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PRACTICE NOTE — CO-OPERATIVE & HOUSING SOCIETY LAW

The Maharashtra Co-operative Societies Act, 1960 — Key Points

Registration, membership, managing committee & elections, disputes, audit, winding up, deemed conveyance and redevelopment

EXTENT	Whole of the State of Maharashtra
ADMINISTERED BY	Commissioner for Co-operation & Registrar of Co-operative Societies, Maharashtra; District/Divisional Registrars; Co-operative Court & Appellate Court
HOUSING SOCIETIES	Chapter XIII-B (S.154B to 154B-29) — inserted by the 2019 Amendment, dedicated exclusively to co-operative housing societies
KEY 2024 CHANGE	Maharashtra Co-operative Societies (Amendment) Ordinance, 2024 (15 Jan 2024) — redevelopment consent threshold reduced, RERA/ bank-guarantee safeguards
MODEL BYE-LAWS	Latest Co-operative Housing Society Model Bye-Laws (2025–26) — per-unit maintenance billing, capped interest on dues, hybrid/digital meetings

REGISTRATION — SECTIONS 3–11

SECTION 9 — REGISTRATION TIMELINE Registrar must register the society (and its bye-laws) within 2 months of receiving a compliant application. If the application is referred up and still undecided within a further 2 months, the society/bye-laws are deemed registered — a significant safeguard against bureaucratic delay.	REGISTRATION CERTIFICATE On registration, the Registrar issues a certificate, conclusive evidence that the society is duly registered — the society thereupon becomes a body corporate with perpetual succession and a common seal.
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MEMBERSHIP, NOMINATION & PROVISIONAL MEMBERSHIP

SECTION 30 — NOMINATION ON DEATH Society must transfer a deceased member's share/interest to the nominee as recorded per the Maharashtra Co-operative Societies Rules, 1961; where there is no nomination, the committee transfers it to the person appearing to be the heir/ legal representative.	"PROVISIONAL MEMBER" — S.154B-1(18) A new category introduced by the 2019 Amendment: a nominee is admitted as a provisional member immediately on the member's death, pending formal admission of the legal heir(s) — avoids a governance vacuum during succession disputes. Testamentary documents, succession/legal-heirship certificates, or a family-arrangement deed are verified under S. 154B-13.
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MANAGING COMMITTEE & ELECTIONS — SECTIONS 73–73H

SECTION 73 — COMMITTEE OF MANAGEMENT Management of the society vests in an elected Committee of Management/Board of Directors for a fixed term; the outgoing committee must arrange the next election before expiry of its term — failing which the State Co-operative Election Authority/ Returning Officer machinery under S.73CB takes over.	SECTION 73CB — ELECTION PROCEDURE Elections conducted under the supervision of the State Co-operative Election Authority via Returning Officers; a member must be in good standing (no outstanding dues/ disqualification) to be a voter or contest; disputes about the election roll or process go through the prescribed election-dispute mechanism, distinct from ordinary S.91 disputes.
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GENERAL BODY MEETING — SECTION 75

AUDIT & AGM TIMELINES

- Every society must get its accounts audited within **4 months** of the close of the financial year, and hold its Annual General Body Meeting within **6 months** of the close of the financial year. If the society fails to call the AGM, the Registrar (or an officer authorised by him) may call it, and that meeting is deemed a validly called general body meeting.

DISPUTES & RECOVERY — SECTION 91 VS SECTION 101

FEATURE	SECTION 91 — CO-OPERATIVE COURT	SECTION 101 — SUMMARY RECOVERY CERTIFICATE
Nature of proceeding	Full-fledged trial — pleadings, evidence, cross-examination, interpretation of documents.	Summary inquiry by the Registrar based on affidavits — no full trial.
Scope	Disputes touching conduct of general meetings, management, or business of the society, between members, the society, past members, or a creditor.	Recovery of an amount due to the society (e.g. dues, loan) that is not seriously disputed on facts.
Appeal	Appeal lies to the Co-operative Appellate Court .	No provision for appeal against the Registrar's certificate (limited judicial review only).

AUDIT & SURCHARGE — SECTIONS 81, 88

SECTION 81 — AUDIT

- Every society is subject to statutory audit (by a departmental/panel auditor or chartered accountant, as applicable); the Registrar may act on the audit report where it discloses misapplication, misappropriation, or retention of society funds/property by an officer.

SECTION 88 — SURCHARGE PROCEEDINGS

- Where audit (S.81), inspection (S.84), or winding up reveals that an officer (including a past officer, or the Liquidator) has misapplied/retained society funds or committed misfeasance/breach of trust, the Registrar may hold an inquiry and pass an order requiring repayment/compensation — a summary, cost-effective route against errant office-bearers.

WINDING UP — SECTIONS 102–110

SECTION 102 — ORDER FOR WINDING UP

- Registrar may order winding up on specified grounds (e.g. the society's objects are not being achieved, or it is unable to pay its debts); an appeal against the order lies within **2 months**.

SECTION 103 — LIQUIDATOR & TIMELINE

- A Liquidator is appointed to take custody of the society's property/documents and realise assets for distribution; winding up proceedings should ordinarily be closed within **6 years** from the Liquidator taking charge, subject to extension.

APPEAL & REVISION — SECTIONS 152, 154

PROVISION	KEY POINT
Section 152 — Appeal	Appeal against orders under specified sections (incl. S.9 registration, S.78/79 supersession, S.88 surcharge, S.105) lies to the State Government (if the order was made/sanctioned by the Registrar/Addl./Joint Registrar) or to the Registrar (if made by a subordinate officer) — filed within 2 months of communication of the order.
Section 154 — Revision	State Government/Registrar may, suo motu or on application, call for and examine records of any proceeding where no appeal lies, and modify/annul/reverse the order after hearing the affected party — a residual supervisory check.

DEEMED CONVEYANCE — MOFA SECTION 11 (READ WITH MCS ACT MACHINERY)

UNILATERAL DEEMED CONVEYANCE WHERE THE PROMOTER DEFAULTS

- Under Section 11 of the Maharashtra Ownership Flats Act, 1963 (as amended in 2008), a promoter/developer must convey title to the flat-purchasers' co-operative society within the prescribed period. Where the promoter fails, the society may apply to the **Competent Authority** (an officer not below the rank of District Deputy Registrar of Co-operative Societies) for a certificate of entitlement to **unilateral deemed conveyance**.
- The Competent Authority must decide, ordinarily within **6 months**, after verifying documents (registered agreements, etc.) and hearing the promoter, and then certifies the entitlement to the Sub-Registrar for registration of the conveyance deed — a critical remedy for societies stuck without title decades after possession.

REDEVELOPMENT — 2024 ORDINANCE & CURRENT PRACTICE

REDUCED CONSENT THRESHOLD & NEW SAFEGUARDS (VERIFY CURRENT FIGURE BEFORE ADVISING)

- The Maharashtra Co-operative Societies (Amendment) Ordinance, 2024 reduced the member-consent threshold for approving a redevelopment resolution — commonly reported at **51%** in several sources, though some accounts cite a higher effective threshold (~55%) depending on the specific provision/GR relied upon; **confirm the exact applicable percentage under the current notified Rules/GR** before advising a specific society.
- Companion safeguards: mandatory **RERA registration** before construction, developer **bank guarantee** (commonly cited at ~20% of project cost), video-recorded general body meetings, a registered Development Agreement specifying transit rent/flat sizes/timelines/penalty clauses, and MahaRERA as the grievance-redressal forum for project-level defaults.

PRACTICE NOTES

Choose S.91 or S.101 Deliberately

For a straightforward, largely undisputed recovery of society dues, S.101's summary route is faster and cheaper; where facts are genuinely disputed (e.g. quality of construction, entitlement disputes, committee misconduct), S.91 before the Co-operative Court is the appropriate — and often the only proper — forum.

Verify Redevelopment Consent %, RERA and Bank-Guarantee Compliance Before Any DA

Given the 2024 Ordinance changes and the evolving Model Bye-Laws (2025–26), always confirm the currently applicable consent threshold, and check RERA registration and bank-guarantee compliance, before advising a society on executing a Development Agreement.

Deemed Conveyance — Gather Registered Agreements Early

Applications for deemed conveyance move fastest when the society has complete registered agreements for value and possession records for all flats — advise societies to compile this documentation well before approaching the Competent Authority.

For internal practice reference only — this note highlights select, frequently used provisions of the Maharashtra Co-operative Societies Act, 1960 (as amended, including the 2019 housing-society Chapter XIII-B and the 2024 Ordinance) and does not cover the full Act, Rules, or Model Bye-Laws. Cross-check exact section/rule text and the latest GRs/notifications before relying in advice or proceedings. Prepared 2 August 2026.

Primary sources: The Maharashtra Co-operative Societies Act, 1960 and Maharashtra Co-operative Societies Rules, 1961 (indiacode.nic.in, sahakarayukta.maharashtra.gov.in); the Maharashtra Ownership Flats Act, 1963; Maharashtra Co-operative Societies (Amendment) Ordinance, 2024; Co-operative Housing Society Model Bye-Laws (2025–26); commentary via mysocietyclub.com, NoBrokerHood, RestTheCase, and Lexology.