**CIRCULAR ON TRANSFER OF FLAT**

**CIRCULAR ISSUED BY COMMISSIONER OF CO-OPERATION**

**Regarding Registration of Agreement between the Flat Holder and the Purchaser at the time of transfer of flat**

Housing/D-3/Stamp Duty/96 Dated 8th July, 1996.

Office of the Commissioner for

Co-operation & Registrar Co-operative Societies,

Maharashtra State,

PUNE-1

**Sub: Precautions to be taken before Registering Co-operative Housing Societies.**

**Ref: Circular of this office dated 18-2-1996**

**CIRCULAR**

Attention of the Registering Authorities is invited to the circular dated 18-12-1994 issued by this office.

Following revised directions are being issued in respect of the directions mentioned in that circular. These revised directions are to be followed and ensured that registration of Co-operative Housing Societies does not remain pending.

1. **Regarding the Sale Agreement of a flat in a Cooperative Housing Society.**

This office learns from a number of complaints received, that the Registering Authorities have stopped registering Co-operative Housing Societies, in response to the directions issued by this Office vide its circular dated 18-2-1994, that Co-operative Housing Societies should not be registered under the Co-operative Societies Act, before making payment of requisite Stamp Duty and also before registering the Sale Agreement, entered into between the Builder and the Flat holder. The Builders/Promoters appear to be taking disadvantage of this direction by not initiating any action to register the Co-operative Housing Societies, so that they should not be required to pay the Stamp Duty, already paid by the Flat holders to them. This, they are doing to enable them to use maximum available FSI.

In most cases, the office of sub-registrar issues receipts with the remark “pending for fixing market value”, even after payment of Stamp Duty. Similarly, the original Document is returned after prolonged time, after registering the same. Now there is no objection to register a Co-operative Housing Society, if the Promoters produced receipts in respect of payment of Stamp Duty and Registration Fee, as per the Sale Agreement.

The concerned Registering Authorities should give information in this respect to the Stamp Officers of the respective districts, so that these Stamp officers will recover the necessary Stamp Duty from the concerned flat holders. Taking all these directions into consideration, Co-operative Housing Societies may be registered if all the conditions are complied with, by producing receipts of submission of documents (Agreement Deed/Sale Deed), to the Registering Authorities, along with registration proposals. Registration of Co-operative Housing Societies should not be kept in abeyance till the final settlement of Stamp Duty.

1. **Regarding Registration of Agreement between the Flat holder and the Purchaser at the time of transfer of a flat in a Co-operative Housing Society.**

There are directions in the Circular dated 18-2-1994, issued by this office not to effect transfer of flat, till the Sale Deed is registered. Accordingly, it has come to the notice of this Office that in some cases, transfer of flats has been kept in abeyance. In this respect, revised directions are being issued that, the Managing Committee of a Co-operative Housing Society should approve transfer of flat, provided, evidence in the form of Receipt is produced along with the transfer proposal and the transfer documents (Agreement Deed) has been submitted to the Registering Authority and also evidence as regards payment of Stamp Duty and such other conditions are complied with.

 Sd/-

RATNAKAR KULKARNI

Commissioner for Cooperation and Registrar of Cooperative Societies, Maharashtra State, PUNE-1

**APPENDIX 9.2**

**GOVERNMENT OF MAHARASHTRA**

No. SAGRUYO-2001/PRA.KRA.188/14-SA

Co-operation and Textile Department.

Mantralaya, Mumbai-32

Dt. 9th August, 2001**.**

**Reg : Circular of Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune No. Housing/Gala/Tabil/Fee 79. Date : 27-11-1979**

**.**

Whereas the Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune has approved the model bye laws prepared for co-operative housing societies dt.2-7-2001 and power to determine maximum rate of the premium to be charged while transferring flat/gala in the co-operative housing societies are given to the Co-operation and Textile department of the state government as mentioned under bye-law No. 38 (E) 9 of the model bye- laws, And

Whereas the Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune has fixed the rate of premium vide their circular No. Housing/Gala Transfer/fee 89/dt. 27-11-1189 and since it is necessary that the state government should have issued orders in that regard by repealing the said circular in present situation, the government has decided to issue proper orders regarding charging premium while transferring flat/gala in the co-operative housing societies, therefore,

By exercising the powers conferred to the state Government under Section 79 A of the Maharashtra Co-operative Societies Act 1960, the government is pleased to issue following order for the larger public interest in the state.

1. The circular no Housing/gala transfer/fee 89 dt. 27-11-1989 of Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State is hereby repealed.
2. The rate of the premium to be charged while transferring flat/gala of the member in the Co-operative housing societies and his share in capital/property of the society should be determined by the general body meeting of the society. However, the premium rate determined by the general body of the society should not be more than maximum rate shown below in area should not be more than maximum rate.

 Areas Rate of the premium

 Municipal Corporation Rs. 25,000/-

 and Development Authorities

‘A’ Class Municipalities Rs. 20,000/-

‘B’ grade Municipalities Rs. 15,000/-

‘C’ grade Municipalities Rs. 10,000/-

Gram Panchayat (Rural Sector) Rs. 5,000/-

The said Order came into force immediately.

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

sd/-

(Vasant Poreddiver)

Dy . Secretary, Govt. of Maharashtra

Co-operation & Textile.