

F.No. L-11015/317/2014-L&M
Government of India
Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare
.....

OFFICE OF THE CENTRAL REGISTRAR OF CO-OPERATIVE SOCIETIES

Krishi Bhawan, New Delhi,
Dated: 11th November, 2016

Notice

Chief Promoter of Evergreen Multi State Agri-Allied Cooperative Society Ltd., Maniyampra Kudumbayogam Building, Marangattupilly, P.O. Kottayam, Kerala, India, Pin. 686635 has submitted a proposal for registration under the provisions of MSCS Act, 2002.

On scrutiny, following deficiencies have been found in the proposal:-

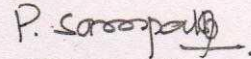
1. The Society has submitted 4 copies of the bye- laws, out of which 3 are photocopies.
2. Membership list has been submitted in photocopy. List in original has not been submitted.
3. Instead of submitting the Bank Certificate in original; the Society has enclosed its photocopy.
4. Resolutions have not been enclosed with the proposal.
5. Most of the ID proofs of the State of Kerala & Delhi submitted by the Society do not confirm the residential addresses of the members.
6. Bye-law no. 19(i) is vague as shares can be transferred to members only.
7. Project report is not satisfactory. The activities proposed in the bye-laws are not depicted in the project report. Further, the profit appropriation as required u/s 63 of the Act has not been provided. The information given relating to income & expenditure are not supported with facts and figures for arriving the same. From the project report, it seems, it is not prepared on reality basis achievable by cooperative society.
8. As per the certificate of the bank, it is observed that the account has been opened in the individual names and whereas, as per Form No. I, the same is required to be opened in the name of the proposed society.
9. In the membership lists of Kerala and Delhi, full addresses of members have not been provided as required under Form No. I of the Act.
10. In bye-law No. 2(ii)&(iii), the business activities to be undertaken has not been specified.
11. The provision made in bye-law No. 2(vi) is not pertain to agriculture and allied activities

12. The provisions made in bye-law No. 2(x), (xi) are not clear.
13. In bye-law No. 2(viii), it is not framed properly. Branches can be opened only with the approval of Central Registrar as per the MSCS Rules, 2002.
14. In bye-law No.2, the functions and objectives are vast. At the time of registration, the objectives/functions are be limited to a certain extent, since the same are amendable from time to time as and when required by making bye-law amendments.
15. In bye-law No. 5, the conditions for ordinary membership is not framed properly and no provision has been made that to become a member, shares have to be subscribed.
16. In bye-law No. 12, the proviso as required u/s 25(4) of the MSCS Act, 2002 has not been provided.
17. Bye-law No. 11 is not in consonance with the provision under section 30 of the Act.
18. In bye-law No. 14, the authorized share capital proposed is very high and at the time of registration, it should be restricted to the minimum level as per the requirement since the same are amendable as and when required by making bye-law amendment.
19. At present there is no share capital of the government, the provision made in bye-law No. 15 & 16 are not required.
20. The provision made in later portion of bye-law No. 16 is not in consonance with provision of section 33 of the Act.
21. Bye-law No. 29(a) is not consistent with rule 15(1) of MSCS Rule, 2002.
22. The provision made in bye-law No. 29(d) is not consistent with Election Rule 1(f) of Election Schedule annexed with the MSCS Rule, 2002.
23. Bye-law No. 35 relating to constitution of BoD is not framed properly.
24. Since there is no government share capital at present, the provision made in bye-law No. 35(v) and the second para of bye-law No. 37 are in contravention to the provision of section 48 of the Act.
25. Bye-law No. 36(ii) is in contravention to the provision of the Act. Meetings of the Board shall be held within the area of operation of the society and not as proposed by any other place as decided by the board.
26. In bye-law No. 38, the provision made for disqualifications for being member of the Board are not in consonance with the provision of section 43 of the Act.
27. The heading of bye-law No. 40 is relating to Executive Committee and whereas, the provision made in that bye-law is also dealing with other committees.
28. Bye-law No. 43 is not consistent with the provision of section 51 of the Act. In this bye-law, no provision has been made that the Chief Executive is full time employee of the society.
29. The bye-law relating to 'prohibition to hold the office of chairman or vice-chairman in certain cases' is included in the bye-law No. 44 relating to powers and functions of the Chief Executive and whereas, separate bye-law is required for the purpose.

30. At the end of bye-law No. 46, no provision has been made that the remaining net profit, if any, shall be credited to reserve fund. Further, the maximum payment of dividend proposed in this bye-law is very high.
31. Bye-law No. 51 relating to audit is not consistent with the provision of section 70(2) & (9) of the Act.
32. The provision made in bye-law No. 51(ii) is not required to be provided in this bye-law.
33. The provision made in bye-law No. 54 to be at the end of the last bye-law.

In view of the above deficiencies, you are hereby called upon to show cause as to why the registration of the proposed society in the name of **Evergreen Multi State Agri-Allied Cooperative Society Ltd., Maniyampra Kudumbayogam Building, Marangattupilly, P.O. Kottayam, Kerala, India, Pin. 686635** under the Multi-State Cooperative Society Act. 2002 and the rules made there under shall not be refused. The Chief Promoter of the society or in his absence any promoter member authorised by him is called upon to appear before the Central Registrar of Cooperative Societies on **28/11/2016 at 10:00 A.M. in Room No. 224, Krishi Bhawan, New Delhi.**

If none appears for hearing, it would be presumed that you have nothing to say in the matter and accordingly appropriate order shall be passed, ex-parte.



(P.Sampath)

Director (Co-operation)

To

Chief Promoter (Shri Johnson Joseph),
Evergreen Multi-State Cooperative Society Ltd.,
Augustine Kuriakose, Kaimalette House, Palackattumala,
P.O, Kottayam, Kerala, Pin-686635