



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ७, अंक २४(५)]

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असाधारण क्रमांक ५४

प्राधिकृत प्रकाशन

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 (Second Amendment) Bill, 2021 (L. A. Bill No. XXIV of 2021), introduced in the Maharashtra Legislative Assembly on the 22nd December 2021, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXIV OF 2021.

A BILL

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

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Co-operative Societies (Amendment) Ordinance, 2021, on the 1st October 2021 ;

Mah.
XXIV of
1961.

Mah.
Ord. VII
of 2021.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Co-operative Societies (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 1st October 2021.

Amendment of section 65 of Mah. XXIV of 1961.

2. In section 65 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), in sub-section (2), in second proviso, after the figures and sign “2020-2021” the words, figures and sign “and year 2021-2022 ” shall be inserted.

Mah. XXIV of 1961.

Amendment of section 75 of Mah. XXIV of 1961.

3. In section 75 of the principal Act,—

(i) in sub-section (1), in first proviso, after the figures and sign “2019-2020” the words, figures and sign “and year 2020-2021” shall be inserted;

(ii) in sub-section (2B), after the figures and sign “2020-2021” the words, figures and sign “and year 2021-2022” shall be inserted.

Amendment of section 81 of Mah. XXIV of 1961.

4. In section 81 of the principal Act, in sub-section (1), in clause (a), in fourth proviso, after the figures and sign “2019-2020”, in both the places where they occur, the words, figures and sign “and year 2020-2021” shall be inserted.

Repeal of Mah. Ord. VII of 2021 and saving.

5. (1) The Maharashtra Co-operative Societies (Amendment) Ordinance, 2021, is hereby repealed.

Mah. Ord. VII of 2021.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Due to outbreak of the pandemic Covid-19 and the declaration of lockdown in the country, social and economic activities have suffered a setback since 24th March 2020. Due to lockdown, functioning of the co-operative societies in the State has also been adversely affected. As per the report of National Institute of Disaster Management the third wave of Covid-19 is also expected to outbreak in the fourth coming days.

2. As per the provisions of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), and the rules framed thereunder, the co-operative societies are required to appropriate its profit, to conduct their annual general meeting and audit within the stipulated period. However, due to outbreak of the pandemic Covid-19, it was difficult to conduct the same within the stipulated period. It was, therefore, considered expedient to amend the said Act, suitably.

3. The proposed amendments were as follows, namely :—

(i) In section 65, in sub-section (2), in the second proviso, it was provided that, the profit of the society shall be appropriated with the approval of the committee for the financial year 2020-2021 and same shall be laid before annual general meeting of society held thereafter for ratification.

Therefore, it was proposed to extend the provision also for the financial year 2021-2022.

(ii) In section 75,—

(a) in sub-section (1), in the first proviso, it was provided that, for the financial year 2019-2020, the society may get its books of accounts audited within nine month from the close of financial year and call the annual general body meeting within twelve month from the close of financial year.

Therefore, it was proposed to extend the provision also for the financial year 2020-2021.

(b) in sub-section (2B), it was provided that, the committee shall in the financial year 2020-2021, have the power to decide, on the disposal of surplus and annual budget for the next year and to appoint an auditor or auditing firm from a panel approved by the State Government in this behalf, having such minimum qualifications and experience as laid down in section 81. The decisions of the Committee in respect of the above matters shall be laid in the annual general body meeting of a society held thereafter for ratification.

Therefore, it was proposed to extend the provision also for the financial year 2021-2022.

(iii) In section 81, in sub-section (1), in clause (a), in the fourth proviso, it was provided that, for the financial year 2019-2020, the society shall cause its audit to be completed within a period of nine months from the close of financial year 2019-2020.

Therefore, it was also proposed to extend the provision for the financial year 2020-2021.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes aforesaid, the Maharashtra Co-operative Societies (Amendment) Ordinance, 2021 (Mah. Ord. VII of 2021), was promulgated by the Governor of Maharashtra on the 1st October 2021.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 11th November 2021.

BALASAHEB PATIL,

Minister for Co-operation.