market Committee does not pay such dues within 8 days after the realisation of the cheque the Market Committee shall be liable to pay interest on such dues [12][to the societies concerned] at a rate prescribed in this behalf, such rate not being in excess of the maximum rate of interest fixed for unsecured loans under the [13]Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947).]

[14][(*3*) Where any such purchaser is the State Government or an agent or officer appointed by that Government, or is a processing factory notified by the State Government in this behalf by general or special order or an agent or officer appointed by such factory, the purchaser shall pay the price to the

1 These words and figures were substituted for the words, figures and letter "Chapter X-A of the Bombay Land Revenue Code, 1879 or any corresponding law for the time being in force," by Mah. 20 of 1986, s. 20(*a*).

2 These words were added by Mah. 20 of 1986, s. 20(*b*).

3 This section was inserted by Mah. 2 of 1972, s. 12.

4 This portion was substituted by Mah. 44 of 1973, s. 2(*a*)(*i*).

5 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 5(*a*).

6 These words were substituted for the words "the co-operative society mentioned" by Mah. 44 of 1973, s. 2(*a*)(*ii*). 7 The words "and to the extent hereinafter stated" were deleted by Mah. 50 of 1977, s. 3(*a*)(*i*).

8 This portion was substituted by Mah. 44 of 1973, s. 2(*a*)(*iii*).

9 These words were inserted by Mah. 50 of 1977, s. 3(*a*)(*ii*).

10 This word was substituted for the word "kapas" by Mah. 50 of 1977, s. 3(*a*)(*iii*).

11 These words were substituted for the words "to the society" by Mah. 44 of 1973, s. 2(*b*).

12 These words were substituted for the words "to the society" by Mah. 44 of 1973, s. 2(*b*).

13 Now *see* the Maharashtra Money-Lending (Regulation) Act, 2014.

14 Sub-section (*3*) was added by Mah. 44 of 1973, s. 2(*c*).



tenderer after deducting the dues of the societies mentioned aforesaid and pay the amount so deducted on behalf of the tenderer to the concerned societies direct :

Provided that, where loans have been taken by the tenderer from more than one society, the purchaser may, keeping in view the extent of the dues, on account of financing of crop or seasonal finance or finance for other agricultural purposes, repayable during a period of not less than eighteen months and not more than five years, and the extent of the dues of any [1][Co-operative Agriculture and Rural Multi-purpose Development Bank], and subject to such directions (if any) as may be issued by the State Government from time to time, determine the proportion in which the amount of deduction made shall be apportioned between the different lending societies.]

[2][*Explanation*.— For the purposes of this section, "purchaser" shall include any person who pays the purchase price of any agricultural produce tendered for sale, or by whom payment of such price is made, whether on his own account or as an agent or on behalf of another person.]

**49. Deduction from salary to meet society's claim in certain cases.—**[3][(*1*) A member of a society may execute an agreement in favour of the society, providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such total amount payable to the society and in such instalments as may be specified in the agreement, and to pay to the society the amounts so

deducted in satisfaction of any debt or other demand of the society against the member. A copy of such agreement duly attested by an officer of the society shall be forwarded by the society to the employer.]

(*2*) [4][On receipt of a copy of such agreement], the employer shall, if so required by the society by a requisition in writing and so long as the [5][total amount shown in the copy of the agreement as payable to the society has been deducted and paid to the society,] make the deduction in accordance with the agreement, and pay the amount so deducted to the society, as if it were a part of the wages payable by him as required under the Payment of Wages Act, 1936 (IV of 1936) on the day on which he makes payment.

(*3*) If after receipt of requisition made under the foregoing subsection, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to the member concerned, or makes default in remitting the amount deducted to the society, the employer shall be personally liable for the [6][payment of such amount or where the employer has made deductions but the amount so deducted is not remitted to the society, then such amount together with interest thereon at one and half times the rate of interest charged by the society to the member for the period commencing on the date on which the amount was due to be paid to the society and ending on the date of actually remitting it to the society ; and such amount together with the interest thereon, if any, shall, on a certificate issued by the Registrar, be recoverable from him as an arrear of land revenue, and the amount and interest so due shall rank in priority in respect of such liability of the employer as wages in arrears.]

(*4*) Nothing contained in this section shall apply to persons employed in any railways (within the meaning of the Constitution), and in mines and oilfields.

## CHAPTER V

### STATE AID TO SOCIETIES

**50. Direct partnership of State Government in societies.—** The State Government may subscribe directly to the share capital of a society with limited liability, upon such terms and conditions as may be agreed upon :

1 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 5(*b*). 2 This Explanation was added by Mah. 50 of 1977, s. 3(*b*).

3 Sub-section (*1*) was substituted by Mah. 20 of 1986, s. 21(*a*).

4 These words were substituted for the words "On the execution of such agreement" by Mah. 20 of 1986, s. 21(*b*)(*i*). 5 These words were substituted for the words "society does not intimate that the whole of such debt or demand has been paid," by Mah. 20 of 1986, s. 21(*b*)(*ii*).

6 This portion was substituted for the portion beginning with the words "payment thereof" and ending with the words "wages in arrears" by Mah. 20 of 1986, s. 21(*c*).



[1][Provided that, in the case of the co-operative credit structure entity, the State Government shall not hold more than 25% of the total share capital and the entity shall have option to further reduce the share capital contributed by the Government.]

**51. Indirect partnership of State Government in societies.—** The State Government may, under appropriation made by law, provide moneys to a society for the purchase directly or indirectly, of shares in other societies with limited liability. (A society to which money are so provided for the aforesaid purpose is hereinafter in this Chapter referred to as an "Apex society.")

**52. Principal State Partnership Fund.—** (*1*) An Apex society which is provided with moneys as aforesaid shall, with such moneys, establish a Fund to be called the "Principal State Partnership Fund".

(*2*) An Apex society shall utilise the Principal State Partnership Fund for the purpose of— (*a*) directly purchasing shares in other societies with limited liability ;

(*b*) providing moneys to a society to enable that society (hereinafter in this Chapter referred to as a "Central society") to purchase share in other societies with limited liability (the latter societies being hereinafter in this Chapter referred to as "Primary societies") ;

(*c*) making payments to the State Government in accordance with the provisions of this Chapter ;

and for no other purpose.

**53. Subsidiary State Partnership Fund.—** (*1*) A Central society which is provided with moneys by an Apex society from the Principal State Partnership Fund shall, with such moneys, establish a Fund to be called the "Subsidiary State Partnership Fund".

(*2*) A Central society shall utilise the Subsidiary State Partnership Fund for the purpose of— (*a*) purchasing shares in Primary societies ;

(*b*) making payments to the Apex society in accordance with the provisions of this Chapter ; and for no other purpose.

**54. Approval of State Government for purchase of shares.—** Shares shall not be purchased in a society from the moneys in the Principal State Partnership Fund or the Subsidiary State Partnership Fund, except with the previous approval of the State Government.

**55. Liability to be limited in respect of certain shares.—** Where any shares are purchased in a society by—

(*a*) the State Government ; or

(*b*) an Apex society from the Principal State Partnership Fund, or a Central Society from the Subsidiary State Partnership Fund, as the case may be ;

the liability in respect of such share shall, in the event of the society of which the shares are purchased [2][being wound up], be limited to the amount paid in respect of such shares.

**56. Restriction on amount of dividend.—** An Apex society which has purchased shares in other societies from the moneys in the Principal State Partnership Fund, and a Central society which has purchased shares in Primary societies from the moneys in the Subsidiary State Partnership Fund, shall be entitled only to such dividend on the said shares as is declared by the society concerned and is payable to other shareholders of that society.

**57. Indemnity of Apex and Central societies.—** (*1*) If a society in which shares are purchased from the Principal State Partnership Fund is wound up, or is dissolved, the State Government shall not have any claim against the Apex society which purchased the shares in respect of any loss arising from such purchase ; but the State Government shall be entitled to any moneys received by the Apex society in liquidation proceedings or on dissolution, as the case may be.

1 This proviso was added by Mah. 11 of 2008, s. 10.

2 These words were substituted for the words "is wound up" by Mah. 33 of 1963, s. 11.



(*2*) If a society in which shares are purchased from the Subsidiary State Partnership Fund is wound up or dissolved, neither the State Government nor the Apex society shall have any claim against the Central society which purchased the shares, in respect of any loss arising from such purchase ; but the Apex society shall be entitled to any moneys received by the Central society in liquidation proceedings or on dissolution, as the case may be, and such moneys shall be credited to the Principal State Partnership Fund.

**58. Disposal of share capital and dividend, etc.—** (*1*) All moneys received by an Apex society in respect of shares of other societies purchased from the moneys in the Principal State Partnership Fund on redemption of such shares, or by way of dividends or otherwise, shall be credited to that Fund.

(*2*) All moneys received by a Central society in respect of shares of Primary societies purchased from the moneys in the Subsidiary State Partnership Fund on redemption of such shares, or by way of dividends or otherwise, shall in the first instance be credited to that Fund, and then transferred to the Apex society which shall credit them to the Principal State Partnership Fund.

(*3*) All moneys and dividends referred to in sub-sections (*1*) and (*2*) shall, notwithstanding that the share stand in the name of the Apex society or the Central society, as the case may be, be paid to the State Government.

(*4*) Save as provided in sub-section (*3*), the State Government shall not be entitled to any other return on the moneys provided by it to an Apex society under section 51.

**59. Disposal of Principal or Subsidiary State Partnership Fund on winding up of Apex or Central society.—** (*1*) If an Apex society which has established a Principal State Partnership Fund is

wound up or dissolved, all moneys to the credit of, or payable to that Fund, shall be paid to the State Government.

(*2*) If a Central society which has established a Subsidiary State Partnership Fund is wound up or is dissolved, all moneys to the credit of, or payable to that Fund shall be paid and credited to the Principal State Partnership Fund from which it received moneys under clause (*b*) of sub-section (*2*) of section 52.

**60. Principal or Subsidiary State Partnership Fund not to form part of assets.—** Any amount to the credit of a Principal State Partnership Fund or a Subsidiary State Partnership Fund shall not form part of the assets of the Apex society or the Central society, as the case may be.

**61. Agreement by State Government and Apex societies.—** Subject to the foregoing provisions of this Chapter—

(*a*) the State Government may enter into an agreement with an Apex society setting out the terms and conditions on which it shall provide moneys to the Apex society for the purpose specified in section 51 ;

(*b*) an Apex society may, with the previous approval of the State Government, enter into an agreement with a Central society, setting out the terms and conditions on which it shall provide moneys to that society form the Principal State Partnership Fund for the purpose specified in clause (*b*) of sub-section (*2*) of section 52.

**62. Other forms of State aid to societies.—** Notwithstanding anything contained in any law for the time being in force, but subject to such conditions as the State Government by general or special order may specify in this behalf, the State Government may,—

(*a*) give loans to a society ;

(*b*) guarantee the payment of the principal of debentures issued by a society, or of interest thereon, or both, or the repayment of the share capital of a society to its members, or the payment of dividends thereon at such rates as may be specified by the State Government ;

(*c*) guarantee the repayment of loans given by a Co-operative Bank to a society ;

(*d*) guarantee the repayment of the Principal of, and payment of interest on, loans and advances given by the Reserve Bank of India, or the Industrial Finance Corporation of India, or any other authority constituted under any law for the time being in force ; or



(*e*) provide financial assistance, in any other form (including subsidies), to a society [1][, including a co-operative credit structure entity].

**63. Provisions of this Chapter to override other laws.—** The provisions of sections 51 to 61 (both inclusive) in this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

## CHAPTER VI

### PROPERTY AND FUNDS OF SOCIETIES

**64. Funds not to be divided.—** No part of the funds, other than [2][the dividend equalisation or bonus equalisation funds as may be prescribed or] the net profits of a society, shall be paid by way of bonus or dividend, or otherwise distributed among its members :

Provided that, a member may be paid remuneration on such scale as may be laid down by the by-laws, for any services rendered by him to the society.

**65. [3][Ascertainment and appropriation of profits.]—**[4][(*1*) A society shall construct its relevant annual financial statements and arrive at its consequent net profit or loss in the manner prescribed.]

(*2*) A society may appropriate [5][its net profits] to the reserve fund or any other fund, to payment of dividends to members on their shares, [6][* * * * * * *] to the payment of bonus on

the basis of support received from members and persons who are not members to its business, to payment of honoraria, and towards any other purpose which may be specified in the rules or by-laws:

Provided that, no part of the profits shall be appropriated except with the approval of the annual general meeting and in conformity with the Act, rules and by-laws.

[7][Provided further that, the profits of the society shall be appropriated with the approval of the Committee in the financial year 2020-2021 [8][and year 2021-2022] and the same shall be laid in the annual general body meeting of a society held thereafter for ratification.]

**66. Reserve Fund.—** (*1*) Every society which does, or can, derive a profit from its transactions, shall maintain a reserve fund.

(*2*) [9][Every society shall carry at least one-fourth of the net profits each year to the reserve fund;] and [10][such reserve fund may, subject to the rules made in this behalf, if any, be used] in the business of the society or may, subject to the provisions of section 70, be invested, as the State Government may by general or special order direct, or may, with the previous sanction of the State Government, be used in part for some public purpose likely to promote the objects of this Act, or some such purpose of the State, or of local interest:

[11][Provided that, the Registrar may, having regard to the financial position of any society or class of societies, fix the contribution to be made to the reserve fund under this sub-section at a lower rate, but not lower than one-tenth of the net profits of the society or societies concerned.]

1 These words were inserted by Mah. 16 of 2013, s. 20.

2 These words were inserted by Mah. 33 of 1963, s. 12.

3 This marginal note was substituted by Mah. 20 of 1986, s. 22(*b*).

4 Sub-section (*1*) was substituted by Mah. 20 of 1986, s. 22(*a*).

5 These words were substituted for the words "its profits" by Mah. 33 of 1963, s. 13(*b*).

6 The portion beginning with the words "to the contribution" and ending with the words "by the State Government" was deleted by Mah. 27 of 1969, s. 10(*b*).

7 This Proviso was added by Mah. 31 of 2020, s. 2.

8 These words, Figures and sign were inserted by Mah. 5 of 2022, s. 2.

9 These words were substituted for the portion beginning with the words "In the case of" and ending with the words "to the reserve fund" by Mah. 33 of 1963, s. 14(*a*).

10 These words were substituted for the words "such reserve fund may be used" by Mah. 3 of 1974, s. 10.

11 This proviso was added by Mah. 33 of 1963, s. 14(*b*).



[1]**[67. Restrictions on dividend.—** No society shall pay dividend to its members at a rate exceeding [2][15 per cent. except with the prior sanction of the Registrar :]]

[3][Provided that, the primary agricultural credit co-operative society shall pay dividend to its members as per the guidelines issued by the Registrar, in accordance with criteria specified by the National Bank.]

[4]**[68. Contribution to education fund of the State federal society.—** (*1*) [5][Every society not being co-operative credit structure entity shall contribute annually towards the education fund of the State federal society which may be notified in this behalf by the State Government at such rate as may be prescribed, and different rates may be prescribed for different societies or classes of societies depending on their financial condition.

[6][* * * * * * * *]

(*2*) Every society shall pay its contribution to the said fund, [7][within three months after the close of the co-operative year.] Any officer wilfully failing to comply with the requirement of this section, shall be personally liable for making good the amount to the federal society notified as aforesaid.]

[8][(*3*) Where any society fails to pay the contribution within the period specified in sub-section (*2*), the amount of contribution due shall be recoverable as an arrear of land revenue and on the State federal society making a report of such failure to the Registrar, the Registrar shall, after making such inquiry as he deems fit, grant a certificate for recovery of the amount due as an arrear of land revenue.]

[9][(*4*) With effect from the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013), the provisions of sub-sections (*1*) to (*3*) shall cease to be in force.

(*5*) Notwithstanding anything contained in sub-section (*4*), any amount due on the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013), shall be recoverable as an arrear of land revenue and upon the request of the State federal society, the Registrar shall, after making such inquiry as he deems fit, grant a certificate for recovery of the amount due as an arrear of land revenue.]]

**69. Contribution to public purposes.—** After providing for the reserve fund as provided in section 66, and for the [10][funds towards co-operative education and training as provided in section 24A], a society may set aside a sum not exceeding twenty per cent. of its net profits, and utilise, with the approval of such federal society as may be notified by the State Government in this behalf from time to time, the whole or part of such sum in contributing to any co-operative purpose, or to any charitable purpose within the meaning of section 2 of the Charitable Endowments Act, 1890 (VI of 1890), or to any other public purpose.

[11]**[69A. Constitution of Co-operative District Cadre of Secretaries and establishment of Employment Fund for such Cadre.—** (*1*) There shall be constituted a Co-operative District Cadre of Secretaries of the Primary Agricultural Co-operative Credit Societies (hereinafter in this section referred to as "the Co-operative District Cadre") consisting of persons recruited for this purpose by the District Supervision Co-operative Society. The number of persons to be recruited in the Co-operative District Cadre and their conditions of service shall be determined by the District Supervision Co-operative

1 Section 67 was substituted by Mah. 20 of 1986, s. 23.

2 These figures and words were substituted for the figures and words "12 per cent. except with the previous sanction of the State Government" by Mah. 13 of 1994, s. 4.

3 This proviso was added by Mah. 11 of 2008, s. 11.

4 Section 68 was substituted for the original by Mah. 27 of 1969, s. 11.

5 These words were substituted for the words "Every society" by Mah. 27 of 1969, s. 12.

6 The proviso was deleted by Mah. 3 of 1974, s. 11.

7 These words were substituted for the words "within two months from the date on which its accounts are adopted by the general body of members" by Mah. 20 of 1986, s. 24(*a*).

8 This sub-section was added by Mah. 20 of 1986, s. 24(*b*).

9 Sub-sections (*4*) and (*5*) were inserted by Mah. 16 of 2013, s. 21.

10 These words, figures and letter were substituted for the words and figures "the educational fund as provided in section 68" by Mah. 16 of 2013, s. 22.

11 This section was inserted by Mah. 19 of 2024, s. 2.



Society in accordance with such general or special guidelines, if any, as may be issued by the State Government, in this behalf, from time to time.

(*2*) A District Supervision Co-operative Society may, from time to time, depute any person appointed by it to work under any society referred to in sub-section (*1*) as it may consider necessary. Where any such person is posted to work under any society, his services shall be taken over by the society on such post, for such period and on such other terms and conditions, as the District Supervision Co-operative Society may determine. The person so posted shall draw his salary and allowances from the Fund established under sub-section (*4*).

(*3*) The immediate initial supervisory control on the person appointed in the Co-operative District Cadre and deputed or posted to work as a Secretary under each of the societies referred to in sub-section (*1*) shall vest with the society concerned. Such society shall follow the bye-laws of the District Supervision Co-operative Society regarding the terms and conditions of services of Secretaries.

(*4*) A District Supervision Co-operative Society shall establish a Fund to be called "the Co-operative District Cadre Employment Fund" and it shall be utilised for meeting the expenses on the salaries, allowances and other emoluments to be paid to the persons appointed to the Co-operative District Cadre and the other expenditure relating to the Cadre.

(*5*) Every society, which derives any benefit directly from the service of any Secretary belonging to the Co-operative District Cadre shall contribute to the said Fund at such rate and in such manner as may be prescribed by the State Government. In determining the rate of contribution, the State Government shall take into consideration the expenditure referred to in sub-section (*4*), the services likely to be rendered, the financial condition of the societies, including the loans disbursed and outstanding and other non-credit activities undertaken by the concerned society.

(*6*) The State Government may make rules regulating all matters connected with or ancillary to the custody and maintenance of, the payment of money into, and the expenditure and withdrawal of money from, the said Fund.]

[1]**[69B. Constitution of District Level and State Level Committees.—** The State Government shall constitute District Level Committees and the State Level Committee, from time to time, as it shall deem fit, for solving the problems of Group Secretaries in the State.]

[2]**[70. Investment of funds.—**[3][A society] shall invest or deposit its funds in one or more of the following :—

[4][(*a*) in a District Central Co-operative Bank or the State Co-operative Bank, having awarded at least "A" Audit Class in last three consecutive years;]

(*b*) in any of the securities specified in section 20 of the Indian Trusts Act, 1882 (II of 1882);

(*c*) in the shares, or security bonds, or debentures, issued by any other society with limited liability and having the same classification to which it belongs;

[5][(*d*) in any other mode permitted by the rules, or by general or special order in that behalf by the State Government:]

Provided that, no society shall invest more than such proportion of it's paid up share capital as may be prescribed:

Provided further that, the co-operative credit structure entity shall invest its funds subject to guidelines as may be issued, from time to time, by the Reserve Bank of India.]

**71. Employees' Provident Fund.—** (*1*) Any society may establish for its employees a provident fund, into which shall be paid the contributions made by its employees and by the society. Such provident fund shall not be used in the business of the society, nor shall it form part of the assets of the society; but

1 Section 69B was inserted by Mah. 11 of 2008, s. 14.

2 Section 70 was substituted by Mah. 11 of 2008, s. 15.

3 These words were substituted for the words "Every Society other than the co-operative credit structure entity" by Mah. 16 of 2013, s. 24(*a*).

4 Clause (*a*) was substituted by Mah. 16 of 2013, s. 24(*b*).

5 Clause (*d*) was inserted by Mah. 16 of 2013, s. 24(*c*).



shall be invested under the provisions of the last preceding section, and shall be administered in the manner prescribed.

(*2*) Notwithstanding anything contained in the foregoing sub-section, a provident fund established by a society to which the Employees' Provident Funds Act, 1952 (XIX of 1952) is applicable shall be governed by that Act.

[1]**[71A. Funds not to be utilised for certain proceedings filed or taken by or against officers in personal capacities.—**[2][(*1*)] No expenditure from the funds of a society shall be incurred for the purpose of defraying the costs of any proceedings filed or taken by or against any officer of the society in his personal capacity [3][under section 78, 78A or 96]. If any question arises whether any expenditure can be so incurred or not, such question shall be referred to and decided by the Registrar, and his decision shall be final.

[4][(*2*) If any person incurs expenditure in violation of sub-section (*1*), the Registrar shall direct the person to repay the amount to the society within one month and where such person fails to repay the

amount as directed, such amount shall, on a certificate issued by the Registrar, be recoverable as arrears of land revenue.

(*3*) The person against whom action is taken by the Registrar under sub-section (*2*) shall be disqualified to continue to be the officer of any society or to be officer of any society at any next election including any next bye-election held immediately after the expiration of a period of one month during which such person has failed to pay the amount referred to in sub-section (*2*).]]

## CHAPTER VII

### MANAGEMENT OF SOCIETIES

**72. Final authority of society.—** Subject to the provisions in this Act and the rules, the final authority of every society shall vest in the general body of members in general meeting, summoned in such a manner as may be specified in the by-laws.

[5][Where the by-laws of a society so provide, the general meeting shall be attended by delegates appointed by the members, and such meeting shall be deemed to be the meeting of the general body, for the purpose of exercising all the powers of the general body.]

[6]**[72A. Freedom of affiliation or disaffiliation with a federal structure of choice.—** Notwithstanding anything contained in this Act or any other law for the time being in force, the co-operative credit structure entity shall have the liberty for the affiliation or disaffiliation with the federal structure of its choice :

Provided that, in the general meeting of the co-operative credit structure entity, a resolution for this purpose is passed by a majority of not less than 3/4th of the total members of such entity.]

**73. Committee, its powers and functions.—**[7][(*1*)] The management of every society shall vest in a committee, constituted in accordance with this Act, the rules and by-laws, which shall exercise such powers and perform such duties as may be conferred or imposed respectively by this Act, the rules and the by-laws.

[8][(*1AB*) The members of the committee shall be jointly and severally responsible for all the decisions taken by the committee during its term relating to the business of the society. The members of

1 Section 71A was inserted by Mah. 3 of 1974, s. 12.

2 Section 71A was renumbered as sub-section (*1*) of that section and sub-sections (*2*) and (*3*) were added by Mah. 20 of 1986, s. 26.

3 These words, figures and letter were substituted for the words, figures and letter "under sections 78, 96 or 144-T" by Mah. 16 of 2013, s. 25.

4 Section 71A was renumbered as sub-section (*1*) of that section and sub-sections (*2*) and (*3*) were added by Mah. 20 of 1986, s. 26.

5 This portion was added by Mah. 3 of 1974, s. 13.

6 Section 72A was inserted by Mah. 11 of 2008, s. 16.

7 Section 73 was renumbered as sub-section (*1*) by Mah. 20 of 1986, s. 27.

8 Sub-section (*1AB*) was inserted by Mah. 41 of 2000, s. 3.



the committee shall be jointly and severally responsible for all the acts and omissions detrimental to the interest of the society:

[1][* * * * *]

Provided that, before fixing any responsibility mentioned above, the Registrar shall inspect the records of the society and decide as to whether the losses incurred by the society are on account of acts or omissions on the part of the members of the committee or on account of any natural calamities, accident or any circumstances beyond the control of such members :

Provided further that, any member of the committee, who does not agree with any of the resolution or decision of the committee, may express his dissenting opinion which shall be recorded in the proceedings of the meeting and such member shall not be held responsible for the decision embodied in the said resolution or such acts or omissions committed by the committee of that society as per the said resolution. Such dissenting member, if he so desires, may also communicate in writing his dissenting note

to the Registrar [2][within fifteen days, from the date of the said resolution or decision or from the date of confirmation of the said resolution or decision]. Any member, who is not present for the meeting in which the business of the society is transacted, and who has not subsequently confirmed the proceeding of that meeting, such member shall also not be held responsible for any of the business transacted in that meeting of the society.]

[3][(*1A*) Notwithstanding anything contained in this Act, the rules made thereunder or in the by-laws of any society or class of societies,—

(*a*) the first general meeting of a society shall be convened within [4][three months from the date of its registration or reconstruction, as the case may be] to appoint a provisional committee and to transact other business as may be prescribed. The term of the members of such provisional committee shall be for a period of one year from the date on which it has been first appointed or till the date on which a regular committee is duly constituted in accordance with the provisions of the rules or by-laws made under this Act, whichever is earlier ; and all the members of such provisional committee shall vacate office on the date of expiry of such period or such constitution of the committee ;

(*b*) notwithstanding anything contained in clause (*a*), the provisional committees for the Co-operative Sugar Factories and Co-operative Spinning Mills and such other class of society, as the State Government may, by special or general order, in the *Official Gazette*, specify in this behalf, shall be appointed by the State Government ; and the members thereof shall hold office for a period of three years, which period may be extended by one year, at a time, so however that, the total period shall not exceed five years, in the aggregate :

Provided that, the State Government shall have the power to change or reconstitute such committee or, any or all members thereof at its discretion even before the expiry of the period for which a member or members were nominated thereon :

Provided further that, the member or members assuming office on such change or re-constitution of the committee shall hold office for the period for which the provisional committee has been appointed under this clause ;

(*c*) pending the first constitution of the committee of a society, the provisional committee of the society shall exercise the powers and perform the duties of the committee of such society as provided in this Act, the rules and bye-laws and make necessary arrangements for holding election of the committee, before the expiry of its term.]

1 The portion beginning with the words "Every such member" and ending with the words "of the committee" was deleted by Mah. 16 of 2013, s. 26(*a*).

2 These words were substituted for the words "within seven days from the date of the said resolution or decision" by Mah. 16 of 2013, s. 26(*b*).

3 Sub-section (*1A*) was inserted by Mah. 13 of 1994, s. 5.

4 These words were substituted for the words "three months from the date of its registration" by Mah. 42 of 2023, s. 2.



[1][* * * * *]

[2][* * * * *]

[3]**[73-ID. Motion of no confidence against officers of societies.—**[4][(*1*) An officer who holds office by virtue of his election to that office shall cease to be such officer, if a motion of no-confidence is passed at a meeting of the committee by two-third majority of the total number of committee members who are entitled to vote at the election of such officer and his office shall, thereupon be deemed to be vacant.

(*2*) The requisition for such special meeting shall be signed by not less than one-third of the total number of members of the committee who are entitled to elect the officer of the committee and shall be delivered to the Registrar. The requisition shall be made in such form and in such manner as may be prescribed :

Provided that, no such requisition for a special meeting shall be made within a period of six months from the date on which any of the officers referred to in sub-section (*1*) has entered upon his office.]

(*3*) The Registrar shall, within seven days from the date of receipt of the requisition under sub-section (*2*), convene a special meeting of the committee. The meeting shall be held on a date not later than fifteen days from the date of issue of the notice of the meeting.

(*4*) The meeting shall be presided over by the Registrar or such officer not below the rank of an Assistant Registrar of Co-operative Societies authorised by him in this behalf. The Registrar or such officer shall, when presiding over such meeting, have the same powers as the President or Chairman when presiding over a committee meeting has, but shall not have the right to vote.

(*5*) The meeting called under this section shall not, for any reason, be adjourned.

(*6*) The names of the committee members voting for and against the motion shall be read in the meeting and recorded in the minute book of committee meetings.

(*7*) If the motion of no-confidence is rejected, no fresh motion of no-confidence shall be brought before the committee within a period of [5][one year] from the date of such rejection of the motion.]

[6]**[73A. Disqualification for being designated Officer simultaneously of certain [7][categories of] societies [8][* * *].—** (*1*) In this section and in sections 73C, 73D and 73E, 'a designated Officer' means the Chairman and the President, and includes any other Officer of the society as may be declared by the State Government, by notification in the *Official Gazette*, to be a designated Officer, but does not include any officer appointed or nominated by the State Government or by the Registrar.

(*2*) No person shall, at the same time, be or continue to be, a designated officer of more than one society falling in Category I or Category II or Category III of the categories mentioned below ; and shall not be or continue to be designated officer in more than two societies in the aggregate in the three categories :—

*Category I*.— Societies, the area of operation of which does not extend to the whole of the State.

[9][*Category II*.— Societies, the area of operation of which does not extend to the whole of the State,—

1 Sub-sections (*2*) and (*3*) were deleted by Mah. 16 of 2013, s. 26(*b*).

2 Sections 73-IA (which was inserted by 45 of 1983, s. 3), 73-IB and 73-IC (which were inserted by Mah. 20 of 1986, s. 28) were deleted by Mah. 16 of 2013, s. 27.

3 Section 73-IB to 73-ID were inserted by Mah. 20 of 1986, s. 28.

4 Sub-sections (*1*) and (*2*) were substituted by Mah. 16 of 2013, s. 28.

5 These words were substituted for the words "six months" by Mah. 7 of 1997, s. 6(*c*).

6 Sections 73A to 73G were inserted by Mah. 27 of 1969, s. 12.

7 These words were substituted for the word "specified" by Mah. 20 of 1986, s. 29(*f*).

8 The words "or for being designated officer of the same society for more than ten years" were deleted by Mah. 30 of 2007, s. 2(*b*).

9 Categories II and III were substituted for the original Categories II and III by Mah. 27 of 1996, s. 2.



(*a*) but extends to at least one whole district irrespective of their authorised share capital; or

(*b*) but extends to areas comprised in part or parts in one or more districts and the authorised share capital of which is more than Rs. 10 Lakhs.

*Category III*.— Societies, the area of operation of which does not extend to one whole district but extends at least to one whole taluka, or the authorised share capital of which is not more than Rs.10 Lakhs but is not less than Rs. 5 Lakhs.]

[1][*Explanation*.— For the purposes of this sub-section, the expression "society" shall not include a society with no share capital and a society not engaged in commercial activities.]

[2][(*2A*) If any question arises whether or not a society falls under any of the categories referred to in sub-section (*2*), such question shall be referred to and decided by the Registrar, and his decision shall be final.]

[3][* * * * * * *]

(*4*) If any person becomes, at the same time, [4][* * * * *] a designated officer of societies in excess of the number prescribed under sub-section (*2*), unless he resigns his office in the society or societies in excess of the said number within a period of [5][ten days] from the date on which he is [6][elected, co-opted or nominated] a designated officer of more than the permissible number of society or societies, or if the [7][elections, co-options or nominations] are held or made simultaneously, from the date on which the result of last of such elections or appointments is declared, he shall, at the expiration of the said period of [8][ten days], cease to be a designated officer of all such societies, [9][and thereupon, notwithstanding anything contained in any provision of this Act, a person so resigning or ceasing to be a designated officer of any or all such societies shall not be eligible for being [10][re-elected, re-co-opted or re-nominated as a designated officer of such society or societies during the remainder of the term of office for which he was so elected or appointed; and at no point of time such person shall be a designated officer of societies in excess of the number prescribed under sub-section (*2*).]

[11][* * *]

[12][* * *]

[13][(*7*) Where a person is elected, co-opted or nominated as a member of committee of any society by virtue of his holding office under the Central Government or the State Government or in any local authority or in any body corporate or in any organisation, he shall cease to be such member on the date on which he ceases to hold such office.

(*8*) No member of a society, who is nominated to represent it on any other society, shall be eligible for being elected, co-opted or nominated as a designated officer of the other society, unless the other society is its federal society.

(*9*) In the case of such class or classes of societies as may be specified by the State Government, nominated as a designated officer, if he [14][* * *] does not fulfill the minimum qualification relating to his monetary transactions with the society as may be laid down, in such notification.]

1 This *Explanation* was inserted by Mah. 20 of 1986, s. 29(*a*).
2 Sub-section (*2A*) was inserted by Mah. 3 of 1974, s. 14.
3 Sub-section (*3*) was deleted by Mah. 20 of 1986, s. 29(*b*).
4 The words "after the commencement of the said Act" were deleted by Mah. 20 of 1986, s. 29(*c*).
5 These words were substituted for the words "ninety days" by Mah. 10 of 1988, s. 11(*a*).
6 These words were substituted for the words "elected or appointed" by Mah. 16 of 2013, s. 29(*b*)(*i*).
7 These words were substituted for the words "election or appointments" by Mah. 16 of 2013, s. 29(*b*)(*ii*).
8 These words were substituted for the words "ninety days" by Mah. 10 of 1988, s. 11(*a*).
9 This portion was inserted by Mah. 10 of 1988, s. 11(*b*).
10 These words were substituted for the words "re-elected or re-appointed" by Mah. 16 of 2013, s. 29(*b*)(*iii*).
11 Sub-section (*5*) was deleted by Mah. 30 of 2007, s. 2(*9*).
12 Sub-section (*6*) was deleted by Mah. 16 of 2013, s. 29(*c*).
13 Sub-sections (*7*), (*8*) and (*9*) were inserted by Mah. 16 of 2013, s. 29(*d*).
14 These words were deleted by Mah. 28 of 2022, s. 6.



[1]**[73AAA. Constitution of committee.—** (*1*) The Committee shall consist of such number of members as may be provided in the by-laws :

Provided that, the maximum number of members of the committee shall not exceed twenty-one:

[2][Provided further that, in case of an apex society and, in exceptional circumstances, in case of any other society, the Registrar may increase the number of members of the committee upto twenty-five with the prior approval of the State Government:]

[3][Provided also that], the provisions of the Banking Regulation Act, 1949 (10 of 1949), shall apply to all the societies carrying the business of banking.

(*2*) The committee may co-opt "expert directors" relating to the objects and activities undertaken by the society:

Provided that, the number of expert directors shall not exceed two, which shall be in addition to the maximum number of members of the committee as specified in the first proviso of sub-section (*1*) :

[4][Provided further that, the Committee may nominate one person as a functional director:

Provided also that, in the case of such societies or class of societies, as the State Government may by general or special order notify, where the number of permanent salaried employees of the society is twenty five or more, the committee shall include,—

(*i*) where the committee consists of not more than eleven members, one representative of the employees of the society ; and

(*ii*) where the committee consists of more that eleven members and not more than twenty-one members, two representatives of the employees of the society.

Such representatives of the employees shall be selected by the union or unions recognised under the Maharashtra Industrial Relations Act (XI of 1947), or the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (Mah. I of 1972), from amongst the employees of the society. Where there is no such recognised union or unions or where there is no union at all or where there is a dispute in relation to such issues including whether a union is recognised or not, then such representatives of the employees shall be elected by the employees of the society from amongst themselves in the prescribed manner. No employee who is under suspension shall be eligible for being selected or elected or for being continued as a member of the committee under this proviso :

Provided also that, the representative of the employees selected or elected as per the provisions of the third proviso shall have the right to take part in the meetings of the committee, but shall have no right to vote therein:]

[5][Provided also that, [6][in respect of society, excluding the Housing Society, having assistance of the Government in the form of share capital, loan, guarantee, grant, the Government land or any other form whether cash or kind], the committee shall also include following two members nominated by the Government, namely :—

(*i*) one Government Officer not below the rank of the Assistant Registrar of Co-operative Societies, and

(*ii*) one person having such requisite experience relating to the work of the society and such qualifications, as may be specified by the Government, by an order published in the *Official Gazette*:]

[7][* * *]

1 Section 73AAA was inserted by Mah. 16 of 2013, s. 30.

2 This proviso was inserted by Mah. 28 of 2022, s. 7(*1*).

3 These words were substituted for the words "Provided further that" by Mah. 28 of 2022, s. 7(*ii*).

4 These provisos were substituted for second proviso by Mah. 36 of 2016, s. 3(*a*).

5 This proviso was substituted for third proviso by Mah. 36 of 2016, s. 3(*b*).

6 These words were substituted for the words "in respect of the society having contribution of the Government towards it's share capital" by Mah. 64 of 2018, s. 2.

7 Forth proviso was deleted by Mah. 36 of 2016, s. 3(*c*).



Provided also that, the functional directors and the members nominated by the State Government under the third proviso of a society shall also be the members of the committee and such members shall be excluded for the purposes of counting the total number of members of the committee specified in the first proviso to sub-section (*1*):

Provided also that, such expert directors shall not have the right to vote at any election of the society and shall not be eligible to be elected as office bearers of the committee.

(*3*) The term of the office of the elected members of the committee and its office bearers shall be five years from the date of election and the term of the office bearers shall be co-terminus with the term of the

committee [1][and on the expiry of the term of the committee, the members shall be deemed to have vacated their offices as members of the committee].

[2][Provided that, if the term of office of the elected members of the committee and its office bearers has expired, and if the election to the committee of the society could not be held due to [3][* * *] the orders issued by the Government, from time to time, or any reason not attributable to the members of the committee of the society, such members and office bearers of the committee shall be deemed to have continued as members and office bearers of the committee till new committee is duly constituted:]

[4][[5][Provided further that], if the election to the Committee of the society could not be held for any reason not attributable to the members of the Committee of such Society, the existing members of the Committee shall be deemed to have continued till new committee is duly constituted.]

(*4*) Any casual vacancy in the committee may be filled in from amongst the members belonging to the same category of persons in respect of which a casual vacancy has arisen.

(*5*) (*a*) If, at any general election of members of the committee, the committee could not be constituted after declaration of results, then notwithstanding anything contained in this Act or the rules or the by-laws of the society, the returning officer or any other officer or authority conducting such election shall, within seven days of the declaration of two-thirds or more number of members, forward their names together with their permanent addresses to the Registrar, who shall, within fifteen days from the date of receipt thereof by him, publish or cause to be published such names and addresses by affixing a notice on the Notice Board or at any prominent place in his office ; and upon such publication the committee of the society shall be deemed to be duly constituted. In determining two-thirds of the number of members, fraction shall be ignored:

Provided that, such publication shall not be deemed,—

(*i*) to preclude the completion of elections of the remaining members and the publication of their names and the permanent addresses of the elected members likewise as and when they are available ; or

(*ii*) to affect the term of the office of members of the committee under the Act ;

(*b*) the names of the remaining members after they are elected (together with their permanent addresses), may also thereafter be likewise published by the Registrar.]

[6][* * *]

[7]**[73-B. [8][Reservation of certain seats on committees of societies and election thereto].—** (*1*) Notwithstanding anything contained in this Act or in the rules made thereunder or in any bye-laws of

1 These words were added by Mah. 50 of 2018, s. 2.

2 This proviso was inserted with effect from 24th March 2020 by Mah. 6 of 2022, s. 2(*i*).

3 The words "imposition of lockdown in the state in view of the covid-19 Pandemic," were deleted by Mah. 26 of 2023, s. 2.

4 This Proviso was added by Mah. 27 of 2020, s. 3.

5 These words were substituted for the words "Provided that" by Mah. 6 of 2022, s. 2(*ii*).

6 Section 73-AA and 73-AB were deleted by Mah. 16 of 2013, s. 31.

7 Section 73-B was substituted for the original by Mah. 45 of 1983, s. 5.

8 Marginal note was substituted by Mah. 6 of 2002, s. 32(*f*).



any society, on the committee of such society or class of societies as the State Government may, by general or special order, direct, [1][2][three seats] shall be reserved,—

(*a*) one for the members belonging to the Scheduled Castes or Scheduled Tribes ; [3][* *]

[4][(*a-1*) one for the members belonging to the Other Backward Classes ; [5][and]

(*a-2*) one for the members belonging to the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes or Special Backward Classes ;]

[6][* *]

[7][* *]

[8][* *]

(*3*) Any individual member of the society, or any elected member of the committee of a member-society, or any member of the committee of a member-society, whether elected, co-opted or appointed under this section, belonging to the Scheduled Castes or Scheduled Tribes [9][or Other Backward Classes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Special Backward Classes,] [10][* *] shall be eligible to contest the election to a reserved seat and every person who is entitled to vote at the election to the committee shall be entitled to vote at the election to any such reserved seat.

[11][(*4*) Where no person is elected to any of the three reserved seats, then such seat or seats shall be filled in by nomination from amongst the persons entitled to contest the election under sub-section (*3*)];

*Explanation*.— For the purposes of this section,—

(*a*) a general or special order, if any, issued by the State Government under section 73-B as it existed before the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 1983 (Mah. XLV of 1983) shall be deemed to have been issued under sub-section (*1*) of this section and shall continue to be in force until duly repealed or amended ;

(*b*) the expression " Scheduled Castes " includes "*Nav-Boudhas*"

[12][* * * * * * * * *]

[13][(*b-1*) the expression "Other Backward Classes, De-notified Tribes (*Vimukta Jatis*) and Nomadic Tribes and Special Backward Classes" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes, De-notified Tribes (*Vimukta Jatis*) and Nomadic Tribes and Special Backward Classes ;]

[14][* * *]

[15][* * *]

[16]**[73C. Reservation for women.—** (*1*) Notwithstanding anything contained in this Act, or in the rules made thereunder, or in the by-laws of any society, there shall be two seats reserved for women on

1 This word was substituted for the word "two" by Mah. 6 of 2002, s. 2(*a*)(*i*), w.e.f. 23rd April 2001.
2 These words were substituted for the words "four seats" by Mah. 16 of 2013, s. 32(*a*)(*i*).
3 The word "and" was deleted by Mah. 6 of 2002, s. 2(*a*)(*ii*), w.e.f. 23rd April 2001.
4 The clauses (*a-1*) and (*a-2*) were inserted by Mah. 6 of 2002, s. 2(*a*)(*ii*), w.e.f. 23rd April 2001.
5 This word was added by Mah. 16 of 2013, s. 32(*a*)(*ii*).
6 The word "and" was deleted by Mah. 16 of 2013, s. 32(*a*)(*iii*).
7 Clause (*b*) was deleted by Mah. 16 of 2013, s. 32(*a*)(*iv*).
8 Sub-section (*2*) was deleted by Mah. 16 of 2013, s. 32(*b*).
9 These words were inserted by Mah. 6 of 2002, s. 2(*c*) w.e.f. 23rd April 2001.
10 The words "or as case may be, weaker section," were deleted by Mah. 16 of 2013, s. 32(*c*).
11 Sub-section (*4*) was substituted by Mah. 16 of 2013, s. 32(*d*).
12 The words "and the expression "Scheduled Tribes" includes "De-notified Tribes and Nomadic Tribes" were deleted by Mah. 6 of 2002, s. 2 (*e*)(*i*), w.e.f. 23rd April 2001.
13 Clause (*b-1*) was inserted by Mah. 6 of 2002, s. 2(*e*), w.e.f. 23rd April 2001.
14 Clause (*c*) was deleted by Mah. 16 of 2013, s. 32(*e*).
15 Section 73-BB and 73-BBB were deleted by Mah. 16 of 2013, s. 33.
16 Section 73C was substituted by Mah. 16 of 2013, s. 34.



the committee of each society consisting of individuals as members and having members from such class or category of persons, to represent the women members.

(*2*) Any individual woman member of the society, or any woman member of the committee of a member-society, whether elected, co-opted or nominated, shall be eligible to contest the election to the seat reserved under sub-section (*1*).

(*3*) Where no woman member or, as the case may be, women members are elected to such reserved seats, then such seat or seats shall be filled in by nomination from amongst the women members eligible to contest the election under sub-section (*2*).

(*4*) Nothing in this section shall apply to a committee of a society exclusively of women members.]

[1]**[73-CA].** [2]**[Disqualification of committee and its members.].—**[3][(*A-1*) In the case of a society, which gives loans to members for purchasing machinery, implements, equipments, commodities or other goods, or which deals in such goods, no member, who or whose member of the family is a dealer in such goods or is a director of a company or a partner in a firm carrying on business in such goods, in the area of operation of the society shall be eligible for being elected or nominated as a member of the committee of such society.

*Explanation*.— For the purposes of this sub-section, the expression "family" shall have the same meaning as explained in the *Explanation I*, to sub-section (*2*) of section 75.]

(*1*) Without prejudice to the other provisions of this Act or the rules made thereunder in relation to the disqualification of being a member of a committee, no person shall be eligible for being appointed, nominated, elected, co-opted or, for being a member of a committee, if he—

(*i*) is a defaulter of any society;

*Explanation*.— For the purposes of this clause, the term "defaulter" includes—

(*a*) in the case of a primary agricultural credit society, a member who defaults the repayment of the crop loan on the due date;

(*b*) in the case of term lending society, a member who defaults the payment of any instalment of the loan granted to him;

(*c*) in the case of any society,—

(*i*) a member who has taken *anamat* or advance; or

(*ii*) a member who has purchased any goods or commodities on credit or availed himself of any services from the society for which charges are payable; and fails to repay the full amount of such *anamat* or advance or pay the price of such goods or commodities or charges for such service, after receipt of notice of demand by him from the concerned society or within thirty days from the date of withdrawal of *anamat* or advance by him or from the date of delivery of goods to him or availing of services by him, whichever is earlier;

(*d*) in the case of non-agricultural credit societies, a member who defaults the payment of any instalment of the loan granted ;

(*e*) in the case of housing societies, a member who defaults the payment of dues to the society within three months from the date of service of notice in writing served by post under certificate of posting demanding the payment of dues ;

[4][(*f*) in the case of District Central Co-operative Bank or of the State Co-operative Bank, a member, if he,—

(*i*) is a person who represents a society other than a primary agricultural credit co-operative society on the board of a District Central Co-operative Bank or the State

1 Section 73-FF was re-numbered as section 73CA by Mah. 16 of 2013, s. 36. 2 The marginal note was substituted by Mah. 16 of 2013, s. 36(*d*).

3 Sub-section (*A1*) was inserted by Mah. 16 of 2013, s. 36(*a*).

4 Paragraph (*f*) was inserted by Mah. 16 of 2013, s. 36(*b*)(*i*).



Co-operative Bank, if the society to whom he represents has committed a default towards the payments of such Bank for a period exceeding ninety days;

(*ii*) is a person who is a defaulter of a primary agricultural credit co-operative society or is an office bearer of a defaulting primary agricultural co-operative credit society;

(*iii*) is a person who represents a society whose Managing Committee is superseded.]

(*ii*) has, in the opinion of the Registrar, deliberately committed breach of co-operative discipline with reference to linking up of credit with co-operative marketing or co-operative processing ; or

[1][* * * *]

(*iii*) has been held responsible under section 79 or 88 or has been held responsible for payment of costs of inquiry under section 85; or

(*iv*) has incurred any disqualification under this Act or the rules made thereunder [2][or by-laws of the society]; or

[3][(*v*) carries on business of the kind carried on by the society either in the area of operation of the society or in contravention of the provisions of [4][clause (*b*) of sub-section (*A1*)] ; or]

[5][* * * * * *]

(*vi*) is a salaried employee of any society (other than a society of employees themselves) or holds any office of profit under any society, except when he holds or is appointed to the office of a Managing Director or any other office declared by the State Government by general or special order not to disqualify its holder or is entitled to be [6][or is nominated as functional director on the committee of a society under sub-section (*2*) of section [7][73AAA]];

[8][(*vii*) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2001 (Mah. XXXIX of 2001) (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

*Explanation*.— For the purposes of this clause,—

(*a*) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity;

(*b*) "child" does not include an adopted child or children.]

[9][(*viii*) is held guilty for any offence under section 146 and convicted under section 147 ; or

1 Clause (*ii-a*) was deleted, by Mah. 28 of 2022, s. 8(*1*).

2 These words were inserted by Mah. 28 of 2022, s. 8(*2*).

3 Clause (*v*) was substituted by Mah. 31 of 2007, s. 3.

4 These words, brackets, letters and figures were substituted by the words, brackets, letters and figures "sub-section (*2*) of section 73F" by Mah. 16 of 2013, s. 36(*b*)(*iii*)(*A*).

5 These *Explanation* was deleted by Mah. 16 of 2013, s. 36(*b*)(*iii*)(*B*).

6 These words, brackets, figures and letter were substituted for the words, letters and figures "or is selected or elected to any reserved seat on the committee of a society under section 73BB" by Mah. 16 of 2013, s. 36(*b*)(*iv*).

7 These figures and letters was substituted for figures and letter "73A" by Mah. 36 of 2016, s. 4.

8 Clause (*vii*) was added by Mah. 34 of 2001, s. 6.

9 Clauses (*viii*) and (*ix*) were added by Mah. 16 of 2013, s. 36(*b*)(*v*).



(*ix*) is convicted with imprisonment of not less than one year for an offence under the provisions of any law for the time being in force.]

(*2*) A member who has incurred any disqualification under sub-section (*1*), shall cease to be a member of the committee and his seat shall thereupon be deemed to be vacant.

[1][(*3*) A member of a committee who has ceased to be a member thereof, on account of having incurred disqualification under sub-section (*A1*) and clauses (*i*) to (*ix*) of sub-section (*1*) shall not be

eligible to be re-elected, re-co-opted or re-nominated as a member of the committee till the expiry of the period of next term of five years of the committee from the date on which he has so ceased to be a member of the committee.

[2][(*3A*) In case of an insured Co-operative Bank, if an order for supersession of its Committee, as per the requisition of the Reserve Bank of India, is made under section 110A, [3][* * *] then no member of such Committee shall be eligible for being re-appointed, re-nominated, re-elected or re-co-opted on the Committee of such bank or, for being a member, or for being appointed, nominated, elected or co-opted, as a member of Committee of such bank or any other bank, for a period of two terms of the Committee from the date of order of supersession of the Committee.]

(*4*) A member of a committee who has ceased to be a member thereof, on account of having incurred any disqualification other than disqualifications, referred to in sub-section (*3*) shall, unless otherwise specifically provided in this Act, be eligible to be re-nominated, re-co-opted or re-elected as a member of the committee as soon as such disqualification ceases to exist.]

[4]**[73CB. State Co-operative Election Authority.—** (*1*) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to a society shall vest in the authority called as 'the State Co-operative Election Authority', as may be constituted by the State Government in that behalf. Every general election of the members of the committee and election of the office-bearers of a society including any casual vacancy, to the extent applicable, shall be held as per the procedure prescribed.

(*2*) The State Co-operative Election Authority shall consist of a State Co-operative Election Commissioner, who has held the post not below the rank of Secretary to the State Government. The State Co-operative Election Commissioner shall be appointed by the Governor. The State Co-operative Election Commissioner shall hold the office for a period of three years and he may be re-appointed for a further period of two years. The office of the State Co-operative Election Authority shall be at such place as may be notified by the State Government:

Provided that, a person appointed as the State Co-operative Election Commissioner shall retire from the office on completion of the age of sixty-five years.

(*3*) The State Government shall appoint on deputation, any person holding a post not below the rank of Additional Registrar, as a Secretary to the State Co-operative Election Authority.

(*4*) Subject to the provisions of sub-section (*2*), other conditions of service, including the salary and allowances, of the State Co-operative Election Commissioner shall be such as may be prescribed. Subject to the provisions of sub-section (*6*), the State Co-operative Election Commissioner shall be removed from his office only by an order of the Governor on the ground of proved misbehaviour or incapacity after an inquiry ordered by the Governor and conducted by a retired Judge of the High Court, who has on inquiry, reported that the State Co-operative Election Commissioner ought to be removed on such ground.

(*5*) The Governor may suspend the State Co-operative Election Commissioner from his office, and if deemed necessary, also prohibit him from attending the office during inquiry, if an inquiry has been ordered under sub-section (*4*) until the Governor has passed the orders on receipt of the report of the retired High Court Judge.

1 Sub-sections (*3*) and (*4*) were added by Mah. 16 of 2013, s. 36(*c*). 2 Sub-sections (*3A*) was inserted by Mah. 34 of 2016, s. 2.

3 These words, brackets and figures were deleted by Mah. 28 of 2020, s. 2. 4 Section 73CB was inserted by Mah. 16 of 2013, s. 37.



(*6*) Notwithstanding anything contained in sub-section (*5*), the Governor may, by order, remove the State Co-operative Election Commissioner from his office, if he,—

(*a*) is adjudged an insolvent; or

(*b*) has been, convicted of an offence which, in the opinion of the Governor involves moral turpitude ; or

(*c*) has engaged during his term of office in any paid employment outside the duties of his office; or

(*d*) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(*e*) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Co-operative Election Commissioner.

(*7*) The State Government, after consultation with the State Co-operative Election Commissioner, shall provide the officers and employees for his office, to assist him in performing his functions under this Act.

(*8*) The State Government shall, when so requested by the State Cooperative Election Commissioner make available to the State Co-operative Election Authority such staff as may be necessary for discharge of the functions conferred on the State Co-operative Election Authority by sub-section (*1*).

(*9*) (*a*) If any person to whom sub-section (*8*) applies is, without reasonable cause, guilty of any act or omission in discharge of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(*b*) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

*Explanation*.— For the purposes of this sub-section, the expression "persons to whom sub-section (*8*) applies" are the Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other persons appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election ; and the expression "official duty" shall be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

(*10*) Notwithstanding anything contained in any law for the time being in force, the election of the committee of each society shall be conducted by the State Co-operative Election Authority before the expiry of the term of the existing committee so as to ensure that the newly elected members of the committee assume office immediately on the expiry of the office of the members of the outgoing committee.

(*11*) The State Co-operative Election Authority shall hold the elections of the society or class of societies as per the procedure, guidelines and the manner, including using the latest technology and expertise, as may be prescribed:

Provided that, the State Government may, considering the objects of the society, class of societies, area of operation and norms of business and for proper management and interest of members, may by general or special order, classify the societies in such manner as may be prescribed.

[1][Provided further that, in case of housing society having less than or up to 250 Members, the elections of the Committee shall be conducted by the said housing society in the manner as may be prescribed.]

(*12*) The State Co-operative Election Authority shall conduct elections to the committee and also to office of President or Chairperson, Vice-President or Vice-Chairperson and such other office bearers as are required to be elected as per the by-laws of the society, within fifteen days from the constitution of the committee after a general election.

1 The proviso was inserted by Mah. 23 of 2019, s. 2.



(*13*) There shall be an Election Fund maintained at level of the State Co-operative Election Authority. Every society shall deposit in advance, the estimated amount of expenditure on its election, as may be prescribed and required by the State Co-operative Election Authority towards the Election Fund. The State Co-operative Election Authority shall incur the necessary expenses, for the conduct of the elections of the societies, including the election of the office bearers, from the said fund. The expenses of

the holding of any election, including the payment of travelling allowances, daily allowances and remuneration, if any, to the persons appointed to exercise the powers and perform the duties in respect of the election, shall be incurred from the said fund and the expenditure shall be made in the manner prescribed. The Registrar, on requisition by the State Co-operative Election Authority, shall recover expenses of holding election from any such society or class of societies:

Provided that, if any society fails to pay the election expenses, the Registrar may issue the recovery certificate for recovery of the amount due and such amount shall he recovered as arrears of land revenue.

(*14*) The committee of every co-operative society shall,—

(*a*) inform the State Co-operative Election Authority about the expiry of its term of office at-least six months before the date of expiry of such term;

(*b*) inform any casual vacancy occurred in the committee or its office bearers, within fifteen days of the occurrence of such vacancy;

(*c*) furnish such books, records and information as the State Co-operative Election Authority may require as per the calendar specified by the State Co-operative Election Authority;

(*d*) provide all necessary help, assistance and co-operation for the smooth preparation of electoral rolls for the conduct of elections.

[1][(*15*) Where in respect of any society, the term of its committee has expired before the date of commencement of the Maharashtra Co-operative Society (Second Amendment) Act, 2018 (Mah. L of 2018), the election to such committee shall be held by State Co-operative Election Authority within a period of six months from the date of such commencement:

Provided that, in respect of such a society, the committee shall continue to hold the office till such a period of six months or declaration of results of election of such a society whichever is earlier:

Provided further that, in case of society doing business of banking, the requisition made or guidelines issued by the Reserve Bank of India or the National Bank shall prevail.]

[2][Provided also that, where the election of the Committee of any society which was due but has not been conducted before the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act 2020 (Mah. XXVII of 2020), then election of Committee of such society shall be conducted,—

(*a*) within six months from the date of commencement of the said Amendment Act ; or

(*b*) where the period within which such election should have been conducted is extended by the State Government by general or special order, then within six months from the date on which such extended period expires.]

[3]**[73CC. Power of State Government to postpone election.—** Where due to scarcity, drought, flood, fire or any other natural calamity or [4][rainy season or due to scarcity, drought, flood, fire, hailstorm or any other natural calamity farmers, farm labourers or other persons on large scale have suffered resulting in reduction in numbers of voters and on the implementation of any Government Scheme made for their rehabilitation, there is likelihood of increase in numbers of voters or due to] any election programme, of the State Legislative Assembly or Council or House of the People or a local authority, coinciding with the election programme of any society or class of societies, in the opinion of the State Government, it is not in the public interest to hold elections to any society or class of societies, the State Government may, notwithstanding anything contained in this Act or the rules, or bye-laws made

1 Sub-section (*15*) was substituted by Mah. 50 of 2018, s. 3.

2 This proviso was inserted by Mah. 27 of 2020, s. 3.

3 Section 73CC was inserted by Mah. 24 of 2015, s. 2.

4 These words were substituted for the words, "rainy season or" by Mah. 14 of 2020, s. 2.



thereunder, or any other law for the time being in force, for reasons to be recorded in writing, by general or special order, postpone the election of any society or class of societies, for a period not exceeding six

months at a time, which period may further be extended so, however, that, the total period shall not exceed one year in the aggregate.]

**73D. Society's nominee on other society not eligible to be designated officer, except in a federal society.—** No member of a society who is nominated to represent it on any other society, shall be eligible for being elected or appointed as a designated officer of the other society, unless the other society is its federal society.

[1][* *]

[2]**[73F. Election to more than one seat on the committee of society.—** If a person is elected to more than one seat on the committee then, unless within a period of thirty days from the date of declaration of the result of the election he resigns all but one of the seats by writing under his hand addressed to the Election Officer, or as the case may be, the officer authorised by the State Co-operative Election Authority in this regard, all the seats shall become vacant. On receipt of such resignation or on the seats becoming so vacant, the Election Officer, or as the case may be, the officer authorised by the State Co-operative Election Authority in this regard shall cause to hold the election for filling the vacancy.]

[3][* * * *]

[4][* * * *]

[5]**[73I. Responsibility of committee or the Administrators or authorised officer to intimate and assist to arrange for election, before expiry of term.—** (*1*) As provided under sub-section (*14*) of section 73CB, it shall be the duty of the committee to intimate to the State Co-operative Election Authority, for holding of its election, before expiry of its term.

(*2*) Where there is a wilful failure on the part of the committee to intimate to the State Co-operative Election Authority as required under sub-section (*1*) for holding of its election, and for any reason whatsoever, election of the members of the committee could not be held before the expiry of its term then the members thereof shall cease to hold their office and in such a situation the Registrar shall take action as contemplated under section 77A.

(*3*) On taking such action under sub-section (*2*), the authorised officer so appointed shall intimate to the State Co-operative Election Authority for holding of the election with immediate effect and assist to make necessary arrangement for holding such election within the period specified.]

[6]**[74. Qualification and appointment of Manager, Secretary and other officers of societies and of Chief Executive Officer and financial Officer for certain societies.—** (*1*) The qualifications for appointment of the Chief Executive Officer, Finance Officer, Manager, Secretary, Accountant or any other officer of a society or a class of societies and his emoluments and perquisites shall be such as may be determined by the Registrar, from time to time.

(*2*) In the society or class of societies, as the State Government may, from time to time, notify in the *Official Gazette*, there shall be a Chief Executive Officer and a Finance Officer, who shall be appointed by the society from a panel of persons selected by a body of such persons not exceeding five as may be prescribed :

[7][Provided that, the qualification for appointment of the Chief Executive Officer of the District Central Co-operative Bank and the State Co-operative Bank shall be such as may be prescribed by the Reserve Bank of India, from time to time.]

1 Sections 73E and 73EA were deleted by Mah. 16 of 2013, s. 35. 2 Section 73F was substituted by Mah. 16 of 2013, s. 38.

3 Sections 73-FFF and 73-G were deleted by Mah. 16 of 2013, s. 39. 4 Section 73H was deleted by Mah. 16 of 2013, s. 40.

5 Section 73I was inserted by Mah. 16 of 2013, s. 41.

6 Section 74 was substituted by Mah. 20 of 1986, s. 37.

7 This proviso was added by Mah. 11 of 2008, s. 20.

(*3*) The Chief Executive Officer so appointed shall be *ex-officio* member of the committee but he shall have no right to vote at the meeting of the committee].

**75.** [1]**[Annual general body meeting.]**— (*1*) Every society shall, within a period of [2][four months after the close of the financial year, get its books of accounts audited and within six months after the close of financial year to transact its business as may be provided in this Act, call the annual general body meeting of its members].

[3][Provided that, the Registrar may, in exceptional circumstances such as infectious diseases, pandemic, flood, heavy rains, droughts or earthquake, by general or special order, extend the above referred period not exceeding three months:]

[4][[5][Provided further that], for the financial year 2019-2020 [6][and year 2020-2021], the society may get its books of accounts audited within nine months from the close of its financial year and call the annual general body meeting within twelve months from the close of its financial year:]

[7][[8][Provided also that], where such meeting is not called by the society, the Registrar or any officer authorised by him may call such meeting in the manner prescribed and that meeting shall be deemed to be a general body meeting duly called by the society,] and the Registrar may order that the expenditure incurred in calling such a meeting shall be paid out of the funds of the society or by such person or persons who, in the opinion of the Registrar, were responsible for the refusal or failure to convene the general meeting.

[9][(*2*) At every annual general body meeting of a society, the committee shall lay before the society,—

(*i*) a statement showing the details of the loans, if any, given to any of the members of the committee or any member of the family of any committee member, including a society or firm or company of which such member or members of his family is a member, partner or director, as the case may be ; the details of repayment of loan made during the preceding year and the amount outstanding and overdue at the end of that year ;

(*ii*) annual report of its activities ;

(*iii*) plan for disposal of surplus ;

(*iv*) list of amendments of the by-laws of the society, if any ;

(*v*) declaration regarding date and conduct of its election of its committee, when due ;

(*vi*) audit report of the preceding financial year ;

(*vii*) rectification report of earlier audit ;

(*viii*) annual budget for next year ;

(*ix*) any other information required by the Registrar in pursuance of any of the provisions of the Act and rules ; and

(*x*) such other business, will be transacted as may be laid down in the by-laws and of which due notice has been given.

*Explanation I.*— For the purposes of this sub-section, the expression "family" means a wife, husband, father, mother, brother, sister, son, daughter, son-in-law or daughter-in-law ;

1 The marginal note was substituted by Mah. 16 of 2013, s. 42(*f*).

2 These words were substituted for the words "three months next after the date fixed for making up its accounts for the year under the rules for the time being in force, call a general meeting of its members" by Mah. 16 of 2013, s. 42(*a*)(*i*).

3 This proviso was inserted by Mah. 28 of 2022 s. 9(*1*).

4 This Proviso was added by Mah. 30 of 2020, s. 3(*a*).

5 These words were substituted for the words "Provided that" by Mah. 28 of 2022, s. 9(*2*).

6 The words, figures and sign "and year 2020-2021" were inserted by Mah. 5 of 2022, s. 3(*i*).

7 These words were substituted for the words "Provided further that" by Mah. 28 of 2022, s. 9(*3*).

8 This portion was substituted for the portion beginning with the words "Provided further that" and ending with words "duly called by the society," by Mah. 16 of 2013, s. 42(*a*)(*iii*).

9 Sub-section (*2*) was substituted by Mah. 16 of 2013, s. 42(*b*).

*Explanation II*.—In the case of a society not carrying on business for profit, an audited income and expenditure account shall be placed before the society at the annual general body meeting instead of audited profit and loss account, and all reference to audited profit and loss account, and to "profit" or "loss" in this Act, shall be construed in relation to such society as references respectively to the "excess of income over expenditure", and "excess of expenditure over income".]

[1][(*2A*) Every society shall, appoint an auditor or auditing firm from a panel approved by the State Government in this behalf in its annual general body meeting having such minimum qualifications and experience as laid down in section 81, for the current financial year and shall also file in the form of return to the Registrar, the name of the auditor appointed and his written consent for auditing the accounts of the society within a period of thirty days from the date of the annual general body meeting:

Provided that, the same auditor shall not be appointed for more than three consecutive years by the annual general body meeting of the same society.]

[2][(*2B*) The Committee shall, in the financial year 2020-2021 [3][and year 2021-2022], have the power to decide on the disposal of surplus and annual budget for the next year and to appoint an auditor or auditing firm from a panel approved by the State Government in this behalf having such minimum qualifications and experience as laid down in section 81. The decisions of the Committee in respect of the above matters shall be laid in the annual general body meeting of a society held thereafter for ratification.]

(*3*) There shall be attached to every balance sheet laid before the society in general meeting, a report by its committee, with respect to (*a*) the state of the society's affairs; (*b*) the amounts, if any, which it proposes to carry to any reserve either in such balance sheet, or any specific balance sheet; and (*c*) the amounts, if any, which it recommends, should be paid by way of dividend, bonus, or honoraria to honorary workers. The committee's report shall also deal with any changes, which have occurred during the year for which the accounts made up, in the nature of the society's business. The committee's report shall be signed by its chairman, or any other member authorised to sign on behalf of the committee.

[4][(*4*) At every annual general body meeting the audited balance sheet, the audited profit and loss account, audit report of the preceding financial year submitted by the auditor appointed under section 81, rectification report of earlier audit and the committee's report shall be placed for adoption and such other business will be transacted as may be laid down in the by-laws, and of which due notice has been given.]

(*5*) If default is made, in calling a [5][general body meeting within the period] prescribed under sub-section (*1*), or in complying [6][with sub-section (*2*), (*2A*),] (*3*) or (*4*), the Registrar may by order declare any officer or member of the committee whose duty it was to call such a meeting or comply [7][with sub-section (*2*), (*2A*),] (*3*) or (*4*), and who without reasonable excuse failed to comply with any of the aforesaid sub-sections disqualified for being elected and for being an officer or member of the committee for such period [8][not exceeding five years], as he may specify in such an order and, if the officer is a servant of the society, impose a penalty on him to [9][pay] an amount not exceeding [10][five thousand rupees]. Before making an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned of showing cause against the action proposed to be taken in regard to him.

1 Sub-section (*2A*) was inserted by Mah. 16 of 2013, s. 42(*c*).

2 Sub-section (*2B*) was inserted by Mah. 31 of 2020, s. 3.

3 The words, figures and sign "and the year 2021-2022" were inserted by Mah. 5 of 2022, s. 3(*ii*).

4 Sub-section (*4*) was substituted by Mah. 16 of 2013, s. 42(*d*).

5 These words were substituted for the words "general meeting within the period or, as the case may be, extended period" by Mah. 16 of 2013, s. 42(*e*)(*i*).

6 These words, brackets, figures and letter were substituted for the words, brackets and figure "sub-section (*2*)" by Mah. 16 of 2013, s. 42(*e*)(*ii*).

7 These words, brackets, figures and letter were substituted for the words, brackets and figure "sub-section (*2*)" by Mah. 16 of 2013, s. 42(*e*)(*ii*).

8 These words were substituted for the words "not exceeding three years" by Mah. 16 of 2013, s. 42(*e*)(*iii*).

9 This word was inserted by Mah. 33 of 1963, s. 16(*a*).

10 These words were substituted for the words "one hundred rupees" by Mah. 16 of 2013, s. 42(*e*)(*iv*).

(*6*) Any penalty imposed under sub-section (*5*) or under [1][section 76], may be recovered in the manner provided by the [2][Code of Criminal Procedure, 1973 (2 of 1974)], for the recovery of fines imposed by a Magistrate, as if such fine was imposed by the Magistrate himself.

**76.** [3]**[Special general body meeting.]—** (*1*) A [4][special general body meeting] may be called at any time by the Chairman or by a majority of the committee and shall be called within one month—

(*i*) on a requisition in writing of one-fifth of the members of the society or of members the number of which is specified in the by-laws for the purpose, whichever is lower, or

(*ii*) at the instance of the Registrar, or

(*iii*) in the case of a society, which is a member of a federal society, at the instance of the committee of such federal society.

(*2*) Where any officer or a member of the committee, whose duty it was to call such meeting, without reasonable excuse, fails to call such meeting, the Registrar may by order declare such officer or member disqualified for being a member of the committee for such period [5][not exceeding five years], as he may specify in such order; and if the officer is a servant of the society, he may impose on him a penalty not exceeding [6][five thousand rupees]. Before making an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned of showing cause against the action proposed to be taken in regard to him.

(*3*) If a special general meeting of a society is not called in accordance with the requisition referred to in sub-section (*1*), the Registrar or any person authorised by him in this behalf, shall have power to call such meeting, and that meeting shall be deemed to be a meeting duly called by the committee.

(*4*) The Registrar shall have power to order that the expenditure incurred in calling a meeting under sub-section (*3*) shall be paid out of the funds of the society or by such person or persons who, in the opinion of the Registrar, were responsible for the refusal or failure to convene the meeting.

**77. Acts of societies, etc., not to be invalidated by certain defects.—** (*1*) No act of a society or a committee or any officer, done in good faith in pursuance of the business of the society shall be deemed to be invalid by reason only of some defect subsequently discovered in the organisation of the society, or in the constitution of the committee, or in the appointment or election of an officer, or on the ground that such officer was disqualified for his office.

(*2*) No act done in good faith by any person appointed under this Act, the rules and the by-laws shall be invalid merely by reason of the fact that his appointment has been cancelled by or in consequence of any order subsequently passed under this Act, rules and the by-laws.

(*3*) The Registrar shall decide whether any act was done in good faith in pursuance of the business of the society ; and his decision thereon shall be final.

[7]**[77A.** [8]**[Appointment of member of committee, new committee or authorised officers, where there is failure to elect member, to constitute committee or where committee does not enter upon office, etc.]—** (*1*) Where the Registrar is satisfied that,—

[9][(*1-a*) a provisional committee has failed to make necessary arrangements for holding election for the constitution of the first committee, before the expiry of its term as specified in sub-section (*1A*) of section 73 ;]

(*a*) at the first constitution of the committee of any society there is a failure to elect all or any of the members of the committee;

1 This word and figure were substituted for the words "the next succeeding section" by Mah. 20 of 1986, s. 38(*b*)(*i*). 2 These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1898" by Mah. 20 of 1986, s. 38(*b*)(*ii*).

3 The marginal note was substituted by Mah. 16 of 2013, s. 43(*d*).

4 These words were substituted for the words "special general meeting" by Mah. 16 of 2013, s. 43(*a*).

5 These words were substituted for the words "not exceeding three years" by Mah. 16 of 2013, s. 43(*b*)(*i*).

6 These words were substituted for the words "one hundred rupees" by Mah. 16 of 2013, s. 43(*b*)(*ii*).

7 Section 77A was inserted by Mah. 36 of 1975, s. 5.

8 The marginal note was substituted by Mah. 16 of 2013, s. 44(*i*).
9 Clause (*1-a*) was inserted by Mah. 13 of 1994, s. 6.



(*b*) the term 1[* *] of the committee of any society or of any of its members has expired or for any other reason election is held and there is a failure to elect all or any of the members required to fill the vacancies ;

2[(*b-1*) there is a stalemate in the constitution or committee has ceased to function and vacuum is created in the management ;]

(*c*) any committee is prevented from entering upon office ;

(*d*) a new committee has failed to enter upon office on the date on which the term of office of the existing committee expired ; or

3[* * * * *]

4[(*f*) where more than one group of persons in a society is claiming to be elected as the committee members and proceedings in respect thereof have been filed in the Co-operatives Court;]

The Registrar may, either *suo motu* or 5[on the application of any officer or member of the society], by order appoint—

(*i*) any member or members of the society to be the member or members of the committee to fill the vacancies ;

(*ii*) a committee, consisting of not more than three members of the society, or 6[one or more authorised officers], who need not be members of the society, to manage the affairs of the society till a new committee enters upon office :

Provided that, before making such order, the Registrar shall publish a notice on the notice board at the head office of the society, inviting objections and suggestions with respect to the proposed order within a period specified in the notice and consider all objections and suggestions received by him within that period:

Provided further that, it shall not be necessary to publish such notice in any case where Registrar is satisfied that immediate action is required to be taken or that it is not reasonably practical to publish such notice:

7[* * *]

(*2*) The Committee or 8[authorised officer] so appointed shall, subject to the control of the Registrar and to such instructions as he may, from time to time, give, have power to discharge all or any of the functions of the committee or of any officer of the society, and take all such action as may be required to be taken in the interests of the society.

9[(*3*) The Committee or 10[authorised officer] so appointed shall hold office for a period of 11[twelve months] from the date of assuming the management of the society and shall make necessary arrangements for constituting a new committee within the said period and for enabling the new committee including any new committee referred to in clause (*f*) of sub-section (*1*), which is determined by the Court to have been legally elected, to enter upon office:]

12[* *]

1 The words "or extended term, as the case may be," were deleted by Mah. 16 of 2013, s. 44(*a*).
2 Clause (*b-1*) was inserted by Mah. 16 of 2013, s. 44(*b*).
3 Clause (*e*) was deleted by Mah. 34 of 2001, s. 7.
4 Clause (*f*) was inserted by Mah. 20 of 1986, s. 39(*a*)(*ii*).
5 These words were substituted for the words "on the application of any officer of the society" by Mah. 16 of 2013, s. 44(*c*)(*i*).
6 These words were substituted for the words "one or more administrators" by Mah. 16 of 2013, s. 44(*c*)(*ii*).
7 This proviso was deleted by Mah. 28 of 2022, s. 10(*1*).
8 These words were substituted for the word "Administrator" by Mah. 16 of 2013, s. 44(*e*).
9 Sub-section (*3*) was substituted by Mah. 20 of 1986, s. 39(*b*).

10 These words were substituted for the word "Administrator" by Mah. 16 of 2013, s. 44(*f*)(*i*).
11 These words were substituted for the words "six months" by Mah. 28 of 2022, s. 10(*2*)(*i*).
12 The provisos were deleted by Mah. 16 of 2013, s. 44(*f*)(*ii*).



1[Provided that, in no circumstances the term of office of the committee or authorised officer shall exceed 2[twelve months] from the date of their holding office.]

3[(*4*) The Registrar shall have the power to change the committee or any or all members thereof or any or all the 4[authorised officers] appointed under sub-section (*1*) at his discretion even before the expiry of the period specified in the order made under sub-section (*1*).

(*5*) The provisions of 5[sub-section (*2*) of section 78A] shall apply *mutatis mutandis* for fixation of remuneration to be paid to 6[authorised officers] appointed under sub-section (*1*).]]

7**[78. Power of suspension of committee.—** (*1*) If, in the opinion of the Registrar, the committee makes a persistent default in performance of its duties or is negligent in the performance of its duties or is otherwise not discharging its functions properly and diligently, or there is a stalemate in the constitution or functioning of the committee, occasioned by resignation, disqualification of members of committee or otherwise, the Registrar, after giving the committee an opportunity of showing cause, in writing, if any, within fifteen days from the date of receipt of notice and after giving reasonable opportunity of being heard and after consultation with the federal society to which the society is affiliated, comes to a conclusion that the charges mentioned in the notice *prima facie* exist, but are capable of being remedied with, he may by order,—

(*i*) keep the committee under suspension for such temporary period, not exceeding 8[twelve months] as may be specified in the order ; and

(*ii*) appoint an administrator or committee of administrators consisting of three or more members of the society otherwise than the members of the committee so suspended in its place or appoint an administrator or committee of administrators who need not be the members of the society, to manage the affairs of society :

Provided that, nothing in this sub-section shall apply to a society, where there is no Government shareholding or loan or financial assistance in terms of any cash or kind or any guarantee by the Government:

Provided further that, in case of a society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 (10 of 1949), shall also apply :

9[* * *]

Provided also that, the Registrar shall have the power to change the committee or any member thereof or Administrator appointed, at his discretion even, before the expiry of the period specified in the order made under this section :

Provided also that, such federal society shall communicate its opinion, to the Registrar within forty-five days from the date of receipt of communication, failing which it shall be presumed that such federal society has no objection to the order of suspension and the Registrar shall be at liberty to proceed further to take action accordingly.

(*2*) The administrator or committee of administrators, as the case may be, so appointed under clause (*ii*) of sub-section (*1*), shall submit a report to the Registrar within such period as may be specified in the order as to the remedial measures taken and after going through the report or any other material placed on record, if the Registrar is satisfied that the charges mentioned in the notice are made good or remedied, he shall by order revoke, the order of suspension and direct the administrator or the committee of administrators to handover the management to the suspended committee with immediate effect.

1 This proviso was substituted by Mah. 16 of 2013, s. 44(*f*)(*iii*).
2 These words were substituted for the words "six months" by Mah. 28 of 2022, s. 10(*2*)(*ii*).
3 Sub-sections (*4*) and (*5*) were added by Mah. 20 of 1986, s. 39(*c*).
4 These words were substituted for the word "administrators" by Mah. 16 of 2013, s. 44(*g*).

5 These words, brackets, figures and letter were substituted for the words, brackets, figures and letter "sub-section (*2A*) of section 78" by Mah. 16 of 2013, s. 44(*h*)(*i*).

6 These words were substituted for the words "the members or administrators" by Mah. 16 of 2013, s. 44(*h*)(*ii*). 7 Section 78 was substituted by Mah. 16 of 2013, s. 45.

8 These words were substituted for the words "six months" by Mah. 28 of 2022, s. 11(*1*).

9 This proviso was deleted by Mah. 28 of 2022, s. 11(*2*).



(*3*) When a notice is issued against any committee or a member under sub-section (*1*), if resignation from any office is tendered by the committee or a member, it shall not be valid or effective until two months have elapsed from the date of issue of the notice or until it is permitted to be accepted by the Registrar, whichever is earlier.

(*4*) The administrator or committee of administrators so appointed shall, subject to the control of the Registrar and such instructions as he may from time to time give, have power to exercise all or any of the functions of the committee or of any officer of the society and take all such actions as may be required in the interest of the society and shall arrange for conduct of the election, through the State Co-operative Election Authority, within the period specified and handover the management to the newly elected Committee in accordance with the Act, rules and by-laws of the society. The administrator or committee of administrators so appointed as aforesaid, shall notwithstanding anything contained in the by-laws, have power to call a special general body meeting of the society to review or reconsider the decisions or the resolutions taken or passed at the general body meeting called by the previous committee or to endorse the action taken by it.

(*5*) The conditions of service of the administrator shall be fixed by the Registrar which shall include the remuneration payable to him and expenses of management. Such remuneration and expenses shall be payable out of the funds of the society within such time and at such intervals as the Registrar may fix, and if such remuneration or expenses are not paid within such time or at intervals, the Registrar may direct the person having custody of the funds of the society to pay to the administrator or committee of administrators such remuneration and expenses in priority to any other payments, except land revenue, any arrears of land revenue, or any sum recoverable from the society as arrears of land revenue, and he shall, so far as the funds to the credit of the society allow, comply with the orders of the Registrar.

(*6*) All acts done or purported to be done by the administrator or committee of administrators during the period the affairs of the society are carried on by the administrator or committee of administrators appointed under sub-section (*1*) shall be binding on the new committee.]

1[**78A. Power of supersession of committee or removal of member thereof.—** (*1*) If in the opinion of the Registrar, the committee or any member of such committee has committed any act, which is prejudicial to the interest of the society or its members or if the State Co-operative Election Authority has failed to conduct the elections in accordance with the provisions of this Act or where situation has arisen in which the committee or any member of such committee refuses or has ceased to discharge its or his functions and the business of the society has, or is likely to ; come to a stand-still, or if serious financial irregularities or frauds have been identified or if there are judicial directives to this effect or, if there is a perpetual lack of quorum or, where in the opinion of the Registrar the grounds mentioned in sub-section (*1*) of section 78 are not remedied or not complied with, or where any member of such committee stands disqualified by or under this Act for being a member of the committee, the Registrar may, after giving the committee or the member, as the case may be, an opportunity of stating its or his objections in writing as provided under sub-section (*1*) of section 78 and after giving a reasonable opportunity of being heard, and after consultation with the federal society to which the society is affiliated comes to a conclusion that the charges mentioned in the notice are proved, and the administration of the society cannot be carried out in accordance with the provisions of this Act, rules and by-laws, he may by order stating reasons therefor,—

(*a*) (*i*) supersede the committee ; and

(*ii*) appoint a committee consisting of three or more members of the society otherwise than the members of the committee so superseded, in its place, or appoint an administrator or committee of administrators who need not be the members of the society, to manage the affairs of society for a period not exceeding 2[twelve months] :

Provided that, the Registrar shall have the power to change the committee or any member thereof or administrator or administrators appointed at his discretion even before the expiry of the period specified in the order made under this sub-section:

1 Section 78A was inserted by Mah. 16 of 2013, s. 46.

2 These words were substituted for the words "six months" by Mah. 28 of 2022, s. 10(*2*)(*ii*).



Provided further that, such federal society shall communicate its opinion to the Registrar within forty-five days, from the date of receipt of communication, failing which it shall be presumed that such federal society has no objection to the order of supersession or removed of a member and the Registrar shall be at liberty to proceed further to take action accordingly:

Provided also that, in case of a society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 (10 of 1949), shall also apply and the committee shall not be superseded for a period exceeding one year:

[1][* * * * *]

(*b*) remove the member:

Provided that, the member who has been so removed shall not be eligible to be re-elected, re-co-opted or re-nominated as a member of any committee of any society till the expiry of period of next one term of the committee from the date on which he has been so removed:

Provided further that, in case of a society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 (10 of 1949), shall also apply.

(*2*) The provisions of sub-sections (*3*), (*4*), (*5*) and (*6*) of section 78 shall apply *mutatis mutandis*, in relation to supersession or removal under this section.]

**79.** [2]**[Society's obligation to file returns and statements and Registrar's power to enforce performance of such obligations.]—** [3][(*1*) The Registrar may direct any society or class of societies, to keep proper books of accounts [4][in such form, including electronic or any other form, as may be prescribed] with respect to all sums of money received and expended by the society, and the matters in respect of which the receipt and expenditure take place, all sales and purchases of goods by the society, and the assets and liabilities of the society, and to furnish such statements and returns and to produce such records as he may require from time to time ; and the officer or officers of the society shall be bound to comply with his order within the period specified therein.]

[5][(*1-1A*)] The Registrar may direct any society or class of societies to take action to comply with the provisions of this Act, rules made thereunder, by-laws of the society or any order passed by the Registrar under this Act; and the officer or officers of the society shall be bound to comply with order within the period specified therein.

[6][(*1A*) Every society shall file returns within six months of the close of every financial year to which such accounts relate, to the Registrar or to the person authorised by him. The returns shall contain the following matters, namely :—

(*a*) annual report of its activities ;

(*b*) its audited statement of accounts ;

(*c*) plans for disposal of surplus funds as approved by the general body of the society ;

(*d*) list of amendments to the by-laws of the society, if any ;

(*e*) declaration regarding date of holding of its general body meeting and conduct of elections when due ;

(*f*) any other information required by the Registrar in pursuance of any of the provisions of this Act.

1 This proviso was deleted by Mah. 26 of 2023, s. 3.

2 The marginal note was substituted by Mah. 16 of 2013, s. 47(*f*).

3 Sub-section (*1*) was renumbered as sub-section (*1-1A*) thereof and before sub-section (*1-1A*) so renumbered, sub-section (*1*) was inserted by Mah. 28 of 2022, s. 13(*1*).

4 These words were inserted by Mah. 16 of 2013, s. 47(*a*).

5 Sub-section (*1*) was renumbered as sub-section (*1-1A*) thereof and before sub-section (*1-1A*) so renumbered, sub-section (*1*) was inserted by Mah. 28 of 2022, s. 13(*1*).

6 Sub-sections (*1A*) and (*1B*) were inserted by Mah. 16 of 2013, s. 47(*b*).



(*1B*) Every society shall also file a return regarding the name of the auditor or auditing firm from a panel approved by a State Government in this behalf, appointed in the general body meeting together with his written consent, within a period of one month from the date of annual general body meeting.]

(*2*) Where any society is required to take any action 1[including filing of returns] under this Act, the rules or the bye-laws, or to comply with an order made under the 2[foregoing sub-sections] and such action is not taken—

(*a*) within the time provided in this Act, the rules or the bye-laws, or the order, as the case may, or

(*b*) where no time is so provided, within such time, having regard to the nature and extent of the action to be taken, as the Registrar may specify by notice in writing,

the Registrar may himself, or through a person authorised by him, take such action, at the expense of the society ; and such expense shall be recoverable from the society as if it were an arrear of land revenue.

(*3*) Where the Registrar takes action under sub-section (*2*), the Registrar may call upon the officer or officers of the society whom he considers to be responsible for not complying with the provisions of this Act, the rules or the bye-laws, or the order made under sub-section (*1*), and, after giving such officer or officers an opportunity of being heard, may require him or them to pay to the society the expenses paid or payable by it to the State Government as a result of their failure to take action, and to pay to the assets of the society such sum not exceeding 3[one hundred rupees] as the Registrar may think fit for each day until the Registrar's directions are carried out.

4[(*4*) The Registrar or the authorised person on his behalf shall scrutinise the returns and information so received and take further necessary action, if required.]

5**[79A. 6[Government's powers] to give directions in the public interest, etc.—** (*1*) 7[If the State Government, on receipt of a report from the Registrar or otherwise, is satisfied] that in the public interest or for the purposes of securing proper implementation of co-operative production and other development programmes approved or undertaken by Government or to secure the proper management of the business of the society generally, or for preventing the affairs of the society being conducted in a manner detrimental to the interests of the members or of the depositors or the creditors thereof, it is necessary to issue directions to any class of societies generally or to any society or societies in particular, 8[the State Government may issue] directions to them from time to time, and all societies or the society concerned, as the case may be, shall be bound to comply with such directions.

(*2*) 9[The State Government may] modify or cancel any directions issued under sub-section (*1*), and in modifying or cancelling such directions may impose such conditions as 10[it may deem fit.]

11[(*3*) Where the Registrar is satisfied that any person was responsible for complying with directions or modified directions issued to a society under sub-sections (*1*) and (*2*) and he has failed, without any good reason or justification, to comply with the directions, the Registrar may by order—

1 These words were inserted by Mah. 16 of 2013, s. 47(*c*)(*i*).

2 These words were substituted for the words "foregoing sub-section" by Mah. 16 of 2013, s. 47(*c*)(*ii*).

3 These words were substituted for the words "twenty-five rupees" by Mah. 16 of 2013, s. 47(*d*).

4 Sub-section (*4*) was added by Mah. 16 of 2013, s. 47(*e*).

5 Section 79A was inserted by Mah. 27 of 1969, s. 15.

6 These words were substituted for the words "Registrar's power" by Mah. 27 of 1971, s. 5(*c*).

7 These words were substituted for the words "Subject to the rules made in that behalf, where the Registrar is satisfied" by Mah. 27 of 1971, s. 5(*a*)(*i*).

8 These words were substituted for the words "he may issue" by Mah. 27 of 1971, s. 5(*a*)(*ii*).

9 These words were substituted for the words "The Registrar may" by Mah. 27 of 1971, s. 5(*b*)(*i*).
10 These words were substituted for the words "he may deem fit" by Mah. 27 of 1971, s. 5(*b*)(*ii*).
11 Sub-section (*3*) was added by Mah. 36 of 1975, s. 6.



(*a*) if the person is a member of the committee of the society, 1[declare him to be disqualified to be or to continue to be a member of the committee of any society,] for a period of six years from the date of the order;

(*b*) if the person is an employee of the society, direct the committee to remove such person from employment of the society forthwith, and if any member or members of the committee, without any good reason or justification, fail to comply with this order, 2[* *] declare them disqualified as provided in clause (*a*) above :

Provided that, before making any order under this sub-section, the Registrar shall give a reasonable opportunity of being heard to the person or persons concerned and consult the federal society to which the society is affiliated:

3[Provided further that, such federal society shall communicate its opinion to the Registrar within a period of forty-five days from the date of receipt of communication, failing which it shall be presumed that such federal society has no objection to take action under this section and the Registrar shall be at liberty to proceed further to take action accordingly.]

Any order made by the Registrar under this section shall be final.]

4**[79AA. Registrar's powers to give directions to frame regulations.—** (*1*) If the Registrar or an officer not below the rank of District Deputy Registrar is of the opinion that, having regard to the financial condition of the society and financial interest of Government therein, it is necessary to regulate the manner of carrying on its trade or business, he may, subject to any rules made in this behalf, direct such society to make regulations in that behalf and forward them to him for approval.

(*2*) On receipt of the regulations made by the society, the Registrar or such officer may approve them with or without modifications. On approval of such regulations, the society shall carry on its business in accordance with such regulations.

(*3*) If any society fails to forward such regulations to the Registrar or such officer when directed by him under sub-section (*1*) within a period of three months from the date on which the direction is given, the Registrar or such officer shall himself make or cause to be made such regulations and require the society to carry on its business in accordance with such regulations and thereupon the society shall be bound to comply with such requirement.]

5[* * * * * * * * *]

**80. Registrar's power to seize records, etc.—** (*1*) Where the Registrar is satisfied that the books and records of a society are likely to be suppressed, tampered with or destroyed, or the funds and property of a society are likely to be misappropriated or misapplied, the Registrar or the person authorised by him may apply to the Executive Magistrate within whose jurisdiction the society is functioning for seizing and taking possession of the records and property of the society.

(*2*) On receipt of an application under sub-section (*1*), 6[the Magistrate shall forthwith consider such application and, if satisfied that immediate action is required, shall authorise] any police officer, not below the rank of a sub-inspector, to enter and search any place where the records and property are kept or likely to be kept, and to seize them and hand over possession thereof to the Registrar or the person authorised by him, as the case may be.

7[(*3*) Where the Registrar or an officer not below the rank of District Deputy Registrar (hereinafter referred to in this section as "the said officer") is satisfied that immediate action is required to be taken or that the Executive Magistrate having jurisdiction is not likely to be available at the headquarters for a consecutive period of three days or the books and records of a co-operative society are in the immediate

1 These words were substituted for the words "remove the member from the committee and appoint any other person as a member of the committee for the remainder of the term of his office and declare him to be disqualified to be such member" by Mah. 16 of 2013, s. 48(*a*).

2 The words "remove the members, appoint other persons as members and" were deleted by Mah. 16 of 2013, s. 48(*b*)(*i*). 3 This proviso was added by Mah. 16 of 2013, s. 48(*b*)(*ii*).

4 Section 79AA was inserted by Mah. 20 of 1986, s. 41.

5 Section 79B was deleted by Mah. 16 of 2013, s. 49.

6 These words were substituted for the words "the Magistrate may authorise" by Mah. 3 of 1974, s. 18.

7 Sub-section (*3*) was added by Mah. 20 of 1986, s. 42.



danger of being tampered with or funds and property of a society are in the immediate danger of being misappropriated or misapplied, the Registrar or the said officer may, notwithstanding anything contained in sub-sections (*1*) and (*2*), make an order to seize such books, records or funds of the society either himself or through an officer authorised by him in this behalf, and for that purpose the Registrar or the said officer or the officer so authorised may after reasonable notice at any reasonable time enter and search without warrant any premises where he believes such books, records or funds to be and inspect and seize such books, records or funds, and the officer or officers of the society responsible for the custody of such books, records and funds shall deliver such books, records or funds forthwith to the Registrar, the said officer or the officers so authorised, who shall acknowledge receipt of the books, records or funds of the society so seized. The Registrar, the said officer or the officer so authorised, may, for the purpose of execution of the said order, request the officer-in-charge of the nearest police station to give him necessary assistance and such police officer shall thereupon give him such assistance.]

## CHAPTER VIII

### AUDIT, INQUIRY, INSPECTION AND SUPERVISION

**81. Audit.**—1[(*1*) (*a*) The society shall cause to be audited its accounts atleast once in each financial year and also cause it to be completed within a period of four months from the close of financial year to which such accounts relate by auditor or auditing firm from a panel prepared by the Registrar and approved by the State Government or an authority authorised by it in this behalf, possessing required qualifications and experience as may be prescribed, to be eligible for auditing accounts of societies, appointed by the general body of a society, as provided in sub-section (*2A*) of section 75 2[or by the Committee, as provided in sub-section (*2B*) thereof] and shall lay such audit report before the annual general body meeting. In case of apex society, the audit report shall also be laid before both Houses of the State Legislature, in such manner, as may be prescribed :

Provided that, if the Registrar is satisfied that the society has failed to intimate and file the return as provided by sub-section (*2A*) of section 75 and sub-section (*1B*) of section 79, by order, for the reasons to be recorded in writing, he may cause its accounts to be audited, by an auditor from the panel of the auditors approved by the State Government or an authority authorised by it in this behalf :

Provided further that, no auditor shall accept audit of more than twenty societies for audit in a financial year excluding societies having paid up share capital of less than rupees one lakh :

Provided also that, the Registrar shall maintain a panel of auditors and auditing firms as approved by the State Government or an authority authorised by it in this behalf.

3[Provided also that, for the financial year 2019-2020 4[and year 2020-2021], the society shall cause its audit to be completed within a period of nine months from the close of the financial year 2019-2020 5[and year 2020-2021].]

(*b*) The manner of preparation, declaration and maintenance of the panel of auditors and auditing firms by the Registrar shall be such as may be prescribed.

(*c*) The committee of every society shall ensure that the annual financial statements like the receipts and payments or income and expenditure, profit and loss and the balance-sheet alongwith such schedules and other statements are audited, within four months of the closure of the financial year.

(*d*) The Registrar shall submit the audit report of every apex co-operative society to the State Government annually for being laid before both the Houses of the State Legislature in the manner prescribed.

(*e*) The auditor's report shall have,—

1 Sub-section (*1*) was substituted by Mah. 16 of 2013, s. 50(*a*).

2 These words, figure, letter and brackets were inserted by Mah. 31 of 2020, s. 4. 3 This proviso was added by Mah. 30 of 2020, s. 4.

4 The words, figures and sign were inserted by Mah. 5 of 2022, s. 4.

5 The words, figures and sign were inserted by Mah. 5 of 2022, s. 4.



(*i*) all particulars of the defects or the irregularities observed in audit and in case of financial irregularities and misappropriation or embezzlement of funds or fraud, the auditor or the auditing firm shall investigate and report the modus operandi, the entrustment and amount involved ;

(*ii*) accounting irregularities and their implications on the financial statements to be indicated in detail in the report with the corresponding effects on the profit and loss ;

(*iii*) the functioning of the committee and sub-committees of the societies be checked and if any irregularities or violations are observed or reported, duly fixing the responsibilities for such irregularities or violations.

(*f*) The remuneration of the auditor or auditing firm of a society shall be borne by the society and shall be at such rate as may be prescribed.

(*g*) The Registrar shall maintain the list of societies district wise, the list of working societies, the list of societies whose accounts are audited, the list of societies whose accounts are not audited within the prescribed time and reasons therefor. The Registrar shall co-ordinate with the societies and the auditors or auditing firms and ensure the completion of audit of accounts of all the co-operative societies in time every year.

*Explanation I.*— For the purposes of this section, the expression, "possessing required qualifications" for being included in the panel duly approved by the State Government or an authority authorised by the State Government in this behalf, from time to time, shall mean and include—

(*a*) a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), who has a fair knowledge of the functioning of the societies and an experience of atleast one year in auditing of societies with a working knowledge of Marathi language;

(*b*) an auditing firm which is a firm of more than one Chartered Accountants within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), who have a fair knowledge of the functioning of the societies with a working knowledge of Marathi language ;

1[(*b-1*) a person who is Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959 (23 of 1959), who has a fair knowledge of the functioning of the societies and an experience of atleast one year of auditing in societies with a working knowledge of Marathi language;

(*b-2*) an auditing firm, which is a firm of more than one Cost Accountants within the meaning of the Cost and Works Accountants Act, 1959 (23 of 1959), having a fair knowledge of the functioning of the societies with a working knowledge of Marathi language;]

(*c*) a certified auditor, who is a person holding a Degree from a recognised University and also has completed a Government Diploma in Co-operation and Accountancy and who has a fair knowledge of the functioning of the societies and an experience of atleast three years in auditing of societies with a working knowledge of Marathi language ;

(*d*) a Government Auditor, who is an employee of the Co-operation Department of the State, possessing the Higher Diploma in Co-operative Management or the Diploma in Co-operative Audit or Government Diploma in Co-operation and Accountancy with a working knowledge of Marathi language and who has completed the period of probation successfully;

*Explanation II*.— The terms and conditions for inclusion and retention of name as an auditor or auditing firm in the panel of auditors shall be subject to the terms and conditions, as may be prescribed.]

1 Clauses (*b-1*) and (*b-2*) were added by Mah. 14 of 2017, s. 2.



1[(*2*) The audit under sub-section (*1*) shall 2[be carried out as per Auditing standards notified by the State Government from time to time and shall also] include examination or verification of the following items, namely :—

(*i*) overdues of debts, if any ;

(*ii*) cash balance and securities and a valuation of the assets and liabilities of the society ;

(*iii*) whether loan and advances and debts made by the society on the basis of security have been properly secured and the terms on which such loans and advances are made or debts are incurred are not prejudicial to the interest of the society and its members ;

(*iv*) whether transactions of the society which are represented merely by book entries are not prejudicial to the interest of the society ;

(*v*) whether loans and advances made by the society have been shown as deposits ;

(*vi*) whether personal expenses have been charged to revenue account ;

(*vii*) whether the society has incurred any expenditure in furtherance of its objects ;

(*viii*) whether the society has properly utilised the financial assistance granted by Government or Government undertakings or financial institutions, for the purpose for which such assistance was granted ;

(*ix*) whether the society is properly carrying out its objects and obligations towards members.]

3[(*2A*) Where, in the opinion of the State Government, it is necessary in the public interest 4[or in the interest of the society] to do so in relation to any society or class of societies for ensuring management thereof in accordance with sound business principles or prudent commercial practices, the State Government may, by order, direct 5[that such society or class of societies shall prepare and maintain its accounts in the form determined by the State Government, from time to time and] that cost audit or performance audit or both, of such society or class of societies, as may be specified in the order, shall be conducted.

(*2B*) Where any order is issued under sub-section (*2A*), the 6[society shall cause its audit to be conducted] by a cost accountant who is a member of the Institute of Cost and Works Accountants of India constituted under section 3 of the Cost and Works Accountants Act, 1959 (23 of 1959).]

(*3*) 7[(*a*)] 8[The Auditor] shall, for the purpose of audit, at all time have access to all the books, accounts, documents, papers, securities, cash and other properties belonging to, or in the custody of, the society, and may summon any person in possession or responsible for the custody of any such books, accounts, documents, papers, securities, cash or other properties, to produce the same at any place at the head-quarters of the society or any branch thereof.

9[(*b*) If the Registrar has reason to believe that there exists an element of fraud, misapplication of funds, manipulation of the accounts and the accounts of the society are likely to be tampered with, thereby causing loss to the society, he shall be competent to depute Flying Squad to a society or societies for examination of books, records, accounts, and such other papers and for verification of cash balance. The report of the Flying Squad shall be treated as sufficient evidence for further action, if any.]

[10][(*c*) If it is brought to the notice of the Registrar that the audit report submitted by the auditor does not disclose the true and correct picture of the accounts, the Registrar or the authorised person

1 Sub-section (*2*) was substituted by Mah. 20 of 1986, s. 43(*c*).

2 These words were inserted by Mah. 16 of 2013, s. 50(*b*).

3 Sub-sections (*2A*) and (*2B*) were inserted by Mah. 20 of 1986, s. 43(*c*).

4 These words were inserted by Mah. 16 of 2013, s. 50(*c*).

5 This portion was inserted by Mah. 10 of 1986, s. 16.

6 These words were substituted for the words "Registrar shall cause such audit of such society or class of societies to be conducted" by Mah. 16 of 2013, s. 50(*d*).

7 Sub-section (*3*) was re-lettered as clause (*a*) by Mah. 20 of 1986, s. 43(*d*).

8 These words were substituted for the words "The Registrar or person authorised" by Mah. 16 of 2013, s. 50(*e*)(*i*). 9 Clause (*b*) was substituted by Mah. 16 of 2013, s. 50(*e*)(*ii*).

10 Clause (*c*) was substituted by Mah. 16 of 2013, s. 50(*e*)(*iii*).



may carry out or cause to be carried out a test audit of accounts of such society. The test audit shall include the examination of such items as may be prescribed and specified by the Registrar in such order.]

(*4*) Every person who is, or has at any time been, an officer or employee of the society and every member and past member of the society, shall furnish such information in regard to the transactions and working of the society as the Registrar, or the person authorised by him, may require.

(*5*) The auditor appointed under sub-section (*1*) shall have the right to receive all notices, and every communication relating to the annual general meeting of the society and to attend such meeting and to be heard there at, in respect of any part of the business with which he is concerned as auditor.

[1][(*5A*) If, during the course of audit of any society, the auditor is satisfied that some books of accounts or other documents contain any incriminatory evidence against past or present officer or employee of the society the auditor shall immediately report the matter to the Registrar and, with previous permission of the Registrar, may impound the books or documents and give a receipt thereof to the society.

(*5B*) The auditor shall submit [2][his audit report within a period of one month from its completion and in any case before issuance of notice of the annual general body meeting,] to the society and to the Registrar in such form as may be specified by the Registrar, on the accounts examined by him and on the balance sheet and profit and loss account as on the date and for the period up to which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the *Explanation* given to him by the society, the said accounts give all information required by or under this Act and present the true and fair view of the financial transaction of the society:]

[3][Provided that, where the auditor has come to a conclusion in his audit report that any person, is guilty of any offence relating to the accounts or any other offences, he shall file a specific report to the Registrar within a period of fifteen days from the date of submission of his audit report. The auditor concerned shall, after obtaining written permission of the Registrar, file a First Information Report of the offence. The auditor, who fails to file First Information Report, shall be liable for disqualification and his name shall be liable to be removed from the panel of auditors and he shall also be liable to any other action as the Registrar may think fit:

Provided further that, when it is brought to the notice of the Registrar that, the auditor has failed to initiate action as specified above, the Registrar shall cause a First Information Report to be filed by a person authorised by him in that behalf:

Provided also that, on conclusion of his audit, if the auditor finds that there are apparent instances of financial irregularities resulting into losses to the society caused by any member of the committee or officers of the society or by any other person, then he shall prepare a Special Report and submit the same to the Registrar alongwith his audit report. Failure to file such Special Report, would amount to negligence in the duties of the auditor and he shall be liable for disqualification for appointment as an auditor or any other action, as the Registrar may think fit.]

(*6*) If it appears to the Registrar, on an application by a society or otherwise, that it is necessary or expedient to re-audit any accounts of the society, the Registrar may by order provide for such re-audit and the provisions of this Act applicable to audit of accounts of the society shall apply to such re-audit.

[4][(7) Special audit of the Co-operative Bank if requested by the Reserve Bank of India shall be conducted and report thereof shall be submitted to the Reserve Bank of India under intimation to the Registrar alongwith the Special Audit Report.]

[5]**[82. Rectification of defects in accounts.—** (*1*) If the result of the audit held under the last preceding section discloses any defects in the working of a society, the society shall within three months from the date of the audit report, explain to the Registrar the defects or the irregularities pointed out by the auditor or auditing firm, and take steps to rectify the defects and provide remedy to irregularities, and

1 Sub-sections (*5A*) and (*5B*) were inserted by Mah. 20 of 1986, s. 43(*e*).

2 These words were substituted for the words "an audit memorandum duly signed by him" by Mah. 16 of 2013, s. 50(*f*)(*i*). 3 These provisos were added by Mah. 16 of 2013, s. 50(*f*)(*ii*).

4 Sub-section (*7*) was added by Mah. 11 of 2008, s. 23(*ii*).

5 Section 82 was substituted for the original by Mah. 28 of 2022, s. 14.



report to the Registrar the action taken by it thereon and place the same before the next general body meeting. The Registrar may also make an order directing the society or its officers to take such action, as may be specified in the order to remedy such defects, within the time specified therein.

(*2*) The Registrar or the person authorised by him shall scrutinise the audit rectification report and accordingly inform the society about such report within six months from the date of receipt thereof.

(*3*) It shall be the responsibility of the auditor or auditing firm concerned to offer his or its remarks, as the case may be, on the rectification report of the society, itemwise, till entire rectification is made by the society and submit his or its report to the Registrar.

(*4*) If, the society fails to submit the audit rectification report to the Registrar and to the annual general body meeting, the Registrar may by an order declare that any officer or member of the committee, as the case may be, whose duty was to submit the audit rectification report to the Registrar and to the annual general body meeting, and who without reasonable excuse failed to do the aforesaid act, shall be disqualified for being elected or for being any officer or member of the committee for such period not exceeding five years, as he may specify in such an order and, if the officer is a servant of the society, impose upon him a penalty of an amount not exceeding five thousand rupees :

Provided that, before making such an order under this sub-section, the Registrar shall give, or cause to be given, a reasonable opportunity to the person concerned of showing cause against the action proposed to be taken against him.].

**83. Inquiry by Registrar.—**[1][2][(*1*) The Registrar may *suo motu*, or, on the application of the one-fifth members of the society or on the basis of Special Report under the third proviso to sub-section (*5B*) of section 81, himself or by a person duly authorised by him in writing, in this behalf, shall hold an inquiry into the constitution, working and financial conditions of the society.]

(*2*) Before holding any such inquiry on an application, the Registrar may [3][having regard to the nature of allegations and the inquiry involved, require the applicant to deposit with him such sum of money as he may determine,] towards the cost of the inquiry. If the allegations made in the application are substantially proved at the inquiry, the deposit shall be refunded to the applicant, and the Registrar may under section 85, after following the procedure laid down in that section, direct from whom and to what extent the cost of the inquiry should be recovered. If it is proved that the allegations were false, vexatious or malicious, the Registrar may likewise direct that such cost shall be recovered from the applicant. Where the result of the inquiry shows that the allegations were not false, vexatious or malicious, but could not be proved, such cost may be borne by the State Government.]

(*3*) (*a*) All officers, members and past members of the society in respect of which an inquiry is held, and any other person who, in the opinion of the officer holding the inquiry is in possession of information, books and papers relating to the society, shall furnish such information as in their possession, and produce

all books and papers relating to the society which are in their custody or power, and otherwise give to the officer holding an inquiry all assistance in connection with the inquiry which they can reasonably give.

(*b*) If any such person refuses to produce to the Registrar or any person authorised by him under sub-section (*1*), any book or papers which it is his duty under clause (*a*) to produce or to answer any question which is put to him by the Registrar or the person authorised by the Registrar in pursuance of sub-clause (*a*), the Registrar or the person authorised by the Registrar may certify the refusal and the Registrar, after hearing any statement which may be offered in defence, punish the defaulter with a penalty not exceeding [4][five thousand rupees]. Any sum imposed as penalty under this section shall, on the application by the Registrar or the person authorised by him, to a Magistrate having jurisdiction, be recoverable by the Magistrate as if it were a fine imposed by himself.

1 Sub-sections (*1*) and (*2*) were substituted by Mah. 3 of 1974, s. 19.

2 Sub-section (*1*) was substituted by Mah. 16 of 2013, s. 52(*a*).

3 These words were substituted for the words, letters and figures "require the applicant to deposit with him a sum of Rs. 100" by Mah. 20 of 1986, s. 44.

4 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 52(*b*)(*i*).



[1][(*c*) The Registrar or the officer authorised by him shall complete the inquiry and submit his report as far as possible within a period of six months and in any case not later than nine months.]

(*4*) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

(*5*) It shall be competent for the Registrar to withdraw any inquiry from the officer to whom it is entrusted, and to hold the inquiry himself or entrust it to any other person as he deems fit.

**84. Inspection of books of indebted society.—** (*1*) On the application of a creditor of a society who,—

(*a*) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within reasonable time, and

(*b*) deposits with the Registrar such sum as the Registrar may require as security for the costs of any inspection of the books of the society,

the Registrar may, if he thinks it necessary, inspect or direct some person authorised by him by order in writing in this behalf to inspect, the books of the society.

(*2*) The Registrar shall communicate the result of any such inspection to the applicant, and to the society whose books have been inspected.

(*3*) It shall be competent for the Registrar to withdraw any order of inspection from the officer to whom it is entrusted, and to inspect himself or entrust it to any other person as he deems fit.

[2][(*4*) The powers of inspection conferred on the Registrar by this section may be exercised by him of his own motion in respect of any society, which is indebted to Government or for which share capital (wholly or partly) is provided by Government or where any financial interest of Government is otherwise involved.]

**85. Costs of inquiry and inspection.—** (*1*) Where an inquiry is held under section 83 or an inspection is made under the last preceding section, the Registrar may apportion the costs, or such part of the costs, as he may think just, between the society, the members or creditors demanding the inquiry or inspection, the officers or former officers and the members or past members or the estates of the deceased members of the society [3][and pass such order within a period of six months from the date of submission of inquiry report] :

Provided that,—

(*a*) no order of apportionment of the costs shall be made under this section, unless the society or persons, or the legal representative of the deceased person liable to pay the costs thereunder, has or have been heard, or have had a reasonable opportunity of being heard ;

(*b*) the Registrar shall state in writing the grounds on which the costs are apportioned.

(*2*) No expenditure from the funds of a society shall be incurred, for the purpose of defraying any costs in support of any appeal preferred by any person other than the society against an order made under the foregoing sub-section.

**86. Recovery of costs.—** Any sum awarded by way of costs under the last preceding section, may be recovered, on an application by the Registrar to a Magistrate having jurisdiction in the place where the person from whom the money is claimable resides or carries on business, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

**87. Registrar to bring defects disclosed in inquiry on inspection to notice of society.—** (*1*) If the result of any inquiry held under section 83 or an inspection made under section 84 discloses any defects in the constitution, working or financial condition or the books of society, the Registrar may bring such defects to the notice of the society. The Registrar may also make an order directing the society

1 Clause (*c*) was inserted by Mah. 16 of 2013, s. 52(*b*)(*ii*).
2 Sub-section (*4*) was added by Mah. 3 of 1974, s. 20.
3 These words were inserted by Mah. 16 of 2013, s. 53.



or its officers to take such action as may be specified in the order to remedy the defects, within the time specified therein.

(*2*) The society concerned may, within sixty days from the date of any order made by the Registrar under the foregoing sub-section, appeal against it to the State Government.

(*3*) The State Government may, in deciding the appeal, annul, reverse, modify or confirm, the order of the Registrar.

(*4*) If a society fails to rectify the defects disclosed in the course of or as a result of an audit under section 81 or fails to rectify the defects as directed by the Registrar, and where no appeal has been made to the State Government within the time specified in the order, or where on the appeal so made the State Government has not annulled, reversed or modified the order, the Registrar may himself take steps to have the defects rectified, and may recover the costs from the officer or officers of the society who, in his opinion, has or have failed to rectify the defects.

**88. Power of Registrar to access damages against delinquent promoters, etc.—** (*1*) Where, in the course of or as a result of an audit under section 81 or an inquiry under section 83 or an inspection under section 84 or the winding up of a society, the Registrar is satisfied on the basis of the report made by the auditor or the person authorised to make inquiry under section 83 or the person authorised to inspect the books under section 84 or the Liquidator under section 105 or otherwise that any person who has taken any part in the organisation or management of the society or any deceased, or past or present officer of the society has, within a period of five years prior to [1][the date of commencement of such audit or date of order for inquiry, inspection or] winding up, misapplied or retained, or become liable or accountable for, any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar or a person authorised by him in that behalf may frame charges against such person or persons, and after giving a reasonable opportunity to the person concerned and in the case of a deceased person to his representative who inherits his estate, to answer the charges, make an order requiring him to repay or restore the money or the property or any part thereof, with interest at such rate as the Registrar or the person authorised under this section may determine, or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retention, misfeasance or breach of trust, as he may determine :

[2][Provided that, proceedings under this sub-section, shall be completed by the authorised person [3][within a period of one year] from the date of issue of order by the Registrar:

Provided further that, the Registrar may, after recording the reasons therefor, extend the said period for a maximum period of six months:]

[4][Provided also that, the Government may, on the report of the Registrar or *suo moto*, for the reasons to be recorded in writing, extend the said period as may be required, from time to time, to complete the proceedings under this sub-section:

Provided also that, in case of the proceedings under this sub-section which have not been completed within the aforesaid period on the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2017 (Mah. XXXIII of 2017), the Government may, on the report of the Registrar or *suo moto*, for the reasons to be recorded in writing, extend the period, from time to time, for completion of such proceedings as may be required.]

(*2*) The Registrar or the person authorised under sub-section (*1*) on making any order under this section, may provide therein for the payment of the cost or any part thereof, as he thinks just and he may direct that such costs or any part thereof shall be recovered from the person against whom the order has been issued.

(*3*) This section shall apply, notwithstanding that the act is one for which the person concerned may be criminally responsible.

1 These words were substituted for the words "date of such audit, inquiry, inspection or order for" by Mah. 33 of 1963, s. 18.

2 These provisos were added by Mah. 16 of 2013, s. 54.

3 These words were substituted for the words "within a period of two years" by Mah. 19 of 2024, s. 3. 4 These provisos were added by Mah. 33 of 2017, s. 2.



[1]**[88A. Deposit towards fees of inquiry.—** Where the Registrar on his own motion decides and orders an inquiry under section 83 or proceeds or authorises to make inquiry under section 88, he may, having regard to the nature of allegations, and the inquiry involved, require the society concerned to deposit with him such sum of money as he may determine, towards the cost of inquiry. If the sum so determined is not deposited with the Registrar within 15 days from the date of receipt of the order requiring the society to deposit the sum, it shall on a certificate issued by the Registrar, be recoverable as an arrears of land revenue.]

**89. Power to enforce attendance, etc.—** The Registrar or the person authorised by him, when acting under section 83, 84 or 88 shall have the power to summon and enforce the attendance of any person [2][and examining him on oath or affirmation or by affidavit] or to compel the production of any document or other material object by the same means and in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908).

[3]**[89A. Power to inspect working of society.—** (*1*) It shall be competent for the Registrar to inspect or cause to be inspected the working of any society to ensure that—

(*a*) the provisions of the Act, rules and bye-laws of the society are being properly followed by the society;

(*b*) the records and books of accounts are kept in proper forms;

[4][(*c*) overall view is taken to ensure that the business of the society is being run on sound business principles and under professional and efficient management;]

(*d*) the society is following the co-operative principles and the directives or directions given by the State Government in accordance with the provisions of this Act and the rules made thereunder;

[5][* *]

[6][(*e*) the returns as provided by section 79 are submitted to the Registrar regularly and properly.]

(*2*) For the purpose of supervision over the societies, the Registrar shall have the power—

(*a*) to inspect the records and books of the accounts of any society and for that purpose he shall have, at all times, access to all the records and books of accounts of the society ; and

(*b*) to summon any officer or employee who has the custody of the records or books of accounts of the society to produce them before him.

(*3*) The State Government may levy supervision fees on any society or class of societies at such rates, as the State Government may, having regard to the area of operation, the nature of business and the objects of the society, by notification in the *Official Gazette*, fix from time to time.

(*4*) Every society liable to pay the fees levied under sub-section (*3*) shall pay such fees by such date and in such manner as the State Government may specify in the notification issued under sub-section (*3*).

(*5*) The State Government may, having regard to the financial position of any society or class of societies, by general or special order published in the *Official Gazette*, exempt such society or class of societies from payment of such fees for such period as may be specified in such order, or reduce or remit in whole or in part such fees.]

**90. Constitution or recognition of federal authority to supervise working of societies.—** (*1*) The State Government may constitute or recognise one or more co-operative federal authorities, in such manner as may be prescribed and subject to such conditions as the State Government may impose, for

1 Section 88A was inserted by Mah. 20 of 1986, s. 45.

2 These words were substituted for the words "to give evidence" by Mah. 33 of 1963, s. 19. 3 Section 89A was inserted by Mah. 20 of 1986, s. 46.

4 Clause (*c*) was substituted by Mah. 16 of 2013, s. 55(*a*).

5 The proviso was deleted by Mah. 16 of 2013, s. 55(*b*).

6 Clause (*e*) was inserted by Mah. 16 of 2013, s. 55(*c*).



the supervision of a society or a class of societies and may frame rules for making grants to such an authority.

(*2*) The State Government may, by general or special order, require of a society or a class of societies to make contribution of such sum every year as may be fixed by the Registrar towards the recoupment of expenditure which the State Government or any person authorised in that behalf has incurred or is likely to incur, in respect of supervision of societies.

(*3*) A society to which sub-section (*2*) is applicable shall pay to such authority such fee as may be prescribed within a reasonable time and, if it fails to pay such fee within a reasonable time, the authority may recover it as if it were an arrear of land revenue.

## CHAPTER IX

## 1[SETTLEMENT OF DISPUTES]

**91. Disputes.—** (*1*) Notwithstanding 2[anything contained] in any other law for the time being in force, any dispute touching the constitution, 3[election of the committee or its officers] 4[* *] conduct of general meetings, management or business of a society shall be referred by any of the parties to the dispute, or by a federal society to which the society is affiliated, or by a creditor of the society, 5[to a Co-operative Court], if both the parties thereto are one or other of the following :—

(*a*) a society, its committee, any past committee, any past or present officer, any past or present agent, any past or present servant or nominee, heir or legal representative of any deceased officer, deceased agent or deceased servant of the society, or the Liquidator of the society 6[or the Official Assignee of a de-registered society] ;

(*b*) a member, past member or a person claiming through a member, past member or a deceased member of a society, or a society which is a member of the society 7[or person who claims to be a member of the society] ;

8[(*c*) a person other than a member of the society, with whom the society has any transactions in respect of which any restrictions or regulations have been imposed, made or prescribed under section 43, 44 or 45, and any person claiming through such person ;

(*d*) a surety of a member, past member or deceased member, or surety of a person other than a member with whom the society has any transactions in respect of which restriction have been prescribed under section 45, whether such surety or person is or is not a member of the society] ;

(*e*) any other society, or the Liquidator of such a society [9][or deregistered society or the Official Assignee of such a de-registered society]:

[10][Provided that, an industrial dispute as defined in clause (*k*) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), or rejection of nomination paper at the election to a committee of any society [11][* *] or refusal of admission to membership by a society to any person qualified therefor, [12][or any proceeding for the recovery of the amount as arrear of land revenue on a certificate granted by the Registrar under sub-section (*1*) or (*2*) of section 101 or sub-section (*1*) of section 137 or the recovery proceeding of the Registrar or any officer subordinate to him or an officer of society notified by the State

1 The heading was substituted by Mah. 20 of 1986, s. 47.

2 These words were substituted for the words "anything containing" by Mah. 33 of 1963, s. 20(*a*).

3 These words were substituted for the words "elections of the office bearers" by Mah. 20 of 1986, s. 48(*a*).

4 The words "other than elections of committees of the specified societies including it's officers," were deleted by Mah. 16 of 2013, s. 56(*a*).

5 These words were substituted for the words "to the Registrar" by Mah. 18 of 1982, s. 3(*a*).

6 These words were inserted by Mah. 10 of 1988, s. 17(*a*)(*i*).

7 These words were added by Mah. 27 of 1969, s. 16(*a*)(*i*).

8 Clauses (*c*) and (*d*) were substituted for original by Mah. 27 of 1969, s. 16(*a*)(*ii*).

9 These words were inserted by Mah. 10 of 1988, s. 17(*a*)(*ii*).

10 The proviso was added by Mah. 20 of 1986, s. 48(*b*).

11 These words "other than a notified society under section 73-IC or a society specified by or under section 73-G," were deleted by Mah. 16 of 2013, s. 56(*b*).

12 This portion was inserted by Mah. 10 of 1988, s. 17(*a*)(*iii*).



Government, who is empowered by the Registrar under sub-section (*1*) of section 156,] [1][or any orders, decisions, awards and actions of the Registrar against which an appeal under section 152 or 152A and revision under section 154 of the Act have been provided,] shall not be deemed to be a dispute for the purposes of this section.]

[2][* * * * * * * * *]

(*3*) Save as otherwise provided under [3][sub-section (*2*) of section 93], no Court shall have jurisdiction to entertain any suit or other proceeding in respect of any dispute referred to in sub-section (*1*).

*Explanation 1*.— A dispute between the Liquidator of a society [4][or an Official Assignee of a de-registered society] and [5][the members (including past members, or nominees, heir or legal representative of deceased members)] of the same society shall not be referred [6][to the Co-operative Court] under the provisions of sub-section (*1*).

*Explanation 2*.— For the purposes of this sub-section, a dispute shall include—

(*i*) a claim by or against a society for any debt or demand due to it from a member or due from it to a member, past members or the nominee, heir or legal representative of a deceased member, or servant for employee whether such a debt or demand be admitted or not ;

(*ii*) a claim by a surety for any sum or demand due to him from the principal borrower in respect of a loan by a society and recovered from the surety owing to the default of the principal borrower, whether such a sum or demand be admitted or not ;

(*iii*) a claim by a society for any loss caused to it by a member, past member or deceased member, by any officer, past officer or deceased officer, by any agent, past agent or deceased agent, or by any servant, past servant or deceased servant, or by its committee, past or present, whether such loss be admitted or not ;

(*iv*) a refusal or failure by a member, past member or a nominee, heir or legal representative of a deceased member, to deliver possession to a society of land or any other asset resumed by it for breach of conditions of the assignment.

[7]**[91A. Constitution of Co-operative Courts.—** (*1*) The State Government may, by notification in the *Official Gazette*, constitute one or more Co-operative Courts for the adjudication of disputes [8][referred to them] under section 91 or section 105 or other provisions of this Act.

(*2*) A Co-operative Court shall consist of one member appointed by the State Government possessing such qualifications as may be prescribed.

(*3*) A Co-operative Court shall have jurisdiction over the whole State or any part thereof as may be specified in the notification under sub-section (*1*).

(*4*) All disputes and other proceedings pending immediately before the commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 1973 (Mah. III of 1974) [9][before the Registrar or any person to whom the powers of the Registrar under this Act or the rules made thereunder have been delegated or] before any nominee or board of nominees appointed by the Registrar, shall be transferred by him, by general or special order, to any Co-operative Court specified by him in that behalf and shall be heard and disposed of by that Court as if they had been originally filed before it. That Court may proceed to hear and dispose of such proceedings from the stage reached before such transfer or may commence the hearing *de novo*.

1 These words, figures and letter were inserted by Mah.34 of 2001, s. 8.

2 Sub-section (*2*) was deleted by Mah. 27 of 1969, s. 16(*b*).

3 These words, brackets and figures was substituted for the words, brackets and figures "sub-section (*3*) of section 93" by Mah. 20 of 1986, s. 48(*c*).

4 These words were inserted by Mah. 10 of 1988, s. 17(*b*).

5 These words and brackets were substituted for the words "the members" by Mah. 33 of 1963, s. 20(*b*).

6 These words were substituted for the words "to the Registrar" by Mah. 18 of 1982, s. 3(*b*).

7 Section 91A was inserted by Mah. 3 of 1974, s. 22.

8 These words were substituted for the words "referred to the Registrar," by Mah. 18 of 1982, s. 4(*a*).

9 This portion was inserted by Mah. 64 of 1975, s. 2.



[1][(*5*) All disputes and other proceedings pending, immediately before the commencement of the Maharashtra Co-operative Societies (Amendment and Validation) Act, 1982 (Mah. XVIII of 1982), before the Registrar or any person to whom the powers of the Registrar under this Act or the rules made thereunder have been delegated, shall be transferred by him, by general or special order, to any Co-operative Court specified by him and shall be heard and disposed of by that Court as if they had been originally filed before it. That Court may proceed to hear and dispose of such proceedings from the stage reached before such transfer or may commence the hearing *de novo*.]]

**92. Limitation.—** (*1*) Notwithstanding anything contained in [2][the Limitation Act, 1963 (36 of 1963)], but subject to the specific provisions made in this Act, the period of limitation in the case of a dispute [3][referred to the Co-operative Court] under the last preceding section shall—

(*a*) when the dispute relates to the recovery of any sum, including interest thereon, due to a society by a member thereof be computed from the date on which such member dies or ceases to be a member of the society ;

(*b*) when the dispute is between a society or its committee, and any past committee, any past or present officer, or past or present agent or past or present servant or the nominee, heir or legal representative or a deceased officer, deceased agent or deceased servant of the society, or a member, or past member, or the nominee, heir or legal representative of a deceased member, and when the dispute relates to any act or omission on the part of either party to the dispute, be six years from the date on which the act or omission with reference to which the dispute arose, took place ;

(*c*) when the dispute is in respect of any matter touching the constitution, management or business of a society which has been ordered to be wound up under section 102, or in respect of which a nominated committee [4][or an administrator or committee or authorised person has been appointed under section 77A, 78 or 78A, be six years from the date of the order issued under section 77A, 78 or 78A or, under section 102, as the case may be];

(*d*) when the dispute is in respect of an election of [5][a committee or officers] of the society, be [6][two months] from the date of the declaration of the result of the election.

(*2*) The period of limitation in the case of any other dispute except those mentioned in the foregoing sub-section which are required to be referred to [7][the Co-operative Court] under the last preceding section shall be regulated by the provisions of [8][the Limitation Act, 1963 (36 of 1963)], as if the dispute were a suit, and [9][the Co-operative Court] a Civil Court.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), [10][the Co-operative Court] may admit a dispute after the expiry of the limitation period, if the applicant satisfies [11][the Co-operative Court] that he had sufficient cause for not referring the dispute within such period, and the dispute so admitted shall be a dispute which shall not be barred on the ground that the period of limitation had expired.

[12]**[93. Transfer of disputes from one Co-operative Court to another, and suspension of proceedings in certain cases.—** (*1*) Where any dispute is referred to any Co-operative Court, the President of the Co-operative Appellate Court may, at any time, for reasons to be recorded in writing,

1 Sub-section (*5*) was added by Mah. 18 of 1982, s. 4(*b*).

2 These words and figures were substituted for the words and figures "the Indian Limitation Act, 1908" by Mah. 20 of 1986, s. 49(*c*).

3 These words were substituted for the words "referred to the Registrar" by Mah. 18 of 1982, s. 5(*a*).

4 These words, figures and letters were substituted for the words, figures and letters "or an administrator has been appointed under section 77A or 78, be six years from the date of the order issued under section 102, or section 77A or 78, as the case may be" by Mah. 16 of 2013, s. 57.

5 These words were substituted for words "an office bearer" by Mah. 20 of 1986, s. 49(*b*).

6 These words were substituted for the words "one month" by Mah. 18 of 1982, s. 5(*b*).

7 These words were substituted for the words "the Registrar" by Mah. 18 of 1982, s. 5(*a*).

8 These words and figurers were substituted for the words and figures "the Indian Limitation Act, 1908" by Mah. 20 of 1986, s. 49(*c*).

9 These words were substituted for the words "the Registrar" by Mah. 18 of 1982, s. 5(*a*).

10 These words were substituted for the words "the Registrar" by Mah. 18 of 1982, s. 5(*a*).

11 These words were substituted for the words "the Registrar" by Mah. 18 of 1982, s. 5(*a*).

12 Section 93 was substituted by Mah. 18 of 1982, s. 6.



withdraw such dispute from that Court and may refer it for decision to any other Co-operative Court as he deems fit.

(*2*) Notwithstanding anything contained in this Act, the Co-operative Court, on an application made to it by any of the parties of the dispute, may, if it thinks fit, suspend any proceedings in respect of any dispute, if the question at issue between a society and a claimant or between different claimants, is one involving complicated questions of law and fact, until the question has been tried by a regular suit instituted by one of the parties or by the society. If any such suit is not instituted in a Civil Court within two months from the date of the order of the Co-operative Court, that Court shall continue the proceedings and decide the dispute.]

[1][(*3*) Notwithstanding anything contained in this Act, where it appears to the Co-operative Court that there exist elements of settlement which may be acceptable to the parties, the court may formulate the terms of the settlement and give the same to the parties for their observation and after receiving the observations of the parties, the court shall reformulate the terms of possible settlement and refer the dispute for,—

(*i*) Arbitration;

(*ii*) Conciliation;

(*iii*) Judicial Settlement, including settlement through *Lok-Adalat*;

(*iv*) Mediation.

(*4*) Where a dispute has been referred—

(*a*) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply, as if the proceedings for arbitration and conciliation were referred for settlement of the dispute under the provisions of the said Act ;

(*b*) to *Lok-Adalat*, the Court may refer the same to the *Lok-Adalat* in accordance with the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute so referred to the *Lok-Adalat* ;

(*c*) for judicial settlement, the Court may refer the same to a suitable institution or a person working in that field and such institution or a person shall be deemed to be a *Lok-Adalat* and all the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) shall apply as if the disputes were referred to *Lok-Adalat* under the provisions of the said Act;

(*d*) for mediation, the court may effect compromise between the parties and shall follow such procedure as may be prescribed.]

**94. Procedure for settlement of disputes and power of [2][* *] Co-operative Court.—** (*1*) [3][The Co-operative Court], hearing a dispute under the last preceding section, shall hear the dispute in the manner prescribed, and shall have power to summon and enforce attendance of witnesses including the parties interested or any of them and to compel them to give evidence on oath, affirmation or affidavit, and to compel the production of documents by the same means and as far as possible in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908 (V of 1908).

[4][(*1A*) Save as otherwise provided in this Act, every dispute in relation to any election shall be heard and decided by the Co-operative Court as expeditiously as possible and endeavour shall be made to conclude the hearing and decision within six months from the date on which the dispute is filed before it.]

(*2*) Except with the permission of [5][the Co-operative Court] no party shall be represented at the hearing of a dispute by a legal practitioner.

1 Sub-sections (*3*) and (*4*) were added by Mah. 16 of 2013, s. 58.

2 The words "Registrar or" were deleted by Mah. 18 of 1982, s. 7(5).

3 These words were substituted for the words "The Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7(*1*). 4 Sub-section (*1A*) was inserted by Mah. 20 of 1986, s. 50.

5 These words were substituted for the words "the Registrar or the Co-operative Court, as the case may be," by Mah. 18 of 1982, s. 7 (*2*).



(*3*) (*a*) If [1][the Co-operative Court] is satisfied that a person, whether he be a member of the society or not, has acquired any interest in the property of a person who is a party to a dispute, [2][it may order], that the person who has acquired the interest in the property may join as a party to the dispute ; and any decision that may be passed on the reference by [3][the Co-operative Court] shall be binding on the party so joined, in the same manner as if he were an original party to the dispute.

(*b*) Where a dispute has been instituted in the name of the wrong person, or where all the defendants have not been included, [4][the Co-operative Court] may, at any stage of the hearing of the dispute, if satisfied that the mistake was *bona fide*, order any other person to be substituted or added as a plaintiff or a defendant, upon such terms as [5][it thinks just.]

(*c*) [6][The Co-operative Court may], at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to [7][the Co-operative Court], to be just, order that the name of any party improperly joined whether as plaintiff or defendant, be struck out, and the name of any person who ought to have been joined whether as plaintiff or defendant or whose presence before [8][the Co-operative Court], may be necessary in order [9][to enable the Co-operative Court] effectually and completely to adjudicate upon and settle all the questions involved in the dispute, be added.

(*d*) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any of such reliefs; but if he omits to claim for all such reliefs, he shall not forward a claim for any relief so omitted, except with the leave of [10][the Co-operative Court].

[11][(*3A*) If the disputant is present and the opponent is absent, when the dispute is called out for hearing, the Co-operative Court may decide the dispute *ex-parte*, and pass an award. The Co-operative Court, may set aside the *ex-parte*, award upon such terms as to the payment of costs, to the court or otherwise as it thinks fit, if the opponent makes an application within thirty days from the date of the award, and satisfies the court that there was sufficient cause for his failure to appear, when the dispute was called out for hearing and appoint a day for hearing and deciding the dispute on merits.

(*3B*) If the opponent is present and the disputant is absent, when the matter is called out for hearing, the Co-operative Court may dismiss the dispute for default, and pass an award accordingly. The Co-operative Court may restore the dispute which is dismissed for default and restore the same, upon such terms as to the payment of costs, as it thinks fit, if the disputant makes an application within thirty days from the date of its dismissal, and satisfies the court that there was sufficient cause for his failure to appear, when the dispute was called for hearing and appoint a day for hearing and deciding the dispute on merits.]

[12][(*4*) Save as otherwise directed by the State Government in any case or class of cases, every dispute shall be decided in such summary manner as may be prescribed and as expeditiously as possible.]

[13]**[95. Attachment before award or order and interlocutory orders.—** (*1*) Where a dispute has been referred to the Co-operative Court under section [14][91, 93 or 105] or whether the Registrar or the

1 These words were substituted for the words "the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7(*3*)(*a*)(*i*). 2 These words were substituted for the words "he may order" by Mah. 18 of 1982, s. 7(*3*)(*a*)(*ii*).

3 These words were substituted for the words "the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7(*3*)(*b*)(*i*).

4 These words were substituted for the words "the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7(*3*)(*b*)(*i*). 5 These words were substituted for the words "he thinks just" by Mah. 18 of 1982, s. 7(*3*)(*b*)(*ii*).

6 These words were substituted for the words "The Registrar, or the Co-operative Court may" by Mah. 18 of 1982, s. 7 (*3*)(*c*)(*i*).

7 These words were substituted for the words "the Registrar or the Co-operative Court, as the case may be" by Mah. 18 of 1982, s. 7(*3*)(*c*)(*ii*).

8 These words were substituted for the words "the Registrar or the Co-operative Court, as the case may be" by Mah. 18 of 1982, s. 7(*3*)(*c*)(*ii*).

9 These words were substituted for the words "to enable the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7 (*3*)(*c*)(*iii*).

10 These words were substituted for the words "the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 7(*3*)(*d*). 11 Sub-sections (*3A*) and (*3B*) were substituted for sub-section (*3A*) by Mah. 16 of 2013, s. 59.

12 Sub-section (*4*) was added by Mah. 3 of 1974, s. 24(*b*).

13 Section 95 was substituted by Mah. 18 of 1982, s. 8.

14 These figures and word were substituted for the figures and word "93 or 105" by Mah. 16 of 2013, s. 60(*a*).



person authorised under section 88 (hereinafter in this section referred to as " the [1][authorised officer]") hears a person against whom charges are framed under that section and the Co-operative Court or the Registrar or the [2][authorised officer], as the case may be, is satisfied on inquiry or otherwise that a party to such dispute or the person against whom proceedings are pending under section 88, with intent to defeat, delay or obstruct the execution of any award or the carrying out of any order that may be made,—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from its or his jurisdiction,

the court or the Registrar or the [3][authorised officer], as the case may be, may, unless adequate security is furnished, direct conditional attachment of the said property, and such attachment shall have the same effect as if made by a competent Civil Court.

(*2*) Where attachment of property is directed under sub-section (*1*), the Co-operative Court or the Registrar or the authorised person, as the case may be, shall issue a notice calling upon the person whose property is so attached to furnish security as it or he thinks adequate within a specified period. If the person fails to provide the security so demanded, the authority issuing the notice may confirm the order and, after the decision in the dispute or the completion of the proceedings under section 88, may direct the disposal of the property so attached towards the claim if awarded.

(*3*) Attachment under this section shall not affect the rights subsisting prior to the attachment of the property, of persons not parties to the proceedings in connection with which the attachment is made, or bar any person holding a decree against the person whose property is attached from applying for the sale of the property under attachment in execution of such decree.

(*4*) The Co-operative Court, the Registrar or the authorised person, as the case may be, may in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision in a dispute referred to in sub-section (*1*) as may appear to be just and convenient.]

[4]**[96. Decision of Co-operative Court.—** When a dispute is referred [5][to the Co-operative Court, it may, after giving a reasonable opportunity of being heard, to the parties to the dispute, make an award regarding the dispute] on the expenses incurred by the parties to the dispute in connection with the proceedings, and fees and expenses payable to the Co-operative Court. In case of money claim preferred by society against a member, the amount of award representing the interest shall not be less than the amount of interest accrued thereon in accordance with the contractual rate of interest, but where such money claim relates to any loan referred to in section 44A, the provisions of that section shall apply to such money claim as they apply to loan under section 44A.]

**97.** [6]**[Appeal against decision under section 96 and Order under section 95].—** Any party aggrieved by any decision of [7][the Co-operative Court] under the last preceding section or order passed [8][by the Co-operative Court or the Registrar or the [9][authorised officer]] under section 95 may within two months from the date of the decision or order, appeal to [10][the Co-operative Appellate Court.]

**98. Money how recovered.—** Every order passed [11][by the Official Assignee of a de-registered society under sub-section (*3*) of section 21A or every order passed] by the Registrar or [12][an authorised officer] by him under section 88 or by the Registrar [13][or the Co-operative Court under section 95 [14][or by the Co-operative Court under section 96], every order passed] in appeal under the last preceding

1 These words were substituted for the words "authorised person" by Mah. 16 of 2013, s. 60(*b*).
2 These words were substituted for the words "authorised person" by Mah. 16 of 2013, s. 60(*b*).
3 These words were substituted for the words "authorised person" by Mah. 16 of 2013, s. 60(*b*).
4 Section 96 was substituted by Mah. 20 of 1986, s. 51.
5 These words were substituted for the words "to arbitration, the Co-operative Court, may, after giving reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute" by Mah. 16 of 2013, s. 61.
6 The marginal note was substituted by Mah. 18 of 1982, s. 10(*c*).
7 These words were substituted for the words "the Registrar or the Co-operative Court" by Mah. 18 of 1982, s. 10(*a*). 8 These words were inserted by Mah. 18 of 1982, s. 10(*b*).
9 These words were substituted for the words "authorised person" by Mah. 16 of 2013, s. 62.
10 These words were substituted for the words "the Tribunal" by Mah. 3 of 1974, s. 27(*b*).
11 This portion was inserted by Mah. 10 of 1988, s. 18(*a*).
12 These words were substituted for the words "a person authorised" by Mah. 16 of 2013, s. 63(*a*).
13 These words were substituted for the words "of his nominee or board of nominees" by Mah. 3 of 1974, s. 26(*a*) and 28. 14 These words were inserted by Mah. 18 of 1982, s. 11(*a*).



section, every order passed by a Liquidator under section 105, every order passed by the State Government in appeal against orders passed under section 105 and every order passed [1][by the State Government or by the Registrar in revision under section 154 or every order passed by the Registrar for recovery under this Act shall], if not carried out,—

(*a*) on a certificate signed by [2][the Official Assignee or] the Registrar [3][or the Co-operative Court] or a Liquidator, be deemed to be a decree of a Civil Court, and shall be executed in the same manner as a decree of such Court, or

(*b*) be executed according to the law and under the rules for the time being in force for the recovery of arrears of land revenue :

Provided that, any application for the recovery in such manner of any such sum shall be made by the Collector, and shall be accompanied by a certificate signed by the Registrar [4][or Co-operative Court], [5][* * * *]. Such application shall be made within twelve years from the date fixed in the order and if no such date is fixed, from the date of the order.

**99. Private transfer of property made after issue of certificate void against society.—** Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate of the Registrar, [6][Co-operative Court], Liquidator or Assistant Registrar, as the case may be, under section 98 shall be null and void as against the society on whose application the said certificate was issued.

**100. Transfer of property which cannot be sold.—** (*1*) When in any execution of an order sought to be executed under section 98, [7][or in the recovery of any amount under section 101 or section 137], any property cannot be sold for want of buyers, if such property is in occupancy of the defaulter, or of some person in his behalf, or of some person claiming under a title created by the defaulter subsequently to the issue of the certificate of the Registrar, [8][Court], Liquidator or the Assistant Registrar, under clause (*a*) or (*b*) of section 98 [9][or under section 101 or 137], the Court or the Collector or the Registrar, as the case may be, may notwithstanding anything contained in any law for the time being in force, direct that the said property or any portion thereof shall be transferred to the society which has applied for the execution of the said order, in the manner prescribed.

(*2*) Where property is transferred to the society under the forgoing sub-section or where property is sold under section 98, [10][101 or 137], the Court, the Collector, or the Registrar, as the case may be, may in accordance with the rules, place the society or the purchaser, as the case may be, in possession of the property transferred or sold.

(*3*) Subject to such rules as may be made in this behalf, and to any rights, encumbrances, charges or equities lawfully subsisting in favour of any person, such property or portion thereof shall be held under sub-section (*1*) by the said society on such terms and conditions as may be agreed upon between the Court, the Collector or the Registrar, as the case may be, and the said society. Subject to the general or special orders of the State Government, the Collector or the Registrar may delegate to an officer, not below the rank of an Assistant or the Deputy Collector or the Assistant Registrar, powers exercisable by the Collector or the Registrar under this section.

**101. [11][Recovery of certain sums and arrears due to certain societies as arrears of land revenue.].—**[12][(*1*) Notwithstanding anything contained in sections 91, 93 and 98, on an application made by a resource society undertaking the financing of crop and seasonal finance as defined under the

1 These words were substituted for the words and figures "in revision under section 154 shall" by Mah. 16 of 2013, s. 63(*b*). 2 These words were inserted by Mah. 10 of 1988, s. 18(*a*).

3 These words were inserted by Mah. 18 of 1982, s. 11(*b*).

4 These words were inserted by Mah. 16 of 2013, s. 63(*c*).

5 The words "or by any Assistant Registrar to whom the said power have been delegated by the Registrar" were deleted by Mah. 33 of 1963, s. 22.

6 These words were inserted by Mah. 18 of 1982, s. 12.

7 These words and figures were inserted by Mah. 3 of 1974, s. 29(*a*)(*i*) and (*ii*).

8 This word was inserted by Mah. 18 of 1982, s. 13.

9 These words and figures were inserted by Mah. 3 of 1974, s. 29(*a*)(*i*) and (*ii*).

10 This word and figures were substituted by Mah. 3 of 1974, s. 29(*b*).

11 This marginal note was substituted by Mah. 16 of 2013, s. 64(*c*).

12 Sub-section (*1*) was substituted for the original by Mah. 27 of 1969, s. 17(*a*).



[1]Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVII of 1947) [2][or advancing loans for other agricultural purposes repayable during a period of not less than eighteen months and not more than five years] for the recovery of arrears of any sum advanced by it to any of its members on account of the financing of crop or seasonal finance [3][or for other agricultural purposes as aforesaid] or by a crop-protection society for the recovery of the arrears of the initial cost or of any contribution for obtaining services required for crop-protection which may be due from its members or other owners of lands included in the proposal (who may have refused to become members) or by a lift irrigation society for the recovery of arrears of any subscription due from its members for obtaining services required for providing water supply to them [4][or by a Taluka or Block level village artisans multi-purpose society advancing loans and arranging for cash credit facilities for artisans for the recovery of arrears of its dues,] [5][or [6][* * *]] by a co-operative dairy society advancing loans for the recovery of arrears of any sum advanced by it

to any of its members or by an urban co-operative bank for the recovery of arrears of its dues [7][or any sum advanced by the District Central Co-operative Bank to its [8][* * * * *] members or by non-agricultural co-operative credit society for the recovery of the arrears of its dues], or by salary-earners co-operative society for the recovery of arrears of its dues or by a fisheries co-operative society for the recovery of arrears of its dues] [9][or by any such society, class of societies, as the State Government may, from time to time, notify in the *Official Gazette*, for the recovery of any sum advanced to, or any subscription or any other amount due from, the members of the society or class of societies so notified] and [10][on the society concerned furnishing a statement of accounts and any other documents as may be prescribed] in respect of the arrears, [11][the Registrar may, after making the inquiry in such manner as may be prescribed, grant a certificate for the recovery of the amount stated therein to be due as arrears.] The application for grant of such certificate shall be made in such form and by following such procedure, accompanied by such fees and documents as may be prescribed.]

[12][[13][*Explanation I*].— For the purposes of this sub-section, the expression "other agricultural purposes" includes dairy, pisciculture and poultry.]

[14][* * *]

(*2*) Where the Registrar is satisfied that [15][the concerned society has failed to take action under the foregoing sub-section in respect of any amount due as arrears,] the Registrar may, of his own motion, after making such inquiries, [16][as may be prescribed] grant a certificate for the recovery of the amount stated therein to be due as arrears, and such a certificate shall be deemed to have been issued as if on an application made by the society concerned.

(*3*) A certificate granted by the Registrar under sub-section (*1*) or (*2*) shall be final and a conclusive proof of the arrears stated to be due therein, and the same shall be recoverable according to the law for the time being in force [17][as arrears of land revenue. A revision shall lie against such order or grant of certificate, in the manner laid down under section 154 and such certificate shall not be liable to be questioned in any Court.]

1 Short title of the Act has been amended as "the Maharashtra Agricultural Debtors Act" by Mah. 24 of 2012, s. 2 and 3, schedule, entry 26, with effect from the 1st May 1960.

2 This portion was deemed to have been inserted on 1st July 1971 by Mah. 44 of 1973, s. 3(*a*).

3 This portion was deemed to have been inserted on 1st July 1971 by Mah. 44 of 1973, s. 3(*b*).

4 This portion was inserted by Mah. 36 of 1975, s. 8.

5 This portion was inserted by Mah. 20 of 1986, s. 52(*a*).

6 The words "by a co-operative housing society, for the recovery of its dues or for the recovery of its maintenance and service charges, or" were deleted by Mah. 23 of 2019, s. 3.

7 These words were inserted by Mah. 16 of 2013, s. 64(*a*)(*ii*).

8 The word "individual" was deleted by Mah. 42 of 2023, s. 3.

9 This portion was inserted by Mah. 31 of 1999, s. 2.

10 These words were substituted for the words "on the society concerned furnishing a statement of accounts" by Mah. 16 of 2013, s. 64(*a*)(*iii*).

11 These words were substituted for the portion beginning with the words "the Registrar may, after making such inquiries as he deems fit" and ending with the words "due as arrears" by Mah. 20 of 2006, s. 2(*a*).

12 This *Explanation* was added by Mah. 20 of 1986, s. 52(*b*).

13 This *Explanation* was re-numbered as *Explanation-I* by Mah. 16 of 2013, s. 64(*a*)(*iv*).

14 *Explanation-II* was deleted by Mah. 23 of 2019, s.3.

15 This portion was substituted for the original by Mah. 27 of 1969, s. 17(*b*).

16 These words were substituted for the words "as he deems fit" by Mah. 20 of 2006, s. 2(*b*).

17 These words were substituted for the words "for the recovery of land revenue" by Mah. 16 of 2013, s. 64(*b*).



(*4*) It shall be lawful for the Collector and the Registrar to take precautionary measures authorised by sections 140 to 144 of the [1]Bombay Land Revenue Code, 1879 (Bom. V of 1879) or any law or provision corresponding thereto for the time being in force, until the arrears due to [2][the concerned society], together with interest and any incidental charges incurred in the recovery of such arrears, are paid, or security for payment of such arrears is furnished to the satisfaction of the Registrar.

## CHAPTER X

## LIQUIDATION

**102. Winding up.—** (*1*) If the Registrar,—

(*a*) after an inquiry has been held under section 83 or an inspection has been made under section 84 [3][or 89A] or on the report of the auditor auditing the accounts of the society, or

(*b*) on receipt of an application made upon a resolution carried by three-fourth of the members of a society present at a special general meeting called for the purpose, or

(*c*) of his own motion, in the case of a society which—

(*i*) has not commenced working, or

(*ii*) has ceased working, or

(*iii*) possesses shares or member's deposits not exceeding five hundred rupees, or

(*iv*) has ceased to comply with any conditions as to registration and management in this Act or the rules or the by-laws,

is of the opinion that a society ought to be wound-up, he may issue an interim order directing it to be wound-up.

(*2*) A copy of such order made under [4][* * * *] sub-section (*1*) shall be communicated, in the prescribed manner, to the society calling upon it to submit its explanation to the Registrar within a month from the date of the issue of such order, and the Registrar, on giving an opportunity to the society [5][and to the creditors of the society, if any,] of being heard, may issue a final order, vacating or confirming the interim order.

**103. Appointment of Liquidator.—** (*1*) When an interim order is passed under the last preceding section or a final order is passed under that section, for the winding-up of a society, the Registrar may, in accordance with the rules, appoint a person to be Liquidator of the society, and fix his remuneration.

(*2*) On issue of the interim order, the officers of the society shall hand over to the Liquidator the custody and control of all the property, effects and actionable claims to which the society is or appears to be entitled, of all books, records and other documents pertaining to the business of the society and, shall have no access to any of them.

(*3*) When a final order is passed confirming the interim order, the officers of the society shall vacate their offices, and while the winding-up order remains in force, the general body of the society shall not exercise any powers.

(*4*) The person appointed under this section as Liquidator shall, subject to the general control of the Registrar, exercise all or any of the powers mentioned in section 105. The Registrar may remove such person and appoint another in his place, without assigning any reason.

(*5*) The whole of the assets of the society shall on the appointment of Liquidator under this section vest in such Liquidator, and notwithstanding anything contained in any law for the time being in force, if any immovable property is held by a Liquidator on behalf of the society, the title over the land shall

1 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

2 These words were substituted for the words "the resource society" by Mah. 27 of 1969, s. 17(*c*).

3 This word, figures and letter was inserted by Mah. 16 of 2013, s. 65.

4 The words, brackets, letters and figures "clause (*a*) or sub-clause (*iv*) of clause (*e*) of" were deleted by Mah. 33 of 1963, s. 23.

5 These words were inserted by Mah. 34 of 2001, s. 9.



be complete as soon as the mutation of the name of his office is effected, and no Court shall question the title on the ground of dispossession, want of possession or physical delivery of possession.

(*6*) In the event of the interim order being vacated, the person appointed as Liquidator shall hand over the property, effects and actionable claims and books, records and other documents of the society to the officers who had delivered the same to him. The acts done, and the proceedings taken by Liquidator,

shall be binding on the society, and such proceedings shall, after the interim order has been cancelled under the preceding section, be continued by the officers of the society.

**104. Appeal against order of winding up.**—[1][(*1*) The committee or any member of the society ordered to be wound-up may prefer an appeal against the final order of winding-up within two months from the date of the issue of the order made under section 102,—

(*a*) if made by the Registrar, or the Special or Additional or Joint Registrar on whom the powers of the Registrar are conferred, to the State Government ;

(*b*) if made by any person other than the Registrar, or the Special or Additional or Joint Registrar on whom the powers of the Registrar are conferred, to the Registrar :

Provided that, no appeal shall lie against an order, issued under sub-clause (*i*), (*ii*) or (*iii*) of clause (*c*) of sub-section (*1*) of section 102].

(*2*) No appeal from a member under this section shall be entertained unless it is accompanied by sum as security for the costs of hearing the appeal, as may be prescribed.

**105. Powers of Liquidator.**—[2][(*1*)] The Liquidator appointed under section 103 shall have power, subject to the rules and the general supervision, control and direction of the Registrar,—

(*a*) to institute and defend any suit and other legal proceedings, civil or criminal on behalf of the society, in the name of his office ;

(*b*) to carry on the business of the society, so far as may be necessary for the beneficial winding up of the same ;

(*c*) to sell the immovable and movable property and actionable claims of the society by public auction or private contract, with power to transfer the whole or part thereof to any person or body corporate, or sell the same in parcels ;

[3][(*c-i*) to transfer by sale assets valued at market price to a society registered with similar objects or to Government undertaking which carries on the same business as of the society under liquidation ;

(*c-ii*) to lease to other societies or to Government undertakings, with prior approval of the Registrar, the property of the society to run the same business as that of the society under liquidation;]

(*d*) to raise, on the security of the assets of the society, any money required;

(*e*) to investigate all claims against the society and, subject to the provisions of the Act, to decide questions of priority arising out of such claims, and to pay any class or classes of creditor in full or rateable according to the amount of such debts, the surplus being applied in payment of interest from the date of liquidation at a rate to be approved by the Registrar, but not exceeding the contract rates;

(*f*) to make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim present or future, whereby the society may be rendered liable;

(*g*) to compromise all calls or liabilities to calls and debts and liabilities capable of resulting in debts, and all claims present or future, certain or contingent, subsisting or supposed to subject between the society and a contributory or alleged contributory or other debtor or person

1 Sub-section (*1*) was substituted by Mah. 7 of 1997, s. 12.

2 Section 105 was re-numbered as sub-section (*1*) of that section by Mah. 3 of 1974, s. 30(*1*). 3 Clauses (*c-i*) and (*c-ii*) were inserted by Mah.20 of 1986, s. 53.



apprehending liability to the society, and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed, and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof;

(*h*) to determine, from time to time, after giving an opportunity to answer the claim, the contribution to be made or remaining to be made by the members or past members, or by the estate, nominees, heirs or legal representatives of deceased members, or by any officer, past officer or the estate of nominees, heirs or legal representatives of a deceased officer to the assets of the society, such contribution being inclusive of debts due from such members or officers;

(*i*) to issue requisitions under section 98;

[1][(*j*) to refer or to get referred any dispute to the Co-operative Court for decision;]

(*k*) to determine by what persons and in what proportion the costs of the liquidation shall be borne;

(*l*) to fix the time or times within which the creditors shall prove their debts and claims or be included for the benefit of any distribution made before those debts or claims are proved ;

(*m*) to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and in the same manner as is provided in the case of a Civil Court under Code of Civil Procedure, 1908 (V of 1908);

(*n*) to do all acts, and to execute in the name and on behalf of the society, all deeds, receipts and other documents as may be necessary to such winding up ;

(*o*) to take such action as may be necessary under section 19, with the prior approval of the Registrar, if there is reason to believe that the society can be reconstructed.

[2][(*2*) Notwithstanding anything contained in sub-section (*1*), the liquidator, shall not have the right to vote on behalf of the society in liquidation, at the election of the members of the committee or of officers of any other society.]

**106. Effect of order of winding up.—** After expiry of the period for appeal against the order made under sub-section (*1*) of section 102 or where the appeal has been dismissed, the order for winding up shall be effective and shall operate in favour of all the creditors and of all the contributories of the society, as if it had been made on the joint petition of creditors and contributories. When a winding up order becomes effective, the Liquidator shall proceed to realise the assets of the society by sale or otherwise, and no dispute shall be commenced or, if pending at the date of the winding up order, shall be proceeded with, against the society, except by leave of the Registrar and subject to such terms as the Registrar may impose. The Registrar, may of his own motion, however, entertain or dispose of any dispute by or against the society.

**107. Bar of suit in winding up and dissolution matters.—** Save as expressly provided in this Act, no Civil Court shall take cognizance of any matter connected with the winding up or dissolution of a society, under this Act; and when a winding up order has been made no suit or other legal proceedings shall lie or be proceeded with against the society or the Liquidator, except by leave of the Registrar and subject to such terms as he may impose :

Provided that, where the winding up order is cancelled the provisions of this section shall cease to operate so far as the liability of the society and of the members thereof to be sued is concerned but they shall continue to apply to the person who acted as Liquidator.

**108. Audit of Liquidator's accounts.—** (*1*) The Liquidator shall, during his tenure of office, at such times as may be prescribed, but not less than twice each year, present to the Registrar an account in the prescribed form of his receipts and payments as Liquidator. The Registrar shall cause the accounts to be audited in such manner as he thinks fit ; and for the purpose of audit, the Liquidator shall furnish the Registrar with such vouchers and information as he, or the person appointed by him, may require.

1 Clause (*j*) was substituted by Mah. 18 of 1982, s. 14.

2 Sub-section (*2*) was added by Mah. 3 of 1974, s. 30(*2*).

(*2*) The Liquidator shall cause a summary of audited accounts to be prepared, and shall send a copy of such summary to every contributory.

(*3*) The Liquidator shall pay such fees as the Registrar may direct, for the audit of the accounts and books kept by him in the manner prescribed.

(*4*) The Liquidator shall be held liable for any irregularities which might be discovered in the course or as a result, of audit in respect of transactions subsequent to his taking over the affairs of the society, and may be proceeded against as if it were an act against which action could be taken under section 88 :

Provided that, no such action shall be taken unless the irregularities have caused or are likely to cause loss to the society, and have occurred due to gross negligence or want or omission, in carrying out the duties and functions.

**109. Termination of liquidation proceedings.—** (*1*) The winding up proceedings of a society shall be closed [1][as soon as practicable within six years] from the date [2][the Liquidator takes over the custody or control of all the property, effects and actionable claims to which the society is or appears to be entitled, and of all books, records and other documents pertaining to the business of the society, under sub-section (*2*) of section 103] unless the period is [3][extended by the Registrar or the Government]:

[4][Provided that, the Registrar shall not grant any extension for a period exceeding one year at a time and four years in the aggregate:

Provided further that, if it is necessary to grant further extension beyond ten years, the Registrar shall send proposal for such extension to the Government. The Government may grant extension for a period not exceeding one year at a time and five years in the aggregate:

Provided also that, immediately, after the expiry of fifteen years from the date aforesaid, it shall be deemed that the liquidation proceedings have been terminated and the Registrar shall pass an order of terminating the liquidation proceedings:]

[5][* * *]

[6][*Explanation*.— In the case of a society which is under liquidation at the commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 1985 (Mah. XX of 1986) the period of six years shall be deemed to have commenced from the date on which the Liquidator took over the custody or control as aforesaid.]

(*2*) Notwithstanding anything contained in the foregoing sub-section, the Registrar shall terminate the liquidation proceedings on receipt of the final report from the Liquidator. The final report of the Liquidator shall state that the liquidation proceedings of the society have been closed, and how the winding up has been conducted and the property of and the claims of the society have been disposed of, and shall include a statement showing a summary of the account of the winding up including the cost of liquidation, the amount (if any) standing to the credit of the society in liquidation, after paying off its liabilities including the share or interest of members and suggest how the surplus should be utilised.

(*3*) The Registrar, on receipt of the final report from the Liquidator, shall direct the Liquidator to convene a general meeting of the members of the society for recording his final report.

**110. Disposal of surplus assets.—** The surplus assets, as shown in the final report of the Liquidator of a society which has been wound up, may either be divided by the Registrar, with the previous sanction of the State Government, amongst its members in such manner as may be prescribed or be devoted to any object or objects provided in the by-laws of the society, if they specify that such a surplus shall be utilised for the particular purpose or may be utilised for both the purposes. Where the surplus is not so divided amongst the members and the society has no such by-law, the surplus shall vest in the Registrar,

1 These words were substituted for the words "within three years" by Mah. 16 of 1969, s. 2(*a*).

2 This portion was substituted for "of the order of the winding up" by Mah. 20 of 1986, s. 54(*a*). 3 These words were substituted for the words "extended by the Registrar" by Mah. 28 of 2022, s. 15(*1*). 4 These provisos were substituted by Mah. 28 of 2022, s. 15(*2*).

5 This proviso was deleted by Mah. 28 of 2022, s. 15(*3*).

6 This *Explanation* was substituted for the original by Mah. 20 of 1986, s. 54(*c*).

who shall hold it in trust and shall transfer it to the reserve fund of a new society registered with a similar object, and serving more or less an area which the society to which the surplus belonged was serving :

Provided that, where no such society exists or is registered within three years of the cancellation of the society whose surplus is vested in the Registrar, then Registrar may distribute the surplus, in the manner he thinks best, amongst any or all of the following :—

(*a*) an object of public utility and of local interest as may be recommended by the members in general meeting held under the preceding section ;

(*b*) a federal society with similar objects to which the cancelled society was eligible for affiliation or, where no federal society exists, the State federal society which may be notified in this behalf by the State Government ; and

(*c*) any charitable purpose as defined in section 2 of the Charitable Endowment Act, 1890 (VI of 1890).

[1][CHAPTER X-A

INSURED CO-OPERATIVE BANKS

**110A. Order for winding up, reconstruction, [2][suspension or] supersession of committee, etc., of insured co-operative bank, not to be made without sanction or requisition of Reserve Bank of India.—**[3][(*1*)] Notwithstanding anything contained in this Act, in the case of an insured Co-operative Bank—

(*i*) an order for the winding up, or an order sanctioning a scheme of compromise or arrangement, or of amalgamation, or reconstruction (including division or re-organisation), of the Bank may be made only with the previous sanction in writing of the Reserve Bank of India ;

(*ii*) an order for the winding up of the Bank shall be made [4][by the Registrar] if so required by the Reserve Bank of India in the circumstances referred to in section 13-D of the Deposit Insurance Corporation Act, 1961 (47 of 1961);

(*iii*) if so required by the Reserve Bank of India in the public interest or for preventing the affairs of the bank being conducted in a manner detrimental to the interests of the depositors or for securing the proper management of the bank an order shall be made [5][by the Registrar] [6][for suspension or supersession of the committee, as the case may be, and the appointment of an Administrator in its place for such period, not exceeding one year. In case of supersession, an Administrator so appointed shall, before the expiry of his term of office, arrange for holding election to constitute the new managing committee and handover the management to the newly constituted committee. In case of suspension of the committee, the Registrar with prior permission of the Reserve Bank of India, shall revoke the order of suspension and direct the Administrator to handover the management to the committee] ;

(*iv*) an order for the winding up of the bank or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction (including division or re-organisation) or an order for the [7][suspension or supersession] of the committee and the appointment of an Administrator therefor made with the previous sanction in writing or on the requisition of the Reserve Bank of India shall not be liable to be called in question in any manner; and

(*v*) the Liquidator or the insured co-operative bank or the transferee bank, as the case may be, shall be under an obligation to repay the Deposit Insurance Corporation established under the Deposit Insurance Corporation Act, 1961 (47 of 1961), in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

1 Chapter X-A was inserted by Mah. 54 of 1969, s. 2.

2 These words were inserted by Mah. 16 of 2013, s. 67(*b*).

3 Existing section 110A was re-numbered as sub-section (*1*) by Mah. 11 of 2008, s. 24.

4 These words were inserted by Mah. 36 of 1975, s. 9(*a*).

5 These words were inserted by Mah. 36 of 1975, s. 9(*b*).

6 This portion was substituted for the portion beginning with the words "for the supersession (removal) of the committee" and ending with the words "the first meeting of the new committee" by Mah. 16 of 2013, s. 67(*a*)(*i*).

7 These words were substituted for the words "supersession (removal)" by Mah. 16 of 2013, s. 67(*a*)(*ii*).



1[*Explanation*.— In this section,—

(*a*) the expression "an insured co-operative bank" means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961 (47 of 1961);

(*b*) the expression "the transferee bank" has the same meaning as assigned to it in that Act.]

2[(*2*) Notwithstanding anything contained in this Act, in the case of the District Central Co-operative Bank and the State Co-operative Bank, the supersession of the Board and appointment of Liquidator shall be made by the Registrar, within one month of being so advised by the Reserve Bank of India.]]

CHAPTER XI

3[CO-OPERATIVE AGRICULTURE AND RURAL MULTIPURPOSE DEVELOPMENT BANKS]

4**[111. Application of Chapter XI to 5[Co-operative Agriculture and Rural Multipurpose Development Banks].—** This Chapter shall apply to—

(*a*) any co-operative bank or banks advancing loans other than short term loans, to or through the 6[Co-operative Agriculture and Rural Multipurpose Development Bank], for the purposes herein enumerated (hereinafter referred to as "the 7[Co-operative Agriculture and Rural Multipurpose Development Bank]"), namely :—

(*i*) agricultural or rural development ;

(*ii*) purchase of, or acquisition of title to, agricultural lands by tenants, occupants and assignees under any law for the time being in force ;

(*iii*) liquidation of Government, Institutional, and other secured debts to agriculturist ;

8[(*iv*) acquisition, construction, rebuilding or repairing of dwelling houses in rural area;]

(*b*) any other society permitted by the Registrar under section 142 to function as 9[a Co-operative Agriculture and Rural Multipurpose Development Bank.]

*Explanation*.— For the purposes of this section,—

(*I*) the expression "short term loan" means a loan for a duration of less than 18 months ; and

(*II*) the expression "agricultural or rural development" means any work, construction or activity pertaining to agricultural and rural development which includes the following, that is to say :—

(*i*) construction and repairs of wells (including tube wells), tanks and other works for storage, supply or distribution of water for the purpose of agriculture, or for the consumption of human beings and cattle employed in agriculture,

(*ii*) making agricultural lands fit for cultivation, improvements of lands including development of sources of irrigation,

(*iii*) renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto,

(*iv*) preparation of lands for irrigation including command area development,

1 This *Explanation* was substituted for the original by Mah. 36 of 1975, s. 9(*c*).

2 Sub-section (*2*) was inserted by Mah. 11 of 2008, s. 24.

3 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8. 4 This section was substituted for the original by Mah. 20 of 1986, s 55.

5 These words were substituted for the words "Agriculture and Rural Development Banks" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.

6 These words were substituted for the words "Agriculture and Rural Development Banks" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.

7 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 8 Sub-clause (*iv*) was added by Mah. 5 of 1990, s. 3.

9 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



(*v*) drainage to, and reclamation from rivers or other waters, or protection from floods or erosion or other damage by water, of land,

(*vi*) bunding and similar improvements,

(*vii*) reclamation, clearance and enclosure or permanent improvement of land for agricultural purposes,

(*viii*) horticulture,

(*ix*) purchase of tools, implements, machinery including oil engines, pumping sets, electric motors for any of the purposes mentioned herein,

(*x*) purchase of tractors or power tillers or any other agricultural machinery,

(*xi*) increase in productive capacity of agricultural lands,

(*xii*) construction, rebuilding or repairing of farm houses, cattle-sheds and sheds for processing or repairing agricultural or cottage or village industrial products,

(*xiii*) purchase of machinery for processing of agricultural produce,

(*xiv*) purchase of lands for consolidation of holdings under the relevant law for the time being in force,

(*xv*) animal husbandry and dairy farming such as purchase of milch cattle, rearing of cross-breed female calves, cattle breeding, sheep and goat rearing, piggery, poultry farming and purchase of bullocks,

(*xvi*) plantation including tree crops,

(*xvii*) forestry,

(*xviii*) pisciculture including development of inland and marine fisheries, catching of fish and all activities connected therewith or incidental thereto,

(*xix*) sericulture or apiculture,

(*xx*) marketing, storage including rural warehouses, godowns, and cold storage and transport of agriculture, cottage and industrial products, acquisition of implements and machineries in connection with such activities including animal-driven carts,

(*xxi*) market yards for agricultural produce,

(*xxii*) bio-gas plants,

(*xxiii*) working capital or production credit to borrowers or investment credit,

(*xxiv*) setting up of cottage and village industries,

(*xxv*) purchase of shares in co-operative sugar factories or in any processing industry of agriculture produce,

(*xxvi*) social forestry,

(*xxvii*) such other purposes as the State Government may, from time to time, by notification in the *Official Gazette*, declare to be agricultural or rural development purposes, or

(*xxviii*) all activities incidental to, or ancillary to, the above mentioned purposes.]

**112. State and other 1[Co-operative Agriculture and Rural Multipurpose Development Banks.].**—2[(*1*) There shall be a 3[State Co-operative Agriculture and Rural Multipurpose Development Bank], for the State of Maharashtra, if considered necessary by the State Government, in the 4[interest

1 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8. 2 Sub-section (*1*) was substituted by Mah. 43 of 1972, s. 3.

3 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 4 These words were substituted for the words "public interest" by Mah. 16 of 2013, s. 68.



of the society] or in the interest of the co-operative movement there may be one or more 1[District Co-operative Agriculture and Rural Multipurpose Development Banks] ; but nothing in this sub-section shall be taken to require the establishment or continuance of any 2[Primary Co-operative Agriculture and Rural Multipurpose Development Banks.]]

(*2*) A reference to Land Mortgage Bank [3][or to a Land Development Bank [4][or to an Agriculture and Rural Development Bank]] in any law, or instrument for the time being in force in the State, shall with effect from the commencement of this Act, be construed as a reference to a [5][Co-operative Agriculture and Rural Multipurpose Development Bank] within the meaning of this Chapter.

(*3*) With effect from the commencement of this Act, and until such time as the names of the Land Mortgage Banks [6][or of the Land Development Banks [7][or of the Agriculture and Rural Development Banks]] and societies functioning in the State at the commencement of this Act are changed into [8][Co-operative Agriculture and Rural Multipurpose Development Banks] all acts done by them or mortgages and other documents executed by them, or in their favour, and all suits and other proceedings filed by or against them shall be deemed to have been done, executed or filed, as the case may be, by or against them as [9][Co-operative Agriculture and Rural Multipurpose Development Banks.]

[10]**[112A. [11][District Co-operative Agriculture and Rural Multipurpose Development Bank], its constitution, term of office of delegates, casual vacancies, powers of such Committee, etc.—** (*1*) Notwithstanding anything contained in this Act, or in the rules made thereunder, or in the bye-laws, of the [12][State Co-operative Agriculture and Rural Multipurpose Development Bank],—

(*a*) There shall be a [13][District Co-operative Agriculture and Rural Multipurpose Development Bank] for each District excluding the City of Bombay District and Bombay Suburban District.

(*b*) Every [14][District Co-operative Agriculture and Rural Multipurpose Development Bank] shall consist of [15][* * *],—

[16][(*i*) not more than twenty-one delegates, to be elected from Talukas in District including the delegates from reserved categories, one from the persons belonging to the Schedule Castes or Scheduled Tribes, one from the persons belonging to other Backward Classes, one from the persons belonging to De-notified Tribes (*Vimukta Jatis*) for Nomadic Tribes or Special Backward Classes and two women, who shall be elected from the District;]

[17][* * * *]

(*iii*) the Divisional Officer of the [18][State Co-operative Agriculture and Rural Multipurpose Development Bank] of the concerned division, *ex-officio*;

[19][(*iv*) the Manager of the District Co-operative Agriculture and Rural Multipurpose Development Bank, *ex-officio*.]

1 These words were substituted for the words "Primary Agriculture and Rural Development Banks" by Mah. 10 of 1988, s. 19.

2 These words were substituted for the words "Primary Agriculture and Rural Development Banks" by Mah. 10 of 1988, s. 19.

3 These words were inserted by Mah. 10 of 1988, s. 20(*a*).

4 These words were inserted by Mah. 41 of 2005, s. 9(*a*).

5 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 6 These words were inserted by Mah. 10 of 1988, s. 20(*b*).

7 These words were inserted by Mah. 41 of 2005, s. 9(*b*).

8 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8.

9 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8. 10 Sections 112A, 112B and 112C were inserted by Mah. 10 of 1986, s. 2.

11 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

12 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

13 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

14 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

15 The words "the following members, that is to say" were deleted by Mah. 16 of 2013, s. 69(*a*)(*i*)(*A*).

16 Sub-clause (*i*) was substituted by Mah. 16 of 2013, s. 69(*a*)(*i*)(*B*).

17 Sub-clauses (*i-a*) and (*ii*) were deleted by Mah. 16 of 2013, s. 69(*a*)(*i*)(*c*).

18 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 19 Sub-clause (*iv*) was substituted by Mah. 41 of 2005, s. 10.

[1][*Explanation*.— For the purpose of sub-clause (*i-a*), the provisions of clause (*b*), and of any order issued under clause (*c*) of the *Explanation* to section 73B shall apply in relation to the members to be elected thereunder;]

[2][* * * *]

(*d*) Save as otherwise provided in this section, every election to elect delegates [3][and member] [4][shall be conducted by the State Co-operative Election Authority] :

Provided that, a reference to an election of a member or members of the Committee of a [5][* *] society in that Chapter or the rules made thereunder shall be deemed to be a reference to an election of [6][delegates or member referred to in clause (*b*)].

(*2*) Every [7][District Co-operative Agriculture and Rural Multipurpose Development Bank] shall have a Chairman, who shall be elected by the [8][elected delegates and members thereof] from amongst themselves.

(*3*) Within fifteen days from the date of election of the delegates [9][and the members under sub-section (*1*)] an officer authorised by [10][the State Co-operative Election Authority] in that behalf shall convene the first [11][meeting of the delegates and [12][* * *] members] for election of a Chairman. The officer so authorised shall preside over such meeting, but shall not have the right to vote.

(*4*) The term of office of members [13][* *] of a [14][District Co-operative Agriculture and Rural Multipurpose Development Bank] shall be for a period of five years and shall be deemed to commence on the date of the first meeting referred to in sub-section (*3*) and the term of office of the Chairman shall be co-terminus with the term of such members and on expiry of their term they shall be deemed to have vacated their offices.

[15][(*5*) A casual vacancy in the committee of Co-operative Agriculture and Rural Multipurpose Development Bank, due to any reason whatsoever, may be filled in from the same class of active members in respect of which the casual vacancy has arisen.]

(*6*) The [16][District Co-operative Agriculture and Rural Development Bank] shall have the power to sanction by itself or to recommend for sanction by the Committee of the [17][State Co-operative Agriculture and Rural Multipurpose Development Bank], as the case may be, loans to such extent and for such purposes as the committee of the [18][State Co-operative Agriculture and Rural Multipurpose Development Bank] may, from time to time, specify, and shall also perform such other functions as that committee may, from time to time, entrust to it.

1 The *Explanation* was substituted by Mah. 13 of 1994, s. 10(*1*)(*a*)(*v*).

2 Clause (*c*) was deleted by Mah. 16 of 2013, s. 69(*a*)(*ii*).

3 These words were inserted by Mah. 13 of 1994, s. 10(*1*)(*c*).

4 This portion was substituted for the portion beginning with the words "be subject to" and ending with the words "under that Chapter" by Mah. 16 of 2013, s. 69(*a*)(*iii*)(*A*).

5 The word "specified" was deleted by Mah. 16 of 2013, s. 69(*a*)(*iii*)(*B*).

6 These words, brackets and letter were substituted for the words "a delegate or delegates of the State Agriculture and Rural Development Bank" by Mah. 13 of 1994, s. 10(*1*)(*c*)(*ii*).

7 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

8 These words were substituted for the words, brackets, letters and figures "delegates elected under sub-clause (*i*) and members nominated under sub-clause (*i-a*) of clause (*b*) of sub-section (*1*)" by Mah. 13 of 1994, s. 10(*2*).

9 These words, brackets and figure were substituted for the words, brackets and figure "or from the date of nomination of members under sub-section (*1*), whichever is later" by Mah. 13 of 1994, s. 10(*3*)(*a*).

10 These words were substituted for the words "the collector" by Mah. 16 of 2013, s. 69(*b*).

11 These words were substituted for the words "meeting of the delegates" by Mah. 38 of 1986, s. 2(*3*)(*b*).

12 The words "the nominated" were deleted by Mah. 13 of 1994, s. 10(*3*)(*b*).

13 The words "other than *ex-officio* members" were deleted by Mah. 16 of 2013, s. 69(*c*).

14 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

15 Sub-section (*5*) was substituted by Mah. 16 of 2013, s. 69(*d*).

16 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

17 These words were substituted for the words "State Land Development Bank" by Mah. 10 of 1988, s. 19.

18 These words were substituted for the words "State Land Development Bank" by Mah. 10 of 1988, s. 19.

[1][(*7*) The provisions of sections 73-ID, 73A, [2][73CA], 77A, 78, [3][78A,] clauses (*j*) and (*k*) of section 146, clauses (*j*) and (*k*) of section 147, sections 160A and 160B shall apply *mutatis mutandis* to the [4][District Co-operative Agriculture and Rural Multipurpose Development Bank] as they apply in relation to a committee of a society.]

[5]**[112AA. Election of delegate as member of [6][Co-operative Agriculture and Rural Multipurpose Development Bank] from City of Bombay District and Bombay Suburban District.—** (*1*) Notwithstanding anything contained in this Act or the rules made thereunder, the members of the [7][Co-operative Agriculture and Rural Multipurpose Development Bank] from the City of Bombay District and Bombay Suburban District shall elect one delegate from amongst themselves for every general body meeting of the members of the Bank.

(*2*) Subject to the provisions of section 14, the [8][Co-operative Agriculture and Rural Multipurpose Development Bank] shall make bye-laws for the purpose of the election of a delegate under sub-section (*1*).

(*3*) The power to make bye-laws conferred by sub-section (*2*) is subject to the condition of the bye-laws being made after previous approval of the Registrar.]

**112B. General Body and Committee of [9][State Co-operative Agriculture and Rural Multipurpose Development Bank.].—** (*1*) Notwithstanding anything contained in this Act, or in the rules made thereunder, or in the bye-laws of the [10][State Co-operative Agriculture and Rural Multipurpose Development Bank],—

(*a*) The delegates [11][and members] elected in accordance with the provisions of [12][clause (*d*)] of sub-section (*1*) of section 112A [13][and sub-section (*1*) of section 112AA] shall, for the purposes of section 72, constitute the general body of members of the [14][State Co-operative Agriculture and Rural Multipurpose Development Bank].

(*b*) The committee of the [15][State Co-operative Agriculture and Rural Multipurpose Development Bank] shall consist of the following members, namely :—

[16][(*i*) twenty one members to be elected from amongst the Chairmen of all Districts, including five reserved seats, one from the persons belonging to the Schedule Castes or Schedule Tribes, one from the persons belonging to Other Backward Classes, one from the persons belonging to De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Special Backward Classes and two women;]

(*ii*) [17][* * * * *]

from amongst the members of the [18][State Co-operative Agriculture and Rural Multipurpose Development Bank] who shall be co-opted by the committee in its first meeting to be convened by the

1 Sub-section (*7*) was added by Mah. 31 of 1990, s. 3.

2 These figures and letters were substituted for the figures and letters "73-FF" by Mah. 16 of 2013, s. 69(*e*)(*i*).

3 These figures and letters were inserted by Mah. 16 of 2013, s. 69(*e*)(*ii*).

4 These words were substituted for the words "District Loan Committee" by Mah. 41 of 2005, s. 8.

5 This section was inserted by Mah. 10 of 1988, s. 21.

6 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

7 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

8 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

10 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

11 These words were inserted by Mah. 13 of 1994, s. 11.

12 This word, brackets and letters were substituted for the words, brackets and letters "clauses (*c*) and (*d*)" by Mah. 16 of 2013, s. 70(*a*)(*i*).

13 These words were inserted by Mah. 10 of 1988, s. 22(*a*).

14 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

15 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

16 Clause (*i*) substituted by Mah. 16 of 2013, s. 70(*a*)(*ii*)(*A*).

17 Paragraphs (*A*) and (*B*) were deleted by Mah. 16 of 2013, s. 70(*a*)(*ii*)(*B*)(*I*).

18 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

[1][State Co-operative Election Commissioner or an officer authorised by State Co-operative Election Authority in that behalf but such officer] or such Officer shall not, while presiding over such meeting, have a right of vote ; [2]* *

*Explanation*.— For the purposes of this sub-clause, the provisions of [3][clauses (*b*) and (*b-1*)] of the *Explanation* to section 73B shall apply in relation to the members to be co-opted or appointed under this clause ;

[4][* * * * *]

[5][* * * * *]

[6][(*3*) The Committee shall have a Chairman and a Vice-Chairman. The State Co-operative Election Authority or an Officer authorised by the State Co-operative Election Authority in that behalf shall convene a meeting of the members of the Committee for election of a Chairman and Vice-Chairman who shall be from the members referred to in sub-clause (*i*) of clause (*b*) of sub-section (*1*) and such meeting shall be presided over by the State Cooperative Election Authority or by such authorised officer, but such presiding officer shall not have a right to vote at such meeting.]

[7][* * * * *]

(*7*) The committee shall exercise such powers and perform such functions as may be conferred or entrusted to it by this Act or by the rules made thereunder or by the bye-laws of the [8][State Co-operative Agriculture and Rural Multipurpose Development Bank].

(*8*) Without prejudice to the other provisions relating to the procedure at the meeting of the committee as may be laid down by rules or bye-laws made in that behalf, one third of the total number of members of the committee shall form the quorum at any meeting of the committee.

**112C.**[9][* * * * * * *]

**113. Appointment, powers and function of Trustee.—** (*1*) The Registrar or any other person appointed by the State Government in this behalf, shall be Trustee for the purpose of securing the fulfilment of the obligations of the [10][State Co-operative Agriculture and Rural Multipurpose Development Bank] to the holders of debentures issued by it.

(*2*) The Trustee shall be a corporation sole by the name of the Trustee for the debentures in respect of which he is appointed, and shall have perpetual succession and a common seal and in his corporate name may sue and be sued.

(*3*) The powers and functions of the Trustee shall be governed by the provisions of this Act, and the instrument of trust executed between the [11][State Co-operative Agriculture and Rural Multipurpose Development Bank] and the Trustee, as modified from time to time by mutual agreement between the [12][State Co-operative Agriculture and Rural Multipurpose Development Bank] and the Trustee.

1 These words were substituted for the words "Collector or an officer authorised by him in that behalf but the Collector" by Mah. 16 of 2013, s. 70(*a*)(*ii*)(*B*)(*II*).

2 The portion beginning with the words "and where there is failure" and ending with the words "entitled to be so co-opted" were deleted by Mah. 16 of 2013 s. 70(*a*)(*ii*)(*B*)(*III*).

3 These words brackets, letters and figure were substituted for the words, brackets and letters "clauses (*b*) and (*c*) of and any order issued under clause (*c*)" by Mah. 16 of 2013, s. 70(*a*)(*ii*)(*B*)(*IV*).

4 Sub-clauses (*iii*), (*iv*), (*v*), (*vi*) and (*vii*) were deleted by Mah. 16 of 2013, s. 70(*a*)(*ii*)(*C*).

5 Sub-section (*2*) was deleted by Mah. 16 of 2013, s. 70(*b*).

6 Sub-section (*3*) was substituted by Mah. 16 of 2013, s. 70(*c*).

7 Sub-sections (*4*), (*5*) and (*6*) were deleted by Mah. 16 of 2013, s. 70(*d*).

8 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 9 Section 112C was deleted by Mah. 10 of 1988, s. 23.

10 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

11 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

12 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



**114. Issue of debentures.—** (*1*) With the previous sanction of the State Government and the Trustee, and subject to such terms and conditions as the State Government may impose, the [1][State Co-operative Agriculture and Rural Multipurpose Development Bank] in the discharge of its function as [2][a Co-operative Agriculture and Rural Multipurpose Development Bank] may issue debentures of such

denominations, for such period, and at such rates of interest, as it may deem expedient on the security of mortgages [3][instruments of hypothecation, guarantee, pledge or charge created in favour of the Bank, or mortgages, instruments of hypothecation, guarantee, pledge or charge to be acquired or partly on mortgages or on any of the aforesaid instruments] held and partly to be acquired, and properties and other assets of the [4][State Co-operative Agriculture and Rural Multipurpose Development Bank.]

(*2*) Every debenture may contain a term fixing a period not exceeding thirty years from the date of issue during which it shall be redeemable, or reserving to the committee the right to redeem at any time in advance of the date fixed for debenture not less than three months' notice in writing.

(*3*) The total amount due on debentures issued by the [5][State Co-operative Agriculture and Rural Multipurpose Development Bank] and outstanding at any time, shall not exceed—

(*a*) where debentures are issued against mortgages [6][, instruments of hypothecation, guarantee, pledge or charge] held, the aggregate of—

(*i*) the amounts due on the mortgages [7][and any or all of the aforesaid instruments] ;

(*ii*) the value of the properties and other assets transferred or deemed to have been transferred under section 121 by the [8][District Co-operative Agriculture and Rural Multipurpose Development Banks] to the [9][State Co-operative Agriculture and Rural Multipurpose Development Bank] and subsisting at such time ; and

(*iii*) the amounts paid under the mortgages [10][and the other instruments] aforesaid and the unsecured amounts remaining in the hands of the [11][State Co-operative Agriculture and Rural Multipurpose Development Bank] or the Trustee at the time ;

(*b*) where debentures are issued otherwise than on mortgages [12][of the instruments aforesaid] held, the total amount as calculated under clause (*a*) increased by such portion of the amount obtained on the debentures as is not covered by a mortgage, [13][instruments of hypothecation, guarantee, pledge or charge.]

**115. Guarantee by State Government.—** The principal of, and interest on the debentures issued under the preceding section, or any specified portion thereof, may carry the guarantee of the State Government, subject to such maximum amount as may be fixed by the State Government and to such conditions as the State Government may think fit to impose.

**116. Vesting of property in Trustee and Debenture holders' charge on assets.—** Upon the issue of debentures under the provisions of section 114, the mortgage properties and other assets [14][including the properties covered by the instruments,] referred to in sub-section (*3*) of that section held by the [15][State Co-operative Agriculture and Rural Multipurpose Development Bank], shall vest in the

1 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

2 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 3 These words were substituted for the words "or mortgages to be acquired or partly on mortgages" by Mah. 5 of 1990, s. 4(*a*).

4 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

5 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 6 These words were inserted by Mah. 5 of 1990, s. 4 (*b*)(*i*)(*A*).

7 These words were inserted by Mah. 5 of 1990, s. 4 (*b*)(*i*)(*B*).

8 These words were substituted for the words "Primary Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8.

9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 10 These words were inserted by Mah. 5 of 1990, s. 4(*b*)(*i*)(*C*).

11 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 12 These words were inserted by Mah. 5 of 1990, s. 4(*b*)(*ii*)(*A*).

13 These words were inserted by Mah. 5 of 1990, s. 4(*b*)(*ii*)(*B*).

14 These words were inserted by Mah. 5 of 1990, s. 5(*a*).

15 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



Trustee, and the holder of debentures shall have a floating charge on all such [1][mortgages, instruments and assets], and on the amount paid under such mortgages, [2][and such instruments] and remaining in the hands of the [3][State Co-operative Agriculture and Rural Multipurpose Development Bank] or of the Trustee.

**117. Powers of [4][Co-operative Agriculture and Rural Multipurpose Development Bank] to advance loans and to hold lands.—** Subject to the provisions of this Act and the rules made thereunder, it shall be competent for the [5][Co-operative Agriculture and Rural Multipurpose Development Bank] to advance loans for the purposes referred to in section 111, and to hold lands [6][or dwelling house in rural area] the possession of which is transferred to them under the provisions of this Chapter.

**118.** [7][* * * * * * * *]

**119. Order granting loan conclusive of certain matters.—** A written order by the [8][Co-operative Agriculture and Rural Multipurpose Development Bank], or persons or committee authorised under the by-laws of the Bank to make loans for all or any of the purposes specified in section 111, granting, either before or after the commencement of this Act, a loan to or with the consent of a person mentioned therein, for the purpose of carrying out the work specified therein for the benefit of the land or for the productive purpose [9][or for the purpose of dwelling house in rural area] specified therein, shall for the purposes of this Act be conclusive of the following matters, that is to say,—

(*a*) that the work described or the purpose for which the loan is granted, is an improvement or productive purpose [10][or for the purpose of dwelling house in rural area], as the case may be, within the meaning of section 111 ;

(*b*) that the person had at the date of the order a right to make such an improvement or incur expenditure for productive purpose [11][or for the purpose of dwelling house in rural area], as the case may be ; and

(*c*) that the improvement is one benefiting the land [12][or such dwelling house] specified and productive purpose [13][or for the purpose of dwelling house in rural area] concerns the land [14][or such dwelling house] offered in security, or any part thereof as may be relevant.

**120. Priority of mortgage.—** (*1*) A mortgage executed in favour of [15][a Co-operative Agriculture and Rural Multipurpose Development Bank] shall have priority over any claim of the Government arising from a loan granted after the execution of the mortgage, under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists Loans Act, 1884 (XII of 1884), or under any other law for the time being force.

(*2*) Notwithstanding anything contained in the [16]Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), or any other corresponding law for the time being in force where a mortgage in favour of [17][a Co-operative Agriculture and Rural Multipurpose Development Bank] is in respect of land in which a tenant purchaser or tenant has an interest, the mortgage may be against the security of such interest, and the rights of the mortgage shall not be affected by the failure of the tenant purchaser or tenant to comply with the requirements of such law, and the sale of the land and his interest therein

1 These words were substituted for the words "mortgages and assets" by Mah. 5 of 1990, s. 5(*b*).

2 These words were inserted by Mah. 5 of 1990, s. 5(*c*).

3 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

4 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

5 These words were Substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 6 These words were inserted by Mah. 5 of 1990, s. 6.

7 Section 118 was deleted by Mah. 10 of 1988, s. 24.

8 These words were Substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 9 These words were inserted by Mah. 5 of 1990, s. 7 (*a*).

10 These words were inserted by Mah. 5 of 1990, s. 7 (*a*).

11 These words were inserted by Mah. 5 of 1990, s. 7 (*a*).

12 These words were inserted by Mah. 5 of 1990, s. 7 (*b*).

13 These words were inserted by Mah. 5 of 1990, s. 7 (*a*).

14 These words were inserted by Mah. 5 of 1990, s. 7 (*b*).

15 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 16 The short title of the Act has been amended as "the Maharashtra Tenancy and Agricultural Lands Act" by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 33, with effect from the 1st May 1960.

17 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

under such law shall be subject to the prior charge of the [1][Co-operative Agriculture and Rural Multipurpose Development Bank].

**121. Mortgages [2][and other instruments] executed in favour of [3][a Co-operative Agriculture and Rural Multipurpose Development Bank] to stand vested in [4][State Agriculture and Rural Multipurpose Development Bank].—** The mortgages, [5][instruments of hypothecation, guarantee, pledge or charge] executed in favour of, and all other assets transferred to [6][a Co-operative Agriculture and Rural Multipurpose Development Bank], by the members thereof, before or after the commencement of the Act, shall, with effect from the date of such execution or transfer, be deemed to have been transferred by such [7][Co-operative Agriculture and Rural Multipurpose Development Bank], to the [8][State Co-operative Agriculture and Rural Multipurpose Development Bank], and shall vest in the [9][State Co-operative Agriculture and Rural Multipurpose Development Bank].

[10]**[122. Registration of Mortgage, lease, etc., executed in favour of [11][Co-operative Agriculture and Rural Multipurpose Development Bank].—** Notwithstanding anything contained in the Registration Act, 1908 (XVI of 1908), it shall not be necessary to register a mortgage, lease, hypothecation deed, loan bond, surety bond, guarantee deed, promissory note or loan agreement executed in favour of the [12][Co-operative Agriculture and Rural Multipurpose Development Bank], provided the bank sends, within such time and in such manner as may be prescribed a copy of such instrument to the concerned registering authority ; and on receipt of the copy the registering authority shall file the same in the relevant books prescribed under the Registration Act, 1908 (XVI of 1908):

Provided that, any such instrument executed in favour of the bank before the date of publication of the Maharashtra Co-operative Societies (Amendment) Act, 1989 (Mah. V of 1990) in the *Official Gazette*, may be sent to the concerned registering authority within the period of three months from such date.]

**123. Mortgages [13][and other instruments] not to be questioned on insolvency of mortgagors [14][or executants.] —** Notwithstanding anything contained in the Presidency-towns Insolvency Act, 1909 (III of 1909) or the Provincial Insolvency Act, 1920 (V of 1920) or any corresponding law for the time being in force, a mortgage, [15][or any other instruments supporting the loan] executed in favour of a [16][Co-operative Agriculture and Rural Multipurpose Development Bank] shall not be called in question in any insolvency proceedings on the ground that it was not executed in good faith for valuable consideration, or on the ground that it was executed in order to give the Bank a preference over other creditors of the mortgagor [17][or of the executant of the instrument].

**124**. [18][* * * * * *]

**125. Mortgages [19][and other instruments] executed by managers of joint Hindu families.—**(*1*) Mortgages [20][and other instruments] in respect of loans by [21][a Co-operative Agriculture and Rural

1 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 2 These words were inserted by Mah. 5 of 1990, s. 8(*b*).

3 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

4 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 5 These words were inserted by Mah. 5 of 1990, s. 8(*a*).

6 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

7 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

8 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 10 Section 122 was substituted by Mah. 5 of 1990, s. 9.

11 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

12 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 13 These words were inserted by Mah. 5 of 1990, s. 10(*c*)(*i*).

14 These words were added by Mah. 5 of 1990, s. 10(*c*)(*ii*).

15 These words were inserted by Mah. 5 of 1990, s. 10(*a*).

16 These words were substituted for the words "Agriculture and Rural Development an Agriculture and Rural Development Bank", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s.8.

17 These words were added by Mah. 5 of 1990, s. 10(*b*).

18 Section 124 was deleted by Mah.10 of 1988, s. 25.

19 These words were inserted by Mah. 5 of 1990, s. 11(*a*) (*i*).

20 These words were inserted by Mah. 5 of 1990, s. 11(*a*) (*i*).

21 These words were substituted for the words "Agriculture and Rural Development an Agriculture and Rural Development Bank", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.



Multipurpose Development Bank] or the 1[State Co-operative Agriculture and Rural Multipurpose Development Bank] either before or after the commencement of this Act, by the manager of Hindu joint family for the improvement of agricultural land or of the methods of cultivation or for financing any other means to raise the productivity of the land, or for the purchase of land, 2[or for creation of new movable or immovable assets or for the purpose of acquisition, construction, rebuilding or repairing of a dwelling house in rural area] shall be binding on every member of such joint Hindu family, notwithstanding any law to the contrary.

(*2*) In other cases, where a mortgage 3[or other instrument] executed in favour of 4[a Co-operative Agriculture and Rural Multipurpose Development Bank] or 5[State Co-operative Agriculture and Rural Multipurpose Development Bank] either before or after the commencement of this Act, is called in question on the ground that it was executed by the manager of a Hindu joint family for purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall, notwithstanding any law to the contrary, lie on the party alleging it.

**126. Section 8 of Act XXXII of 1956 to apply to mortgages 6[and other instruments] to 7[Co-operative Agriculture and Rural Multipurpose Development Bank], subject to certain modification.—** Section 8 of the Hindu Minority and Guardianship Act, 1956 (XXXII of 1956), shall apply to mortgages 8[and other instruments] in favour of 9[a Co-operative Agriculture and Rural Multipurpose Development Bank], subject to the modification that reference to the court therein shall be construed as reference to the Collector or his nominee, and the appeal against the order of the Collector or his nominee shall lie to the Commissioner.

**127. Restrictions on lease.—** (*1*) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882) or any other law for the time being in force, no mortgagor or property mortgaged to 10[a Co-operative Agriculture and Rural Multipurpose Development Bank], shall except with the prior consent in writing of the bank, and subject to such terms and conditions as the bank may impose, lease or create any tenancy rights on any such property :

Provided that, the rights of the 11[Co-operative Agriculture and Rural Multipurpose Development Bank] shall be enforceable against the tenant purchaser, the lessee or the tenant, as the case may be, as if he himself were a mortgagor.

(*2*) Where land, mortgaged with possession to 12[a Co-operative Agriculture and Rural Multipurpose Development Bank], is in actual possession of a tenant, the mortgagor or the

1 These words were substituted for the words "Agriculture and Rural Development an Agriculture and Rural Development Bank", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

2 These words were inserted by Mah. 5 of 1990, s. 11(*a*)(*ii*).

3 These words were inserted by Mah. 5 of 1990, s. 11(*b*).

4 These words were substituted for the words "Agriculture and Rural Development an Agriculture and Rural Development Bank", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

5 These words were substituted for the words "Agriculture and Rural Development an Agriculture and Rural Development Bank", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

6 These words were inserted by Mah. 5 of 1990, s. 12.

7 These words were substituted for the words "Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

8 These words were inserted, by Mah. 5 of 1990, s. 11(*c*).

9 These words were substituted for the words "Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

10 These words were substituted for the words "Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

11 These words were substituted for the words "Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

12 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

[1][Co-operative Agriculture and Rural Multipurpose Development Bank], shall give notice to the tenant to pay rent to the [2][Co-operative Agriculture and Rural Multipurpose Development Bank] during the currency of the lease and the mortgage, and on such notice being given, the tenant shall be deemed to have attorned to the [3][Co-operative Agriculture and Rural Multipurpose Development Bank].

**128. [4][Co-operative Agriculture and Rural Multipurpose Development Bank] to receive money and give discharge.—** Notwithstanding anything contained in section 121, all monies due under the mortgage shall unless otherwise directed by the [5][State Co-operative Agriculture and Rural Multipurpose Development Bank] or the Trustee and communicated to the mortgagor, be payable by the mortgagor to the [6][Co-operative Agriculture and Rural Multipurpose Development Bank], and such payment shall be as valid as if the mortgage had not been so transferred and the [7][Co-operative Agriculture and Rural Multipurpose Development Bank] shall in the absence of specific direction to the contrary, issued by the [8][State Co-operative Agriculture and Rural Multipurpose Development Bank] or Trustee and communicated to the bank, be entitled to sue on the mortgage or take any other proceeding for the recovery of the monies due under mortgage.

**[9][129. Powers of [10][Co-operative Agriculture and Rural Multipurpose Development Bank] where mortgaged or encumbered property is destroyed or security becomes insufficient.—** Where any immovable or movable property mortgaged or encumbered in any other manner to an [11][Co-operative Agriculture and Rural Multipurpose Development Bank] is wholly or partially destroyed, or for any reasons the security or surety is rendered insufficient and the debtor, having been given a reasonable opportunity by the bank to provide further security or surety enough to render the whole security or surety sufficient, or to repay such portion of the loan as may be determined by the bank, has failed to provide such security or surety or to repay such portion of the loan, then the whole of the loan shall be deemed to fall due at once ; and the bank shall be entitled to take action against such debtor under section 132 or section 133 for the recovery thereof.

*Explanation*.— Security shall be deemed insufficient within the meaning of this section, unless the value of the mortgaged or encumbered property (including improvements made thereon) exceeds the amount for the time being due on the mortgage or encumbrance by such proportion as may be specified in the rules, regulations or the bye-laws of the [12][Co-operative Agriculture and Rural Multipurpose Development Bank.]

**130. Rights of [13][Co-operative Agriculture and Rural Multipurpose Development Bank] to buy mortgaged property.—** (*1*) Property purchased under section 133(*3*) by, and property transferred

1 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

2 These words were inserted, by Mah. 5 of 1990, s. 11(*c*).

3 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

4 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

5 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

6 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

7 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

8 These words were substituted for the words " Agriculture and Rural Development Bank", "an Agriculture and Rural Development Bank", "Development Bank" and "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

9 Section 129 was substituted for the original by Mah. 5 of 1990, s. 13.

10 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

11 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

12 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

13 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



under section 100 to the [1][Co-operative Agriculture and Rural Multipurpose Development Bank] may be disposed of by such banks by sale within such period as may be fixed by the Trustee, subject to the condition that such sales shall be in favour only of agriculturists eligible to hold land under the [2]Bombay

Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) or any corresponding law for the time being in force, [3][or in favour of Tribals, if such property belongs to a Tribal] or may be leased out by them on such terms and conditions as may be laid down by the State Government from time to time.

[4][*Explanation.*— For the purposes of this sub-section and section 133A, 'Tribal' means a person belonging to a Scheduled Tribes within the meaning of the *Explanation* to section 36 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and includes his successor in interest.]

(*2*) Nothing contained in any law for the time being in force fixing the maximum limit of agricultural holdings shall apply to the acquisition or holding of land by the [5][Co-operative Agriculture and Rural Multipurpose Development Bank] under this section.

**131. Recovery of loans by [6][Co-operative Agriculture and Rural Multipurpose Development Bank].—** All loans granted by the [7][Co-operative Agriculture and Rural Multipurpose Development Banks], all interests (if any) chargeable thereon, and costs (if any), incurred in making the same, shall when they become due, be recoverable by the [8][Co-operative Agriculture and Rural Multipurpose Development Bank] concerned.

[9]**[132. Power to distrain.—** (*1*) If any instalment payable under a mortgage, hypothecation deed, loan bond, surety bond or other instrument executed in favour of the [10][Co-operative Agriculture and Rural Multipurpose Development Bank], or any part of such instalment, has remained unpaid for more than one month from the date on which it fell due, the bank shall, in addition to any other remedy available to the bank, apply to the Registrar for recovery of such instalments or part thereof by distraint and sale of the produce of the mortgaged or otherwise encumbered land and properties of and on such land including the standing crops thereon or the movable property encumbered under hypothecation deed or loan bond. The instalments due or any part thereof shall also be recoverable by distraint and sale of the new property created by the debtor by converting the original movable property for which the loan was granted by the bank.

(*2*) On receipt of such application, the Registrar shall, notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), take action in the manner prescribed for the purpose of distraining and selling of the produce or the properties referred to in sub-section (*1*) :

Provided that, no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due].

[11]**[133. Sale of mortgaged or encumbered property.—** (*1*) Notwithstanding anything contained in the Transfer of Property Act, 1882 (IV of 1882), the [12][Co-operative Agriculture and Rural Multipurpose Development Bank] or any person authorised by it in this behalf shall, in case of default of payment of mortgage money or loan amount or any part thereof, have power, in addition to any other remedy available to the bank, to bring the mortgaged or otherwise encumbered property to sale by public auction in the village in which such property is situated or at the nearest place of public resort, without the intervention of the Court :

1 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 2 Short title of the Act has been amended as "the Maharashtra Tenancy and Agricultural Lands Act" by Mah. 24 of 2012, s. 2 & 3, schedule, entry 33, with effect from the 1st May 1960.

3 These words were inserted by Mah. 5 of 1990, s. 14(*a*).

4 This *Explanation* was added by Mah. 5 of 1990, s. 14(*b*).

5 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 6 These words were substituted for the words "Development Banks" by Mah. 41 of 2005, s. 8.

7 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

8 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 9 Section 132 was substituted for the original by Mah. 5 of 1990, s. 15.

10 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 11 Section 133 was substituted for the original by Mah. 5 of 1990, s. 16.

12 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



Provided that, no action shall be taken under this sub-section and no such power shall be exercised, unless and until—

(*a*) the [1][Co-operative Agriculture and Rural Multipurpose Development Bank] has been previously authorised to exercise the power conferred under this sub-section after hearing the objection if any, of the debtor or debtors ;

(*b*) notice in writing requiring payment of such debt or loan money or part thereof has been served upon,—

(*i*) the debtor or each of the debtors ;

(*ii*) any person who has any interest in or charge upon such property or upon the right to redeem the same as far as is known to the bank ;

(*iii*) any surety or the payment of the debt or loan or any part thereof ; and

(*iv*) any creditor of the debtor who has in a suit for administration of his estate obtained a decree for sale of the concerned property ; and

(*c*) default has been made in payment of such debt or loan or part thereof, for three months after service of the notice.

(*2*) Where the [2][Co-operative Agriculture and Rural Multipurpose Development Bank] fails to take action against the defaulter under section 129 or 132 or under this section, the Trustee may take such action. If such action is taken by the Trustee, the provisions of this Chapter and of any rules prescribed shall apply in respect thereto, as if all references to the [3][Co-operative Agriculture and Rural Multipurpose Development Bank] in the said provision were references to the Trustee.

(*3*) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the [4][Co-operative Agriculture and Rural Multipurpose Development Bank] to purchase any mortgaged or encumbered property sold under this Chapter.]

[5]**[133A. Mortgaged or encumbered property of Tribal not to be sold to non-Tribal at public auction under section 133.—** Notwithstanding anything contained in this Act or in any other law for the time being in force, where the mortgaged or encumbered property belongs to a Tribal, it shall not be sold to any non-Tribal bidder at public auction under section 133 or otherwise transferred to a non-tribal under the provisions of this Act.]

**134. Confirmation of sale.—** (*1*) On effecting the sale by a [6][Co-operative Agriculture and Rural Multipurpose Development Bank] under section 133, the bank shall, in the prescribed manner, submit to the [7][State Co-operative Agriculture and Rural Multipurpose Development Bank] and the Registrar a report setting forth the manner in which the sale has been effected and the result of the sale, and the [8][State Co-operative Agriculture and Rural Multipurpose Development Bank] may, with the approval of the Registrar, confirm the sale or cancel it.

(*2*) Where the sale is effected by the [9][State Co-operative Agriculture and Rural Multipurpose Development Bank] or the Trustee under section 133, the [10][State Co-operative Agriculture and Rural Multipurpose Development Bank] or the Trustee, as the case may be, shall in the prescribed manner submit to the Registrar a report setting forth the manner in which the sale has been effected and the result of the sale, and the Registrar may confirm or cancel the sale.

**135. Disposal of sale proceeds.—** The proceeds of every sale effected under section 133 and confirmed under the preceding section, shall be applied first in payment of all costs, charges and expenses

1 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

2 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

3 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

4 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 5 Section 133A was inserted by Mah. 5 of 1990, s. 17.

6 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 7 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 8 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 10 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

incurred in connection with the sale or attempted sales, secondly in payment of any or all interest due on account of the mortgage [1][or encumberance] in consequences whereof the [2][mortgaged or otherwise encumbered property] was sold, and thirdly in payment of the principal due on account of the mortgage [3][or encumberance] including costs and charges incidental to the recovery.

If there remain any residue from the proceeds of sale, the same shall be paid to the person proving himself interested in the property sold, or if there are more such persons than one, then to such persons upon their joint receipt or according to their respective interest therein, as may be determined by [4][Co-operative Agriculture and Rural Multipurpose Development Bank]:

Provided that, before any such payments are made the unsecured dues owing—

(*a*) from the mortgagor [5][or the debtor] to the [6][Co-operative Agriculture and Rural Multipurpose Development Bank] may be adjusted, and

(*b*) from any member or past member or whom the mortgagor [7][or the debtor] is indebted may also be adjusted under the written authority given by such member and past member, and after holding such inquiry as may be deemed necessary.

**136. Certificate to purchase delivery of property and title of purchase.—** (*1*) Where a sale of mortgaged property has become absolute under section 134 and the sale proceeds have been received in full by the [8][Co-operative Agriculture and Rural Multipurpose Development Bank], the bank shall grant a certificate to the purchaser in the prescribed form certifying the property sold, the sale-price, the date of its sale, the name of the person who at the time of the sale is declared to be the purchaser, and the date on which the sale became absolute ; and upon the production of such certificate the Sub-Registrar appointed under the Indian Registration Act, 1908 (XVI of 1908), within the limits of whose jurisdiction the whole or any part of the property specified in the certificate is situated, shall enter the contents of such certificate in his register relating to immovable property.

(*2*) (*a*) Where the mortgaged property sold is in the occupancy of the mortgagor, or of some person on his behalf, or some person claiming under a title created by the mortgagor, subsequent to the mortgage in favour of the [9][State Co-operative Agriculture and Rural Multipurpose Development Bank] or [10][Co-operative Agriculture and Rural Multipurpose Development Bank] and a certificate in respect thereof has been granted under the foregoing sub-section, the Collector shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom he may appoint to receive delivery on his behalf, in possession of the property.

(*b*) Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under the foregoing sub-section, the Collector shall, on the application of the purchaser and after notice to such tenants or other persons, order the delivery to be made by affixing copy of the certificate of sale in a conspicuous place on the property and proclaiming to the occupant by beat of drum or other customary mode at some convenient place, that the right, title and interest of the mortgagor have been transferred to the purchaser.

(*3*) Where any property is sold in the exercise or purported exercise of a power of sale under section 133, the title of the purchaser shall not be questioned on the ground that the circumstances required for authorising the sale had not arisen, or due notice of the sale was not given, or the power of sale was otherwise improperly or irregularly exercised:

1 These words were inserted by Mah. 5 of 1990, s. 18(*a*).

2 These words were substituted for the words "Mortgaged property" by Mah. 5 of 1990, s. 18(*b*).

3 These words were inserted by Mah. 5 of 1990, s. 18(*a*).

4 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 5 These words were inserted by Mah. 5 of 1990, s. 18(*c*).

6 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 7 These words were inserted by Mah. 5 of 1990, s. 18(*c*).

8 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

10 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

Provided that, any person who suffers damage on account of unauthorised, improper or irregular exercise of such power shall have a remedy in damages against the [1][Co-operative Agriculture and Rural Multipurpose Development Bank.]

**137. Recovery of loans on certificate by Registrar.—** (*1*) Notwithstanding anything contained in sections 91 and 98, on an application made by a [2][Co-operative Agriculture and Rural Multipurpose Development Bank] for the recovery of arrears of any sum advanced by it to any of its members and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making such enquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(*2*) A certificate by the Registrar under sub-section (*1*) shall be final and conclusive as to arrears due. The arrears stated to be due therein shall be recoverable according to the law for the time being in force for the recovery of arrears of land revenue.

(*3*) It shall be lawful to the Collector to take precautionary measures authorised by sections 140 to 144 of the [3]Bombay Land Revenue Code, 1879 (Bom. V of 1879) or any law or provision corresponding thereto for the time being in force until the arrears due to the [4][Co-operative Agriculture and Rural Multipurpose Development Bank] together with interest and any incidental charges incurred in the recovery of such arrears, are paid or security of such arrears is furnished to the satisfaction of the Registrar.

(*4*) It shall be competent for the Registrar or a person authorised by him to direct conditional attachment of the property of the mortgagor until the arrears due to the [5][Co-operative Agriculture and Rural Multipurpose Development Bank] together with interest and any incidental charges incurred in recovery of such arrears, are paid or security for payment of such arrears is furnished to the satisfaction of the Registrar and the provisions of section 95 shall apply *mutatis mutandis* to conditional attachment of any property made or to be made under this section.

**138. [6][Mode of recovery by Collector].—** [7][* * * * *]

(*2*) Any amount due to [8][a [9][Co-operative Agriculture and Rural Multipurpose Development Bank] (including cost of recovery thereof) shall on an application by it in this behalf] be recoverable by the Collector, or any officer [10][including an officer of the [11][Co-operative Agriculture and Rural Multipurpose Development Bank]] specially authorised by the Collector in this behalf, in all or any of the following modes, namely :—

(*a*) from the borrower—as if they were arrears of land revenue due by him ;

(*b*) out of the land for benefit of which the loan has been granted—as if they were arrears of land revenue due in respect of that land ;

(*c*) from a surety (if any)—as if they were arrears of land revenue due by him ;

(*d*) out of the property comprised in the collateral security (if any)—according to the procedure for the realisation of land revenue by the sale of immovable property other than the land on which the revenue is due.

[12]**[139. Officers or members of family not to bid at auction sales.—** At any sale of movable or immovable property, held under the provisions of this Chapter, no officer or employee or any member

1 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

2 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

3 Now *see* the Maharashtra Land Revenue Code, 1966.

4 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

5 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

6 This marginal note was substituted by Mah. 33 of 1963, s. 27(*c*).

7 Sub-section (*1*) was deleted by Mah. 33 of 1963, s. 27 (*a*).

8 These words were substituted for the words "a Land Development Bank shall" by Mah. 33 of 1963, s. 27(*b*).

9 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.

10 These words were inserted by Mah. 10 of 1988, s. 26.
11 These words were substituted for the words "Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.
12 This section was substituted for the original by Mah. 20 of 1986, s. 56.



of the family of such officer or employee of an 1[Co-operative Agriculture and Rural Multipurpose Development Bank], except on behalf of the bank of which he is an officer or an employee, and no person having any duty to perform in connection with such sale, shall either directly or indirectly bid for or acquire or attempt to acquire any interest in such property.

*Explanation*.— For the purposes of this section, the expression "member of the family" means wife, husband, father, mother, brother, sister, son, daughter, son-in-law or daughter-in-law.]

**140. Section 40 of Bom. XXVIII of 1947 not to apply to alienation in favour of 2[Co-operative Agriculture and Rural Multipurpose Development Banks].—** Nothing contained in section 40 of the 3Bombay Agriculture Debtors Relief Act, 1947 (Bom. XXVIII of 1947) or any corresponding law for the time being in force in any part of the State shall apply to any alienation in favour of the 4[Co-operative Agriculture and Rural Multipurpose Development Banks].

**141. Provision for Guarantee Funds to meet certain losses.—** (*1*) It shall be competent for the State Government to constitute one or more Guarantee Funds on such terms and conditions as it may deem fit, for the purpose of meeting losses that might arise as a result of loans being made by the 5[Co-operative Agriculture and Rural Multipurpose Development Banks] on titles to immovable property subsequently found to be defective or for any other purpose under this Chapter, for which in the opinion of the State Government, it is necessary to provide for or create a separate Guarantee Fund.

(*2*) The 6[State Co-operative Agriculture and Rural Multipurpose Development Bank] and the 7[Co-operative Agriculture and Rural Multipurpose Development Banks] shall contribute to such funds at such rate as may be prescribed, and the constitution, maintenance and utilisation of such Funds shall be governed by such rules, as may be made by the State Government in this behalf.

**142. Registrar's power to permit any 8[society] 9[or class of societies] to function as 10[Co-operative Agriculture and Rural Multipurpose Development Bank.].—** It shall be competent for the Registrar to permit any 11[society] 12[or a class of societies] to function as 13[a Co-operative Agriculture and Rural Multipurpose Development Bank] under such terms and conditions and for such period as he may deem fit.

**143. Service of notice.—** The provisions of sections 102 and 103 of the Transfer of Property Act, 1882 (IV of 1882), and of any rules made under section 104 thereof, shall apply, so far as may be, in respect of all notices to be served under this Chapter.

14**[143A. Transfer of rights and liabilities of Government in respect of schemes sanctioned under Bom. XXVIII of 1942.—** (*1*) Where any works, included in a land improvement scheme which has come into force under the 15Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942), are carried out at the cost or part cost of the State Government, and such cost is to be recovered from the owners of lands (other than Government) included in the scheme as shown in the statement prepared

1 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8.
2 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8. 3 Now, the short title of the Act has been amended as the Maharashtra Agricultural Debtors Relief Act, by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 26, with effect from the 1st May 1960.
4 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8.
5 These words were substituted for the words "Agriculture and Rural Development Banks" by Mah. 41 of 2005, s. 8. 6 These words were substituted for the words "State Agriculture and Rural Development Bank" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.
7 These words were substituted for the words "State Agriculture and Rural Development Bank" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.
8 This word was substituted for the words "Co-operative Bank" by Mah. 20 of 1986, s. 57.
9 These words were inserted by Mah. 10 of 1988, s. 27.
10 These words were substituted for the words "an Agriculture and Rural Development Bank" and "an Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
11 This word was substituted for the words "Co-operative Bank" by Mah. 20 of 1986, s. 57.

12 These words were inserted by Mah. 10 of 1988, s. 27.

13 These words were substituted for the words "an Agriculture and Rural Development Bank" and "an Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

14 Section 143A was inserted by Mah. 35 of 1969, s. 2.

15 The short title of the Act has been amended as "the Maharashtra Land Improvement Schemes Act" by Mah. 24 of 2012, s. 2 and 3, Schedule, entry 22, with effect from the 1st May 1960.



under section 13 1[or in the interim or final statement] prepared under section 13A of that Act, then notwithstanding anything contained in this Act, all the rights and liabilities of the State Government for the recovery of the cost or part cost from the owners of lands shall stand transferred to a 2[Co-operative Agriculture and Rural Multipurpose Development Bank], in relation to such owners of land and subject to such terms and conditions (including any condition regarding giving of any guarantee by the State Government) as may be agreed upon between the State Government and such 3[Co-operative Agriculture and Rural Multipurpose Development Bank]; and for arriving at such agreement, every owner of land shall produce before the Bank all such documents, and other evidence relating to his land including in such scheme as the Bank may require.

(*2*) On such transfer of rights and liabilities of the State Government, the 4[Co-operative Agriculture and Rural Multipurpose Development Bank] shall pay to the State Government an amount equal to the extent of the liability accepted by it under such agreement, and the State Government shall inform the owners of lands concerned of such transfer; and thereupon, the provisions of this Act and rules thereunder in so far as they provide for advancing of loans (including provision for mortgaging of property) and recovery thereof shall apply in relation to the amount of cost to be recovered from each owner of land as they apply in relation to advancing of loans and recovery thereof (including interest) as if such owner was a member of the 5[Co-operative Agriculture and Rural Multipurpose Development Bank]. The transfer of the rights and liabilities and payment made in accordance therewith shall discharge the owners of land of their liability to make payment to the State Government under the 6Bombay Land Improvement Schemes Act, 1942 (Bom. XXVIII of 1942), but to the extent only of their respective liability accepted by the Bank].

**144. Power to Committee of 7[State Co-operative Agriculture and Rural Multipurpose Development Bank] to supervise on 8[Co-operative Agriculture and Rural Development Bank] and make regulations.—** The committee of the 9[State Co-operative Agriculture and Rural Multipurpose Development Bank] shall have a general power of supervision over 10[Co-operative Agriculture and Rural Multipurpose Development Bank] and may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder, for all or any of the following matters, namely :—

(*a*) for the inspection of the account books and proceedings of 11[Co-operative Agriculture and Rural Multipurpose Development Bank] ;

(*b*) for the submission of returns and reports by such banks in respect of their transactions ;

(*c*) for the periodical settlement of accounts between such banks and the 12[State Co-operative Agriculture and Rural Multipurpose Development Bank] being accounts relating to the payment of amounts recovered by such banks on mortgages transferred to the 13[State Co-operative Agriculture and Rural Multipurpose Development Bank] ;

(*d*) for the form in which applications to such banks for loans shall be made and for the valuation of properties offered as security for such loans ;

1 These words were substituted for the words "or in the final statement" by Mah. 10 of 1971, s. 2.

2 These words were substituted for the words "an Agriculture Rural Development Bank" by Mah. 41 of 2005, s. 8.

3 These words were substituted for the words "an Agriculture Rural Development Bank" by Mah. 41 of 2005, s. 8.

4 These words were substituted for the words "an Agriculture Rural Development Bank" by Mah. 41 of 2005, s. 8. 5 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks", respectively by Mah. 41 of 2005, s. 8.

6 Now, the short title is, Maharashtra Land Improvement Schemes Act, as amended by Mah. 24 of 2012, s.2 and 3, Schedule, entry 22, with effect from the 1st May 1960.

7 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 8 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks", respectively by Mah. 41 of 2005, s. 8.
9 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.
10 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8. 11 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks", respectively by Mah. 41 of 2005, s. 8.
12 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks", respectively by Mah. 41 of 2005, s. 8.
13 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



(*e*) for the investment of moneys realised from the mortgagors ;

(*f*) the conditions of service of employees of such banks ;

(*g*) the programme and policy to be followed by such banks for making loans ;

(*h*) the type and extent of securities to be obtained by such banks for advancing loans ;

(*i*) generally, for the purpose of safeguarding the interest of the parties, furtherance of activities of such banks, and carrying out the purposes of this Chapter.

1**[144-1A. Reorganisation, amalgamation or division of 2[Co-operative Agriculture and Rural Multipurpose Development Banks], in public interest, etc.—** (*1*) Notwithstanding anything in this Act or in any rules or bye-laws made thereunder, it shall be lawful for the State Government to provide from time to time, by an order made under and in accordance with the provisions of section 18, for the re-organisation of the 3[State Co-operative Agriculture and Rural Multipurpose Development Bank], either by amalgamating with it all or any of the 4[Primary Co-operative Agriculture and Rural Multipurpose Development Bank] or otherwise; or for the division of the 5[State Co-operative Agriculture and Rural Multipurpose Development Bank] into a 6[State Co-operative Agriculture and Rural Multipurpose Development Bank] and one or more 7[District Co-operative Agriculture and Rural Multipurpose Development Banks] as may be considered necessary ; or for the amalgamation or division of all or any of the 8[District Co-operative Agriculture and Rural Multipurpose Development Bank] among themselves. Accordingly, for the purposes of this section, in section 18 and in any rules made thereunder, for the word "Registrar" wherever it occurs, the words "State Government" shall be deemed to be substituted.

(*2*) Where there is no 9[District Co-operative Agriculture and Rural Multipurpose Development Bank] in the State or in any part thereof, or 10[District Co-operative Agriculture and Rural Multipurpose Development Bank] are merged with the 11[State Co-operative Agriculture and Rural Multipurpose Development Bank], 12[State Co-operative Agriculture and Rural Multipurpose Development Bank] may establish and maintain as many branches as may be deemed necessary ; and shall function also as a 13[District Co-operative Agriculture and Rural Multipurpose Development Bank] throughout the State or in the area concerned, as the case may be. Any reference to a 14[District Co-operative Agriculture and Rural Multipurpose Development Bank] in this Act, or any other law for the time being in force or in any instrument, shall then, as the context may require, be construed as a reference to the 15[State Co-operative Agriculture and Rural Multipurpose Development Bank] or its branches concerned, or be

1 Section 144-1A was inserted by Mah. 43 of 1972, s. 4.
2 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.
3 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.
4 These words were substituted for the words "Agriculture Rural Development Bank" and "Agriculture and Rural Development Banks" respectively by Mah. 41 of 2005, s. 8.
5 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.
6 These words were substituted for the words "State Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.
7 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
8 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

9 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
10 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
11 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
12 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
13 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
14 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.
15 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.



read subject to such modifications as may be necessary due to absence of any 1[District Co-operative Agriculture and Rural Multipurpose Development Bank] or due to merger of the 2[District Co-operative Agriculture and Rural Multipurpose Development Bank] or Banks in the 3[State Co-operative Agriculture and Rural Multipurpose Development Bank]].

**144-1B.**4[* * * * * * *]

5[CHAPTER XI-1A

NON-AGRICULTURAL CO-OPERATIVE CREDIT SOCIETIES

**144-2A. Application of Chapter XI-1A to non-agricultural co-operative credit societies.—** (*1*) Unless the context otherwise requires, this Chapter shall apply to the non-agricultural co-operative credit societies.

(*2*) The provisions of this Chapter shall be, in addition to and not, save as hereinafter provided, in derogation of the provisions of this Act or any other law for the time being in force.

**144-3A. Definitions.—** In this Chapter, unless the context otherwise requires,—

(*a*) "non-agricultural co-operative credit society" means a society, the primary object of which is to provide credit to its members and accept deposits from members and includes,—

(*i*) an urban credit co-operative society ;

(*ii*) a rural non-agricultural credit co-operative society ;

(*iii*) a salary earners' credit co-operative society ; and

(*iv*) any other society or class of societies, which the State Government may, by general or special order published in the *Official Gazette*, from time to time, specify in this behalf ;

(*b*) "the Maharashtra State Non-agricultural Co-operative Credit Societies Regulatory Board" or "the Regulatory Board" means the Board constituted under section 144-13A ;

(*c*) "Stabilization and Liquidity Support Fund" means the Stabilization and Liquidity Support Fund created under section 144-25A.

**144-4A. Forms of business in which non-agricultural co-operative credit societies may engage.—** (*1*) From the date of commencement of the Maharashtra Co-operative Societies (Second Amendment) Act, 2017 (Mah. LVII of 2017) (hereinafter in this Chapter referred to as "the said Amendment Act, 2017"), a non-agricultural co-operative credit society may engage in any one or more of the following forms of business, namely :—

(*a*) borrowing, raising or accepting deposits from members, lending or advancing of money either upon or without security, negotiating loans and advances, providing safe deposit vaults by itself to members ;

(*b*) managing, selling and realizing any property which may come in possession of such non-agricultural co-operative credit society in satisfaction or part satisfaction of any of its claims ;

(*c*) acquiring, holding and generally dealing with any property or any right, title or interest in any such property which may form the security or part of security for any loans or advances or which may be connected with any such security ;

(*d*) acquisition, construction, maintenance and alteration of any building or works necessary or convenient for the purpose of the non-agricultural co-operative credit society ;

1 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

2 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

3 These words were substituted for the words "Primary Agriculture and Rural Development Banks", and "State Agriculture and Rural Development Bank" respectively by Mah. 41 of 2005, s. 8.

4 Section 144-1B was deleted by Mah. 10 of 1988, s. 28.

5 Chapter XI-1A was inserted by Mah. 57 of 2017, s. 2, w.e.f. 22nd February 2019.



(*e*) selling, improving, managing, developing, exchanging, leasing, mortgaging, disposing of or turning into account or otherwise dealing with all or any part of the property and rights of the non-agricultural co-operative credit society ;

(*f*) acquiring and undertaking the whole or any part of the business of any member of the non-agricultural co-operative credit society for the purpose of recovery of loan advanced to such member, when such business is of a nature specified in this section ;

(*g*) doing all such other things as are incidental or conducive to the promotion or advancement of the business of the non-agricultural co-operative credit society ;

(*h*) undertaking functions itself or seek assistance for asset reconstruction with previous sanction of the Registrar in accordance with law for the time being in force ;

(*i*) any other form of business which the State Government may, by notification in the *Official Gazette*, specify as a form of business in which it is lawful for a non-agricultural co-operative credit society to engage.

(*2*) In case any form of business other than the business referred under sub-section (*1*) is already undertaken by any non-agricultural co-operative credit society before the date of commencement of the said Amendment Act, 2017, such society shall conclude such business within eighteen months from the date of commencement of the said Amendment Act, 2017 :

Provided that, in special cases, if the Registrar is satisfied that any extension to a non-agricultural co-operative credit society is in its interest, he may extend this period for a period not exceeding twelve months so that the total period does not exceed thirty months in the aggregate and subject to such terms and conditions, as he may deem fit.

**144-5A. Prohibition on accepting deposit from non-members.—** Notwithstanding anything contained in any Act, a non-agricultural co-operative credit society shall not accept deposit from any person who is not its member. If any society which has accepted deposit from non-members, before the date of commencement of the said Amendment Act, 2017, it shall either enroll them as members or refund deposits of all non-members within two years from commencement of the said Amendment Act, 2017:

[1][Provided that, the salary earners' credit co-operative society may accept deposits voluntarily from their members after their retirement by enrolling them as nominal members.]

*Explanation*.— For the purposes of this section, "member" does not include nominal member.

**144-6A. Prohibition on trading.—** Notwithstanding anything contained in section 144-4A or in any contract, no non-agricultural co-operative credit society shall directly or indirectly deal in buying or selling or bartering of goods, except in connection with the realization of security given to or held by it, or engage in any trade, buy, sell or barter goods for others.

*Explanation*.— For the purposes of this section, "goods" means every kind of movable property, other than actionable claims, stocks, money, bullion and specie, and all instruments referred to in sub-section (*1*) of section 144-4A.

**144-7A. Disposal of property not required for non-agricultural co-operative credit society.—** Notwithstanding anything contained in section 144-4A, no non-agricultural co-operative credit society shall hold any immovable property howsoever acquired, which is not required for its own use, for any period exceeding seven years from acquisition thereof or from the commencement of the said Amendment

Act, 2017, whichever is later or any extension of such period under this section, and such property shall be disposed of within such period or extended period, as the case may be :

Provided that, the non-agricultural co-operative credit society may, within the period of seven years as aforesaid deal in any such property for the purpose of facilitating the disposal thereof :

Provided further that, the Registrar may in any particular case extend the aforesaid period of seven years by such period not exceeding three years, where he is satisfied that such extension shall be in the

1 This proviso was inserted by Mah. 28 of 2022, s. 16.



interest of the non-agricultural co-operative credit society and shall also be subject to such terms and conditions, as he may deem fit.

**144-8A. Limit on administrative and establishment expenses.—** The non-agricultural co-operative credit society shall not exceed the limit on administrative and establishment expenses as notified by the Regulatory Board.

**144-9A. Society to maintain cash reserve.—** The non-agricultural co-operative credit society shall maintain by way of cash reserve with itself or by way of average balance in current account, saving account or short term deposit not exceeding fifteen days, in a bank or banks a sum equivalent to such percentage which shall not be more than five per cent., of the total of its deposits, as the Regulatory Board may specify, from time to time and shall submit the return thereof to the Registrar, on or before fifteenth day of the end of each quarter, showing the total and for each branch, the amount so held :

Provided that, an over draft drawn on the statutory liquidity maintained in excess of the limit specified in section 144-10A may be treated as cash reserve for the purpose of this section.

*Explanation*.— For the purpose of this section, the term "bank" means a bank as stated in section 70.

**144-l0A. Society to maintain statutory liquidity ratio.—** The non-agricultural co-operative credit society shall maintain the statutory liquidity ratio by way of average balance in term deposit in a bank a sum equivalent to such percentage which shall not be less than twenty five per cent., or such percentage not exceeding forty per cent., as the Regulatory Board may, from time to time, specify, of the total of its deposits and shall submit the return showing the amount so held to the Registrar on or before fifteenth day of the end of each quarter.

*Explanation*.— For the purposes of this section, the term "bank" means a bank as stated in section 70.

**144-11A. Restrictions on loans and advances.—** (*1*) The non-agricultural co-operative credit society shall not,—

(*a*) grant any loans or advances on the security of its own shares as per section 44 ;

(*b*) enter into any commitment for granting any loan or advance to or on behalf of,—

(*i*) any of its present directors and his family members except against his own fixed deposits or those held in the name of the family member in the same society, where he is the director or against adequate and clear security furnished by him;

(*ii*) any firm or company in which any of the directors and his family member is interested as owner, partner, manager, guarantor or major shareholder or in which he holds any interest.

(*2*) Where any loan or advance granted and disbursed by a non-agricultural co-operative credit society is such that it could not have been granted and disbursed, if clause (*b*) of sub-section (*1*) had been in force on the date on which the loan or advance was granted and disbursed before the commencement of the said Amendment Act, 2017, steps shall be taken to recover the amount due to the non-agricultural co-operative credit society on account of the loan or advance, together with interest, if any, due thereon within the period stipulated at the time of the grant of the loan or advance, or where no such period has been stipulated, before the expiry of two years from the date of the commencement of the said Amendment Act, 2017.

(*3*) If any question arises whether any transaction is a loan or advance for the purpose of this section, it shall be referred to the Registrar, whose decision shall be final.

*Explanation*.— For the purposes of this section, the term "family" shall have the same meaning as explained in *Explanation I* of sub-section (*2*) of section 75.

**144-12A. Restrictions on power to remit debt.—** (*1*) Notwithstanding anything contained in this Act, a non-agricultural co-operative credit society shall not, except with the prior approval of the Registrar and in consultation with the Regulatory Board, remit in whole or in part any debt due to it by,—

(*a*) any of its past and present Director and his family members ; or



(*b*) any firm or company in which any of its past and present Director or his family member is interested as director, partner, managing agent or guarantor or major shareholder or in which he holds any interest.

(*2*) Any remission made in contravention of the provisions of sub-section (*1*) shall be void and of no effect.

*Explanation*.— For the purposes of this section, the term "family" shall have the same meaning as explained in *Explanation I* of sub-section (*2*) of section 75.

**144-13A. Maharashtra State Non-Agricultural Co-operative Credit Societies Regulatory Board.—** The State Government shall, as soon as may be, after the commencement of the said Amendment Act, 2017, by notification in *Official Gazette*, constitute the Maharashtra State Non-Agricultural Co-operative Credit Societies Regulatory Board, to perform such duties and functions assigned to it by or under this Act.

**144-14A. Composition of the Regulatory Board.—** The Regulatory Board shall consist of the following members, namely :—

(*a*) The Registrar, who shall be the Chairman of the Regulatory Board ;

(*b*) an officer not below the rank of Additional Registrar appointed by the Registrar ;

(*c*) two retired officers, not below the rank of Deputy General Manager from any co-operative bank to be nominated by the State Government,—

(*i*) who shall have an experience of at least ten years as officer not below the rank of Deputy General Manager of bank and no disciplinary or any other legal action was taken against them ; and

(*ii*) one of them shall be retired from the service of bank whose area of operation is entire State and other shall be retired from the service of bank whose area of operation is less than the State ;

(*d*) one Chartered Accountant, whose name appears on the panel of auditors kept by the Registrar, and having at least ten years of experience of auditing of non-agricultural co-operative credit societies, to be nominated by the State Government ;

(*e*) four representatives of the non-agricultural co-operative credit societies, who have been awarded "A" audit class in last three consecutive years, to be nominated by the State Government,—

(*i*) who shall have an experience of at least ten years as director of non-agricultural co-operative credit society and shall not be ineligible for being a member or being appointed or nominated or co-opted or elected as a member of committee of any society as specified in section 73CA ; and

(*ii*) one of them shall be director of society whose area of operation is the entire State; one of them shall be director of society whose area of operation is not less than a district; and two of them shall be director of society whose area of operation is less than a district.

**144-15A. Secretary to the Regulatory Board.—** An officer not below the rank of the Deputy Registrar shall be appointed as the Secretary of the Regulatory Board by the Registrar.

**144-16A. Term of non-official members of the Regulatory Board.—** Subject to the pleasure of the State Government, the term of the non-official members of the Regulatory Board shall be of three years from the date of nomination. The non-official member of the Regulatory Board may be renominated only once.

**144-17A. Resignation of non-official member.—** A non-official member may resign his office at any time, by writing in his own hand, addressed to the Chairman of the Regulatory Board. The resignation of the member of the Regulatory Board shall come into effect as soon as it is received by the Chairman.

**144-18A. Removal of non-official member.—** The State Government may remove a non-official member from office, if the member,—



(*a*) becomes an insolvent; or

(*b*) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude ; or

(*c*) becomes of unsound mind, and stands so declared by a competent authority; or

(*d*) refuses to act or becomes incapable of acting as the member; or

(*e*) becomes ineligible for being a member or being appointed or nominated or co-opted or elected as a member of committee of any society as specified in section 73CA.

**144-19A. Casual vacancies how to be filled in.—** Casual vacancies in the Regulatory Board shall be filled up as and when they fall vacant in the manner as provided in section 144-14A.

**144-20A. Conduct of business of the Regulatory Board.—** Notice of the meeting of the Regulatory Board, quorum and procedure regarding transaction of the business of the Regulatory Board shall be such as may be prescribed.

**144-21A. Allowances to non-official members of the Regulatory Board.—** The non-official members of the Regulatory Board shall be paid such allowances, out of the Stabilization and Liquidity Support Fund, as the State Government may, by notification in the *Official Gazette*, specify from time to time.

**144-22A. Functions and powers of the Regulatory Board.—** (*1*) Subject to the provisions of the Act and the rules made thereunder, the Regulatory Board shall have power to frame regulations for the following matters, namely :—

(*a*) the maximum amount of deposit that can be collected from an individual member by a society; (*b*) the maximum and minimum rates of interest for deposits and secured and unsecured loans; (*c*) the upper limit up to which loan could be granted to an individual member and all his connected accounts ;

(*d*) the maximum limit to be maintained by the non-agricultural co-operative credit society by way of cash reserve ;

(*e*) the rate of contribution to be made by non-agricultural co-operative credit society to the Stabilization and Liquidity Support Fund and its periodicity which may be annual or otherwise ;

(*f*) the criteria for a society to be eligible to receive support for the refund of deposit from the Stabilization and Liquidity Support Fund ;

(*g*) the maximum limit of expenditure permitted to be incurred by non-agricultural co-operative credit society, on its administrative and establishment expenses.

(*2*) The Regulatory Board shall have power to issue guidelines for the following matters :— (*a*) the classification of non-performing asset ;

(*b*) the minimum educational qualification and training for being eligible to be appointed as Chief Executive Officer and other officers and staff of society ;

(*c*) the eligibility criteria for a society which may contribute to the Stabilization and Liquidity Support Fund ;

(*d*) the recognition of one or more companies or societies to function as asset reconstruction

company or otherwise in accordance with law for the time being in force ;

(*e*) general guidelines on those matters which the Regulatory Board may deem fit and require to issue from time to time in the interest of the non-agricultural co-operative credit societies.

(*3*) The State Government may, by notification in the *Official Gazette*, confer any other functions and powers on the Regulatory Board, as it may deem fit from time to time.

**144-23A. Regulations and guidelines to be binding on non-agricultural co-operative credit societies.—** (*1*) The non-agricultural co-operative credit society shall be bound to comply with the regulations and guidelines, issued by the Regulatory Board as per section 144-22A.



(*2*) The Registrar may call report from society as to the compliance of regulations framed and guidelines issued by the Regulatory Board, from time to time.

**144-24A. Moratorium and or directions to non-agricultural co-operative credit society.—** (*1*) The Registrar shall have power to impose moratorium and or issue directions, after giving an opportunity of being heard, where he is satisfied to do so, in case of any non-agricultural co-operative credit society, in order to prevent the affairs of any non-agricultural co-operative credit society being conducted in a manner detrimental to the interest of the depositors and, or members, or in a manner prejudicial to the interest of the non-agricultural co-operative credit society, or to secure the proper management of the non-agricultural co-operative credit society.

(*2*) For the purposes of this section, the Registrar may,—

(*a*) impose restrictions on any non-agricultural co-operative credit society for refund of deposit and or its withdrawal, till such date as may be specified;

(*b*) issue orders when a society shall not accept any more and further deposits, till it complies with certain conditions as related to Statutory Liquidity Ratio and Cash Reserve Ratio or any other condition; or

(*c*) modify or cancel any moratorium or direction issued under sub-section (*1*), and in so modifying or cancelling any moratorium or direction, may impose such conditions as he may deem fit, subject to which the modification or cancellation shall have effect.

**144-25A. Constitution of Stabilization and Liquidity Support Fund.—** The State Government shall, by notification in the *Official Gazette*, create "the Stabilization and Liquidity Support Fund" and shall consist of contributions made by the non-agricultural co-operative credit societies, refund of amount of assistance and interest thereupon, borrowings, donations received and any aid received from the Government.

**144-26A. Contribution to the Fund by the Societies.—** (*1*) Every non-agricultural co-operative credit society shall contribute annually or otherwise towards the Stabilization and Liquidity Support Fund at such rate and in such manner as may be notified by the Regulatory Board in the *Official Gazette*, from time to time.

(*2*) No portion of the contribution once made shall be refunded to any non-agricultural co-operative credit society for any reason.

**144-27A. Utilisation of the Fund.—** (*1*) The "Stabilization and Liquidity Support Fund" shall be utilized for providing liquidity support to the eligible non-agricultural co-operative credit society for maintaining Statutory Liquidity Ratio as specified in the section 144-10A on such terms and conditions as determined by the Regulatory Board, from time to time.

(*2*) The Stabilization and Liquidity Support Fund shall also be used for the settlement of claims in respect of the deposits of members of the non-agricultural co-operative credit societies which are taken into liquidation after the date of commencement of settlement as notified under sub-section (*3*) of this section. The amount of settlement per member depositor shall be a sum of the actual amount of deposit of the depositor or an amount which may be notified by the State Government in the *Official Gazette*, from time to time, whichever is less.

(*3*) For the purposes of sub-section (*2*) of this section, the State Government shall notify the date of the commencement of the settlement in the *Official Gazette*.

**144-28A. Maintenance operation and investment of the Fund.—** (*1*) The Stabilization and Liquidity Support Fund shall be maintained and operated by the Regulatory Board.

(*2*) The money credited to the Stabilization and Liquidity Support Fund shall be deposited in the accounts opened in the name of the Regulatory Board in any Nationalized Bank, or the Maharashtra State Co-operative Bank, or the District Central Co-operative Bank having 'A' audit class during last three years, or any Bank having net worth of rupees two hundred crores or more.

(*3*) The money credited to the Stabilisation and Liquidity Support Fund may be invested in any of the aforesaid banks. The amount so invested in any bank shall not exceed twenty per cent. of total corpus of the said Fund at the time of such investment.



(*4*) For the purposes of this section, the Regulatory Board shall have following powers, namely :—

(*a*) to pass order, to sanction and draw and pay an amount from the Stabilization and Liquidity Support Fund to an eligible society to maintain statutory liquidity ratio as prescribed by the Regulatory Board, at such rate of interest, schedule of repayment, as stated in the order ;

(*b*) to pass order, to sanction and draw an amount from the Stabilization and Liquidity Support Fund to pay deposit of members of a non-agricultural co-operative credit society which is taken into liquidation after the date of commencement of the settlement ;

(*c*) to frame such regulations as are necessary for providing support or assistance for repayment of deposit by the liquidator. The Regulatory Board shall be competent to decide the quantum of assistance or amount of support, as the case may be, subject to the amount notified by the State Government in the *Official Gazette*, from time to time Government.

(*5*) The Regulatory Board shall monitor recovery of the amount so released, from the society and or the liquidator of the society, as the case may be.

**144-29A. Recovery of arrears of contribution, liquidity support or financial assistance.—** If a non-agricultural co-operative credit society fails to contribute to the Stabilization and Liquidity Support Fund or the society fails to repay the sum availed for liquidity support or the liquidator fails to repay the financial assistance availed for settlement of depositor to the said Fund, the Registrar shall issue recovery certificate, after giving an opportunity of being heard, to recover arrears of sum of contribution, liquidity support or settlement, etc., as the case may be, as an arrear of land revenue, and the amount and interest so due shall rank as first in priority in respect of all other liabilities of the society or the liquidator, as the case may be.

**144-30A. Accounts and Audit of the Fund.—** The Secretary of the Regulatory Board shall maintain the accounts of the Stabilization and Liquidity Support Fund in such form and manner as may be specified by the Regulatory Board. The audit of the accounts kept for the said Fund shall be done by the auditor appointed by the Regulatory Board.

**144-31A. Power of Registrar to impose penalty.—** (*1*) Notwithstanding anything contained in this Act, if a contravention or default of the nature referred to in section 144-5A, section 144-9A, section 144-10A or, section 144-24A, as the case may be, is made by a non-agricultural co-operative credit society, then the Registrar may impose on such non-agricultural co-operative credit society,—

(*a*) where the contravention is of the nature referred to in section 144-5A or section 144-24A, a penalty not exceeding twice the amount of the deposits in respect of which such contravention was made ;

(*b*) where the contravention or default is of the nature referred to in sub-section (*1*) of section 144-9A or section 144-10A, a penalty not exceeding fifty thousand rupees or twice the amount involved in such contravention or default where such amount is quantifiable, whichever is more; and where such contravention or default is a continuing one, a further penalty which may extend to

twenty-five thousand rupees; for everyday, after the first, during which the contravention or default continues.

(*2*) For the purpose of adjudging the penalty under sub-section (*1*), the Registrar shall serve notice on the non-agricultural co-operative credit society requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable opportunity of being heard shall also be given to such non-agricultural co-operative credit society.

(*3*) Any penalty imposed by the Registrar under this section shall be payable within a period of fourteen days from the date on which notice issued by the Registrar demanding payment of the sum is served on the non-agricultural co-operative credit society and in the event of failure of the non-agricultural co-operative credit society to pay the sum within such period, it may be recovered in the manner provided by the Code of Criminal Procedure, 1973 (2 of 1974) for the recovery of the fines imposed by a Magistrate, as if such fine was imposed by the Magistrate himself. Such fine, on recovery shall be credited to the Stabilization and Liquidity Support Fund.]



CHAPTER XI-A

[1][* * * * * * *]

CHAPTER XII

OFFENCES AND PENALTIES

**145. Prohibition of use of the word "Co-operative".—** (*1*) No person, other than a society registered, or deemed to be registered, under this Act, and a person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into force, shall without the sanction of the State Government, function, trade or carry on business under any name or title of which the word "co-operative" or its equivalent in any Indian language, forms part.

(*2*) Every person contravening the provisions of the foregoing sub-section shall, on conviction, be punished with fine which may extend to five hundred rupees.

**146. Offences.—** It shall be an offence under this Act, if,—

(*a*) any member of a society transfers any property or interest in property in contravention of sub-section (*2*) of section 47 or any person knowingly acquires, or abets in the acquisition of, such property ; or

(*b*) any employer and every director, manager, secretary or other officer or agent acting on behalf of such [2][employer who without any sufficient cause fails to pay a co-operative society amount deducted by him from its employee within a period of fourteen days from the date on which such deduction is made, and also any person who,] without sufficient cause, fails to comply with sub-section (*2*) of section 49 ; or

(*c*) a committee of a society or an officer or member thereof fails to invest funds of such society in the manner required by section 70 ; or

(*d*) any person, collecting the share money for a society in formation, does not within a reasonable period deposit the same in the State Co-operative Bank, or a Central Co-operative Bank, or an urban Co-operative Bank, or a postal savings Bank ; or

(*e*) any person, collecting the share money for a society in formation, makes use of the funds so raised for conducting any business or trading in the name of a society to be registered or otherwise; or

[3][(*e-1*) any person, who collects share money or any other sum by misrepresentation to the members or prospective members in the name of the society to be registered, or after registration of a society by such misrepresentation, or otherwise ; or

(*e-2*) any person knowingly gives a false certificate in whatever form showing that a person is or is not a "defaulter" within the meaning of that expression in the *Explanation* to clause (*i*) of sub-section (*1*) of [4][section 73CA] ; or]

(*f*) a committee of a society, or an officer or member thereof, fails to comply with the provisions of sub-section (*2*), [5][(*2A*),] (*3*) or (*4*) of section 75 ; or

(*g*) [6][a co-operative society or an officer or member thereof wilfully makes a false return or fails to furnish a return under section 75 or 79 of the Act, or furnishes false information or wilfully fails to furnish any information required from him by a person holding an inquiry under section 83, person authorised under section 88 or as required under any provisions of this Act,] any officer or member of a society who is in possession of information, books and records, fails to furnish such

1 Chapter XI-A including sections 144-A to 144-Y were deleted by Mah. 16 of 2013, s. 71.

2 These words were substituted for the words "employer who" by Mah. 16 of 2013, s. 72(*a*).

3 These clauses were inserted by Mah. 29 of 1986, s. 59.

4 This word, figures and letters were substituted for the word, figures and letters "section 73-FF" by Mah. 16 of 2013, s. 72(*b*).

5 These brackets, figure and letter were substituted for the words, brackets and figure "sub-section (*2*)" by Mah. 16 of 2013, s. 72(*c*).

6 This portion was inserted by Mah. 16 of 2013, s. 72(*d*)(*i*).



information or produce books and papers, or give assistance to a person appointed or authorised by the State Government or the Registrar under section [1][77A, 78, 78A, 81, 83, 84, 88, 89A, 94, 103, or 110A ;] or

[2][(*h*) any officer or custodian who wilfully fails to hand over custody of books, accounts, documents, records, cash, security and any other property belonging to a co-operative society of which he is an officer or custodian, to an authorised person or, to a person appointed under sections 77A, 78, 78A, 103 or 110A, or any other person appointed under this Act ; or

(*h-1*) a committee of a society or an officer or member thereof involved in corrupt practices during the election; or]

(*i*) a committee of a society with a working capital of fifty thousand rupees or more, or any officer or a member thereof, fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything, which the committee, officer or member is by this Act required to give, send, do or allow to be done or comply with orders made under section 79 ; or

(*j*) [3][any person, wilfully or without any reasonable excuse, disobeys any summons, requisition or lawful written order issued under sections 81, 83, 88, or any other provisions of the Act ; or] a committee of a society or an officer or member thereof wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the Registrar, or other person duly authorised by him in writing in this behalf ; or

(*k*) a committee of a society, or an officer or member thereof, wilfully makes a false return, or furnishes false information, or fails to maintain proper accounts ; or

(*l*) any officer, member, agent or servant of a society fails to comply with the requirements of sub-section (*4*) of section 81 ; or 3

[4][* * *]

(*m*) any officer or a member of a society wilfully fails to comply with any decision, award or order passed under section [5][96] ; or

(*n*) a member of a society fraudulently disposes of property over which the society has a prior claim, or a member or officer or employee or any person disposes of his property by sale, transfer, mortgage, gift or otherwise, with the fraudulent intention of evading the dues of the society ; or

(*o*) any officer of a society wilfully recommends, or sanctions for his own personal use or benefit or for the use or benefit of a person in whom he is interested, a loan in the name of any other person ; or

(*p*) any officer or member of a society destroys, mutilates, tampers with, or otherwise alters, falsifies or secretes or is privy to the destruction, mutilation, alteration, falsification or secreting of any books, papers or securities or makes, or is privy to the making of any false or fraudulent entry in any register, book of account or document belonging to the society; or

[6][(*p-1*) in case of non-agricultural co-operative credit society, in addition to above,—

(*i*) the society violates section 43 or 44 ; or

(*ii*) the society engages in any form of business other than those referred to in sub-section (*1*) of section 144-4A ; or

(*iii*) the society deals in any activity which is prohibited as per the provisions of section 144-6A ; or

1 These figures, letters and word were substituted for the figures and word "78, 81, 83, 84, 94 or 103" by Mah. 16 of 2013, s. 72(*d*)(*ii*).

2 These clauses were substituted for clause (*h*) by Mah. 16 of 2013, s. 72(*e*). 3 This portion was inserted by Mah. 16 of 2013, s. 72(*f*).

4 Clause (*l-1*) was deleted by Mah. 28 of 2022, s. 17.

5 These figures were substituted for the figures "93" by Mah. 33 of 1963, s. 28. 6 Clause (*p-1*) was inserted by Mah. 57 of 2017, s. 3, w.e.f. 22nd February 2019.



(*iv*) the society does not dispose of the property not required for the society within the stipulated period mentioned in section 144-7A ; or

(*v*) the society exceeds the limit on administrative and establishment expenses as notified as per section 144-8A ; or

(*vi*) the society acts contrary to the provisions of section 144-11A and section 144-12A; or

(*vii*) the society fails to comply with the guidelines issued and regulations framed under section 144-22A ; or

(*viii*) the society fails to contribute towards the Stabilization and Liquidity Support Fund as per the provision of section 144-26A ; or]

[1][(*p-2*) any officer or past officer or Member or past Member of the Committee of the housing society fails to supply the copies of the documents as provided under sub-section (*2*) of section 154B-8 ; or]

(*q*) any officer or member of a society or any person does any act declared by the rules to be an offence.

*Explanation*.— For the purpose of this section, an officer or a member referred to in the section shall include past officer and past member, as the case may be.

**147. Punishments for offences under section 146.—** Every society, officer or past officer, member or past member, employee or past employee of a society, or any other person who commits an offence under section 146 shall, on conviction, be punished,—

(*a*) if it is an offence under clause (*a*) of that section, with imprisonment for a term which may extend to six months, or with fine which may extend to [2][five thousand rupees], or with both ;

(*b*) if it is an offence under clause (*b*) of that section, with imprisonment for a term which may extend to [3][three years] or with fine which may extend to [4][fifteen thousand rupees], or with both ;

(*c*) if it is an offence under clause (*c*) of that section, with fine which may extend to [5][five thousand rupees] ;

(*d*) if it is an offence under clause (*d*) of that section, with fine which may extend to [6][five thousand rupees] ;

(*e*) if it is an offence under clause (*e*) of that section, with imprisonment for a term which may extend to one year, or with fine, or with both ;

[7][(*e-1*) if it is an offence under clause (*e-1*) of that section, with imprisonment for a term which may extend to three years, or with fine which may extend to [8][fifteen thousand rupees], or with both ;

(*e-2*) if it is an offence under clause (*e-2*) of that section, with imprisonment for a term which may extend to three years, or with fine which may extend to [9][fifteen thousand rupees], or with both ;]

(*f*) if it is an offence under clause (*f*) of that section, with fine which may extend to [10][five thousand rupees] ;

1 Clause (*p-2*) was inserted by Mah. 23 of 2019, s. 4.

2 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*a*). 3 These words were substituted for the words "one month" by Mah. 20 of 1986, s. 60(*a*).

4 These words were substituted for the words "five thousand rupees" by Mah.16 of 2013, s. 73(*b*).

5 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*c*).

6 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*d*). 7 These clauses were inserted by Mah. 20 of 1986, s. 60(*b*).

8 These words were substituted for the words "five thousand rupees" by Mah. 16 of 2013, s. 73(*e*).

9 These words were substituted for the words "five thousand rupees" by Mah. 16 of 2013, s. 73(*f*). 10 These words were substituted for the words "two hundred and fifty rupees" by Mah. 16 of 2013, s. 73(*g*).



(*g*) if it is an offence under clause (*g*) of that section, with fine which may extend to [1][five thousand rupees] ;

(*h*) if it is an offence under clause (*h*) of that section, with fine which may extend to [2][five thousand rupees] ;

[3][(*h-1*) if it is an offence under clause (*h-1*) under that section, with fine which may extend to five thousand rupees ;]

(*i*) if it is an offence under clause (*i*) of that section, with fine which may extend to [4][five thousand rupees] ;

(*j*) if it is an offence under clause (*j*) of that section, with imprisonment for a term which may extend to one month, or with fine which may extend to [5][five thousand rupees], or with both;

(*k*) if it is an offence under clause (*k*) of that section, with imprisonment for a term which may extend to one year or with fine which may extend to [6][ten thousand rupees], or with both ;

(*l*) if it is an offence under clause (*l*) of that section, with fine which may extend to [7][one thousand rupees] ;

[8][* * *]

(*m*) if it is an offence under clause (*m*) of that section, with imprisonment for a term which may extend to six months, or with fine which may extend to [9][five thousand rupees], or with both;

(*n*) if it is an offence under clause (*n*) of that section, with imprisonment for a term which may extend to six months, or with fine which may extend to [10][five thousand rupees], or with both;

(*o*) if it is an offence under clause (*o*) of that section, with imprisonment for a term which may extend to two years, or with fine [11][which may extend to ten thousand rupees], or with both ;

(*p*) if it is an offence under clause (*p*) of that section, with imprisonment for a term which may extend to three years, or with fine [12][which may extend to fifteen thousand rupees], or with both ;

[13][(*p-1*) if it is an offence under clause (*p-1*) of that section, with fine which may extend to twenty-five thousand rupees, or with imprisonment for a term which may extend to three years, or with both ;]

[14][(*p-2*) if it is an offence under clause (*p-2*) of that section, with fine of rupees one hundred per day after the expiry of period as provided in sub-section (*2*) of section 154B-8, which may extend to five thousand rupees;]

(*q*) if it is an offence under clause (*q*) of that section, with fine which may extend to [15][one thousand rupees].

**148. Cognizance of offences.—** (*1*) No court inferior to that of a [16][Metropolitan Magistrate or a Judicial Magistrate of the First Class], shall try any offence under this Act.

1 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*h*).
2 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*i*).
3 Clause (*h-1*) was inserted by Mah. 16 of 2013, s. 73(*j*).
4 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*k*).
5 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 73(*l*).
6 These words were substituted for the words "two thousand rupees" by Mah. 16 of 2013, s. 73(*m*).
7 These words were substituted for the words "one hundred rupees" by Mah. 16 of 2013, s. 73(*n*).
8 Clause (*l-1*) deleted by Mah. 28 of 2022, s. 18.
9 These words were substituted for the words "five hundred rupees", by Mah. 16 of 2013, s. 73(*p*).
10 These words were substituted for the words "one thousand rupees" by Mah. 16 of 2013, s. 73(*q*).
11 These words were inserted by Mah. 16 of 2013, s. 73(*r*).
12 These words were inserted by Mah. 16 of 2013, s. 73(*s*).
13 Clause (*p-1*) was inserted by Mah. 57 of 2017, s. 4, w.e.f. 22nd February 2019.
14 Clause (*p-2*) was inserted by Mah. 23 of 2019, s. 5.
15 These words were substituted for the words "two hundred and fifty rupees" by Mah. 16 of 2013, s. 73(*t*).
16 These words were substituted for the words "Presidency Magistrate or a Magistrate of the First Class" by Mah. 20 of 1986, s. 61(*a*).



[1][* * * * *]

[2][(3) No prosecution under this Act shall be lodged, except with the previous sanction of the Registrar.]

[3]**[148A. Contempt of Co-operative Courts and of Cooperative Appellate Court.—** (*1*) If any person,—

(*a*) when ordered by a Co-operative Court or the Co-operative Appellate Court to produce or deliver up any document or to furnish information, being legally bound so to do, intentionally omits to do so ; or

(*b*) when required by any such Court to bind himself by an oath or affirmation to state the truth, refuses to do so ;

(*c*) being legally bound to state the truth on any subject to any such Court, refuses to answer any question demanded of him touching such subject by the Court ; or

(*d*) intentionally offers any insult or causes any interruption to any such Court at any stage of its judicial proceeding,

he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(*2*) If any person refuses to sign any statement made by him, when required to do so by a Co-operative Court or the Co-operative Appellate Court, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*3*) If any offence under sub-section (*1*) or (*2*) is committed in the view or presence of a Court concerned, the said Court may, after recording the facts constituting the offence and the statement of the accused as provided in the [4][Code of Criminal Procedure, 1973 (2 of 1974)], forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of the accused person before such Magistrate or, if sufficient security is not given, shall forward such person in custody to such Magistrate. The Magistrate to whom any case is so forwarded shall proceed to hear the

complaint against the accused person in the manner provided in the [5][Code of Criminal Procedure, 1973 (2 of 1974).]

(*4*) If any person commits any act or publishes any writing which is calculated to improperly influence a Co-operative Court or the Co-operative Appellate Court to bring any such Court or a member thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of the said authorities, such person shall be deemed to be guilty of contempt of the said authorities.

(*5*) In the case of contempt of itself, the Co-operative Appellate Court shall record the facts constituting such contempt, and make a report in that behalf to the High Court.

(*6*) In the case of contempt of a Co-operative Court, the Co-operative Court shall record the facts constituting such contempt, and make a report in that behalf to the Co-operative Appellate Court, and thereupon, that Court may if it considers it expedient to do so, forward the report to the High Court.

(*7*) When any intimation or report in respect of any contempt is received by the High Court under sub-section (*5*) or (*6*), the High Court shall deal with such contempt as if it were contempt of itself, and shall have and exercise in respect of it the same jurisdiction, powers and authority in accordance with the same procedure and practice as it has exercises in respect of contempt of itself.]

1 Sub-section (*2*) was deleted by Mah. 20 of 1986, s. 61(*b*).

2 Sub-section (*3*) was substituted by Mah. 7 of 1997, s. 14.

3 Section 148A was inserted by Mah. 3 of 1974, s. 37.

4 These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1898" by Mah. 20 of 1986, s. 62.

5 These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1898" by Mah. 20 of 1986, s. 62.



## CHAPTER XIII

### APPEALS,REVIEW AND REVISION

**149. Maharashtra State Cooperative [1][Appellate Court.]**—[2][(*1*) A Court to be called the Maharashtra State Co-operative Appellate Court is hereby constituted to exercise the powers and to discharge the functions conferred on it by or under this Act.]

(*2*) The [3][Co-operative Appellate Court] shall consist of the President, [4][and such number of other members, as the State Government may from time to time consider necessary, who possess] such qualifications as may be prescribed. [5][The President and other members shall hold office for such period or such different periods as may be prescribed.]

(*3*) Any vacancy in the membership of the [6][Co-operative Appellate Court] shall be filled by the State Government.

[7][(*4*) All or any of the powers and functions of the Co-operative Appellate Court, may be exercised and discharged by any of its members sitting singly or in Benches as may be determined by the President].

(*5*) Such Benches shall consist of two or more members.

(*6*) Where a matter is heard [8][by an odd number of members constituting a Bench] the opinion of the majority shall prevail, and the decision shall be in accordance with the opinion of the majority. Where a matter is heard by an even number of members, and the members are equally divided, if the President be one of the members the opinion of the President shall prevail; and in other cases the matter shall be referred for hearing to the President, and shall be decided in accordance with his decision.

(*7*) Subject to the previous sanction of the State Government, the [9][Co-operative Appellate Court] shall frame regulations consistent with the provisions of this Act and rules made thereunder, for regulating its procedure and the disposal of its business.

(*9*) The [10][Co-operative Appellate Court] may call for and examine the record of any proceeding in which an appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the [11][Co-operative Appellate Court] that any such decision or

order should be modified, annulled or reversed, the [12][Co-operative Appellate Court] may pass such order thereon as it may deem just.

(*10*) Where [13][an appeal or application is made to the [14][Co-operative Appellate Court] under this Act], it may, in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision of the appeal [15][or application, as the case may be,] may appear to it to be just and convenient, or such orders as may be necessary for the ends of justice, or to prevent the abuse of the process of the [16][Co-operative Appellate Court].

1 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*e*).
2 Sub-section (*1*) was substituted by Mah. 3 of 1974, s. 38(*a*).
3 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
4 These words were substituted for the words "and not more than three other members possessing" by Mah. 27 of 1971, s. 3.
5 These words were inserted by Mah. 3 of 1974, s. 38(*b*).
6 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
7 Sub-section (*4*) was substituted for the original by Mah. 36 of 1975, s. 12(*a*).
8 These words were substituted for the words "by three members" by Mah. 36 of 1975, s. 12(*b*).
9 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
10 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
11 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
12 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
13 These words were substituted for the words "an appeal is made to the Tribunal under section 97" by Mah. 33 of 1963, s. 29(*a*).
14 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).
15 These words were inserted by Mah. 33 of 1963, s. 29(*d*).
16 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).



(*11*) An order passed in appeal, or in revision under sub-section (*9*) or in review under section 150 by the [1][Co-operative Appellate Court], shall be final and conclusive, and shall not be called in question in any Civil or Revenue Court.

[2][(*12*) (*a*) The President and other members of the Maharashtra State Co-operative Tribunal functioning immediately before the commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 1973 (Mah. III of 1974), shall be deemed, respectively to be the President and other members of the Maharashtra State Co-operative Appellate Court constituted for the purposes of this Act ; and all appeals and other proceedings pending before the said Tribunal shall be heard and disposed of by the said Court from the stage they reached before such commencement.

(*b*) Anything done or any action taken (including any orders passed or regulations made) by the said Tribunal, shall be deemed to have been done or taken by the said Court and shall continue in operation until duly modified or annulled.

(*c*) Any reference to the said Tribunal in any law or instrument, for the time being in force, shall, with effect from the commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 1973 (Mah. III of 1974), be construed as a reference to the said Court.]

*Explanation*.— The [3][Co-operative Appellate Court] hearing an appeal under this Act shall exercise all the powers conferred upon an appellate court by section 97 and Order XLI in the First Schedule of the Code of Civil Procedure, 1908 (V of 1908).

**150. Review of orders of [4][Co-operative Appellate Court.]—** (*1*) The [5][Co-operative Appellate Court] may, either on the application of the Registrar or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just :

Provided that, no such application made by the party interested shall be entertained, unless the [6][Co-operative Appellate Court] is satisfied that there has been the discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made, or that there has been some mistake or error, apparent on the face of the record, or for any other sufficient reason:

Provided further that, no such order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

(*2*) An application for review under the foregoing sub-section by party, shall be made within ninety days from the date of the communication of the order of the [7][Co-operative Appellate Court].

**151. [8][Co-operative Appellate Court] to have power of Civil Court.—** (*1*) In exercising the functions conferred on it by or under this Act, the [9][ Co-operative Appellate Court] shall have the same power as are vested in a Court in respect of,—

(*a*) proof of facts by affidavit,

(*b*) summoning and enforcing the attendance of any person and examining him on oath,

(*c*) compelling discovery or the production of documents, and

(*d*) issuing commissions for the examination of witnesses.

(*2*) In the case of any such affidavit, any officer appointed by the [10][Co-operative Appellate Court] in this behalf may administer the oath to the deponent.

1 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*). 2 Sub-section (*12*) was added by Mah. 3 of 1974, s. 38(*d*).

3 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 38(*c*).

4 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 39.

5 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 39.

6 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 39.

7 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 39.

8 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 40.

9 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 40.

10 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 40.



**152. Appeals.—** (*1*) An appeal against an order or decision [1][under sections 4, 9, 11, 12, 13, 14, 17, 18, 19, 21, 21A, 29, 35, 77A, [2][78 [3][,78A], 79, 85, 88 and 105] including against an order for paying compensation to society] [4][and sections 154B-2, 154B-3, 154B-9 and 154B-27] shall lie,—

(*a*) if made or sanctioned or approved by the Registrar, or the Additional or Joint Registrar on whom powers of the Registrar are conferred, to the State Government,

(*b*) if made or sanctioned by any person other than the Registrar or the Additional or Joint Registrar on whom the powers of the Registrar are conferred, to the Registrar :

[5][Provided that, no order of stay shall be issued in respect of the recovery of the dues under the award issued by the Liquidator unless fifty per cent. of the amount stated in the award is deposited with the society by the Appellant.]

[6][(*2*) Where an appeal against any order or decision to the Co-operative Appellate Court has been provided under this Act, it shall lie to the Co-operative Appellate Court.]

(*3*) An appeal under sub-section (*1*) or (*2*) shall be filed within two months of the date of the communication of the order or decision.

[7][(*3A*) The Appellate Authority, in order to prevent the ends of justice being defeated, may pass such interim orders including order of stay against the impugned order, pending the decision and final hearing of the appeal :

Provided that, if any interim order has been passed by the Appellate Authority without hearing the other side, the Appellate Authority shall decide such application within a period of three months and pass the necessary orders on merits after giving an opportunity of being heard and for the reasons to be recorded in writing.]

[8][(*4*) Save as expressly provided, no appeal shall lie against any order, decision or award passed in accordance with the provisions of this Act; and every such order, decision or award shall, whether expressly provided or not, be final, but shall always be subject to the provisions for revision in this Act;

and where an appeal has been provided for, any order passed on appeal shall likewise be final, but be subject to such revision provisions].

[9][(*5*) The State Government may, by order published in the *Official Gazette*, direct that the powers conferred on it by this section, in circumstances and under such condition if any, as may be specified in the direction, be exercised also by an officer of the rank of Secretary to Government.]

[10]**[152A. Appeal against rejection of nomination paper at election.—** (*1*) Notwithstanding anything contained in this Act or rules or the bye-laws made thereunder, a person aggrieved by the rejection of nomination of a candidate at the election of a committee of any society [11][* *] may file an appeal to the Registrar [12][within three working days] of the date of rejection of the nomination. The Registrar shall dispose of such appeal within ten days of the date of receipt of such appeal and the decision of the Registrar in appeal shall be final and no further appeal or revision shall lie against the decision of the Registrar in such appeal. [13][In the case of a society, an appeal shall lie to the officer as

1 These words, figures and letters were substituted for the words and figures "under sections 9, 12, 13, 14, 17, 18, 19, 21, 29, 35, 78 and 105" by Mah. 10 of 1988, s. 30.

2 These figures and words were substituted for the figures and word "78 and 105" by Mah. 13 of 1994, s. 12(*a*). 3 These figures and letter were inserted by Mah. 14 of 2018, s. 2(*a*).

4 These words, figures and letters were inserted by Mah. 23 of 2019, s. 6.

5 This proviso was inserted by Mah. 16 of 2013, s. 74(*a*).

6 Sub-section (*2*) was substituted for the original by Mah. 13 of 1994, s. 12(*b*).

7 Sub-section (*3A*) was inserted by Mah. 16 of 2013, s. 74(*b*).

8 Sub-section (*4*) was substituted for the original by Mah. 37 of 1965, s. 2 and the said sub-section shall be deemed always to have been enacted in this form.

9 Sub-section (*5*) was added by Mah. 14 of 2018, s. 2(*b*).

10 Section 152A was inserted by Mah. 20 of 1986, s. 63.

11 The words, figures and letter "other than a society specified by or under section 73G," were deleted by Mah. 16 of 2013, s. 75(*a*).

12 These words were substituted for the words "within three days" by Mah. 28 of 2022, s. 19.

13 This portion was substituted for the portion beginning with the words "In the case of a society" and ending with the words "Divisional Commissioner in such appeal" by Mah. 16 of 2013, s. 75(*b*).



may be specified by the State Co-operative Election Authority, who shall dispose of such appeal within ten days from the date of receipt of such appeal and the decision of the such officer, shall be final.]

(*2*) Notwithstanding anything contained in this Act or the rules or the bye-laws made thereunder, the list of validly nominated candidates shall be subject to the decision of any appeal filed under sub-section (*1*), and the period between the date of scrutiny of nomination papers and the last date of the withdrawal of candidatures shall not be less than fifteen days.]

**153. Extension of period of limitation by appellate authority in certain cases.—** In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.

[1]**[154. Revisionary powers of State Government and Registrar.—** (*1*) The State Government or the Registrar, *suo motu* or on an application, may call for and examine the record of any inquiry or proceedings of any matter, other than those referred to in sub-section (*9*) of section 149, where any decision or order has been passed by any subordinate officer, and no appeal lies against such decision or order, for the purpose of satisfying themselves as to the legality or propriety of any such decision or order, and as to the regularity of such proceedings. If, in any case, it appears to the State Government, or the Registrar, that any decision or order so called for should be modified, annulled or reversed, the State Government or the Registrar, as the case may be, may, after giving the person affected thereby an opportunity of being heard, pass such orders thereon as to it or him may seem just.

(*2*) Under this section, the revision shall lie to the State Government if the decision or order is passed by the Registrar, the Additional Registrar or a Joint Registrar, and to the Registrar if passed by any other officer.

[2][(*2A*) No application for revision shall be entertained against the recovery certificate issued by the Registrar under section 101 [3][or section 154B-29] [4][* * *] unless the applicant deposits with the concerned society, fifty per cent. amount of the total [5][amount of recoverable dues. If the revision application is allowed, the Revisional Authority may pass an order directing the society to refund the amount so deposited to the applicant:]

[6][Provided that, in case of such revision where revisional authority has granted a stay to the recovery of dues, the authority shall, as far as may be practicable, dispose of such revision application as expeditiously as possible but not later than six months from the date of the first order.]

(*3*) No application for revision shall be entertained, if made after two months of the date of communication of the decision or order. The revisional authority may entertain any such application made after such period, if the applicant satisfies it that he had sufficient cause for not making the application within such period.

[7][(*3A*) The revisional authority, in order to prevent the ends of justice being defeated, may pass such interim orders including order of stay against the impugned order, pending the decision and final hearing of the Revision Application :

Provided that, if any interim order has been passed by the revisional authority without hearing the other side, the revisional authority shall decide such application within a period of three months and pass the necessary order on merits after giving an opportunity of being heard and for the reasons to be recorded in writing.]

1 Section 154 was substituted by Mah. 3 of 1974, s. 42.

2 Sub-section (*2A*) was inserted by Mah. 41 of 2000, s. 5.

3 These words, figures and letter were inserted by Mah. 23 of 2019, s. 7.

4 These words and figures were deleted by Mah. 28 of 2022, s. 20(*a*).

5 These words were substituted for the words "amount of recoverable dues" by Mah. 28 of 2022, s. 20(*b*). 6 This proviso was inserted by Mah. 16 of 2013, s. 76(*a*)(*ii*).

7 Sub-section (*3A*) was inserted by Mah. 16 of 2013, s. 76(*b*).



(*4*) The State Government may, by order, direct that the powers conferred on it by this section shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised also by an officer of the rank of Secretary to Government.]

## [1][CHAPTER XIII-A

## MAHARASHTRA STATE CO-OPERATIVE COUNCIL

**154A. Constitution of State Co-operative Council, its functions, etc.—** (*1*) There shall be a Council to be called the Maharashtra State Co-operative Council consisting of such number of members, including the Chairman and the Vice-Chairman, as the State Government may determine and nominate from time to time.

(*2*) The State Government shall appoint a Secretary of the Council.

(*3*) The functions of the Council constituted under sub-section (*1*) shall be as follows, namely :—

(*a*) to advise the State Government on all matters relating to co-operative movement ;

(*b*) to review the co-operative movement and to suggest ways of co-ordinating the activities of co-operative societies in the State ;

(*c*) to suggest ways and means to remove the difficulties experienced by the co-operative societies ;

(*d*) to report to the State Government on such matters as may be referred to it by the State Government ;

(*e*) to recommend the plans and policies for the development of co-operative movement in the State ;

(*f*) to evaluate existing schemes and suggest new schemes for co-operative development especially for the development of backward classes and economically weaker sections of the society ;

(*g*) to advise the State Government for the implementation of special scheme of economic development through co-operative methods ; and

(*h*) to undertake studies for any of the purposes aforesaid either through department or specialised bodies.

(*4*) The State Government may, by general or special order, provide for—

(*a*) the calling of the meetings of the Council and the procedure at such meetings,

(*b*) duties of the Secretary to the Council,

(*c*) sub-committee or committees of the Council,

(*d*) the term of office of members of the Council and travelling and daily allowances admissible to the members of the Council].

[2][CHAPTER XIII-B

CO-OPERATIVE HOUSING SOCIETIES

**154B. Application and non-application of provisions of this Act to the housing societies.—** (*1*) The following provisions of this Act shall apply *mutatis mutandis* to the housing societies, namely:—

Section 1, clauses (*5*), (*6*), (*7*), (*8*), (*10*), (*10-ai*), (*10-aii*), (*10-aiii*), (*13*), (*14*), (*16*), (*17*), (*18*), (*20-A*), (*21*), (*24*), (*26*), (*27*), (*28*), (*29*), (*29A*) and (*31*) of section 2, sections 3, 3A, 4, 5, 7, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 20A, 21, 21A, 22, sub-sections (*1*), (*2*) and (*3*) of section 23, sections 25, 25A, 31, 33, 34, 35, 36, 37, 38, 40, 41, 42, except proviso of sub-section (*1*) of section 43,

1 Chapter XIII-A was inserted by Mah. 20 of 1986, s. 64.
2 Chapter XIII-B was inserted by Mah. 23 of 2019, s. 8.



section 45 and sub-sections (*1*)(*b*), (*2*) and (*3*) of section 47, section 50, clauses (*a*) (*c*), (*d*) and (*e*) of section 62, sections 64, 65, 66, 67, 68, 69, 70, 71, 71A, 72, 73, sub-sections (*2*) to (*7*) of section 73ID, sections 73C, 73CB, 73CC, 73F, 73I, 75, 76, 77, 77A, [1][78A, sub-sections, (*1*),(*1-1A*), (*1A*),] (*1B*), (*2*), (*3*) and (*4*) of section 79, sections 79A, 79AA, 80, 81 to 89A, 91 to 100, 102 to 110, 145 to 148A, 149 to 154, 154A and 155 to 168.

(*2*) The following provisions of this Act shall not apply to the housing societies, namely :—

Clauses (*1*)(*a*) and (*b*), (*2*)(*a*), (*b*) and (*c*), (*4*), (*9*), (*10-aii-1*), (*10A*), (*11*), (*11-A*), (*12*), (*14-A*), (*15*), (*16-A*), [2][(*19*) (a), (*b*)] and (*c*), (*19A*), (*22*), (*23*) and (*25*) of section 2, sections 6, 8, 11, 16, 18A, 18B, 18C, 23(*4*), 24, 24A, 26, 27, 28, 29, 30, 32, 32A, 39, 44, 44A, 46, 47(*1*)(*a*), 47(*4*), 48, 48A, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62(*b*), 63, 69B, 72A, 73(*1A*)(*b*), 73A, 73AAA, 73-B, 73CA, 73D, sub-section (*1*) of section 73ID, sections 74, 78, 90, 101, 110A and sections 111 to 144-1A.

**154B-1. Definitions.—** In this Chapter, unless the context otherwise requires,—

(*1*) "allottee" means a Member of a housing society to whom a plot of land or a site, or a flat in a building or complex held by it, is allotted by the co-operative society, or a person who has purchased a flat from the developer or competent authority and joined as a Member of the society;

(*2*) "Architect" means a person registered as an architect under the provisions of the Architects Act, 1972 (20 of 1972) ;

(*3*) "Association of society" means an association of,—

(*a*) not less than five registered co-operative housing societies, and

(*b*) in which the voting rights are so regulated that the Members which are housing societies have not less than four-fifths of the total number of votes in the general meeting of such society;

(*4*) "Auditor" means a person or an auditing firm who or which has been empanelled on the panel approved by the State Government under sub-section (*1*) of section 81 ;

(*5*) "Builder promoter" means,—

(*i*) a person who constructs or causes to be constructed an independent building or a building consisting of flats, or converts an existing building or a part thereof into flats including the re-development of building or buildings, for the purpose of selling all or some of the flats to other persons and includes his assignees ; or

(*ii*) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon ; or

(*iii*) any development authority or any other public body in respect of allottees of,—

(*a*) buildings or flats, as the case may be, constructed by such authority or body on lands owned by it or placed at its disposal by the Government ; or

(*b*) plots owned by such authority or body or placed at its disposal by the Government, for the purpose of selling all or some of the flats or plots ; or

(*iv*) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs flats or buildings for its Members or in respect of the allottees of such flats or buildings ; or

(*v*) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of

1 These figures, letters, words and brackets were substituted for the figures, letters, words and brackets" 78A, sub-sections (*1*), (*1A*)" by Mah. 28 of 2022, s. 21(*1*).

2 These brackets, figures and letters were substituted for the brackets, figures, letters and sign "(*19*), (*a*), (*a-1*), (*b*)" by Mah. 28 of 2022, s. 21(*2*).



attorney from the owner of the land on which the building or flat is constructed or plot is developed for sale ; or

(*vi*) such other person who constructs any building or apartment for sale to the general public ;

(*6*) "Chief promoter" means a promoter who has been elected so in the meeting of promoters for registration of a housing or premises society ;

(*7*) "Corpus fund" means payment received or receivable by the society from the developer in lieu of surrendering its development rights of plot by way of registered document or contributed by Members for any purpose as decided in general meeting ;

(*8*) "Co-operative Housing Association" means association of housing societies or other legal bodies for the purpose of maintenance of common amenities or conveyance of land and common amenities in respect of plot or layout ;

(*9*) "Committee" means the managing Committee or other governing body of a society to which the direction and control of the management of the affairs of a society is entrusted to ;

(*10*) "Committee Member" means a Member of the society who has been elected or co-opted or nominated in accordance with this Act, rules and bye-laws of the society ;

(*11*) "defaulter" means a Member or flat owner or occupier who fails to pay the dues of the society within three months from the date of service of bill or notice or due date of payment, whichever is later ;

(*12*) "dues" means the amount payable by a Member or flat owner to the society and demanded by the society by issuing bill or notice in writing and such demand is based on the provisions of this Act, rules and bye-laws of the society ;

(*13*) "Flat" means block, chamber, dwelling unit, apartment, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified ;

(*14*) "General Body" means all the Members of the society;

(*15*) "General Meeting" means meeting of General Body called and conducted in view of the provisions of this Act, rules and bye-laws;

(*16*) "Housing Federation" means the State or District Federal Society notified by the Government in the *Official Gazette* to be the representative of the registered Housing Societies of the specified areas notified by the Government, from time to time;

(*17*) "housing society" means a society, the object of which is to provide its Members with open plots for housing, dwelling houses or flats; or if open plots, the dwelling houses or flats are already acquired, to provide its Members common amenities and services and to demolish existing buildings and reconstruct or to construct additional tenements or premises by using potential of the land;

(*a*) "tenant ownership housing society" means a society the object of which is to allot the plots to its Members to construct the dwelling unit or flats thereon or to allot the dwelling units already constructed and where land is held either on lease hold or free hold basis by the society and houses are owned or to be owned by the Members;

(*b*) "tenant co-partnership housing society" means a society the object of which is to allot the flats already constructed or to be constructed to its Members and where both land and building or buildings are held either on freehold or lease-hold basis by the society ; and



(*c*) "other housing societies" means the house mortgage co-operative societies, house construction co-operative housing societies and premises co-operative societies where all the units are offices or commercial galas ;

(*18*) "Member" means a person joining in an application for the registration of a housing society which is subsequently registered, or a person duly admitted to Membership of a society after its registration and includes associate or joint or provisional Member ;

(*a*) "Associate Member" means husband, wife, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, nephew, niece a person duly admitted to Membership of a housing society on written recommendation of a Member to exercise his rights and duties with his written prior consent and whose name does not stand in the share certificate ;

(*b*) "Joint Member" means a person joining in an application for the registration of a housing society jointly, which is subsequently registered or a person who is duly admitted to Membership after its registration and who holds share, right, title and interest in the flat jointly but whose name does not stand first in the share certificate ;

(*c*) "provisional Member" means a person who is duly admitted as a Member of a society temporarily after death of a Member on the basis of nomination till the admission of legal heir or heirs as the Member of the society in place of deceased Member ;

(*19*) "Officer" means a person elected or appointed by a society to any office according to its bye-laws; and includes any office bearer such as a chairperson, vice-chairperson, president, vice-president, secretary, joint secretary, treasurer, joint treasurer, Member of the Committee, manager and any other person, by whatever name called, elected or appointed under this Act, the rules or the

bye-laws, to give directions in regard to the business of such society ;

(*20*) "person" includes,—

(*i*) an individual, who is competent to contract under the Indian Contract Act, 1872 (9 of 1872),

(*ii*) the State Government,

(*iii*) the Central Government,

(*iv*) a Hindu Undivided Family,

(*v*) a company registered under the law for the time being in force,

(*vi*) a firm registered under the Indian Partnership Act, 1932 (9 of 1932) or the Limited Liability Partnership Act, 2008 (6 of 2009),

(*vii*) local authority,

(*viii*) an association of persons or body of individuals whether incorporated or not,

(*ix*) a co-operative society registered under any law relating to co-operatives,

(*x*) a public trust or family trust formed in accordance with a relevant provisions of law,

(*xi*) any legal body which can hold the immovable property, and

(*xii*) any entity as may be notified by the State Government, from time to time ; (*21*) "Plot" means a piece of land numbered and shown as one plot in a layout sanctioned or to be sanctioned;

(*22*) "Promoter" means a person intending to become a Member of a proposed society and who becomes the Member on its registration;

(*23*) "Proposed society" means the society the proposal of which is submitted by the builder promoter or by the chief promoter to the Registrar and which has been granted permission for reservation of name and opening account in bank in its name.

**154B-2. Registration of co-operative societies.—** (*1*) No tenant co-partnership housing society shall be registered under this Act, unless it consists of at least five persons (each of such persons being



a Member of different family) or at least fifty one per cent. (of total number of flats as per sanctioned plan) flat purchasers or intending Members and who are qualified to become Member under this Act, whichever is higher, joins the registration proposal of housing society to be registered.

(*2*) No tenant ownership housing society shall be registered under this Act, unless it consists of at least five persons (each of such persons being a Member of different family) or at least fifty-one per cent. (of total number of plots as per proposed or sanctioned lay-out) plot purchasers and who are qualified to become Member under this Act, whichever is higher, joins the registration proposal of housing society to be registered.

(*3*) No Association of society shall be registered unless it has at least five housing societies as its Members.

(*4*) No Co-operative Housing Association shall be registered unless it has at least two housing societies or other legal bodies as its Members.

(*5*) Nothing in this section shall be deemed to affect the registration of any society made before the commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2019 (Mah. XXIII of 2019).

(*6*) The word "limited" or "unlimited" shall be the last word in the name of every society with limited or unlimited liability, as the case may be, which is registered or deemed to be registered under this Act.

*Explanation*.— For the purpose of this section, the expression "Member of a family" means a wife, husband, father, mother, dependent son or unmarried dependent daughter.

**154B-3. Application for reservation of name and permission for opening bank account.—** (*1*) For the purpose of granting permission to open an account in the bank and reservation of name of the proposed tenant co-partnership housing society or premises society, an application shall be made to the Registrar in the prescribed format and shall be accompanied with the copies of commencement certificate,

or the building completion certificate given by the Architect and the copy of resolution of promoters electing chief promoter and authorizing him to make such application and on receipt of such application, the Registrar shall dispose of it within a period of thirty days from the date of its receipt.

(*2*) For the purpose of granting permission to open an account in the bank and reservation of name of the proposed tenant ownership housing society an application shall be made to the Registrar in the prescribed format and shall be accompanied with the copy of tentative lay-out plan certified by Architect or sanctioned lay-out plan and copy of resolution of promoters electing chief promoter and authorizing him to make such application and on receipt of such application, the Registrar shall decide it within a period of thirty days from the date of its receipt.

(*3*) For the purpose of registration of a housing society, an application shall be made to the Registrar in the prescribed format and shall be accompanied with documents as prescribed alongwith such fees as may be prescribed :

Provided that, the application shall be signed by the minimum number of plot or flat purchasers or owners or intending Members as provided under foregoing section :

Provided further that, for the registration of a Association of society or co-operative housing association, such application shall be signed by minimum number of authorized office bearers of different societies or legal bodies, as the case may be, as provided under foregoing section.

**154B-4. Associate, Joint or provisional Member.—** (*1*) Notwithstanding anything contained in section 22, the society may admit any person as an associate, joint or provisional Member.

(*2*) Right to vote and contest the election shall be subject to the provisions of sub-sections (*2*), (*3*) and (*4*) of section 154B-11.

**154B-5. Limit on Membership.—** A housing society shall not admit to its Membership persons exceeding the number of flats or plots, as the case may be, available for allotment in that co-operative housing society :



Provided that, a plot owners co-operative housing society may admit to its Membership an organization (co-operative housing society, company, association, etc.) of flat purchasers, in case the plot owner had constructed and sold flats as per prevailing rules, in place of original plot owner Member.

**154B-6. Co-operative education and training to Members, etc.—** (*1*) Every society may organise co-operative education and training, for its Members, officers and employees through such State federal societies or the State Apex Training Institutes, as the State Government may, by notification in the *Official Gazette*, specify. Such education and training shall,—

(*i*) ensure the effective and active participation of the Members in the management of the society ;

(*ii*) groom talented employees for effective management ;

(*iii*) develop professional skills through co-operative education and training.

(*2*) Every Member of the Committee, whether elected or co-opted, may undergo such co-operative education and training.

(*3*) (*a*) Co-operative societies specified by Government shall contribute annually towards the Co-operative Education and Training Fund, within such period and at such rates as may be prescribed and different rates may be prescribed for different societies or classes of societies and such contribution shall be paid in the manner as may be prescribed.

(*b*) The Co-operative Education and Training Fund shall be used for the purpose of promotion of co-operative movement in the State by way of education of the Members and training of officers of the co-operative societies on co-operative principles and management practices, and for the training and incidental expenses borne by the institutions notified under sub-section (*1*).

(*c*) The Co-operative Education and Training Fund shall be administered, utilised, maintained and audited, in the manner as may be prescribed, by such Authority or the Institution as may be notified by the State Government, in this behalf.

(*4*) Where any society fails to pay the contribution towards the Co-operative Education and Training Fund, within the prescribed period, the amount of contribution due on the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2019 (Mah. XXIII of 2019) shall be recoverable as arrears of land revenue and on the Authority or the Institution notified in the clause (*c*) of sub-section (*3*) making a report of such failure to the Registrar, the Registrar shall, after making such inquiry as he deems fit, grant a certificate for recovery of the amount due as an arrear of land revenue.

**154B-7. Restriction on transfer of share or interest of a Member.—** Subject to the provisions of this Act, in case of a housing society, no transfer of share or interest of a Member or the occupancy right, except the transfer of his heir or a nominee, shall be effective unless,—

(*a*) the dues of housing society are paid ;

(*b*) the transferee applies and acquires Membership of the co-operative housing society in due course of time :

Provided that, the transfer of share or interest in respect of lease hold properties shall be governed by the terms of the lease, which are not inconsistent with lease of land to the co-operative housing society or with lease by housing society to its Members.

*Explanation*.— For the purpose of this section, occupancy right shall not include right of a tenant or a licensee on leave and license basis.

**154B-8. Rights of Members to inspect the documents.—** (*1*) Every Member of a society shall be entitled to inspect, free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of the Act, the rule and the bye-laws, the last audited annual balance sheet, the profit and loss account, a list of the members of the Committee, a register of members, the minutes of general meetings, minutes of Committee meetings and those portions of the books and records in which his transactions with the society have been recorded.



(*2*) A society shall furnish to a Member, on request in writing and on payment of such fees at such rate as may be decided by the Registrar, from time to time, the copies of any documents mentioned in the foregoing sub-section within forty-five days from the date of payment of such fees and when the Society is assisted by the Government in the form of share capital, loan and land, the said Society shall furnish such information within thirty days from the date so requested by a member.

**154B-9. Removal of a Member.—** When any question arises in respect of a Membership of a person as to whether he has been duly admitted to the Membership of society or has been admitted in violation of the provisions of this Act, rules and bye-laws, the Registrar *suo motu* or on an application shall decide such question within three months from the date of application and if he is satisfied that the person has been admitted as Member in violation of provisions of this Act, rules and bye-laws, pass an order to remove such person from Membership, but no such order adverse to any such Member shall be given without giving him an opportunity of being heard.

**154B-10. Rights and duties of Member.—** (*1*) A Member shall be entitle to exercise such rights as provided under this Act, rules and bye-laws.

(*2*) Every Member of a housing society, whether registered before or after the commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2019 (Mah. XXIII of 2019), to whom plot of land or dwelling units have been allotted, shall be issued certificate of allotment by the co-operative housing society under its seal and signature in such form as may be prescribed.

Subject to the provisions of the Transfer of Property Act, 1882 (4 of 1882) or the Registration Act, 1908 (16 of 1908), any allotment (including re-allotment), of a plot of land or dwelling unit in a building

of a co-operative housing society to its Member as per terms of allotment shall entitle such Member to hold such plot of land or dwelling unit with such title, right and interest, as the case may be.

(*3*) Except when there is a contract to the contrary, a Member of co-operative housing society shall not be entitle to any title or interest in any plot of land or dwelling unit in a building of a co-operative housing society until he has made such payment as may be specified by the co-operative housing society towards the cost of such plot of land or, construction of such dwelling unit, as the case may be, to the co-operative housing society.

(*4*) No Member shall be eligible for being appointed, nominated, elected, co-opted or for being a Member of a Committee, if he is a defaulter of the society.

(*5*) (*i*) It shall be the duty of the Member of the society to pay the dues of the society within time as decided by society in its general meeting.

(*ii*) Member shall vacate the flat when required for redevelopment of the building or buildings of the society as decided in its general meeting.

(*iii*) Member shall perform his duties as provided in this Act, rules and bye-laws.

(*6*) The Associate Member shall have right to contest the election to the Committee with prior written consent of a Member.

(*7*) Any action contemplated against the original Member in the Act shall be applicable to such an Associate Member.

**154B-11. Voting rights of Member.—** (*1*) No Member of society shall have more than one vote in its affairs :

Provided that, every right to vote shall be exercised personally :

Provided further that, in the case of an equality of votes, the Chairman shall have a casting vote in the meeting of a society.

(*2*) The Associate Member shall have right to vote with prior written consent of a Member.

(*3*) The provisional Member shall have right to vote.

(*4*) In case of joint Member the person whose name stands first in the share certificate, shall have right to vote. In his absence, the person whose name stands second, and in the absence of both, the person whose name stands next and likewise, who is present and who is not a minor, shall have right to vote.



(*5*) In case of Association of society, authorised Member of member society shall have right to vote.

(*6*) In case of company or firm or any other body corporate or local authority or any legal body constituted under any law for the time being in force, the authorised director or person or any one of the partners as appointed by the firm, shall have right to vote.

**154B-12. Transfer of share, right, title and interest.—** A Member may transfer his share, right, title and interest of his property in the society by way of registered document by following the due procedure as provided in the rules or bye-laws.

**154B-13. Transfer of interest on death of a Member.—** On the death of a Member of a society, the society shall transfer share, right, title and interest in the property of the deceased Member in the society to a person or persons on the basis of testamentary documents or succession certificate or legal heirship certificate or document of family arrangement executed by the persons, who are entitled to inherit the property of the deceased Member or to a person duly nominated in accordance with the rules:

Provided that, society shall admit nominee as a provisional Member after the death of a Member till legal heir or heirs or a person who is entitled to the flat and shares in accordance with succession law or under will or testamentary document are admitted as Member in place of such deceased Member :

Provided further that, if no person has been so nominated, society shall admit such person as provisional Member as may appear to the Committee to be the heir or legal representative of the deceased Member in the manner as may be prescribed.

**154B-14. Charge of society in respect of share and interest of Member.—** A society shall have a charge upon share and interest of a Member or past Member or deceased Member to the extent of dues payable by such Member to the society.

**154B-15. Creation of funds.—** Every society shall create such funds as may be prescribed and also such other funds as it may, from time to time, decide.

**154B-16. Levy of charges by the society.—** Every society shall levy the charges as prescribed towards its such funds created under section 154B-15.

**154B-17. Investment of funds.—** A society shall invest or deposit its funds in one or more of the following :—

(*a*) in a District Central Co-operative Bank, the State Co-operative Bank, having awarded at least "A" Audit Class in last three consecutive years, if no such Central Co-operative Bank is available in district, then any Nationalised Bank ;

(*b*) in any of the securities specified in section 20 of the Indian Trusts Act, 1882 (2 of 1882);

(*c*) in the shares, or security bonds, or debentures, issued by any other society with limited liability ;

(*d*) in any other mode permitted by the rules, or by general or special order issued in that behalf by the State Government.

**154B-18. Utilization of funds.—** Funds mentioned in foregoing sections shall be utilized for the purpose as may be specified in bye-laws of the society:

Provided that, the corpus fund may be utilized for the purpose as may be decided in the general meeting of the society.

**154B-19. Constitution of Committee.—** (*1*) Committee shall consist of such number of Members as may be decided by the State Government by notification or special order, from time to time.

(*2*) The Committee of the society shall stand constituted on the date of declaration of result of election to the Committee by returning officer where more than two third of the Committee Members of the strength as may be decided by the Registrar, from time to time, have been elected:

Provided that, in case two third is a fraction, it shall be rounded off to next higher number.



(*3*) The term of the office of the elected Members of the Committee and its office bearers shall be five years from the date of first meeting of newly constituted Committee and the term of the office bearers shall be co-terminus with the term of the Committee:

[1][Provided that, if the election to the Committee of the society could not be held for the reason not attributable to the members of the Committee of such society, the existing members of the Committee shall be deemed to have been continued till the new Committee is duly constituted.]

(*4*) Any casual vacancy in the Committee may be filled by co-option and term of the co-opted Member shall be co-terminus with the term of the Committee.

**154B-20. Reservation of certain seats on Committee of societies and election thereto.—** (*1*) Notwithstanding anything contained in this Act or in the rules made thereunder or in any bye-laws of any society, on the Committee of such society or class of societies as the State Government may, by general or special order, direct, three seats shall be reserved for,—

(*a*) one Member belonging to the Scheduled Castes or Scheduled Tribes ;

(*b*) one Member belonging to the Other Backward Classes ; and

(*c*) one Member belonging to the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes or Special Backward Classes.

(*2*) Any individual Member of the society, or any elected Member of the Committee or a Member society or any Member of the Committee of the Member society, whether elected, co-opted or appointed under this section, belonging to the Scheduled Castes or Scheduled Tribes, or Other Backward Classes or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Special Backward Classes, shall be eligible to contest the election to a reserved seat and every person who is entitled to vote at the election to the Committee shall be entitled to vote at the election to any such reserved seat.

*Explanation*.— For the purposes of this section,—

(*a*) a general or special order, if any, issued by the State Government under section 73-B as it existed before the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 1983 (Mah. XLV of 1983), shall be deemed to have been issued under sub-section (*1*) of this section and shall continue to be in force until duly repealed or amended ;

(*b*) the expression "Scheduled Castes" includes "*Nav-Boudhas*";

(*c*) the expression "Other Backward Classes, De-notified Tribes (*Vimukta Jatis*) and Nomadic Tribes and Special Backward Classes" means such classes or parts of or groups within such classes as are declared, from time to time, by the State government to be Other Backward Classes, De-notified Tribes (*Vimukta Jatis*) and Nomadic Tribes and Special Backward Classes.

**154B-21. Reservation for women.—** (*1*) Notwithstanding anything contained in this Act or in the rules made thereunder, or in the by-laws of any society, there shall be two seats reserved for women on the Committee of each society consisting of individuals as Members and having Members from such class or category of persons, to represent the women Members.

(*2*) Any individual woman Member of the society, or any woman Member of the Committee of a Member-society, whether elected, co-opted or nominated, shall be eligible to contest the election to the seat reserved under sub-section (*1*).

(*3*) Nothing in this section shall apply to a Committee of a society exclusively of women Members.

**154B-22. General provisions for strength of the Committee for quorum.—** Till the time the Members of reserved categories are not available or elected to fill the reserved seats as provided in sections 154B-20 and 154B-21, such reserved seats shall not be counted for strength of managing Committee for composition of quorum for conducting its meetings.

**154B-23. Disqualification of Committee and its Members.—** (*1*) Without prejudice to the other provisions of this Act or the rules made thereunder, in relation to the disqualification of being a Member

1 This proviso was added by Mah. 28 of 2020, s. 5.



of the Committee, no person shall be eligible to be appointed, nominated, elected, co-opted for being a Member of Committee,—

(*i*) if he is a defaulter of any society, or

(*ii*) if he carries on business of letting, subletting and selling of flats in the housing society of which he is a Member, or

(*iii*) if he has been held responsible under section 79, 88, 154B-8(*2*) or 154B-27 or for payment of cost of enquiry under section 85, or

(*iv*) if he has incurred any disqualification under this Act or the rules made thereunder, or

(*v*) if he incurs any of the disqualification similar to that mentioned in the provisions of clause (*vii*), (viii) or (*ix*) of clause (*f*) of sub-section (*1*) of section 73CA.

(*2*) A Member, who has incurred any disqualification under sub-section (*1*), shall cease to be a Member of Committee and his seat shall thereupon be deemed to be vacant.

(*3*) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification under clause (*ii*), (*iii*), (*iv*) or (*v*) of sub-section (*1*), shall not be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee for five years from the date on which he or she has so ceased to be a Member of the Committee.

(*4*) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification other than disqualifications, referred to in sub-section (*3*), shall, unless otherwise specifically provided in this Act, be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee as soon as such disqualification ceases to exist.

**154B-24. Motion of no confidence against officers of society.—** (*1*) An officer who holds office by virtue of his election to that office shall cease to be such officer if a motion of no confidence is passed at a meeting of a Committee by not less than two third majority of the Committee Members who are present and entitled to vote at such meeting and his office shall thereupon be deemed to be vacant.

(*2*) The provisions of sub-sections (*2*) to (*7*) of section 73ID shall apply *mutatis mutandis* to such motion.

**154B-25. Management of housing society, housing complex, housing association or housing federation.—** Management of housing society, housing complex, housing association or housing federation shall be carried out in the manner as may be prescribed.

**154B-26. Allotment of plots, flats or houses through draw of lots.—** (*1*) Except when there is a contract to the contrary, allotment of plots of land, flats, house or other dwelling units shall be made by the Committee of a housing society to the Members strictly on the basis of draw of lots in respect of such Members whose enrollment as a Member of a housing society is found proper in accordance with provisions of this Act and rules framed thereunder and the bye-laws of a housing society duly registered.

(*2*) Every Member of a housing society, whether registered before or after the commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2019 (Mah. XXIII of 2019), to whom plots, flats, houses or other dwelling units have been allotted, shall be issued certificate of allotment by the co-operative housing society under its seal and signature in such form, on such terms and on such conditions as may be prescribed. Such certificate shall be issued forthwith when all the dues as may be determined and notified by the housing society are duly paid by the Member.

**154B-27. Obligation of society to take action and Registrar's powers to enforce.—** (*1*) If any society is required to take action for performance of its obligations, responsibilities and duties as provided in this Act, rules and bye-laws or to execute the orders issued by the State Government or by the Registrar, from time to time, and such actions are not taken or such orders are not executed, the Registrar *suo motu* or on an application may issue directions to take such action or actions or execute such orders.

(*2*) Where any society is required to take any action or to execute the orders as provided in the foregoing sub-section and such action is not taken or orders are not executed,—



(*i*) within the time provided in this Act, rules or the bye-laws or in the order, as the case may be ;

(*ii*) where no time is provided, within such time having regard to the nature and extent of the action to be taken as the Registrar may specify by notice in writing,

the Registrar may himself or through a person authorized by him take such action or execute such order at the expense of the society and such expenses shall be recoverable from the responsible officer of the society as if it were arrears of land revenue :

Provided that, before issuing an order or direction and fixing the responsibility of payment of expenses an opportunity of being heard shall be given to the officer of society to whom the Registrar considers to be responsible for not taking such action or not executing such orders.

(*3*) The application submitted by a Member to the society for the certificate or certificates for sale of his flat or mortgaging it for obtaining loan or for any other purpose shall be decided by the society within

a period of thirty days from the date of receipt of such application and decision thereon shall be intimated to him within a period of fifteen days. If society fails to decide and intimate such application within such time or if such application is rejected, the Member may file appeal to the Registrar for appropriate relief within a period of three months from date of submission of application to the society or within a period of two months from the date of decision of rejection by society, whichever is earlier :

Provided that, every such appeal shall be disposed of by the Registrar within a period of sixty days from the date of its receipt after giving opportunity of being heard to all the parties.

**154B-28. Housing Federations, their powers and duties.—** (*1*) Notwithstanding anything contained in this Act but subject to the provisions of this section, the State Government may, by notification in the *Official Gazette*, notify any society as a Housing Federation for the areas specified in the notification.

(*2*) Every society may affiliate to notified Housing Federation of the area wherein society is located.

(*3*) Every notified Housing Federation shall create the Education and Training Fund.

(*4*) Every housing society in the areas for which Housing Federation is notified under sub-section (*1*) shall contribute to the Education and Training Fund maintained by the notified Housing Federation at the rate as may be decided by the State Government by special or general order, from time to time.

(*5*) Every notified Housing Federation shall utilise Education and Training Fund for,—

(*i*) arranging seminars on issues related to housing societies ;

(*ii*) imparting training to the persons to be appointed as managers or special recovery officers and to the Members and officers of housing societies ;

(*iii*) any other purpose as may be notified by the Government from time to time.

(*6*) (*i*) Every notified Housing Federation shall prepare, declare and maintain the panel of managers and special recovery officers as per the guidelines issued by the Registrar, from time to time.

(*ii*) The Registrar *suo motu* or on an application may remove such person from the panel maintained by Federation who,—

(*a*) has doubtful integrity, or

(*b*) has been convicted, or

(*c*) has been declared mentally incapable, or

(*d*) has misused his position while rendering his services, or

(*e*) failed to discharge his duties :

Provided that, such person shall not be removed without giving him a reasonable opportunity of being heard.

(*iii*) Required qualifications for the Auditors, Managers and Special Recovery Officers shall be decided by the Registrar, from time to time.



(*iv*) Every notified Housing Federation shall apply to the Registrar for delegation of necessary powers to the persons so trained as special recovery officer for recovery of the dues of the affiliated societies.

(*7*) Every society may,—

(*i*) appoint Special Recovery Officer from such panel for execution of Recovery Certificates or Recovery Orders or decrees ; and

(*ii*) appoint manager from such panel for maintaining records and books of accounts of the society.

(*8*) Remuneration of Special Recovery Officers shall be decided by the Registrar, from time to time.

**154B-29. Recovery of certain sums and arrears due to housing societies as arrears of land revenue.—** (*1*) Notwithstanding anything contained in sections 91, 93 and 98, on an application made by a housing society for the recovery of its dues or for the recovery of its repairs and maintenance, construction cost and service charges, and on the housing society concerned furnishing a statement of accounts and any other documents as may be prescribed, in respect of the arrears, the Registrar may, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein, to be due as arrears.

*Explanation*.— For the purposes of this sub-section, the expression "repairs and maintenance and service charges" means such charges as are so specified in the by-laws of the concerned housing society.

(*2*) Where the Registrar is satisfied that the concerned society has failed to take action under the foregoing sub-section in respect of any amount due as arrears, the Registrar may, on his motion, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein, to be due as arrears and such a certificate shall be deemed to have been issued as if on an application made by the society concerned.

(*3*) A certificate granted by the Registrar under sub-section (*1*) or (*2*) shall be final and a conclusive proof of the arrears stated to be due therein, and the same shall be recoverable according to the law for the time being in force, as arrears of land revenue. A revision shall lie against such order or grant of certificate, in the manner laid down under section 154 and such certificate shall not be liable to be questioned in any court.

(*4*) It shall be lawful for the Collector and the Registrar to take precautionary measures in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) or any law or provisions corresponding thereto for the time being in force, until the arrears due to the concerned society, together with interest and any incidental charges incurred in the recovery of such arrears, are paid, or security for payment of such arrears is furnished to the satisfaction of the Registrar.

**154B-30. House building co-operative societies which have achieved their objectives.—** In case of a house building society where all plots have been allotted to its Members and basic civic service have been transferred to the local civic body, the Registrar shall, after giving sixty days notice to the Committee, initiate winding up proceedings and such co-operative house building society shall be wound up :

Provided that, in the case of a co-operative house building society where land has been allotted on perpetual lease, before passing winding up orders the prior consent of the lessor shall be obtained :

Provided further that, where a house building co-operative society has been provided land to run a club, school, community center, dispensary or community facility, etc., by the lessor, the above provision shall not apply to such co-operative house building society, if the general body decides to run these activities for the benefit of the Members and the residence.

**154B-31. Saving as to existing rules, orders, by-laws, etc.—** (*1*) The rules, orders, by-laws, circulars or instruments having the force of law and existing on the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2019 (Mah. XXIII of 2019), which are applicable to the societies governed by this Chapter on the date of such commencement, shall, until expressly repealed, modified or amended, continue to apply to the said societies.



(*2*) Every proceedings by or against the society and pending before any Court, tribunal or authority on the said date of commencement shall be continued and decided as if the provisions of this Chapter are not made applicable in respect of such societies.].

## CHAPTER XIV

## MISCELLANEOUS

**155. Recovery of sums due to Government.—** (*1*) Unless otherwise provided by this Act, all sums due from a society or from an officer or member or past member or a deceased member of a society

as such to the Government, may be recovered according to the law and under the rules for the time being in force for the recovery of arrears of land revenue.

(*2*) Sums due from a society to the Government and recoverable under the foregoing sub-section may be recovered, firstly from the property of the society, secondly in the case of a society of which the liability of the members is limited, from the members or past members or the estate of deceased members subject to the limit of their liability, and, thirdly, in the case of societies with unlimited liability from the members or past members or estate of deceased members.

(*3*) The liability of past members or estate of deceased members shall in all cases be subject to the provisions of section 33.

**156. Registrar's powers to recover certain sums by attachment and sale of property.—** (*1*) The Registrar or any officer subordinate to him and empowered by him in this behalf [1][or an officer of such society as may be notified by the State Government, who is empowered by the Registrar in this behalf] may, subject to such rules as may be made by the State Government, but without prejudice to any other mode of recovery provided by or under this Act, recover—

(*a*) any amount due under a decree or order of a Civil Court obtained by a society ;

(*b*) any amount due under a decision, award or order of the Registrar, [2][Co-operative Court] or Liquidator or [3][Co-operative Appellate Court] ;

(*c*) any sum awarded by way of costs under this Act ;

(*d*) any sum ordered to be paid under this Act as a contribution to the assets of the society ;

[4][(*e*) any amount due under a certificate granted by the Registrar under sub-section (*1*) or (*2*) of section 101 or under sub-section (*1*) of section 137 [5][or section 154B-29] ;]

together with interest, if any, due on such amount or sum and the costs of process [6][according to the scales of fees laid down by the Registrar, from time to time,] by the attachment and sale or by sale without attachment of the property of the person against whom such decree, decision, award or order has been obtained or passed.

(*2*) The Registrar or the officer empowered by him shall be deemed, when exercising the powers under the foregoing sub-section, or when passing any order on any application made to him for such recovery, to be a Civil Court for the purposes of [7][article 136 in the Schedule to the Limitation Act, 1963 (36 of 1963)].

**157. Power to exempt societies from provisions of Act.—** The State Government may, by general or special order, [8][* * * * * * *] exempt any society or class of societies from any of the provisions of this Act, [9][or of the rules made thereunder,] or may direct that

1 These words were inserted by Mah. 63 of 1981, s. 2(*a*).

2 These words were substituted for the word "arbitrator" by Mah. 3 of 1974, s. 43.

3 These words were substituted for the word "Tribunal" by Mah. 3 of 1974, s. 43.

4 Clause (*e*) was inserted by Mah. 33 of 1963, s. 31.

5 These words, figures and letter were inserted by Mah. 23 of 2019, s. 9.

6 These words were inserted by Mah. 63 of 1981, s. 2(*b*).

7 These words and figures were substituted for the words and figures "article 182 in the First Schedule to the Limitation Act, 1908" by Mah. 20 of 1986, s. 65.

9 These words were inserted, by Mah. 27 of 1969, s. 22(*b*).



such provisions shall apply to such society or class of societies [1][* *] with such modifications not affecting the substance thereof as may be specified in the order :

Provided that, no order to the prejudice of any society shall be passed, without an opportunity being given to such society to represent its case:

[2][* * * * *]

**158. Delegation of power of Registrar to [3][certain authorities and officer].—** The State Government may, by notification in the *Official Gazette*, and subject to such conditions (if any) as it may think fit to impose, delegate all or any of the powers of the Registrar under this Act to any federal authority or to an officer thereof [4][or to any other authority] [5][and such officers or authorities] shall work under the general guidance, superintendence and control of the Registrar specified in the notification.

**159. Branches, etc., of societies outside the State.—** (*1*) No society shall open a branch or a place of business outside the State of Maharashtra, and no co-operative society registered under any law in any other State shall open a branch or a place of business in the State of Maharashtra, without the permission of the Registrar.

(*2*) Every co-operative society registered under any law in any other State, and permitted to open a branch or a place of business in the Maharashtra State under the foregoing sub-section, or which has a branch or a place of business in the Maharashtra State at the commencement of this Act, shall, within three months from the opening of such branch or place of business or from the commencement of this Act, as the case may be, file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in English language, a certified translation thereof in English or Hindi, and shall submit to the Registrar such returns and information as are submitted by similar societies registered under this Act in addition to those which may be submitted to the Registrar of the State where such society is registered.

**160. Handing over records and property to new Chairman on election.—** (*1*) On the election of a new Committee and its Chairman, the retiring Chairman, in whose place the new Chairman is elected, shall hand over charge of the office of the committee and all papers and property, if any, of the society in possession of the committee or any officer thereof, to the new Chairman of the Committee.

(*2*) If the retiring Chairman fails or refuses to hand over charge, or to handover the papers and property of the society as aforesaid, the Registrar, or any person empowered by him in this behalf, may by order in writing direct him to forthwith hand over such charge and property.

(*3*) If the retiring Chairman to whom a direction has been issued as aforesaid does not comply with such direction, he shall on conviction be punished with simple imprisonment which may extend to one month, or with fine which may extend to [6][five thousand rupees], or with both; and the Registrar may, on the retiring Chairman's failure to comply with such direction, take order for seizing the records and property and handing it over to the new Chairman, in the manner provided in section 80.

[7]**[160A. Members of State Legislature and certain local authorities not to be remunerated while holding certain offices in societies.—** Notwithstanding anything contained in this Act or the rules or by-laws made thereunder, a member of the State Legislature or of a committee under the Hyderabad District Municipalities Act, 1956 (Hyd. XVIII of 1956), or a member of a *Zilla Parishad* or *Panchayat Samiti* under the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1962 (Mah. V of 1962), while holding the office of Chairman or members of the committee of a society to which appointment is made by the State Government or the office of liquidator or the office of nominee of the Registrar whether appointed individually or to a board of nominees, shall not be entitled to receive any remuneration other

1 The words "other than co-operative credit structure entity" were deleted by Mah. 16 of 2013, s. 77(*a*).

2 This proviso was deleted by Mah. 28 of 2022, s. 22.

3 These words were substituted for the words "federal authorities" by Mah. 20 of 1986, s. 66(*c*).

4 These words were inserted by Mah. 20 of 1986, s. 66(*a*).

5 These words were substituted for the words "or to any officer of the *Zilla Parishad* constituted under the Maharashtra *Zilla Parishads* and *Panchayat Samitis* Act, 1961 and such authorities and officer of the *Zilla Parishad*" by Mah. 16 of 2013, s. 78.

6 These words were substituted for the words "five hundred rupees" by Mah. 16 of 2013, s. 79.

7 Section 160A was inserted by Mah. 23 of 1968, s. 6.



than travelling allowance, the daily allowance or such other allowance which is paid to the holder of any such office for the purpose of meeting the personal expenditure incurred in attending the meeting of the committee or body, or in performing any other functions as the holder of such office.]

[1][160B. **Members of committees not entitled to travelling allowance, daily allowance, etc., at a rate higher than the maximum prescribed.—** Subject to the provisions of section 160A, no member of the committee of any society shall be entitled to receive from the society the travelling allowance, the daily allowance or such other allowances or fees which are paid to the members for attending meetings of its committee or for performing any other functions as such members, at a rate higher than the maximum rate prescribed in this behalf, and different maximum rates may be prescribed for different societies or class of societies or for different purposes.]

[2][161. **Registrar and other officers to be public servants.—** The Registrar, a person exercising the powers of the Registrar, an Officer as defined in clause (*20*) of section 2, a person appointed as an Official Assignee under sub-section (*2*) of section 21-A [3][State co-operative Election Commissioner and officers, employees and staff employed under sub-sections (*7*) and (*8*) of section 73CB], or as an administrator under section 77-A or 78, [4][78A or clause (*iii*) of sub-section (*1*) of section 110A] or a person authorised to seize books or funds of a society under sub-section (*3*) of section 80, or to audit the accounts of a society under section 81 or hold an inquiry under section 83, or to make an inspection under section 84, or 89-A or to make an order under section 88, or a person appointed as a member constituting a Co-operative Court under section 91A or the Co-operative Appellate Court under section 149 [5][or any officer empowered under section 156], or a Liquidator under section 103, shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).]

**162. Indemnity for acts done in good faith.—** No suit, prosecution or other legal proceeding shall lie against the Registrar or any person subordinate to him or acting on his authority, in respect of anything in good faith done, or purported to be done by him by or under this Act.

**163. Bar of Jurisdiction of Courts.—** (*1*) Save as expressly provided in this Act, no Civil or Revenue Court shall have any Jurisdiction in respect of—

(*a*) the registration of a society or its bye-laws, or the amendment of its bye-laws, or the dissolution of the committee of a society, or the Management of the society on dissolution thereof; or

(*b*) any dispute required to be referred to [6][the Co-operative Court] for decision ;

(*c*) any matter concerned with the winding up and dissolution of a society.

(*2*) While a society is being wound up, no suit or other legal proceeding relating to the business of such society shall be proceeded with or instituted against the society or any member thereof, or any matter touching the affairs of the society, except by leave of the Registrar, and subject to such terms as he may impose.

(*3*) All orders, decisions or awards passed in accordance with this Act or the rules, shall, subject to the provisions of appeal or revision in this Act be final; and no such order, decision or award shall be liable to be challenged, set aside, modified, revised or declared void in any Court upon the merits, or upon any other ground whatsoever [7][* * *].

**164. Notice necessary in suits.—** No suit shall be instituted against a society, or any of officers, in respect of any act touching the business of the society, until the expiration of two months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the

1 Section 160B was inserted by Mah. 27 of 1969, s. 23.

2 Section 161 was substituted for the original by Mah. 20 of 1986, s. 67.

3 These words, brackets, figures and letter were inserted by Mah. 16 of 2013, s. 80(*a*).

4 These words, brackets, figures and letters were inserted by Mah. 16 of 2013, s. 80(*b*).

5 These words and figures were inserted, by Mah. 16 of 2013, s. 80(*c*).

6 These words were substituted for the words "the Registrar, or the Co-operative Court" by Mah. 18 of 1982, s. 15.

7 The words "except for want of jurisdiction" were deleted by Mah. 27 of 1969, s. 25.



name, description and place of residence of the plaintiff and the relief which he claims, and the plaint shall contain a statement that such notice has been so delivered or left.

**165. Rules.—** (*1*) The State Government may, for the whole or any part of the State and for any society or class of societies, make rules for the conduct and regulation of the business of such society or class of societies, and for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may—

[1][(*i*) subject to the provisions of section 3, prescribe the designation of officers who shall exercise powers vested in the Registrar;]

(*ii*) prescribe the forms to be used and the conditions to be complied within the making of applications for the registration of a society under section 8 and the procedure in the matter of such application ;

(*iii*) prescribe the matters in respect of which a society may make, or the Registrar may direct a society to make, by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation ;

(*iv*) prescribe the procedure to be followed and conditions to be observed for change of name or liability, amalgamation, transfer, division, conversion, for reconstruction of society ;

(*v*) prescribe the form of and procedure for an application under section 19 and the procedure for reconstruction of a society under that section ;

[2][(*v-a*) prescribe the conditions subject to which the Official Assignee shall realise the assets and liquidate the liabilities under section 21 A(*3*) ;

(*v-b*) prescribe the manner of giving public notice and the remuneration and allowances to be paid to the Official Assignee, under sections 21 A(*1*) and 21 A(*4*) ;

(*v-c*) prescribe the form of application under section 23 (*1A*) ;]

[3][(*v-c1*) prescribe the period of training and education and the intervals at which such training shall be given ; and the different rates at which different societies shall contribute towards the training and education fund under section 24A of the Act ;

(*v-c2*) prescribe the amount of payment to be made to the society by a member in respect of the membership ; and the manner of communicating the classification of a member as a non-active member under section 26 of the Act ;]

[4][(*v-d*) prescribe the manner for entering into collaboration by any society or societies with any Government undertaking or any undertaking approved by Government for carrying on any business ;]

(*vi*) prescribe the conditions to be complied with by a person applying for admission or admitted as a member and provide for the election and admission of members and the payment to be made and the interest to be acquired before the exercise of the right of membership ;

(*vii*) prescribe in the case of a federal society or class of federal societies the proportion of individual members to society members in such society or class of societies and the proportion of individual members to society members in the committee of such society or class of societies ;

(*viii*) subject to the provisions of section 28, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;

(*ix*) prescribe the procedure for the admission of joint members, members of a joint Hindu undivided family, and minors and persons of unsound mind inheriting the share or interest of deceased members and provide for their rights and liabilities ;

1 Clause (*i*) was substituted by Mah. 33 of 1963, s. 32.

2 These clauses were inserted by Mah. 20 of 1986, s. 68(*a*).

3 Clauses (*v-c1*) and (*v-c2*) were inserted by Mah. 16 of 2013, s. 81(*a*). 4 Clause (*v-d*) was inserted by Mah. 10 of 1988, s. 32.



(*x*) provide for the withdrawal, removal or expulsion of members and for the payments to them and for the liabilities of past members and the estate of deceased members ;

(*xi*) prescribe the conditions and procedure for the transfer of share or interest ;

(*xii*) provide for the nomination of a person to whom the share or the interest of a deceased

member may be paid or transferred ;

(*xiii*) provide for ascertaining the value of a share or interest of a past member or deceased member ;

(*xiv*) prescribe the payment to be made and the conditions to be complied with by member applying for loans, the period for which loans may be made, and the amount which may be lent to an individual member ;

(*xv*) provide for the inspection of documents in the Registrar's office and the levy of fee for granting certified copies of the same ;

(*xvi*) provide for the procedure for registering the address of a society and the change of its address ;

(*xvii*) provide for the formation and maintenance of a register of members, and where the liability of members is limited by shares, of a register of shares and a list of members ;

(*xviii*) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that the share shall not appreciate in value and that necessary capital shall be available for the society as required ;

(*xix*) provide for the procedure to be adopted by a society with limited liability in order to reduce its share capital ;

(*xx*) prescribe the period for and terms upon which Government aid may be given to societies and terms under which the State Government may subscribe to the share capital of and guarantee the payment of the principal of and interest on debentures issued by societies ;

(*xxi*) regulate the manner in which funds may be raised by a society or class of societies by means of shares or debentures or otherwise and the quantum of funds so raised ;

(*xxii*) prescribe the limits for loans to be granted by a society or class of societies against different class of securities or without security and the procedure for granting loans ;

(*xxiii*) prescribe the manner of recalling a loan ;

(*xxiv*) prescribe the limits for granting credit by a non-credit society or a class of non-credit societies ;

(*xxv*) prescribe the prohibitions and restrictions subject to which societies may trade or transact business with persons who are not members ;

(*xxvi*) prescribe the conditions on which any charge in favour of a society shall be satisfied and the extent to which and the order in which the property to the charge shall be used in its satisfaction ;

(*xxvii*) provide for giving reasonable notice of the charge under section 48 ;

(*xxviii*) prescribe the procedure by which a society shall calculate and write off bad debts ;

[1][(*xxix*) the manner in which a society shall construct its annual financial statements and the other purposes for which a society may appropriate its net profits under section 65;]

(*xxx*) provide for the formation and maintenance of reserve fund, and the objects to which such fund may be applied and for the investment and use of any fund including reserve fund under the control of a society ;

1 Clause (*xxix*) was substituted for the original by Mah. 20 of 1986, s. 68(*b*).



(*xxxi*) prescribe the conditions under which profits may be distributed as dividend and bonus among the members and non-members of a society ;

[1][* * *]

[2][* * *]

(*xxxiii*) define the co-operative purpose for which a society shall, under section 69, utilise its fund ;

(*xxxiv*) prescribe the mode of investment of funds of a society under section 70 and the proportion of investment in any security or class of securities ;

(*xxxv*) provide for the payment of contribution to any provident fund which may be established by a society for the benefit of officers and servants employed by it and for the administration of such provident fund ;

[3][4][(*xxxv-a*) prescribe the procedure for the election to societies, provide for intimation and making arrangements for holding the elections of the committee to the election authority ; to provide for preparation of electoral rolls, for conduct of elections of the society or class of societies, also for classification of societies for this purpose ;]

[5][* * *]

(*xxxv-c*) prescribe the requisition form and the manner in which the motion of no-confidence can be brought under section 73-1D ;

[6][* * *]

[7][(*xxxv-d-1*) prescribe the conditions, on which the society may grant permission to a member to carry on the business of the kind carried on by it, outside its area of operation, under [8][section 73CA(*A1*)] ;]

[9][(*xxxv-d-2*) prescribe the procedure and manner of holding elections, including the latest technology to be used and the manner of classification of societies for the purposes of elections ; and the conditions of service of the State Co-operative Election Commissioner under section 73CB(*1*), (*4*), (*11*) of the Act ;]

(*xxxv-e*) prescribe the body of persons for selection of persons on a panel for appointment, under section 74 (*2*) ;]

(*xxxvi*) prescribe the procedure and conditions for the exercise by a federal society of the powers conferred by this Act ;

(*xxxvii*) provide for general meetings of the members, for the procedure at such meetings and the power to be exercised by such meetings ;

(*xxxviii*) prescribe the conditions in which a member of a society may be disqualified from voting ;

(*xxxix*) [10][provide for the removal and appointment of the committee or its members] and other officers and for the appointment of administrator under section 78 and prescribe procedure at

1 Clause (*xxxii*) was deleted by Mah. 16 of 2013, s. 81(*b*).
2 Clause (*xxxii-a*) was deleted by Mah. 11 of 2008, s. 26.
3 These clauses were inserted by Mah. 20 of 1986, s. 68(*c*).
4 Clause (*xxxv-a*) was substituted by Mah. 16 of 2013, s. 81(*c*).
5 Clause (*xxxv-b*) was deleted by Mah. 16 of 2013, s. 81(*d*).
6 Clause (*xxxv-d*) was deleted by Mah. 16 of 2013, s. 81(*e*).
7 Clause (*xxxv-d-1*) was inserted by Mah. 31 of 2007, s. 4.
8 The word, figures letters and brackets were substituted for the word, figures, letters and brackets "section 73F(*2*)" by Mah. 16 of 2013, s. 81(*f*).
9 Clause (*xxxv-d-2*) was inserted by Mah. 16 of 2013, s. 81(*g*).
10 These words were substituted for the words "provide for the appointment, suspension and removal of the members of the committee" by Mah. 33 of 1963, s. 32(*b*).



meeting of the committee and for the powers to be exercised and the duties to be performed by the committee, administrator and other officers ;

(*xl*) prescribe qualifications for members of the committee and employees of a society or class of societies, [1][duties to be performed by, and several and joint liabilities therefor, of such members] and the conditions of service subject to which a person may be employed by societies ;

[2][(*xl-a*) prescribe the amount and nature of the security to be furnished by any officers or employees of any society or class of societies, who are required to handle cash, securities or property belonging to the society, the maximum amount of cash which may be handled or kept at a time by any officer or employee, and the amount, in excess of which, all payments shall be made by or on behalf of the society by means of a cheque ;]

(*xli*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted ;

(*xlii*) provide for the persons by whom and the form in which copies of documents and entries in books of societies may be certified and the charges to be levied for the supply of copies thereof;

(*xliii*) provide for the procedure to be adopted by the Registrar in the cases where the taking of possession of books, documents, securities, cash and other properties of a society or of a society the affairs of which have been ordered to be wound up, by the Registrar or by a person entitled to the same is resisted or obstructed ;

(*xliv*) provide for the procedure to be adopted for taking possession of books, documents, securities, cash and other property of a society by a person acting under sections 81, 83 and 84 in cases where misappropriation of funds, breach of trust or fraud has been committed or where it is suspected or apprehended that the books, documents, securities, cash and other properties are likely to be tampered with or destroyed or removed ;

(*xlv*) prescribe the accounts and books to be kept by a society or class of societies ; [3][prescribe the form, including electronic form, of accounts and books to be kept by a society or class of societies ;]

(*xlvi*) prescribe the procedure for conducting an audit, the matters on which the auditor shall submit a report, the form in which the statement of accounts shall be prepared for his audit, the limits within which the auditor may examine the monetary transactions of a society, the form of audit memorandum and report and the charges, if any, to be paid by a society for audit ;

[4][(*xlvii*) prescribe the procedure for appointment of auditors under sections 75 and 81 and fees to be paid to such auditors ; laying audit reports of Apex Societies before both Houses of the State Legislature ; norms of qualifications, experience and disqualifications of an auditor ; and form of audit report ;]

(*xlviii*) prescribe the form for the rectification of defects discovered in the course of audit, inspection or inquiry ;

(*xlix*) prescribe the procedure and principles for the conduct of inquiry under section 83 and inspection under section 84 ;

(*l*) prescribe the procedure for apportioning the cost of inquiry and inspection and for assessing damages against delinquent promoters under section 88 and for recovery of cost and damages ;

(*li*) prescribe the manner in which appointment shall be made and control exercised by, and the number of persons comprising, and functions to be performed by, the authority constituted under section 90, the manner of election and nomination of such persons, the fees to be paid to such

1 These words were inserted by Mah. 33 of 1963, s. 32(*e*).

2 Clause (*xl-a*) was inserted by Mah. 27 of 1969, s. 26.

3 These words were added by Mah. 16 of 2013, s. 81(*h*).

4 Clause (*xlvii*) was substituted for the original by Mah. 16 of 2013, s. 81(*i*).



authority and the manner of such payment and the procedure for and the method of calculating any cost, charges or expenses required to be levied under this Act or the rules ;

[1][(*lii*) prescribe the qualification of the members constituting the Co-operative Courts, provide for the terms and conditions of their appointment, prescribe the procedure to be followed in proceedings before [2][the Co-operative Courts] ; [3][provide for fixing, levying and collecting appropriate fees and expenses for determining the disputes (including expenses incurred by the parties to the proceedings), having regard to the services rendered or to be rendered or any expenditure incurred or likely to be incurred for the machinery set-up therefor, provide for delegation of the power of fixing the scale of any such fees and expenses to the Registrar, (and all such fees and expenses being applicable to any disputes and other proceedings which may be pending immediately before the commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 1973 (Mah. III of 1974), or which may be referred to or instituted thereafter), provide for the mode of

payment of these fees and expenses whether in the form of court-fee stamps, in cash or in any other manner ; and provide for enforcing the decisions, awards or orders in such proceedings] ;]

(*liii*) prescribe the form in which a dispute shall be referred to the [4][Co-operative Court] ; [5][prescribe procedure for transfer of disputes for mediation compromise under section 93(*4*) ;]

(*liv*) provide for the issue and service of processes and for proving of service thereof ;

(*lv*) provide for the investigation of claims and objections that may be preferred against any attachment effected [6][under section 95] ;

(*lvi*) prescribe the procedure for and the method of recovery of any sums due under this Act or the rules ;

(*lvii*) prescribe the procedure to be followed for the custody of property attached under section 95;

(*lviii*) prescribe the procedure to be followed in the execution of awards ;

(*lix*) prescribe the manner in which any property shall be delivered to, and the terms and conditions subject to which such property shall be held by a society, under section 100 ;

[7][(*lix-a*) to prescribe the manner in which inquiry is to be made by the Registrar for grant of certificate for recovery under section 101; the form and procedure for the application for grant of

1 Clause (*lii*) was substituted by Mah. 3 of 1974, s. 46(*a*).

2 These words were substituted for the words "the Registrar and the Co-operative Courts" by Mah. 18 of 1982, s. 16. 3 This portion was deemed to have been substituted for the portion beginning with the words "and provide for" and ending with the words "such proceedings" by Mah. 58 of 1977, s. 2 with effect from 21st February 1974.
Section 3 of Mah. 58 of 1977 reads as follows :—

"3. Validation of charging and manner of charging of fees and expenses for determining disputes, according to the scales laid down in existing rule 86 and orders made thereunder.— Notwithstanding anything contained in the principal Act or the rules or orders made thereunder or the orders made under these rules, or any other law for the time being in force, or in any judgement, decision, decree, award or order of any Court or Tribunal, rule 86 of the Maharashtra Co-operative Societies Rules, 1961, made or purported to have been made by the State Government under clause (*lii*) of sub-section (*2*) of section of 165 of the principal Act with effect from the 1st March 1975 and the orders made or purported to have been made, from time to time, by the Registrar under the said rule, shall be deemed to have been duly and validly made under the authority of the said section, as amended by this Act and shall continue to be in force in the same form, until duly repealed or amended by the competent authority. And, accordingly, any action taken by the Registrar in laying down the fees and expenses to be paid to him or the Co-operative Court for determining the disputes and other proceedings and for making them applicable also to the disputes and other proceedings pending immediately before the commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 1973 (Mah. III of 1974), and transferred to the Co-operative Courts, and any fees already levied and collected or which may be levied and collected hereafter in the form of court-fees, in cash or in any other manner, shall be deemed to be valid. The fixing, levying and collection of these fees and expenses in any disputes or other proceedings shall not be called in question before any Court or Tribunal merely on the ground that there is no authority for fixing or levying such fees or expenses or that such fees or expenses were not or are not chargeable in any pending proceedings or that such fee cannot be levied or collected in the form of court-fee stamps or on such other ground.".

4 These words were substituted for the word "Registrar" by Mah. 22 of 1991, s. 3, the Second Schedule.

5 These words were added by Mah. 16 of 2013, s. 81(*j*).

6 These words and figures were substituted for the words "by the Registrar" by Mah. 33 of 1963, s. 32(*d*).

7 Clause (*lix-a*) was inserted by Mah. 20 of 2006, s. 3.



such certificate and the fees and documents to be accompanied thereto;] [1][prescribe form of Statement of Accounts and other documents ;]

(*lx*) prescribe the procedure for attachment and sale of property for the realisation of any security given by a person in the course of execution proceedings ;

(*lxi*) prescribe the procedure and conditions for the exercise of the powers conferred under section 105 and the procedure to be followed by a Liquidator and provide for the disposal of surplus assets ;

(*lxii*) prescribe the matters in which an appeal shall lie from the order of a Liquidator appointed under section 103 ;

(*lxiii*) prescribe the procedure and conditions for the issue, redemption, re-issue, transfer, replacement or conversion of debentures issued by a society to which Chapter XI is applicable ;

(*lxiv*) prescribe the maximum amount of principal, the rate of interest and other conditions for the guarantee of debentures issued by a society to which Chapter XI is applicable ;

(*lxv*) prescribe the qualifications and methods of appointment of an officer to effect sale under section 133 and the powers and functions which such an officer may exercise ;

(*lxvi*) prescribe for the appointment of a receiver of the produce and income of the mortgaged property for sale under section 133, the conditions in which he may be appointed or removed, the powers and functions which he may exercise and the expenses of management and remuneration which he may receive ;

(*lxvii*) prescribe the circumstances in which action may be taken by [2][an Agriculture and Rural Development Bank] against a mortgagor under section 133(*2*) ;

(*lxviii*) prescribe, in case of sale of immovable property under Chapter XI—

(*a*) the procedure for proclamation and conduct of the sale and the conditions on which an attempt of sale may be abandoned ;

(*b*) the method of calculating the expenses incidental to the sale or attempted sale ;

(*c*) the procedure for the receipt of deposit and disposal of the proceeds of sale ;

(*d*) the procedure for a resale if an attempted sale is abandoned or the purchase money is not deposited within the prescribed time and the penalty to be levied against the purchaser who fails so to deposit the purchase money ;

(*e*) the form and method of disposal of money by [3][a Co-operative Agriculture and Rural Multipurpose Development Bank] under section 135 ;

(*f*) the form of sale certificate under section 136 ;

(*g*) the procedure for the delivery by the Court of the property purchased to the purchaser under section 136 ;

(*h*) the form of the notice referred to in section 143 ; and

(*i*) the fee payable for the service of such notices and the manner of serving such notices on, and of the transmitting landlords' fee to, the landlord named in such notices ;

(*lxix*) prescribe the time within which and the procedure according to which property purchased by [4][a Co-operative Agriculture and Rural Multipurpose Development Bank] at a sale of immovable property under Chapter XI shall be disposed of by the bank ;

(*lxx*) prescribe the procedure to be followed in presenting and disposing of appeals ;

1 These words were added by Mah. 16 of 2013, s. 81(*k*).

2 These words were substituted for the words "a land development bank" by Mah. 5 of 1990, s. 18(*a*).

3 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8 4 These words were substituted for the words "an Agriculture and Rural Development Bank" by Mah. 41 of 2005, s. 8.



[1][(*lxxi*) prescribe the qualifications and the period of office of members of the Co-operative Appellate Court ;]

(*lxxii*) prescribe in the case of appeals lying to the State Government the authority to which power of hearing appeals may be delegated ;

(*lxxiii*) prescribe the method of communicating or publishing any order, decision or award required to be communicated or published under this Act or the rules ;

(*lxxiv*) provide that the contravention of any of the rules shall be an offence under the Act ;

(*lxxv*) provide for all other matters expressly required or allowed by this Act to be prescribed by rules.

(*3*) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(*4*) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modification as the Legislature may make during the session in which they are so laid, or the session immediately following.

**166. Repeal, saving and Construction.—** (*1*) The Bombay Co-operative Societies Act, 1925 (Bom. VII of 1925), in its application to the State of Maharashtra is hereby repealed :

Provided that, the repeal shall not affect the previous operation of the Act so repealed and anything done or action taken or deemed to have been done or taken (including any appointment or delegation made, application or other document filed, certificate of registration granted, agreements executed, notification, order, direction or notice issued, regulation, form or by-law framed, rule made or deemed to be made or proceeding instituted before any Registrar, arbitrator, liquidator or tribunal or other officer, authority or person) by or under the provisions of that Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(*2*) Accordingly, all societies registered or deemed to be registered under the Act repealed the registration of which is in force at the commencement of this Act, shall on such commencement be deemed to be registered under this Act ; and all proceedings pending immediately before such commencement before any Registrar, arbitrator, liquidator or tribunal or other officer, authority or person under the provisions of the repealed Act shall stand transferred, where necessary, to the Registrar, arbitrator, liquidator or tribunal or other corresponding officer, authority or person under this Act, and if no such officer, authority or person exists or if there be a doubt as to the corresponding officer, authority or person to such officer, authority or person as the State Government may designate and shall be continued and disposed of before such officer, authority or person in accordance with the provisions of this Act.

(*3*) Any reference to the Act repealed or to any provisions thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to this Act or its relevant provisions or the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under the repealed Act or under the instrument or document.

(*4*) [2][* * *]

1 Clause (*lxxi*) was substituted by Mah. 3 of 1974, s. 46 (*b*).

2 Sub-section (*4*) was deleted by Mah. 50 of 2018, s. 4.



**167. Companies Act not to apply.—** For the removal of doubt, it is hereby declared that the provisions of the [1]Companies Act, 1956 (I of 1956) shall not apply to societies registered, or deemed to be registered, under this Act.

[2][**168. Power to remove difficulty.—** (*1*) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013), the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as amended by the said Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the Maharashtra Co-operative Societies (Amendment) Act, 2013 (Mah. XVI of 2013).

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.]

1 Now see Companies Act, 2013 (18 of 2013)

2 Section 168 was inserted by Mah. 16 of 2013, s. 83.