

BYE – LAWS OF
KOTTURPURAM HOUSING BOARD

MIG FLAT OWNERS WELFARE ASSOCIATION, MADRAS-600 085.

1. NAME AND ADDRESS:

The Kotturpuram Housing Board MIG Flat Owners Welfare Association was formed on 1.7.90. The address of the Registered Office of the above Association is the following:

***MIG Flats Block 6
IV Main Road,
Kottur Gardens,
Madras – 600 085.***

2. AREA OF OPERATION

The area of operation of the above Association shall be confined to the area in which the MIG Flats in blocks 1 to 13 have been constructed by the Tamil Nadu Housing Board in the Kotturpuram Scheme.

3. JURISDICTION:

The Association is within the jurisdiction of the Registrar of Societies, Madras South, Madras – 600 085.

4. BUSINESS HOURS:

The business hours of the Association shall be between 4PM to 6 PM on all working days except Sundays and Government holidays.

5. DATE OF FORMATION:

As per the resolution passed by the General Body at its meeting held on 1.7.90, the Association is deemed to have been formed on 1.7.90.

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6. OBJECTS:

- (a) To assume responsibility for the observance of the rules and regulations pertaining to the MIG Flats in the Kotturpuram Scheme, in accordance with the terms and conditions embodied in the lease cum sale agreement entered into by the allottee – members with the Tamil Nadu Housing Board.
- (b) To maintain all common properties, the maintenance of which has been transferred to the erstwhile society or the Association now formed, by the Tamil Nadu Housing Board for the benefit of all the members.
- c. To function as trustee in charge of all lands, properties and buildings on behalf of the members and to promote and safeguard their interests, rights and privileges.
- d. To raise funds to finance the objectives described above.

e. To maintain all common properties including land spaces, buildings, terraces, fixtures, fittings, staircases, water supply connections, ditches, drains, drainages, lights, privileges, rights, advantages and appurtenances, appliances, facilities and conveniences whatsoever in any way appertaining and generally attributable to the various Flats within the area of operation of the Association.

7. ACTIVITIES

The activities of the Association shall include all kinds of activities for the functioning of its objectives as stated above and in particular the holding of meetings, discussions etc as may be decided by the Committee of Management from time to time.

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8. LEGAL PROCEEDINGS:

The Secretary of the Association shall be the person authorised by the committee to sue or be sued on behalf of the Association.

9. EXECUTIVE POWERS

The Secretary shall be the officer responsible for the executive administration of the Association.

10. **ENROLMENT OF MEMBERS:**

(I) Qualifications, entrance fee and monthly maintenance charges:

Membership of the Association is for the present restricted to the original allottees or their legal heirs or subsequent purchasers of the MIG Flats in the Kotturpuram Scheme of the Tamil Nadu Housing Board. For members to be enrolled hereafter, the entrance fee is Re.50/- payable at the time of application.

Every member should pay a monthly maintenance charges is increased from Rs.600/- to Rs.700/- per month from October, 2020. The Committee may, when considered necessary revise the monthly subscription from time to time.

The maintenance charge should be paid before the 10th of the month, failing which penal interest at Re.50/- per month shall be levied. If the arrears exceed six months, it will be considered as a breach of the conditions of allotment and the Association will move the Tamil Nadu Housing Board to take action against the defaulter. The Association will take such legal action as may be required to recover the dues from the defaulting member.

(ii)Rights, Obligations and Privileges of Members:

As owners of Flats, the members enjoy the rights, easements and privileges detailed in the lease – cum – sale agreement entered into with the Tamil Nadu Housing Board. These include the right of passage through and use of the space around the buildings, staircase and landings, and the terrace in common with others, subject to the condition that no construction of any sort can be put up in these places which are common to all.

The obligations of the members are also given in detail in the said lease – cum – sale agreement. Every member shall contribute towards the expenses connected with the common maintenance of the Flats, by paying the monthly maintenance charges as prescribed by the committee of Management. It shall be the exclusive responsibility of the members to maintain in good condition the Flats allotted to them. All costs pertaining to such maintenance / repair within the Flats shall be borne in full by the members themselves.

A member who violates the provisions of the Bye – Laws and obstructs the normal functioning of the Association is liable to be expelled following a decision by the General Body to that effect. Such a decision requires

support of two – thirds of the members present and voting and also one week's time to the member concerned.

11. **MANNER OF FUNCTIONING OF ASSOCIATION:**

a. Subject to these Bye Laws and such resolutions as the General Body may from time to time pass, the executive management of the affairs of the Association shall rest with a committee of Management of Five members.

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b. The committee of Management shall elect from among its members the President Vice President, Secretary and Treasurer, the remaining one being merely member of the committee. The election of office bearers shall be by secret ballot.

c. The Association shall for its normal maintenance activities obtain funds principally from monthly subscription. It can raise funds for other welfare activities from sources approved by the General Body as and when found necessary.

d. The year for the Association commences from the 1st day of July of any year and ends with 30th day of June of the succeeding year.

12. **CONSTITUTION OF THE COMMITTEE OF MANAGEMENT :**

A. The Committee of Management shall consists of five members elected by the General Body from among its members by secret ballot.

b. Any vacancy in the office of the elected members of the committee of Management shall be filled in the same manner as above.

c. One of the committee members will act as an Election Officer and the election process will consist of filing of nominations duly proposed and seconded and voting by secret ballot.

d. The term of office of the elected members of the Committee of Management shall be three years, from 1st July to 30th June

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irrespective of the date of election to the office. Members of the Committee shall be eligible for re appointment for the period of two terms.

e. Any elected member may, at any time, be removed by a resolution of the General Body passed at a special meeting convened for the purpose by not less than two – thirds of the total number of members present

and voting at the meeting. No member shall be removed unless he has been given an opportunity of making his or her representation.

- f. Any elected member of the Committee of Management may at any time resign from his office by sending his resignation to the Secretary and such resignation shall take effect only from the date on which it is accepted by the Committee of Management.
- g. Should an elected members of the Committee of Management absent himself for four consecutive meetings of the Committee, he / she shall cease to be a member of the Committee but may be resonated on a written request from him / her.
- h. The proceedings of the Committee of Management shall not be invalidated on account of any vacancy or vacancies in the committee remaining unfilled.
- I. The services of the members of the Committee shall be gratuitous.

13. POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT:

The Powers and duties of the Committee of Management shall be as follows:-

A. POWERS:

- a. To admit members;
- b. To raise funds on such terms and conditions as may be approved by the
General Body for the purpose of carrying out the functions of the
Association.
- c. To sanction investment of the funds of the Association.
- d. To prescribe from time to time the monthly maintenance charges,
payable by members.
- e. To appoint any ad – hoc committee or committees for carrying out any
specific functions relating to the business of the Association, if
necessary.
- f. To prescribe from time to time, the strength of the establishment, their
salaries and allowances subject to budget allotment sanctioned by the
General Body.
- g. To incur such expenditure as may be necessary for the management of
the Association.
- h. To decide on the use of common properties in the colony
- i. To frame regulations, which shall be entered in the Minutes Book of the
Association, for the conduct of the business of the Association
consistent with the provisions of the lease – cum – sale agreement.

- j. To transact such other business as is consistent with the objectives of the Association and as may be incidental to the administration of the Association.
- k. To ensure that the provisions of the lease – cum – sale agreement are complied with by members and to report to the Tamil Nadu Housing Board of violations if any and to arbitrate if called upon to do so.

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B. DUTIES

- a. To maintain such accounts and registers as are prescribed by the Association.
- b. To prepare the Annual Report, audited Statement of Account for the preceding year, budget and programme of work for the following year and to place them before the General Body for approval.
- c. To place the Audit Report before the General Body Meeting of the Association.
- d. To arbitrate on disputes arising between members or between members and the officers or employees of the Association.

14. MEETINGS OF THE COMMITTEE OF MANAGEMENT:

- a. The Committee of Management shall ordinarily meet once in a three month or as often as may be necessary to conduct the affairs of the Association. Such meetings shall be held at the office of Association or at any other place convenient to members. The quorum for the meeting of the Committee shall be three. At least 7 days notice should be given for the meeting of the Committee.
- b. Every question before the Committee of Management shall be decided by a majority of votes. In every case of equality of votes, the question shall be deemed not to have been decided. However, in the case of an equality of votes at an election, the choice shall be by casting votes.
- c. All decisions taken during the committee meeting should be recorded in the Minutes Book.

- d. In case of urgency, when there may not be sufficient time to convene a meeting of the Committee of Management, the Secretary may ascertain the opinion of the members of the committee by circulation of papers and act if the opinion is unanimous. If there be a difference of opinion, the question shall be placed at the next meeting of the Committee of Management for consideration.

15. OFFICERS OF THE ASSOCIATION AND THEIR POWERS:

Subject to such resolution as the committee of Management may from time to time pass, the officers of the Association shall have the powers mentioned below:-

- (a) The President shall give over all guidance in all the affairs of the Association;
- (b) The Vice – President shall exercise such powers as may be delegated to him from time to time and shall exercise all the functions of the President when the office of the President is vacant;
- (c) The Secretary shall be responsible for the Executive Administration of the Association. He shall arrange for the meetings of the Committee of Management. He shall be competent to authorise petty contingent expenditure.
- (d) The Treasurer shall keep proper books of account and shall prepare a statement of receipt and expenditure at the end of the year and shall have the custody of all the properties and cash of the Association.

- (a) The Treasurer is responsible for preparing the annual statement of receipts and expenditure and a balance sheet and getting them audited by an auditor
- (b) The Treasurer shall place before the Annual General Meeting, the receipts and expenditure account and the balance sheet together with the audit report duly signed.
- (c) The Secretary shall, after the meeting, file with the Registrar (i) an authenticated copy of the receipts and expenditure statement, balance sheet, and report, (ii) a statement of the names, addresses and occupations of the persons, who at the expiry of the financial year were members of the Association and (iii) a declaration to the effect that the Association has been in operation during the financial year.

17. BYE LAWS AND STATEMENT OF ACCOUNTS TO MEMBERS:

Each member of the Association will be provided with a copy of the Bye Laws at a cost of Rs.100/-. He will also be supplied with copies of the Receipt and Expenditure statement and the balance sheet during the Annual General Meeting.

18. CUSTODY OF FUNDS OF ASSOCIATION :

(A) The funds of the Association shall be deposited in scheduled banks as may be decided by the Committee of Management from time to time.

(b) The pass book of Savings Bank Accounts and the receipts of the F.D. Accounts and other documents if any shall be in the

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custody of the Treasurer who is also empowered to keep some cash for contingent expenditure.

(c) The Treasurer and Secretary shall jointly operate the bank account.

However, in the absence of either of them, the cheques shall be counter signed by the President.

(d) All payments by the Association shall made by crossed cheques only, provided payments up to and including Rs.1000/- and payment of salary to the members of the establishment may be made by cash.

(e) The Treasurer shall issue receipts of all the monies paid to the Association.

19. POWERS OF THE GENERAL BODY:

The ultimate authority in all matters relating to the administration of the Association shall rest with the General Body of it members.

Among other matters, the following shall be dealt with by the General Body

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(a) Approval of the annual budget of income and expenditure with reference to the programme of activities of the Association prepared by the committee of Management for the ensuing year.

(b) Election and removal of members of the Committee of Management.

(c) Consideration of the Annual report.

(d) Consideration of the Audit Report

(e) Amendment or repeal of any existing Bye – Law or the enactment of a new Bye – Law.

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(f) Consideration of any complaint which any individual member may prefer against the Committee of Management.

(g) Expulsion of a member who violates the Bye – Laws and obstructs the normal functioning of the Association.

(h) To decide all questions pertaining to the enrolment of the Association as a member of Federation of Associations having similar objectives.

20. GENERAL BODY MEETING :

(i) The Committee of Management shall convene a General Body Meeting of the Society at least once in a year before the month of September.

- (ii) The Committee of Management may at any time convene a Special General Body Meeting to consider any specific subject of importance.
- (iii) The Committee of Management shall convene the special meeting within one month from the date of requisition in this behalf from (a) not less than 15 members of the Association; (b) The Tamil Nadu Housing Board or Government of Tamil Nadu provided the requisition is in writing specifying the subjects that have to be placed for consideration at the special General Body Meeting.
- (iv) It shall be duty of every member of the Association to attend the General Body Meeting and participate in its proceedings as the decisions taken at such meetings by a majority vote are binding on all the members.
- (v) The quorum for a General Body Meeting shall be twenty (20) or one – fourth of the total number of members, whichever is less.

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- (vi) The General Body Meeting of the Association shall be held either at the office of the Association or at any other Public place at the headquarters of the Association to which all the members thereof shall have access

21. NOTICE OF GENERAL BODY MEETING :

- (a) Not less than 21 days notice shall be given to members for convene a General Body Meeting (i) by circulating the notice and getting it signed by the members or (ii) by sending notice by post under certificate of posting.
- (b) The proceedings of the General Body Meeting shall not be invalidated merely by reason of irregularity in the service of the notice.
- (c) In the case of amendment to the Bye - Laws, notice shall be sent to all members in due time either by post or by circulation. Such notice shall give the members a reasonably clear idea of the amendment proposed.

22. CONDUCT OF THE GENERAL BODY MEETING :

- (a) The President or in his absence the Vice – President shall preside over the General Body Meeting. In the absence of both, the members may elect a chairman from among themselves to preside over the meeting.
- (b) No member present at the General Body meeting shall have more than one vote.
- (c) Every question shall be decided by a majority vote of the members present and voting.

(d) In the case of equality of votes, the question shall be deemed not to have been decided, provided in case of equality of votes at an election, the choice shall be by casting votes.

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(e) A member who is a minor or of unsound mind shall not attend the General Body Meeting.

(f) A Member shall not be eligible to vote at the meeting fixed for any election, if on the date 30 days prior to the date of meeting, he / she is in default to the Association in respect of any amount of service charges or other demand due from him / her for a period of three months or is a person against whom any decree decision, award or order has been obtained by the Association.

(g) A member who is unable to attend a General Body Meeting may authorise in writing a representative to attend on his / her behalf and to participate in the proceedings of the meetings.

(h) Decisions taken at the General Body Meeting should be recorded in the Minutes Book.

23. MAINTENANCE OF BUILDINGS AND LIABILITY OF MEMBERS:

1. It shall be the duty of the Association to maintain in good condition, subject to normal wear and tear, the exterior of all blocks of buildings within its jurisdiction. The maintenance of the exteriors shall include

(a) White washing, colour washing and all external surfaces of common walls.

(b) Painting of doors, windows, ventilators, hand rails, waste water drainage and pipelines fixed on the external surfaces of walls of blocks of buildings so as to preserve uniformity and to be in harmony with the general colour scheme.

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(c) Maintenance of all the common drain and waste water drainage lines in proper condition including carrying out of necessary repairs and replacements as and when required.

(d) Cleaning of overhead tanks and sumps of each flats once in three months and sweeping of staircases and terraces twice a month and the space around the blocks of Flats.

(e) Carrying out of repairs to water supply lines and electrical connections to motors passing through a common route on each side of the Flats. While the Association will provide the labour, cost of materials should be borne by the members concerned for such repair.

- (f) Amounts collected as service charges from members will be utilised for the maintenance of all the 13 blocks and one maintenance account will be kept.
- (g) Maintenance of Staircases, terrace and common electric lights including repair and replacement of fused bulbs.
- (h) Cost of repairs within each Flat shall be borne in full by the member concerned. However, if as a result of some defect or defects in any one or more Flats in the same block other allottees are affected, the allottees of the affected flats may approach the other flat for sharing the expenses.
- (i) When improvements, as considered necessary by the Committee of Management are suggested to be carried out inside the individual flats for the proper maintenance of the common service lines, it shall be incumbent on the individual allottees to implement such suggestions in accordance with the lease – cum – sale agreement entered into with the Tamil Nadu Housing Board.

24. RIGHT OF MEMBERS OF INSPECT ACCOUNTS :

Any member of the Association may at any time during the business hours inspect the book of Account, Register of members and the minute book, free of charge.

25. AMENDMENT OF BYE – LAWS :

No amendment to, alteration in or cancellation of a Bye – law shall be made except at a General Body Meeting supported and approved by a three – fourth majority of members present.

26. SEAL OF THE ASSOCIATION :

The Association shall have a common seal which shall be in the custody of the Secretary. It shall be affixed on all important and legal documents by the Secretary in the presence of two members of the Committee.