



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ४०]

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असाधारण क्रमांक ८१

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) Ordinance, 2020 (Mah. Ord. XVII of 2020), is hereby published under the authority of the Governor.

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

BHUPENDRA M. GURAO,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2020 (Mah. Ord. XVII of 2020), published under the authority of the Government].

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 28th October 2020.

MAHARASHTRA ORDINANCE No. XVII OF 2020.

AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purposes hereinafter appearing;

Mah.
XXIV of
1961.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2020.

(2) It shall come into force at once.

Amendment
of section 27
of Mah. XXIV
of 1961.

2. In section 27 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the principal Act”), to sub-section (1A), the following proviso shall be added, namely :—

Mah.
XXIV of
1961.

“Provided that, the provisions of this sub-section shall not be applicable,—

(a) in respect of elections of societies to be conducted on or before the 31st March 2021 ; and

(b) where voters list for conducting the elections has been finalized prior to the commencement of the Maharashtra Co-operative Societies (Second Amendment) Ordinance, 2020.”.

Mah. Ord.
XVII of
2020.

Amendment of
section 75 of
Mah. XXIV of
1961.

3. In section 75 of the principal Act, in sub-section (1),—

(a) before the existing proviso the following proviso shall be added, namely :—

“Provided that, for the financial year 2019-2020, the society may get its books of accounts audited within nine months from the close of its financial year and call the annual general body meeting within twelve months from the close of its financial year.”;

(b) in the existing proviso, for the words “Provided that,” the words “Provided further that,” shall be substituted.

Amendment of
section 81 of
Mah. XXIV of
1961.

4. In section 81 of the principal Act, in sub-section (1), in clause (a), after the third proviso, the following proviso shall be added, namely :—

“Provided also 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 the financial year 2019-2020.”.

Amendment of
section 154B-19
of Mah. XXIV
of 1961.

5. In section 154B-19 of the principal Act, to sub-section (3), the following proviso shall be added, namely :—

“Provided that, if the election to the Committee of the society could not be held for the reason not attributable to the members of the Committee of such society, the existing members of the Committee shall be deemed to have been continued till the new Committee is duly constituted.”.

STATEMENT

Due to the outbreak of pandemic Covid-19, social and economic activities have suffered a setback since 24th March 2020, in the light of the declaration of lockdown in the Country. Due to lockdown, functioning of the co-operative societies in the State have also been adversely affected.

As per the provisions of the Maharashtra Co-operative Societies Act, 1960 and the rules framed thereunder, the societies are required to undertake their election, annual general meeting and audit within the stipulated period. However, due to the outbreak of Covid-19 pandemic, it is not possible to conduct such elections, annual general meeting and the audit of the society within the stipulated period. It is therefore considered expedient to amend the said Act suitably.

2. The salient features of the amendments are as under :—

(i) *Amendment of section 27.*—The said section 27 provides for voting powers of members. Sub-section (1A) thereof provides that a member who is not an active member shall not be entitled to vote. In order to be an active member, the member of the society should participate in the affairs of the society and should avail minimum services of the society as specified in the bye-laws of the society.

Generally speaking, a member who attends one annual general meeting and who has availed the minimum services of the society can be said to be an active member of such society.

It is noticed that, in view of the pandemic Covid-19, the societies may not be able to conduct the annual general meeting within six months of the close of financial year and consequently, member may not continue to be an active member.

In view of this, to enable member to be an active member and be eligible to cast his vote in the election of the society, for the year 2020-21, it is considered expedient to amend sub-section (1A) of section 27, suitably.

(ii) *Amendment of section 75.*—Section 75 of the Act provides for annual general meeting of the society. Sub-section (1) thereof provides that every society shall within a period of four months after the close of the financial year, get its books of accounts audited and within six months after the close of the financial year, call the annual general meeting of its members.

In view of the pandemic Covid -19, it is considered expedient to amend the said section to provide that for the financial year 2019 - 2020, the society may get its books of accounts audited within nine months from the close of its financial year and call the annual general meeting within twelve months from the close of the financial year.

(iii) *Amendment of section 81.*—Section 81 provides for audit of society. Clause (a) of sub-section (1) thereof requires the society to complete its audit within four months of the close of the financial year.

However, due to pandemic Covid-19, the societies could not be able to complete its audit within the stipulated period.

It is, therefore, considered expedient to amend the said section, by providing for extended period for the conduct of the audit of society for the financial year 2019-2020.

(iv) *Amendment of section 154B-19.*—Section 154B-19 provides for constitution of committee of a co-operative housing society. Sub-section (3) thereof provides that the term of office of the elected members of the Committee and its office bearers shall be five years from the date of first meeting of newly constituted Committee and the term of office bearers of the society shall be co-terminus with the term of the Committee.

In the light of pandemic Covid-19, section 73AAA of the Act has been amended by the Maharashtra Co-operative Societies (Amendment) Ordinance, 2020 (Mah. Ord. XII of 2020) providing that, where the elections to the existing society cannot be held for any reason not attributable to the members of such Committee, the existing members of the Committee shall be deemed to have continued till new Committee is duly constituted.

It is considered expedient to make similar provisions in respect of co-operative housing societies also.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 27th October 2020.

BHAGAT SINGH KOSHYARI,

Governor of Maharashtra.

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

ABHA SHUKLA,

Principal Secretary to Government.