
Delhi Co-Operative Societies (Amendment) Act, 2006

8 of 2006

[02 December 2006]

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An Act further to amend the Delhi Co-operative Societies Act, 2003, (Delhi Act 3 of 2004). Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty Seventh Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Delhi Co-operative Societies (Second Amendment) Act, 2006.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Amendment Of Section 20 :-

In the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004)

(hereinafter referred to as "the principal Act"), in section 20, to sub-section (5), the following proviso shall be inserted, namely: -
Provided that in the case of a co-operative society which has not conducted audit or annual general body meeting for five consecutive years or has no fixed assets and outside liabilities excluding share money of the members, such society shall be deemed to have been dissolved and shall cease to exist as corporate body after the expiry of the said period of five years."

3. Amendment Of Section 25 :-

In the principal Act, in section 25 -

(a) in the proviso, after clause (d), the following clause shall be inserted, namely:-

"(e) if a co-operative society becomes defunct and has ceased to function in accordance with the bye-laws and co-operative principles, its representative shall have no voting right in the affairs of a federal co-operative society or financial bank or financial society".

(b) the existing Explanation shall be numbered as Explanation I and after the Explanation I as so numbered, the following Explanation shall be inserted, namely:-

"Explanation II. -Defunct society means a society which has not carried on business for three consecutive years or its accounts have not been audited for three or more consecutive years."

4. Amendment Of Section 35 :-

In the principal Act, in section 35, for sub-section (1), the following sub-section shall be substituted, namely: -

"(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of elections of the members of the committee of, a co-operative society shall be vested in the committee which shall appoint returning officer who shall not be a member or an employee of the society:

Provided that on the request of the committee or one-sixth members of the society, and in case of dispute in a society, the Registrar may appoint the returning officer to conduct the election of a society:

Provided further that the Government shall appoint returning officer, not below the rank of a gazetted officer or a retired gazetted officer to conduct the election of a co-operative bank, financial bank, federal co-operative society and such housing

society as has been allotted land and draw of lots has not been conducted in accordance with the provisions of section 77 and such housing society as is awaiting allotment of land.

5. Amendment Of Section 60 :-

In the principal Act, in section 60, in sub-section (1), for the words "ninety days from the close of cooperative year" the words "one hundred twenty days from the prescribed date for making up its account for the year" shall be substituted.

6. Amendment Of Section 75 :-

In the principal Act, to section 75, the following proviso shall be added, namely:-

"Provided that a cooperative house building society may admit to its membership more than the plots allotted in case the plot owner has constructed and sold floors, by charging transfer fee of five thousand rupees and share money and admission fee as per provisions of the by-laws of the society and in that case the committee shall grant membership within a period of thirty days after the submission of application for grant of membership by such applicant and in case of refusal by the committee, the applicant may appeal to the Registrar within thirty days of the refusal by the committee and the decision of the Registrar in such appeal shall be final."

7. Amendment Of Section 77 :-

In the principal Act, in section 77, in sub-section (1), for the words "by the Registrar", the words "by the Registrar with the prior approval of a committee as prescribed" shall be substituted.

8. Amendment Of Section 79 :-

In the principal Act, in section 79, in clause (a), the words "by paying the transfer fee" occurring at the end thereof, shall be omitted.

9. Substitution Of New Section For Section 91 :-

In the principal Act, for section 91, the following section shall be substituted, namely:-

"91. A member of a housing society who has sold his plot or flat on

the power of attorney or agreement for sale or by sale deed, shall cease to be a member of that society from the date of the sale of plot or flat:

Provided that the purchaser having registered power of attorney or registered agreement for sale or registered sale deed, as the case may be, in respect of such plot or flat, may apply for membership by paying transfer fee of five hundred rupees and share money and admission fee as per the provisions of the bye-laws of the society and the committee shall grant membership to the applicant within thirty days after the submission of his application. In case of refusal by the committee, the applicant may appeal to the Registrar within thirty days and the decision of the Registrar shall be final:

Provided further that no purchaser shall be entitled for more than one membership in a housing society".

10. Amendment Of Section 92 :-

In the principal Act, in section 92, in sub-section (6), for the words "of the total membership of the co-operative housing society", the words " the members present in the meeting" shall be substituted.

11. Amendment Of Section 96 :-

In the principal Act, in section 96, in sub-section (1)-

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:-

"(a) has not commenced business within one hundred eighty days from the date of its registration or the number of members has been reduced to less than fifteen;

(b) has not carried on business for two consecutive years in accordance with the bye-laws and the co-operative principles; or

(c) has not got the accounts of the society audited since last three or more consecutive years;

(ii) in the concluding portion commencing with the word "he shall send" and ending with the words "carrying on business", the words "or got its accounts audited" shall be inserted at the end thereof;

(iii) In sub-section (2) in clause (ii) for the words "business; or" occurring at the end thereof, the words "business or got its accounts audited; or" shall be inserted.

12. Amendment Of Section 139 :-

In Principal Act, section 139 shall be renumbered as sub-section (1)

of that section and after sub-section (1) as so renumbered the following sub-sections shall be inserted, namely: -

"(2) Where a member or creditor having interest in affairs of a society seeking information prefers an appeal to the Registrar stating that the officer of the society without any reasonable cause, has refused to receive his application for providing information or has not furnished information within the time specified under sub-section (1) or has refused the request for information or knowingly given incorrect information or obstructed in any manner in furnishing the information, the Registrar, after affording a reasonable opportunity of being heard to the officer of the society and the appellant, may either reject the appeal; or direct the officer of the society to furnish information within the period specified in the order or such extended period as may be allowed, and in case of default the Registrar may impose a penalty of two hundred and fifty rupees each day till the information is furnished, so however, the total amount of such penalty shall not exceed ten thousand rupees which shall be recoverable as arrears of land revenue in case of default in payment."