

Registration Procedure

1. Do's for Registration of a Cooperative Housing Society

Step -1:-Purchase 3 copies of Application Form (Form No-1) four copies of Bye laws.

N.B. – The available sources of purchase

(1). West Bengal State cooperative union, 23 A, Netaji Subhas Road, 7 th Floor,
Kolkata-700001

(2) Office of the District Cooperative Union of all Districts.

(3) Office of the Joint Registrar of Cooperative Societies, Rajarhat Township Area
Housing (RTAH), HIDCO Bhavan, New Town, Kolkata- 106

Step- 2:- Obtain confirmation / approval of the proposed cooperative society from the office of the concerned Registering Authority.

N.B: A:-Before filling up the Application Form and preparation of other Documents such confirmation is necessary for avoiding duplicity of names.

N.B: B:- (1) For New Town, Kolkata, the Registering Authority is the Joint Registrar of Cooperative Societies, Rajarhat Township Area Housing (RTAH), HIDCO Bhavan, New Town, Kolkata- 106.

(2) For Kolkata Metropolitan Area, the Registering Authority is the Joint Registrar of Cooperative Societies, Kolkata Metropolitan Area Housing (KMAH) , 245, B. B. Ganguly Street, Kolkata - 12

(3) For other districts/ proposed societies outside (1) and (2) above, Range Assistant Registrar of Cooperative Societies/ Deputy Registrar of Cooperative Societies concerned are the Registering Authorities.

Step-3:- a. Fill up the Application Form and the bye laws in triplicate.

b. Get them signed by all the intending and eligible members.

c. Get the signatures attested by the Chief Promoter (both for the application form and bye laws).

Step-4:-Enclosed the list of following documents along with the Application Form.

1. 4 copies of the bye laws duly filled in anent to the resolution adopted by the promoter members and also in keeping with the relevant provisions of the West Bengal Cooperative Societies Act and Rules
2. Photocopy of plot allotment letter issued by the appropriate authority/copy of agreement for purchase of land/ Deed of Land./
3. 2 passport size photographs of all the intending applicant members signing the application form and the bye laws including the Chief Promoter.
4. (a) Either latest Salary Certificate or copy of Form 16 reflecting deductions for Professional Tax and duly signed by the Head of the Office or D.D.O.
(b) Other professionals would have to submit the Professionals Tax Registration Certificate or Professional tax Enrolment Certificate, as the case may be.
(c) Govt. Pensioner would have to submit copy of latest I.T.R and copy of pension payment order.
(d) Self- Declaration as per model proforma (enclo A).

(e) Copy of the resolutions of all the Promoters' meetings.

N.B. :-Model resolutions to be adopted in the Promoters' meeting is enclosed
(enclo B)

(f). Copy of Application for nomination submitted by the each applicants.(enclo C)

(g) Declaration of the Chief Promoter addressed to the Registering Authority as detailed under:-

i) I have not acted as Chief Promoter or acting as Chief Promoter in any other Cooperative Housing Society other than the proposed society.

ii) It is the sole housing project sponsored by the proposed society.

iii) I have obtained the affidavits, nomination, photographs in duplicate, salary certificate / copy of F-16 / P. Tax Registration Certificate / P. Tax Enrolment Certificate.

iv) I will furnish all other related document or information considering the nature/ type of cooperative housing society as and when called by the Registering Authority.

(h) Statement of up to date accounts (receipts & payments) indicating the period of accounts.
(model a/cs –enclo-D)

N.B.:- (A) All the above enclosures from (a) to (h) excepting the affidavit should be attested by the C.P.

(B) The Chief Promoter's photograph should be attested either by M.P / M.LA / Local Municipal Commissioner / Proddhan of G.P /Group a Officer of Central / State Govt.

(j) Any other document depending upon the project and nature of the society.

General precautions to adopted while submitting registration papers

1. Overwriting / cutting should be penned through and any defect/mistake in handwriting should be signed by the C.P as a mark of authentication.
2. While attesting the photograph of X C.P should write on the front or back side of the photograph like "photograph of X is attested".

PROFORMA OF SELF- DECLARATION (FORM XXVIII) [Encl: A]

I, Sri /Smt ----- s/o /w/o / d/o ----- by faith -----by
occupation service /business aged about -----years at present residing at -----P.O. -----Dist -----
----- State ----- Pin Code --- do hereby solemnly declare affirm as follows :-

1. That I am a citizen of India/Non-Resident Indian.
2. That I do not own house or flat or a building or building site or land either in my own name or in the name of my family as defined under Section 16(3) of the W.B.C.S Act, 2006 in the ----- (KMAH area / New Town area / ----- City / Town / Village) where the proposed cooperative society is located.
3. That I intend to be a member of the proposed -----Housing Cooperative /Cooperative Housing Society having its registered office at ----- P.O. ----- Dist ----- pin ----- for the purpose of owning a flat in the land of the housing project of the said Cooperative Society which is going to be constructed for residential accommodation of myself and members of the family.

4. That I am a permanent resident in the State of ----- and I am a citizen of India or I intend to reside in West Bengal permanently within a period of one year from the date of application.
5. That I am not a member of any other housing cooperative society in West Bengal.
6. That I have genuine need for housing or additional accommodation from such cooperative society.
7. That I have not entered into any contract with the Housing Cooperative Society Ltd in the matter of any work constructional or otherwise relating to a project of the cooperative society.

I,..... s/o /w/o / d/o ----- aged about -----years, resident of in the State of West Bengal, do hereby declare that the information given above and in the enclosed documents is true to the best of my knowledge and nothing has been concealed therein .I am well aware of the fact that if the information given by me is proved false/not true at any point of time, I will have to face punishment as per any provision of law for the time being in force as well as the benefit availed of by me or the benefit accrued to me will be summarily cancelled.

Date:

Place:

Signature of the Applicant

N.B : (1) Do not type the word /s which are not applicable in your case

(2) Please fill up present and permanent address, age etc in conformity with the application form.

(3) In case of married female please record the name of the husband.

(4) For the purpose of Section 16 (3) of the WBCS Act, 2006 a family should be deemed to consist of husband, wife, minor sons & daughters, dependent widow of a predeceased son, husband and wife's dependent parents and dependant divorcee daughter.

Model Resolutions on the Following Points to be in the Promoters' Meeting (Encl:B)

- a) Election of the C.P. from amongst the Promoter members, with his / her name, address, occupation and the authority vested on him / her.
- b) That the C.P. so elected / selected has not been appointed to function as such in respect of any other Cooperative Society within the State of West Bengal.
- c) Adoption of name with registered address of the proposed society. Consent letter from the landlord for using the office premises as the Registered Address of the Proposed society.
- d) Adoption of the bye-laws. (details of clauses drafted by the C.P. should be supported by resolution over and above the adoption of the bye laws as a whole i.e. authorised and paid up share capital, admission fee, number of Directors in the Board of Directors, quorum both in the General Meeting and BODs Meeting, fixation of optimum limit of cash, deletion / modification / induction of clauses in relation to the printed model bye laws supplied by the State or District Cooperative Union.)
- e) Election of the first Board with office bearers like the Chairman, Vice Chairman, Treasurer – but no election or selection of Secretary to be made before registration.
- f) Vesting of powers upon the Office Bearers viz, the Chairman, Vice Chairman and Treasurer and Secretary (to be elected / selected after the Registration) to sign, certify documents and execute Agreement Bond etc. on behalf of the society.
- g) Consideration and adoption of the scheme of the housing project mentioning number of flats, number of buildings etc.
- h) Submission of the approved housing project by the promoter members along with the application of registration or undertaking to the effect that the scheme / project as subsequently approved by the Plan Sanctioning Authority will be provided to the registration Authority within 15 days from the date of such approval depending on the ground reality.
- i) Submission of a copy of certified Agreement Bond along with the submission of application of Registration or a

copy of the Agreement Bond to be executed between the Cooperative Housing Society and the Appropriate Authority will be provided to the registering authority within 15 days of such agreement depending on the ground reality.

j) To open a bank account in the name of the society with any of the branches of District Central Cooperative Bank / W. B. State Cooperative Bank / Nationalised Bank / R.R.B with mentioning the address of the bank Branch.

h) To be resolved that the Bank A /C so opened will be operated by the Chief Promoter jointly with the Chairman but in absence of any of them, the Vice Chairman and the Treasurer together with the other present.

k) That this is the sole Housing Project by the proposed Housing Society in West Bengal and the society after registration, shall not sponsor any other project.

l) The Statement of Accounts of the society from ---- to --- is approved by the members.

N.B.: -Enclose the statement of accounts along with a bank balance certificate issued by the concerned Branch Manager.

m) the mode of distribution of flats will be made after approval but before commencement of the project.

n) The Area of Operation of the society is ----- (mention schedule of land, sector, action area number with name and post office, road etc. as the case may be)

o) Authorisation of three names out of the promoter members to give the certificate as required under Section 16 (3) of the WBCS Act, 2006 in connection with point no 7 of the Part II of the Application Form(i.e Form I).

p) Inclusion of any new member other than members organised the proposed society in its First Meeting.

APPLICATION FOR NOMINATION (Enclo-C)

To

The Chief Promoter

-----Cooperative Housing Society

P.O. ----- Dist -----, Pin -----

Dear Sir / Madam,

In terms of Section 76 of the WBCS Act 2006 read with the relevant provision of the byelaws of the society I do hereby nominate my wife / son / daughter Smt / Sri / Kumari ----- as my nominee and to request you to dispose of my share with all interest in favour of my nominee in the event of my death.

The biodata of my nominee are detailed below for your perusal and taking necessary action at your end in terms of the relevant provision of the bye-laws of the society.

Name of the Nominee (block capital) :-----

Date of Birth of the Nominee :-----

Identification Mark, if any, of the Nominee-----

Date

Yours faithfully

Place

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Transfer Procedure

[Checklist For Transfer of membership of Housing Cooperatives](#)

Some Important Questions and Answers regarding transfer of plot or house or apartment

Q. Whether a member of a cooperative housing society in whose favour a plot of land or a house or apartment as the case may be may transfer such plot of land or a house or apartment?

If yes, under what circumstances it can be done?

A. Yes, it can be done in terms of Rule 138(2) of the WBCS Rules, 2011 provided he has been allotted a plot of land, house apartment by the society. In terms of Rule 138(1) of WBCS Rules, 2011, written consent of the society shall be required in all cases of transfer of land/house/apartment by way of sale or usufructuary mortgage as defined in the Transfer of Property Act, 1882(4 of 1882).

Following are the grounds on which a member may transfer by way of sale or usufructuary mortgage as defined in the Transfer of Property Act,1882 (4 of 1882):---

1. that the member is involved in debts and such transfer is needed to pay of his creditors;
2. that the member is compelled to shift from the locality due to unavoidable circumstances beyond the control of the member;
3. that the member is in urgent need of money to meet the expenses of marriage or of education of his son and daughter or that the member is in urgent need of money to meet the medical expenses of any of the members of his family or any person fully dependent on him;
4. Such other grounds analogous to those mentioned from 1 to 3.

Q What are the formalities to be observed by the (1) transferer member; (2) transferee (intending applicant for membership) ; (3) concerned cooperative society and (4) Registrar of Cooperative Societies ?

A. Dos of a transferer member: - He should submit an application seeking written consent of the society for transfer his plot / house / apartment to a person stating his name, address, occupation etc by way of sale with reasons of such transfer and also to request the society to accord consent in terms of Sub-Rule (1) of Rule 138 of WBCS Rules, 2011.

He should annex with his application the following—

- a. Photo copy of housing allotment letter issued by the society in terms of Rule149 of the WBCS Rules, 2011 alongwith copy of Registered Deed in favour of the transferor.
- b. Photo copy of share certificate issued by the society.

N.B.: -If the cooperative society refuses or fails to give its consent to such transfer, it shall record the reasons for such refusal in writing and communicate the same to the member within one month from the date of receipt of the application of transferer member and the member shall have right of appeal to the Registrar against such refusal or failure within thirty days from the date of communication of the refusal or within sixty days from the date of receipt of the proposal by the society.

B. Dos of a transferee :- He should submit an application of membership in Form NO- XXVIII to the Secretary of the housing society with intimation that he has executed a bipartite agreement with the transferer member of the society in the matter of purchase of flat no / house /apartment of ----- person, a member of the ----- cooperative housing society along with the following documents for approval of his membership from the date of such lawful transfer in terms WBCS Act & Rules read with the Transfer of Property Act,1882.

- a. Application in Form No-XXVIII.
- b. Two recent passport size photographs.
- c. Salary Certificate or copy of latest Form-16 showing deductions of professional tax or copy of professional tax registration/ enrolment / clearance certificate.
- d. Copy of agreement of sale jointly attested by the transferer and the transferee.
- e. A declaration to the effect that he will submit a certified copy of the sale deed after transfer of his property by way of sale in consonance with the Transfer of Property Act, 1882 so as to facilitate the society to transfer share

along with interest in favour of the transferee.

f. Self declaration in Format XXVIII A[Enc: A]

C. Dos for society:

A .Secretary or Chairman will convene a meeting of the BODs to consider the prayer of the transferer member and the application for membership preferably within 15 days of receipt of such application

B .Society will examine the transfer proposal in the light of the provision Sub Rule (2) of Rule 138 and will also examine the eligibility of the membership of the transferee in the light of submitted documents in terms of Rule 131(3)(a) of the WBCS Rules,2011 and if both are found to be favourable will adopt a resolution in the following manner-

“After detailed discussion and examination of prayers along with their related submitted documents in the light of relevant provisions of the WBCCS Act & Rules particularly Sub Rule (2) of Rule 138 and Sub Rule (3) (a) of Rule 131 it is resolved that the prayer of Sri /Smt ----- (Transferer member) dated ---- seeking transfer of his / her plot no./house/apartment no. --- for ----- (record reasons of such transfer) by way of sale to Sri / Smt ----- is in conformity with the WBCS Act, Rules and Bye-Laws of the Society.

Further resolved that Sri /Smt -----, transferee is eligible to become a member of the society and he / she will be inducted as a member of the society in place of Sri / Smt -----, transferer member{ as and when a copy of the sale /purchase deed will be submitted by the transferee member to the society} with transfer of share of Sri /Smt -----, erstwhile member in favour of Sri /Smt ----- , newly inducted member.”

N.B If the society refuses the prayer of such transfer it shall communicate the transferer the reasons for such refusal within thirty days from the date of receipt of such prayer in terms of Rule 138(2)(vi) of WBCS Rules, 2011.

C. If the society refuses to give written consent, the member may prefer an appeal within 30 days from the date of communication of such refusal to the Registrar under Rule 138(2)(vii) of WBCS Rules, 2011.

Dos for Registrar of Cooperatives:- Registrar’s role is to examine the actions of the society in the matter of transfer by the proposed way of sale in the light of the submitted document of the society after an appeal has been filed by the transferer-member and the reasons offered by the cooperative society for refusal of transfer. He shall, after hearing the applicant and cooperative society, dispose of the appeal within 30 days from the date of preferring the appeal as laid down in Rule 138(2)(viii) of WBCS Rules, 2011.