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BY LAWS OF DHATRAK HEIGHTS APARTMENT B-WING

(1) SHORT TITLE AND APPLICATION

- I/- These by - laws may be called the by - laws of the **DHATRAK HEIGHTS APARTMENT B-WING**
- II/- The provisions of these by - laws apply to the **DHATRAK HEIGHTS APARTMENT B-WING**

All the present or future owners, tenants, future tenants, or their employees, or any other person that might use the facilities of the building in any manner, are subject to the regulations set forth in these by laws.

The mere acquisition or rental or taking licence of the family units, here in after referred as 'UNITS' of the building or mere act of a occupancy of any of the said units will signify that these by laws are accepted rectified and will be complied with.

(2) DEFINATIONS :-

- i) In these by laws, unless the context requires otherwise.
- ii) Act means, the Maharashtra Apartment Ownership Act, 1970.
- a) Association means the association of all the apartment owners constituted by such owners for the purpose of **DHATRAK HEIGHTS APARTMENT B-WING**.
- b) Board means as Board of Managers consisting of four persons, all of shall be owners of Apartment in **DHATRAK HEIGHTS APARTMENT B-WING**.

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c) Building means the Building located at Village : Dasak and known **DHATRAK HEIGHTS APARTMENT B-WING** and Includes the land forming part thereof.

d) Declaration means the Declaration which sole owner or the building or all the owners of the building or all the owners of the buildings have executed and registered as provided in Section No. 2.

e) Majority of Owner means those owners holding 51% of the votes in accordance with the percentage assigned in the declaration.

f) Owner or apartment Owner means the person owing an Apartment in the **DHATRAK HEIGHTS APARTMENT B-WING**.

g) Section means a Section of the Act.

h) Unit means a Family Unit in the **DHATRAK HEIGHTS APARTMENT B-WING**

i) Registrar means Registrar of Co-operative Societies.

j) Words and expression unused in their by laws but not defined therein shall have the meaning respectively assigned to them in the Act.

(3) **APARTMENT OWNERSHIP :-**

The building located on All that piece & parcel of N.A. vacant property bearing Plot No. 35, area admeasuring 951.42 Sq. Mtrs. out of which as per annexed map area admeasuring 471.42 Sq. Mtrs. from and out of Revenue Survey No. 27B/14, City Survey No. 2566 paiki, situated at Village : Dasak, Tal. & Dist. Nashik known as **DHATRAK HEIGHTS APARTMENT B-WING**, is submitted to the provisions of the Act.

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(4) OBJECT OF ASSOCIATION:-

i) The Objects of the Association shall be :-

a) To be and to act as Association of Apartment owners of the Building called as **DHATRAK HEIGHTS APARTMENT B-WING** situated at Village : Dasak, here in called The Building who have filed their respective Declaration submitting their respective declaration submitting their Apartments to the provisions of the Act.

b) To invest or deposit monies.

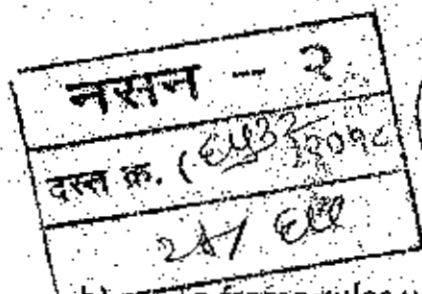
c) To provide for maintenance, repairs, and replacement of the common areas and facilities by completion from the apartment owners and if necessary by raising loans for that purposes.

d) To retain and rent or licence if possible suitable portions or the common areas to Unit holders and to distribute the common profit left after deducting the common profit left after deducting the common expenses amongst the apartment owners as common profit or accumulate the same for building up a Reserve Fund.

e) To provide for and to all or any of the matters provided in Sub - Section No. 2 of Section No. 16.

f) To advance with the consent of apartment owners any short term loans to any apartment owners in case of emergent necessity, and provide for the repayment thereof in lump sum or in installments.

g) To establish or carry on its own account or jointly with individuals or institutions, educational physical, social and re-creative activities for the benefit of the Apartment Owners.



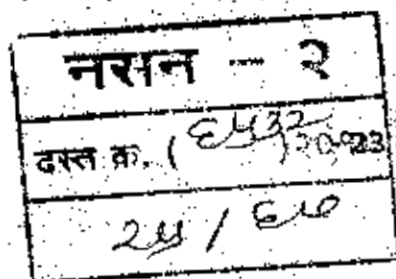
4) To frame rules with the Approval of the general Meeting of the Association And after consulting the Competent authority and may establish a Provident Fund and Gratuity Fund if necessary for the benefit or the employees of the Association.

i) To do all things necessary or and otherwise provide for their welfare expedient for the attainment of the objects specified in these by laws. The Association shall not act beyond the scope of its objects without duly amending the provisions of these by laws for the purposes.

(5) MEMBERS OF ASSOCIATION :-

i/- All the persons who have purchased apartment in the **DHATRAK HEIGHTS APARTMENT B-WING** and executed respective declaration under Section 5 submitting their apartment to provisions of the Act shall automatically be the members of the Association and shall pay the sum of One Hundred Rupee as Entrance Fees and may Purchase at least one share of the face value of Rs. 100/- each. Each apartment owner shall receive a copy of the by laws.

ii/- Upon any apartment owner selling his apartment or absolutely conveying the same by way of Gift under the Will or otherwise, the Purchaser or the Donee shall automatically become a member on payment of the entrance fee of One Hundred Rupee. The share held by an apartment owner shall be transferred to the name of such Purchaser or donee on payment of One Hundred Rupee to Association.



iii/- On the Death of an Apartment Owner, his apartment shall Be transferred to the person to whom he bequaths the same by his Will or to the Legal Representatives of his estate, in case he has not made any specific bequeth of the Apartment the name of the legatee or the name of the representatives jointly shall be entered in the register of Apartment owners maintained by the Secretary for the purposes of administration of the **DHATRAK HEIGHTS APARTMENT B-WING** as apartment owner or Joint apartment owners. Where any legatee is minor the apartment owner shall be entitled to appoint a Guardian of such Minor.

(6) JOINT MEMBER APARTMENT OWNERS :-

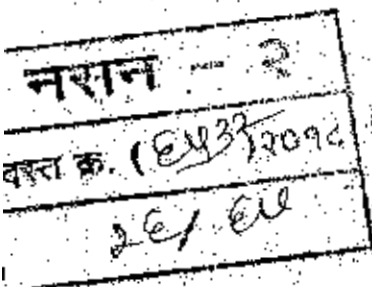
Where an apartment has been purchased by Two or More persons jointly, they shall be jointly entitled to the Apartment and the shares of the Association shall be Issued in their joint names, but the person whose name stands first in their joint names, on the share certificate shall alone have the right to vote.

(7) HOLDING OF ONE SHARE COMPULSORY :-

Every Apartment owner must hold at least one share of the association. Joint apartment owners holding the share jointly.

(8) DISQUALIFICATION :-

No Apartment owner shall be entitled to vote on the questions of the election of Members of the Board, Except as otherwise provided, Resolutions of the Association Shall require approval by a Majority of owners casting votes in persons.



CHAPTER - II

VOTING, QUORUM AND PROXIES

(9) VOTING :-

Voting shall be on a percentage basis and the percentage of the vote of which the owner is entitled is the percentage assigned to the family unit or Units in the Declaration or on the basis of his contribution of money towards unit.

(10) QUORUM :-

Except as otherwise provided in these by laws, the presence or person of a majority of owners shall constitute the quorum.

(11) VOTE & DUTIES OF ASSOCIATION :-

Vote shall be cast in person.

CHAPTER - III

ADMINISTRATION

(12) POWER AND DUTIES OF ASSOCIATION :-

The Association will have the responsibility of administering the **DHATRAK HEIGHTS APARTMENT B-WING** approving the Annual Budget establishing and collecting monthly assessment and arranging for the management of the **DHATRAK HEIGHTS APARTMENT B-WING** in an efficient manner. Except as otherwise provided, Resolutions of the Association Shall require approval by a Majority of owners casting votes in persons.

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(13) PLACE OF MEETING :-

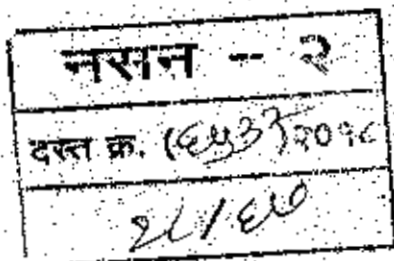
Meeting of the Association shall be held at suitable place convenient to the owners as may from time to time be designated by the Association.

(14) ANNUAL MEETING :-

The First Annual Meeting of the Association shall be held on 1st April, 2019. Thereafter, the Annual Meetings of the Association shall be held on as far as possible on the 1st April of the each Succeeding year. At such meeting there shall be elected by a Ballot of the Apartment Owners a Board in accordance with the requirements of by laws. The owners may also transact such other sub-business of the Association as may properly come before them.

(15) SPECIAL MEETINGS :-

It shall be the duty of the President to call a special meeting of the Apartment owners as directed by a Resolution of the Board or upon a Petition signed by a Board, or upon a Petition signed by a Majority of the owners and having been presented to the Secretary, at the request of Housing Commissioner, or as the case may be, the Registrar or any Office duly authorized by him in that behalf. The Notice of any Special Meeting shall state the time and place of such meeting and the purpose thereof. No other business except the consent of Four Fifths of the owners present in persons.



(16) NOTICE OF MEETING :-

It shall be the duty of the Secretary to mail or send a Notice of each Annual or Special Meeting, stating the purpose thereof as well as the time and place where it is to be held, to each apartment owner, at least 2 but not more than 7 days prior to such meeting.

The mailing or sending of Notice in the manner provided in this by laws shall be considered Notice served. Notices of all meeting shall be mailed or sent to the concerned authority or Housing commissioner, or as the case may be the Registrar.

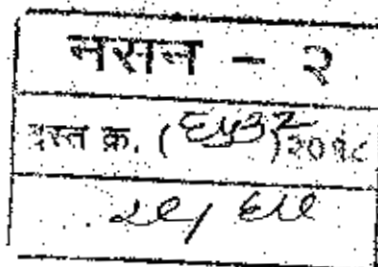
(17) ADJOURNED MEETING :-

If any meeting of the owner cannot be organized because of quorum has not attended the owners who are present may adjourn meeting to a time not less than forty eight hours from the time of original meeting. If at such adjourned meeting also, no quorum is present, the owners present in person being not less than Six shall form a quorum.

(18) ORDER OF BUSINESS :-

The order of business at all meeting of owners of Units shall be as follows :-

- Roll call.
- Proof of Notice of meeting Or. waiver of Notice.
- Reading of minutes of proceedings meetings.
- Reports of officers.
- Report of Housing Commissioner or the Registrar or of any the Officer duly authorized by them, if present.
- Report of Committees.



- g) Election of Board.
- h) Unfinished business, if any.
- i) New Business.

CHAPTER - IV

BOARD OF MANAGERS

(19) MANAGEMENT OF ASSOCIATION :-

The affairs of the Association shall be governed by a Board.

(20) POWERS AND DUTIES OF BOARD :-

The Board shall have the powers and duties necessary for the administration of the affairs of the association, and may do all such acts and things as are by law or by these by laws directed to be exercised and done by the owners.

(21) OTHER DUTIES :-

In addition to the duties imposed by these by laws or by Resolution of the Association, the Board shall be responsible for the following, that is to say :-

- a) Care, up keep and Surveillance of the **DHATRAK HEIGHTS APARTMENT B-WING** and the common areas and facilities & restricted common areas and facilities.
- b) Collection of monthly assessment from the Owners.
- c) Designation employment, remuneration and dismissal of the personnel necessary for maintenance and operation of the **DHATRAK HEIGHTS APARTMENT B-WING**, the common areas and facilities and the restricted common areas.

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- d) To provide for the manner in which the Audit & Accounts of the Association shall be carried on.
- e) To inspect the accounts, kept by the Secretary and or the Treasurer and examine the registers and account books and to take steps for the recovery of all sums due to the Association.
- f) To sanction working expenses, count cash balance and Deal with other miscellaneous business.
- g) To see that cash book is written up promptly and is signed daily by one of the members of the Board authorized in that behalf.
- h) To bear and deal with complaints.

(22) MANAGER :-

The Board may employ for the Association, a Manager at compensation determined by the Board to perform such duties and services as the Board shall authorize including but not limited to the duties listed in by laws 21.

(23) ELECTION AND TERM OF OFFICE :-

At the first annual meeting of The Association the term of The Office of Two Managers shall be fixed for three years. The term of office of two managers shall be fixed for one year. At the expiration of the initial term of office of each respective manager, his successor shall be elected to serve a term of three years. The Manager shall hold office until their successors have been elected and hold their first meeting. (If a larger Board is contemplated, the term of the office should be established in a similar manner so that they will expire in different years.)

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(24) VACANCIES :-

Vacancies in the Board caused by any reason other than the removal of Manager by a Vote of the Majority of the remaining managers even though they may constitute less than a quorum and each person so elected at the next annual meeting of the Association.

(25) REMOVAL OF MANAGER :-

At any regular or special meeting duly called, any one or more of the Managers may be removed with or without cause by a Majority of the apartments owners and a successors may then and there be elected to fill the vacancies thus created. Any manager whose removal has been proposed by the Owners shall be given an opportunity to be heard at the meeting.

(26) ORGANISATION MEETING :-

The first meeting of a newly Elected Board shall be held within Ten Days of the election at such place as shall be fixed by the Managers at the meeting at which such Managers were elected and no notice shall be necessary to the newly elected managers in order legally to constitute such meeting, provided a majority of the whole Board shall be present.

(27) REGULAR MEETING :-

Regular meeting of the Board may be held at such time and place as shall be determined from time to time, by a majority of Managers but at least two such meetings shall be

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held during each year. Notice of Regular meetings of the Board shall be given to each manager personally or by mail or telegraph at least three days prior to the day named for such meetings.

(28) SPECIAL MEETING :-

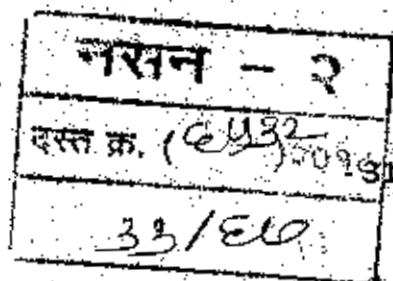
Special Meeting of the Board may be called by the President on three days notice to each Manager, given personally or by mail or by telegraph, which shall state the time, place as here in above provided and purpose of the meeting special meeting of the Board shall be called by the President or Secretary in like manner and on like Notice on the / with the request of the at least three Managers. Such request must be in writing.

(29) WAIVER OF NOTICE :-

Before or at any meeting of Board any Manager, may in Writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such Notice. Attendance by a Manager at any meeting of the Board shall be a waiver of Notice by him of the time and place thereof. If all the Managers are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

(30) QUORUM :-

At all meeting of the Board, One third of the total strength of the Managers shall constitute quorum for the transaction of the business, and the acts of the Managers



present at the meeting at which a quorum is present shall be and the act of the Board. If, at any meeting of the Board there be less than quorum present, the Majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice, provided there is a quorum present.

(31) FIDELITY BONDS :-

The Board may require that all officers and employees of the Association handling or responsible for Association shall furnish adequate fidelity bonds. The premiums on such bonds shall be paid by the association.

CHAPTER - V

OFFICERS

(32) DESIGNATION :-

The Principal officers of the Association shall be President, Vice - President, a Secretary and a Treasurer, all of them shall be elected by and from the Board. The Board may appoint an Assistant Treasurer and an Assistant Secretary and such other officers as in their judgment may be necessary. In case of an Association of many more owners or less the officers of the Treasurer and Secretary may be filled by the same person.

(33) ELECTION OF OFFICERS :-

The officers of the Association shall be elected annually by the Board at the organization meeting of each new Board / and shall hold offices at the pleasure of the Board.

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(34) REMOVAL OF OFFICERS :-

Upon an affirmation vote of a Majority of the Members of the Board any officers may be removed, either with or without cause and his successors elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose.

(35) PRESIDENT :-

The President shall be Chief - Executive Officer of the Association. He shall preside at all meetings of the Association and of the Board. He shall have all the general powers and duties which are usually vested in the office of the President of an Association, including but not limited to the powers to appoint committees from among the owners from time to time as he may in his discretion decide to be appropriate to assist in the conduct of the affairs of the Association.

(36) VICE - PRESIDENT :-

The Vice - President shall take the place of the President and perform his duties when ever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, Board shall appoint some other member of the Board so to act on an interim basis. The Vice President, shall also perform such other duties as shall from time to time be imposed upon him by the Board.

(37) SECRETARY :-

The Secretary shall keep the minutes of all meetings of the Board and the minutes of all the meetings of Association.

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He shall have charge of such books and papers as the Board may direct and he shall be general to perform all the duties incidental to the Office of the Secretary.

(38) TREASURER :-

The Treasurer shall be responsible for Association's funds and securities and shall also be responsible for keeping a full and accurate accounts of all receipts and disbursements in books belongs to the Association. He shall be responsible for the deposit of all moneys and other valuable effects in the name and to the credit of the Association in such deposits are as may from time to time be designated by the Board.

CHAPTER - VI

OBLIGATIONS OF THE APARTMENT OWNERS

(39) ASSESSMENTS :-

All owners are obliged to pay monthly assessment imposed by the Association to meet all expenses relating to the DHATRAK HEIGHTS APARTMENT B-WING which may include an insurance premium for a Policy to cover repairs and reconstruction work in case of hurricane, fire, earthquake, or other hazard or calamity. The Assessments shall be made pro-rata according to the value of the unit owned, as stipulated in Declaration such assessments shall include monthly payments to general operating reserve and a reserve fund for replacements.

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(40) MAINTENANCE AND REPAIRS :-

- a) Every owner must perform promptly, all maintenance and repair work within his own unit, which is omitted would affect **DHATRI HEIGHTS APARTMENT B-WING** in entirely or in a part belonging to other owners being expressly responsible for the Damage and liabilities that his failure to do so may endanger.
- b) All the repairs of internal installation of the Unit such as Water, Light, Gas, Power, Sewage, Telephone, Air Conditioner, Sanitary installations, Doors, windows, lamps and All other accessories belonging To the Unit area shall be at The expenses of the apartment owners concerned.
- c) An owner shall reimburse the Association for any expenditure incurred in repairing or replacement of any common area and facility damaged through his fault.
- d) Use of Family Units internal changes.
- e) All Units shall be utilized for the Residential Purposes Only.
- f) An owner shall not make any structural modification or alterations in his unit or installations located there in without previously notifying the Association in writing, through the President of the Board if, not Manager, is employed. The Association shall have the obligation to answer within thirty days and failure to do so within the stipulated time shall mean that there is No Objection to the proposed modifications, alterations, or the installations.

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(41) USE OF COMMON AREAS AND FACILITIES AND RESTRICTED COMMON AREAS AND FACILITIES.

An owner shall not place or cause to place or cause to be placed in the lobbies, vestibules, stairways, elevators and other areas of the **DHATRAK HEIGHTS APARTMENT B-WING**, and the facilities of a similar nature both common and restricted any furniture, packages or objects of any kind such areas shall be used for no other purposes than for normal transit through them.

(42) RIGHT OF ENTRY :-

An owner shall grant the right of entry to the Manager or to any other person authorized by the Board or the Association in case of emergency originating in or threatening his Unit, whether the owner is present at the time or not.

(43) RULES OF CONDUCT :-

- a) No Resident of the **DHATRAK HEIGHTS APARTMENT B-WING**, shall post any advertisement, or posters of any kind in or on the building except as authorized by the Association.
- b) Resident shall exercise extreme care about making noises or the use of musical instruments, radios, televisions and amplifiers, C.D. Players, that may disturb others. Residence keeping domestic animals shall abide by the Municipal sanitary by laws and regulations. It is prohibited to hang garments, rugs etc from the windows, balconies or from any of the part of the **DHATRAK HEIGHTS APARTMENT B-WING**, except which are not affecting the use of other Unit owners.