



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

बुधवार, एप्रिल १२, २००६/चैत्र २२, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Co-operative Societies (Amendment) Bill, 2006 (L. C. Bill No. XV of 2006), introduced in the Maharashtra Legislative Council on the 12th April 2006, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

### L. C. BILL No. XV OF 2006.

#### A BILL

*further to amend the Maharashtra Co-operative Societies Act, 1960.*

Mah. XXIV of 1961. WHEREAS it is expedient further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Co-operative Societies (Amendment) Act, 2006. Short title.

भाग आठ—४६

(२२५)

[ किंमत : रुपये १.०० ]

Amendment  
of section  
101 of Mah.  
XXIV of  
1961.

2. In section 101 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as "the principal Act"),—

Mah.  
XXIV  
of  
1961.

(a) in sub-section (1), 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" the words "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" shall be substituted;

(b) in sub-section (2), for the words "as he deems fit" the words "as may be prescribed" shall be substituted.

Amendment  
of section  
165 of Mah.  
XXIV of  
1961.

3. In section 165 of the principal Act, in sub-section (2), after clause (lix), the following clause shall be inserted, namely :—

"(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 such certificate and the fees and documents to be accompanied thereto;"

## STATEMENT OF OBJECTS AND REASONS.

Section 101 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), empowers the Registrar to grant a certificate for the recovery of amount stated therein to be due to the co-operative society. The amount so certified as due can thereafter be recoverable according to the law for the time being in force for the recovery of land revenue.

2. As there are no provisions in the Act regarding the manner in which the inquiry should be made, the Registrar grants the certificate for recovery under section 101, after making such inquiry as he deems fit. To ensure uniformity, transparency and clarity, and streamlining the procedure to be followed by the Registrar while issuing such certificate, the Government of Maharashtra considers it expedient to suitably amend the said Act, to take power to the State Government to prescribe by rules the manner in which inquiry is to be made by the Registrar for grant of certificate for recovery under section 101 including the form and procedure for the application for grant of such certificate and the fees and documents to be accompanied thereto.

3. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 5th April 2006.

PATANGRAO KADAM,  
Minister for Co-operation.

MEMORANDUM REGARDING DELEGATED  
LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

*Clause 2.*—Under this clause which seeks to amend section 101 of the Maharashtra Co-operative Societies Act, 1960, power is taken to the State Government, to prescribe by rules the manner in which inquiry is to be made by the Registrar for grant of Certificate of recovery under section 101; the form and procedure for the application for grant of such certificate and the fees and documents to be accompanied thereto.

*Clause 3.*—Under this clause, which seeks to amend section 165 of the Maharashtra Co-operative Societies Act, 1960, power is taken to the State Government to prescribe the manner in which inquiry is to be made by the Registrar for grant of Certificate of recovery under section 101; the form and procedure for the application for grant of such certificate and the fees and documents to be accompanied thereto.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.