

F. No. L-11015/72/2016-L&M
Government of India
Ministry of Agriculture & Farmers Welfare
Department of Agriculture, Cooperation & Farmers Welfare

OFFICE OF THE CENTRAL REGISTRAR OF COOPERATIVE SOCIETIES

Krishi Bhavan, New Delhi.

ORDER

Under the provisions of sub-section (3) of Section 7 of the Multi State Co-operative Societies Act, 2002

Whereas the Chief Promoter of Global Village Housing Cooperative Ltd., A-55, Sector-19, Dwarka, New Delhi-110075 had submitted a proposal for registration of the proposed society under the Multi State Cooperative Societies Act, 2002 (MSCS Act, 2002).

Whereas the following deficiencies were found in the application submitted by the Society:

- a) The name of the society creates an impression that it is a housing society to be started at a global level. Further, the word 'society' is not included in the name of the society.
- b) Project report is not satisfactory. In the first year, it has been proposed to construct 204 flats and for the second and third years, no information about the number of flats to be constructed has been provided. Further, it has been proposed in the project report that there is excess of income over expenditure for the first three years and for the same, disposal of net profit as required u/s 63 of the Act read with proposed bye-law No. 40 has not been provided.
- c) In the proposal, the society has informed that there are 127 members in Delhi and 77 members from Haryana for which the society enclosed photocopy of the membership list and whereas originals are required to be enclosed along with the application. Further, full addresses of members have not been provided in some of the places as required under Form No. 1 of the Act.
- d) The provision for society has been made in two bye-laws namely 3(d) & 3(k) and it should be only in one place.
- e) In bye-law No. 3(j), definition of persons is not consistent with section 25 of the Act.
- f) The provision made in bye-law No. 3(x) is not consistent with the provision of section 3 of the Act.
- g) The provision made in bye-law No. 3(y) is not clear.
- h) In bye-law No. 4, the objectives and functions are vast and it should be restricted to the minimum level at the time of registration since bye-laws are amendable as and when required. Further, in many objectives and functions, the society proposed credit related activities as well as multipurpose activities for which NOC as well as verification certificate are required from the RCS of the concerned States where the society proposed as area of operation as per rule 3(1)(g) of the MSCS Rule, 2002.
- i) The proposed society is a cooperative housing society and whereas many objectives and functions are not related to housing have been included in bye-law No. 4.

- j) The proposed society is a housing society to provide residential facilities to individual members and whereas, provision has been made in bye-law No. 5 that cooperative societies, Central/State Government, NCDC and other institutions have been proposed as members.
- k) Bye-law No. 5(b) is not framed properly and subscription of various shares by members have to be specified in the bye-laws.
- l) Bye-law No. 7 relating to disqualification of membership is not consistent with the provision of section 29 of the Act.
- m) In bye-law No. 9, no provision has been made for readmission of members.
- n) Bye-law No. 10 relating to termination of membership is not consistent with the provision of section 30 of the Act.
- o) A detailed bye-law as per the provision of section 37 of the Act is required to be provided in the bye-law instead of a small version given in bye-law No. 12(b).
- p) The authorized share capital proposed in bye-law No. 15 is very high. The society may increase its authorized share capital from time to time as per the requirement by amending the bye-laws in this regard.
- q) Bye-law No. 16 relating to subscription of share capital is not framed properly.
- r) In bye-law No. 19, the society proposed many sources of income including corpus fund, consultation fees, service charges, issue of debentures, bonds and commercial papers are required to be deleted from 'raising of funds'.
- s) In bye-law No. 20, the society proposed to receive deposits which is a credit related activity for which NOC is required and further, this bye-law is not framed properly in consonance with provision of section 67 of the Act.
- t) Bye-law No. 21 relating to general body is not framed properly in consonance with the provision of section 38 & 39 of the Act.
- u) Bye-law No. 22 is not consistent with the provision of section 39 of the Act.
- v) In bye-law No. 25, the manner of sending notice to the general body meeting is not provided as required under Election Rule 1(f) of Election Schedule annexed with the MSCS Rule, 2002.
- w) Bye-law No. 27 relating to the constitution of BoD is not framed properly and it is in contravention to the provision of section 48 of the Act.
- x) Further, the provisos made in bye-law No. 27 relating to filling up of vacancy in the Board and decide the formation of zones and constituencies are not in consonance with the provisions of the Act.
- y) Bye-law No. 28(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 places as decided by the Board.

- z) The provision made in bye-law No. 29(ii) is in contravention to the provision of section 48 of the Act.
- aa) Bye-law No. 30 relating to the powers and functions of the Board is not in consonance with the provision of section 49 of the Act.
- bb) The proviso made in bye-law No. 30 is not framed properly and also not clear and in ambiguity.
- cc) Bye-law No. 31 relating to Committees is not framed properly.
- dd) Bye-law No. 32 relating to disqualification for being member of the Board is not in consonance with the provision of section 43 of the Act.
- ee) Bye-law No. 36 relating to CEO is not framed properly in consonance with the provision of section 51 of the Act.
- ff) Bye-law No. 37 relating to the powers and functions of the CEO is not framed properly in consonance with the provision of section 52 of the Act.
- gg) In bye-law No. 38, a provision has been made to receive deposits which is a credit related activity for which NOC and verification certificate are required from the RCS of the concerned States where the society proposed as area of operation as per rule 3(1)(g) of the MSCS Rule, 2002.
- hh) The provision made in bye-law No. 39(iv)(b)&(c) are not specified.
- ii) Bye-law No. 39 & 40 are not framed properly in consonance with provision of section 63 of the Act.
- jj) Many provisions made in bye-law No. 41 relating to investment of funds have not been specified and also not framed properly.
- kk) Bye-law No. 44 is in contravention to the provision of section 70(9) of the Act.
- ll) Bye-law Nos. 50 and 51 are not framed properly. Election rules are framed by the Board and implemented with the approval of General Body of the society which is absent in this bye-law.
- mm) In the proposed bye-laws, no provision has been made for the following:-
- Filing of returns
 - Association of employees in management decision making process
 - Educational course for members
 - Winding up.
 - The provision as required u/s 31, 32, 33, 44, 46, 110, 111 of the Act.
- nn) At the end of the bye-laws, the provision made for JS & CRCS is not required to be provided.
- oo) In all the bye-laws, the mention made for various sections of the Act are not required to be provided.

Whereas under the provisions of Section 7(3) of the MSCS Act, 2002 the Chief Promoter vide notice of even number dated the 16th September, 2016 was given an opportunity of personal hearing on 29th September, 2016 to contest the deficiencies.

The Chief Promoter appeared for hearing. During the hearing, the Chief Promoter has submitted letter dated 29.09.2016 stating that the deficiencies mentioned in the notice are not deficiencies and requested for registration of the society under MSCS Act, 2002. Since the existing proposal is having deficiencies as mentioned in the notice dt. 16th September, 2016, the proposed Society in the name of Global Village Housing Cooperative Ltd., A-55, Sector-19, Dwarka, New Delhi-110075 does not meet the requirements of the provisions of the Multi State Co-operative Societies Act, 2002 and rules made thereunder and therefore cannot be considered for registration.

Accordingly, the proposal is returned herewith in original. However, the society is at liberty to submit a fresh proposal and the same shall be considered as per the provisions of MSCS Act, 2002 and MSCS Rules, 2002 made thereunder.

Given under my hand and seal on 29th September, 2016.

Encl:- as above



To,

Chief Promoter (Shri Ashok Dabas)
Global Village Housing Cooperative Ltd.,
A-55, Sector-19, Dwarka, New Delhi-110075


29/9/16

(Ashish Kumar Bhutani)
Joint Secretary to the Government of India
&
Central Registrar of Cooperative Societies