

## Useful Forms of application

In the Byelaw book various forms are enclosed at the end of the book, these forms are very useful and readymade formats for various formalities that are required to be done in on various events. Managing committee members should ask the members to submit the form of application as per its requirement and applicability.

**Appendix no. 1** - The form of application for Membership of the Society by a Nominee/ Heir, who is a minor, through his Guardian/ Legal Representative. This form is prescribed under Byelaw no. 17 (b).

**Purpose** – This form is filled by the guardian where the guardian undertakes to discharge the liabilities of the society on behalf of the minor at the same time undertake to convey the property of the deceased on the attainment at the age of majority.

**Appendix no. 2** – The form of application for membership of the society by an individual. This form is prescribed under Byelaw no. 19(a).

**Purpose** – It is a membership form required to be filled by the member, in which the member fill few particulars which are required for consideration of membership as well as undertake to discharge present and future liabilities of the society. Also undertake to abide the byelaws of the society.

**Appendix no. 3** – The form of undertaking to be furnished by the prospective member to use the flat for the purpose for which it is purchased. This form is prescribed under Byelaw no. 19(a)(iv).

**Purpose** - Before providing membership to the transferee it is necessary to take such undertaking from the prospective member. The prospective member undertakes that he will use the flat as per the allotment letter and will follow the byelaws.

**Appendix no. 4** – The form of undertaking to be furnished by the person, on whom the prospective Non earning member is dependant for discharge of liabilities to the society. This form is prescribed under Byelaw no. 19(a)(v).

**Purpose** – Many members especially who are retired or old or physically challenged do not have a independent source of income, such members depend on their close relative for financial assistance. In such cases the person who takes the responsibility of the member has to submit such undertaking. In which the person undertakes to discharge all the liabilities and admits that on failure of discharge he will be liable for recovery of dues U/s 101 of MCS Act 1960.

**Appendix no. 5** – The form of application for Associate membership by an individual, who desires to hold shares jointly with another person who is already admitted to membership of the society. This form is prescribed under Byelaw no. 19b.

**Purpose** – This application is in two parts. In the first part the person who wishes to become an associate member submits his application for society's consent and in the

other part of application the first member gives his consent by requesting the society to add the name of the applicant in the share certificate after his name. This form is essentially required for admitting an associate member.

**Appendix no. 6** – The form of application for Associate membership by a firm or a company or any other body corporate with the person already admitted to membership of the society. This form is prescribed under Byelaw no. 19b.

**Purpose** – This form is filled for Associate membership by a firm or a company or any other body corporate.

**Appendix no. 10 A** – No Objection Certificate and undertaking given by the original member to enable the intending associate member to become a member of the managing committee the society. This form is prescribed under Byelaw no. 117 (d).

**Purpose** – When an associate member wishes to become a member of managing committee than it is essential to take such NOC from the original member. In such NOC the original member surrenders his voting rights and gives his consent to the associate member to participate and contest election.

**Appendix 11** – Form of application for Nominal Membership by the sub lettee, licensee or the care taker. This form is prescribed under Byelaw nos. 20 and 43 (b).

**Purpose** – A Sublette may fill this form request the society to make him a nominal member of the society by paying Rs. 100/- as nominal membership fee. In the application the applicant undertakes to abide the byelaws of the society and undertakes to vacate the flat peacefully immediately on expiry of the term of agreement of leave and license. It also has consent from the original member.

**Appendix – 12** - Form of letter of Allotment of the flat to the member of the society. This form is prescribed under Byelaw nos. 24 (a) and 75 (a).

**Purpose** – The member who applies to society for membership in the society is given such allotment letter which allows the new flat purchaser to have a right to occupy the flat subject to terms and conditions given in the letter. In this letter society instructs the member to follow byelaws of the society like maintenance of flat, avoiding nuisance and annoyance and inconvenience to other members, regular payment of charges. In this letter society warns the member will be liable for expulsion from membership in case of breach of the provision of byelaws.

This is a very important letter which should be given to all members so that society can take action against member for not following Byelaws of the society.

**Appendix no. 13** – Form of resignation of membership of the society by a member. This form is prescribed under the Byelaw no. 27 (a).

**Purpose** – This notice is given by the member who desires to transfer his flat / sell his flat. This intention to resign from membership of society is given 3 month prior of resignation in a prescribed format. In this notice the member states that he is

prepared to discharge in full the amount of liability to the society as per the records of the society.

**Appendix no. 14** – Form of nomination to be furnished in triplicate. This form is prescribed under the Byelaw no. 32.

**Purpose** – By filling this form a member and /or Associate member of the society may nominate a person or persons to whom the whole or part of the shares and interest in the property of the society be transferred in event of his death. The acknowledgement of the nomination by the secretary shall be deemed to be the acceptance of nomination by the secretary. This form of nomination is signed by two witnesses and details of nomination are recorded in society's nomination register. After managing committee's approval one copy is given to the member for his record.

**Appendix no. 15** – The form of application for membership by the nominee / nominees. This form is prescribed under the byelaw no. 34.

**Purpose** – After the death of the original member the nominee / nominees are suppose to submit this form of application for membership in the society. It is also required that the deceased member must have nominated the applicant by filing nomination form no. 14. With this form of application for membership the nominee has to execute an indemnity bond in favour of society indemnifying against any claim made by any other legal heir. Refer Indemnity Bond Appendix 18 (1). The nominee shall submit this form within 6 months from death of the member.

**Appendix no. 16** – The form of notice inviting claims or objections to the transfer of shares and the interest of the deceased member in the capital/property of the society. This notice is published by the Secretary of the society in two newspapers having large circulation. This notice is prescribed under byelaw no. 34.

**Purpose** – Notice prescribed in Appendix no. 16 is published in newspaper when a member dies without filing nomination. Society invites legal heir/s of the deceased member to come forward with claims or objections for transfer of shares.

**Appendix no. 18** – It is a format of indemnity bond. This indemnity bond is required where there are more than one nominees. This notice is prescribed under byelaw no. 34.

**Purpose** – Some times after transfer of shares to the nominee of the deceased member other legal heir come up with their claim in the flat in such situation the society gets into trouble. Therefore to keep society away from any kind of legal proceedings and expenses it is necessary to take such indemnity bond from the nominee which indemnify the society and its office bearers against any claim, demand, suit or other legal proceedings and expenses. This indemnity bond is to be given on Rs. 200/- stamp paper.

**Appendix no. 19** – It is a format of indemnity bond. This indemnity bond is required where there is no nomination. This notice is prescribed under byelaw no. 35.

**Purpose** – This Indemnity Bond is given by legal heir of the deceased member for membership in the society, stating the list of legal heirs who have given affidavit /NOC for his name. In this indemnity Bond the legal heir / applicant indemnifies the society and the office bearers against any claim, demand, suit or other legal proceedings by any other heir/heirs.

**Appendix no. 20 (1)** – A form is a notice of intention of a member to transfer his shares and interest in the capital/ property of the society. This form is prescribed under byelaw no. 38 (a).

**Purpose** – A member desiring to transfer his shares and interest in the capital / property of society shall give 15 days notice of his intention to do so to the secretary of the society in a prescribed form along with the consent of the proposed transferee in the prescribed form. This is one of the forms given by transferor during transfer of flat.

**Appendix no. 20(2)** – It is consent letter of the proposed transferee for transfer of the shares and interest of the member to him. This form is prescribed under byelaw no. 38 (a).

**Purpose** – This is a consent given by the transferee for the transfer of shares and interest in the property of the transferor who intends to sell the property to him. This letter is given 15 days prior to the sell.

**Appendix no. 21** – Form of application for transfer of shares and interest in the capital / property of the society by the transferor (being an individual). This form is prescribed under byelaw no. 38 (e) (i).

**Purpose** – This is form of application the transferor remits Rs. 500/- towards transfer fee and also remit transfer premium as provided under byelaw no. 38 (e)(ix). In this form the transferor also states that the liabilities of the society are paid by him and also undertake to pay the liabilities which may become due till the transfer of flat is approved by society. The transferor also undertakes to discharge any liability to the society which is related to the period of his membership.

**Appendix no. 22** – Form of application for transfer of shares and interest in the capital / property of the society by the transferor (being a corporate). This form is prescribed under byelaw no. 38 (e) (i).

**Purpose** – This form is given by transferor who is a corporate body.

**Appendix no. 23** – Application for membership in the society by the proposed transferee (Being an individual). This form is prescribed under byelaw no. 38 (e) (ii).

**Purpose** – This membership application is given by proposed transferee requesting the society to accept him as a member. In the application the proposed transferee

gives his details like age, occupation, monthly income, office and residential address. The transferee undertakes to follow the byelaws of the society and undertake to discharge all the liabilities of the society.

**Appendix no. 24** – Application for membership in the society by the proposed transferee (Being a body corporate). This form is prescribed under byelaw no. 38 (e) (ii).

**Purpose** – This membership application is given by proposed transferee requesting the society to accept him as a member. In the application the corporate body undertakes to follow the byelaws of the society and undertake to discharge all the liabilities of the society. Further agrees that no change of user of the said flat will be made without prior approval of society.

**Appendix no. 25 (1)** – This is a form of undertaking about the registration of the transfer of flat under section 269 AB of the Income Tax Act. This form is prescribed under byelaw no. 38 (e) (ii).

**Purpose** – In this form transferor and transferee jointly undertake that either of them shall furnish necessary information in form no. 37E to the competent authority. Under Income tax act. (This kind of undertaking is not required where the transfer is between two relatives or if the consideration for transfer is Rs. 7500000/- or less. Undertaking to be given on Rs. 100/- stamp paper.

**Appendix no. 25 (2)** – This is a form of undertaking about the registration of the acquisition of a transfer of flat under section 269 AB of the Income Tax Act. This form is prescribed under byelaw no. 19(a) (iv) & (vii).

**Purpose** – This form is given by person seeking direct admission to the membership of the society. Like in case of societies registered under CIDCO, MHADA, SRA, MMRDA etc. This kind of undertaking is not required where the transfer is between two relatives or if the consideration for transfer is Rs. 7500000/- or less. Undertaking to be given on Rs. 100/- stamp paper.

**Appendix no. 26** – A form of intimation by the society to the transferee about exercise of rights of membership by him.

**Purpose** – This form of intimation is given by society after admitting the transferee as member of the society. This form state that the transferee's application of membership has been accepted in the general body meeting and his name has been registered in 'I' and 'J' registers. Hence forth he shall be eligible to exercise the rights of membership of the society in accordance with Act, Rules and Byelaws of the society. At the same time handovers the duly endorsed share certificate to the member.

**Appendix no. 27** – Form of application for permission to hold more than one flat. This form is prescribed under Byelaw no. 60.

**Purpose** – This application is written to the society by member who intends to buy another flat in the same society. In the application he mentions the reason for the purchase of additional flat.

**Appendix no. 28** – Form for filing grievance by member with the Registering Authority.

**Purpose** – Through this form member can complain about the working of society at the office of competent authority.