

ORDER 4

Government order in respect of Non-Occupancy Charges

No.SGS 1094/15165/C.No. 317/14C Co-operative & Textile Department, Mantralaya (Extension), Mumbai -400 032.

Dated 9th March, 1995.

1. Whereas most of Co-operative housing societies have accepted model Bye-laws and in Bye-laws No. 45-3(C) of the said Bye-laws, powers are given to general meeting of the society as to at what rate non-occupancy charges should be recovered, in case a member has sub-let some portion of tenement/flat in his housing society, and
2. Whereas it has come to the notice of the government and Registrars of co-operative societies that taking advantages of this provision, some co-operative societies, on the strength of their majority, are recovering non-occupancy charges at unreasonable rates from a member who has sub-let his tenement, and
3. Whereas, though non-occupancy charges could be a source of income of co-operative housing societies it would not be proper to charge non-occupancy charges more than a certain proportion.

In view of the above facts and contents in the letter of co-operative Commissioner and Registrar of co-operative societies, dated 19-12-1994, the Government is giving directions, in the public interest, under section 79A of Co-operative Act as follows:

- Non-occupancy charges should not be more than one time of service charges. Further, if members have given their tenements to their nearest relatives mentioned below, non-occupancy charges should not be charged.
- Mother, father, sister, brother, son, daughter, son-in-law, brother-in-law, sister-in-law, grandson, grand niece and in addition to that, additional relatives as may be decided by society.
- Subject to the above two conditions, non-occupancy charges can be recovered as per procedure referred to in Bye-law No. 45(3)(C) of model Bye-laws of the concerned co-operative societies. The above directions shall apply to residential and commercial flats as well as all types of housing societies and these directions shall come into force from the date of issuance thereof.
- All housing societies should take action to make necessary amendments in their Bye-laws. However if they fail to do so, they should see that non-occupancy charges cannot be charged, from the date of these directions, exceeding limitation, referred to in these directions.

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

S. K. Kalal

Under Secretary, Government of Maharashtra,
Co-operation & Textile Department

ORDER 4A

Government order in respect of leavy of Non-Occupancy Charges

No.Sagruyo 1094/15165/Case No.317/14 C Co-operation & Textile Vibhab, Mantralaya (Extension), MUMBAI - 400 032 Dated 1st August, 2001.

ORDER

The Maharashtra Government has rescinded its earlier order dated 9th March 1995, which had fixed Non-Occupancy Charges at one time payment of service charges. The new order issued on 1st August 2001 stipulates that the Non-occupancy Charges

should not exceed 10% of the services charges (excluding Municipal corporation/Municipalities taxes). The new rates have come in force from retrospective effect *i.e.* from 9th March 1995.

Close relations such as the member's Father, Mother, Sister, Brother, Son, Daughter, Son-in-law, Daughter-in-law, Brother-in-law, Sadu (husband of Wife's sister), Grandson, Grand Daughter and any other relations recognised by the society continue to be exempted from payment of Non-occupancy charges as before.

This order is applicable to all Co-operative Housing Societies in the State, residential and commercial, and shops.

Note: The original order in Marathi this is only a gist.