ANNEXURE - 'B'

BYE-LAWS OF "JALARAM MANGALAM SHOP OWNERS CONDOMINIUM "

1. These Bye-laws shall be known as Bye-laws 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' and shall apply to and be binding on every member of the aforesaid of 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' and her/his successors-in-interest, tenants, occupants, or any one claiming through or under her/him, etc.

2. DEFINITIONS :Unless repugnant to the context or meaning the expressions used in the instant Bye-laws shall signify :-

'ACT' means the Maharashtra Apartment Ownership Act, 1970.

'ASSOCIATION' means the Association of all the Shop owners constituted by such owners for the purpose of governing the rights and obligations of the owners of such family units in the common and general areas, amenities and facilities in ~~of~~ 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION'.

'BOARD' means Board of Managers consisting of Seven members all of whom shall be the owners of the Shop in the Association.

'Shop' means the Shop owner, to be constructed on the Land being Kh. No. 76/2, admeasuring 0.82 Hectares, held in, Class–1 Rights, situated at Mouza: Dighdoh, Tah. Hingna & Dist: Nagpur, known and styled as 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' constructed in accordance with the Deed of Declaration.

'DECLARATION' means the declaration executed by the GRANTOR of the aforesaid Land of Kh. No. 76/2, admeasuring 0.82 Hectares, held

in, Class–1 Rights, situated at Mouza: Dighdoh, Tah. Hingna & Dist: Nagpur, under section 2 of the Act.

'MAJORITY' shall mean the majority of members as determined in the Deed of Declaration.

'OWNER OR SHOP UNIT OWNERS' means the person/s owning a family unit in 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION'.

'SECTION' means the Section of the Act.

'UNIT' means the family unit

'REGISTRAR' means the Registrar of Co-operative Societies.

'YEAR' means a Co-operative year (July to June).

3. OBJECTS OF THE ASSOCIATION

A) To administer the affairs of the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' and to do every such act, thing and deed required to so administer the affairs effectively.

B) Without prejudice to the generality of the objects referred to above, to make provision for the maintenance, repairs renovation and/or reconstruction of the common areas and facilities and to inter-alia decide and recover the respective contribution of members in this behalf.

C) To provide for and do all or any of the matters referred to in Sub-section 2 of Section 16 of the Act.

4. JOINT SHOP OWNERS ---- In the event of a Shop unit being purchased by two or more persons, the person whose name appears at serial No. 1

in the Deed of Conveyance of the Shop unit shall alone be entitled to exercise the right to vote.

5. DISQUALIFICATION FOR VOTING --- No Shop owner shall be entitled to vote if she/he is in arrears of the contribution for more than two months subject to the aforesaid default being certified in writing by the Secretary of the Association.

6. VOTING ---- The right to vote shall be governed by the provisions of the Deed of Declaration and the present bye-laws. Every person who owns undivided share and interest and a Shop will have a single vote irrespective of the percentage of undivided share or interest held by her/him/them. In case of joint ownership the person whose name appears at serial no. 1 in the Deed of Conveyance/ family unit shall alone have a right to vote.

7.QUORUM ---- The majority of the owners shall constitute the Quorum, except as otherwise provided in the present bye-laws.

8. VOTES TO BE CAST IN PERSON---Votes shall be cast in person only.

9. POWERS AND DUTIES OF ASSOCIATION --- The Association will have the responsibility of administrating the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION', approving the annual budget, establishing and collecting monthly assessment and arranging for the management of the Association in an efficient manner, except as otherwise provided, resolutions of the Association shall require approval by majority of owners casting their votes in person.

10. PLACE OF MEETING --- Meeting of the Association shall be held at suitable place convenient to the owners as may be from time to time designated by the secretary of the Association.

11. ANNUAL MEETINGS ---- There shall be an annual meeting of the family unit owners of the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' to be held at such time and place as determined by the secretary of the association. At the Annual meeting, there shall be elected by show of hands, of the family unit Owners, a Board of Officers in accordance with the provisions of these Bye-laws. The owners may also transact such other business of the Association as may properly come before them. The first annual general meeting of the Association to constitute the First Board of Officers will be held upon sale of all the family units in the scheme.

12. SPECIAL MEETING --- It shall be the duty of the Secretary to call a special meeting of the family unit owners, as directed by a resolution of the Board or upon a petition signed by a majority of the owners and having been presented to the Secretary or at the request of the Housing Commissioner or as the case may be the Registrar or any officer duly authorised by him in this behalf. The notice of special meeting shall state the time, date and place of such meeting and the purpose thereof. No other business shall be transacted at a Special meeting except as stated in the notice without the consent of four-fifth of the owner present in person.

13. NOTICE OF MEETING --- It shall be the duty of the Secretary to send a notice of such annual or special meeting, stating the purpose thereof, as well as, the date, time and place, where it is to be held, to a each family unit owner, at least 3 days prior to such meeting. Notice of all meeting shall also be sent to the Housing Commissioner or as the case may be to the Registrar.

14. ADJOURNED MEETINGS -- If any meeting of owners cannot be organized because a quorum has not been formed the President, may adjourn, the meeting in consultation with the members present to a

time not exceeding forty-eight hours from the original meeting was called. If at such adjourned meeting also no quorum is formed the owners present in person being not less than five shall form the quorum.

15. ORDER OF MEETING BUSINESS --- The order and business at all meeting of the Owners of Shop be as follows :-

1) Roll Call 2) Proof of notice of meeting or waiver notice, 3) Reading of minutes of proceeding meeting, 4) Reports of Officers, 5) Report of housing Commissioner or Registrar or the Officer duly authorised, 6) Report of Committee, 7) Election of Board of Managers, 8) Unfinished business if any, 9) New business.

16. MANAGEMENT OF ASSOCIATION -- The affairs of the Association shall be governed by a BOARD OF OFFICERS which will be elected annually at the annual general meeting of all the members of the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION'. The Board of officers of the Association will comprise of the following :

A) One President

B) One Secretary

C) One Treasurer

D) Four Executive Members.



The Board may appoint an Vice President, Joint Secretary, Assistant Treasurer and such other Officers as in their judgment may be necessary to assist it.

17. POWERS AND DUTIES OF THE BOARD ---- The Board of officers shall have the power and duties necessary for administration of the affairs of the Association and may do all such acts, things as are not by law or by these bye-laws directed by the owners.

18. OTHER DUTIES --- In addition to duties imposed by these bye-laws or by resolution, the Board shall be responsible for the following that is to say





– Care, up-keep and surveillance of the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' and the restricted common areas and facilities of the same. To, fix the amount of monthly / quarterly / annual subscription payable by the owners for maintenance of the building.

A) Collection of monthly assessment from the owners.

B) Designation, employment, remuneration and dismissal of the employees necessary for the maintenance and operation of the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION'.

C) To maintain the common areas and facilities.

D) To provide for the manner in which the audit and accounts of the Association shall be maintained and carried out.

E) To inspect the accounts kept by the Secretary/and/or the treasurer and examine the registers and accounts books and take steps for the recovery of all sums due to the Association.

F) To sanction working expenses, count balance and deal with other miscellaneous business.

G) To see that cash book is written promptly and is signed daily by one of the members of the Board authorized in this behalf.

H) To hear and deal with complaints.







19. MANAGERS -- The Board may employ for the Association a Manager at a compensation or honorarium determined by the Board to perform such duties and services as the Board shall authorise for performing and enforcing the duties and obligations listed in the Bye-Laws and also for other duties not listed in the Bye- Laws.

20. ELECTION AND TERM OF OFFICE --- At the first annual meeting of the Association, the term of Office of the Board of officers, elected shall be for three years. At the expiration of initial term of Office of each respective officer, his successor shall be elected to serve a term of three years. The officers shall hold Office, until their successors have been elected to serve a term of three years. The officers shall hold Office until their successors have been elected and held their first meeting. The Board of officers will comprise of one President, one Vice-President, one Secretary, one Treasurer & One Joint Secretary.

21. VACANCIES :- Vacancies in the Board of officers caused by way of any reason other than the removal of a manager by a majority vote of the Association, the same shall be filled by vote of the majority of the remaining members of the Board of officers even though they may constitute less than a quorum and each person so elected shall be continue to hold office until a successor is elected at the next annual meeting of the Association.

22. REMOVAL OF MANAGER---- At any regular or special meeting duly called, any one or more of the Managers as may have been appointed by the Board may be removed with or without cause by a majority of the owners and a successor may be elected to fill the vacancy thus created. Any Manager whose removal has been proposed by the Board shall be given an opportunity to be the heard in the meeting.

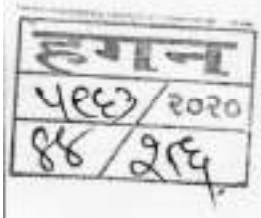
76/2. ORGANISATION MEETING ---- The first meeting of a newly elected board of officers shall be held within ten days of election at such place

as shall be fixed by the Secretary at the meeting at which such officers were elected and no notice shall be necessary to the newly elected Board of officers in order to legally constitute such meeting provided a majority of the whole board shall be present.

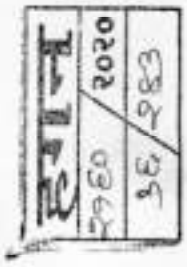
24. REGULAR MEETING ---- Regular meeting of the Board may be held at such date, time and place as shall be determined from time to time, by a majority of officers, but at least two of such meetings shall be held during each year. Notice of regular meeting of the Board shall be given to each officers personally or by mail or telegram at least three days prior to the days named for such meeting, specifying the agenda of such meeting.

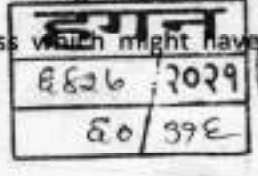
25. SPECIAL MEETING --- Special meetings of the Board may be called by the President on three days notice to each officers given personally or by telephone or by telegram, which notice shall state the date, time, place (as herein-above provided) and purpose of the meeting. Special meeting of the Board shall be called by the President or Secretary on the written request of at-least two officers.

26. WAIVER OF NOTICE --- Before or at any meeting of the Board, any officers may in writing waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a officer at any meeting of the Board shall be waiver of the requirement of a notice.



27. QUORUM ---- At all meetings of the Board, one third of the total strength of officers or at least two shall constitute a quorum for the transaction of business and the acts of the officers present at the meeting at which a quorum is present shall be acts of the Board. If in any meeting of the Board there be less than the 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



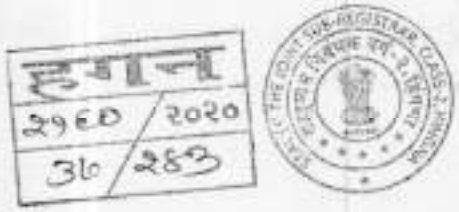


transacted at the meeting as originally called may be transacted without further notice provided a quorum is present.

28. FIDELITY BONDS ----- The Board may request that all Officers and employees of the Association handling or responsible for Association's funds shall furnish fidelity or indemnity bonds. The premiums on such bonds may be paid by the Association.

29. REMOVAL OF OFFICERS --- Upon the affirmative vote of majority of the Board any Officer may be removed either with or without cause and his successor elected at any regular meeting of the Board or at any Special meeting of the Board for such purpose.

30. PRESIDENT : The President shall be the Chief Executive Officer of the Association. He shall preside at all the meetings of the Association and of the Board. He shall have the general powers and duties which are usually vested in the Office of President of an Association. He will have a right in consultation with the other members of the Board to co-opt from among the owners a person from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association.







31. SECRETARY: He shall keep the minutes of all the meeting of the Association. He shall have charge of such books, papers as the Board may direct, and he shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association.

32. TREASURER: He shall be responsible for the deposit of all money and other valuable effects in the name and to the credit of the Association in such depositories as may from time to time be designated by the Board.

33. OBLIGATION OF SHOP OWNERS

A) ASSESSMENTS ------ All SHOP unit owners are obliged to pay any monitory assessments imposed by the Association to meet all common expenses relating to the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' which may include an insurance premium for a policy to cover repairs and construction work in case of hurricane, fire, and earthquakes or other hazard or calamity. The assessment will be made pro-rata according to the plot area of the plots owned/ or the % undivided share for Shop as stipulated in the Declaration. Such assessment shall include monthly payments to General Operating Reserve and a Reserve Fund for replacements.

B) MAINTENANCE AND REPAIRS --- Every owner must perform promptly all maintenance and repairs work within his/her own unit, which if omitted would effect the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' in entirety or in a part belonging to other owners. Failure to do so will make such owner expressly responsible for the damages and liabilities that may be caused.

C) All repairs of internal installations of the unit such as water, light, gas, power, sewage, telephones, air conditioners, sanitary installations, doors, windows, lamps and all other accessories belonging to the unit shall be at the expense of the Shop owner concerned.

D) An owner shall reimburse the Association for any expenditure incurred in repairing or replacing any common area and facility damaged through his fault.

34. USE OF SHOP & INTERNAL CHANGES ---- All Shop shall be utilised for Commercial purposes only. An owner shall not make any structural modifications or alterations in his unit or installations located therein without previous permission of the Association in writing by the President of the Board if no Manager is employed. The Association shall grant or refuse the permission for such modifications, or alterations or installation within a period of thirty days from such application from the owner and failure to do so within the stipulated time shall mean that there is no objection to the proposed modifications, alteration or installation.

35 USE OF COMMON/ RESTRICTED AREAS AND FACILITIES : An owner shall not place or cause to be placed in the common and restricted and other areas of 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' and obstructions or objects of any kind. Such areas shall be used for no other purpose than for normal transit through them.

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36. RIGHT OF ENTRY : An owner shall grant the right of entry to the Manager or to any other person authorised by the Board of the Association in case of any emergency origination or threatening into his Shop, whether the owner is present at the time or not. Any owner shall permit other owners or their representatives, when so required

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to enter her/his/their unit for the purpose of performing installation, alterations or repairs to the mechanical or electrical devices, provided that requests for entry is made in advance and that such entry is at a time convenient to the owner. In case of an emergency, such right of entry shall be immediate.

37. RULES OF CONDUCT : All Shop owners shall exercise extreme care about making noises or the use of musical instruments, radios, television, amplifiers that may disturb other residents, keeping domestic animals, shall abide by the Municipal Sanitary bye-laws or regulations. It is prohibited to hang garments, rugs, etc. from window, balconies or from any of the facades of the building. It is prohibited to dust rugs etc. from window or to clean rugs etc. by beating on the exterior part of the building. It is prohibited to throw garbage or trash outside the disposal installation provided for such purpose in the service areas. If such installations are not provided all garbage or trash shall be collected in a vessel and thrown in the municipal dust-bin only. No owner, resident or lessee shall install wiring for electrical or telephone installations, television antenna, machines or air-conditioning units etc. on the exterior of the unit building or that or outside through the walls or the roof of that unit building except and authorised by the Association. No resident shall do any act, deed or thing which would cause nuisance to the other residents / Shop owners of 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION'. No Shop / resident will store any dangerous, combustible or inflammable thing or material in his/her family unit and shop which is likely to cause any damage or injury to the residents of the other Shop units.

38. FUNDS AND THEIR INVESTMENT : Funds may be raised by the Association in all or any other following ways. 1) By Shares, 2) By contributions and donations from Apartment owners, 3) By common profits which shall form the nucleus of the Reserve Fund. 4) By raising

loans, if necessary, subject to such terms and conditions as the Association with the approval of competent authority may determine in this behalf.

The Association may invest or deposit its funds in any one or more of the following : 1) Any Cooperative Bank or Cooperative Society Central or State, 2) Any securities specified in section 20 of the Indian Trust Act, 1882, or 3) Any Banking Company approved for this purpose by the Association.

39. ACCOUNTS : The audited accounts shall be placed before the General meeting of the Association and the directions of the auditor for the future if any shall be binding on the Office bearers. Each Shop owner shall have pass book in which the Secretary shall enter amounts paid to or received for his share in receipts of profits from common areas and contribution towards common expenses and his share of assessment and other dues, if any, in respect of his Shop.

40. MORTGAGES : An owner who mortgages his family unit shall notify the Association through the Manager if any or the President, the name and address of his mortgagee and the Association shall maintain such information in a book titled MORTGAGE OF UNIT.

41. NOTICE OF UNPAID ASSESSMENTS : The Association shall at the request of a mortgagee of the family unit report any unpaid assessment due from the owner of such family unit.

42. COMPLAINTS : These bye-laws are set forth to comply with the requirements of Maharashtra Apartment Ownership Act, 1970. In case any of these bye-laws conflict with the provisions of the said Act, it is hereby agreed and accepted that the provisions of the Act will apply.

43. SEAL OF ASSOCIATION : The Association shall have a common seal which shall be in the custody of the Secretary and shall be used only under

the authority of a resolution of the Board of Managers and every deed of instrument to which seal is affixed shall be attested for or on behalf of the Association by two members of the Board, the Secretary or any other person authorised by the Association in that behalf.

44. AMENDMENT TO PLAN OF SHOP / APARTMENT OWNERSHIP : These Bye-laws may be amended by the Association in a duly constituted meeting for such purpose and no amendment shall take effect unless approved by the owners representing at least 75% of the total value of all family units in the 'JALARAM MANGALAM SHOPS OWNERS ASSOCIATION' as shown in the deed of declaration.

IN WITNESS WHEREOF the Parties abovenamed has signed this Deed of Declaration at Hingna in the presence of attesting witnesses signing as such on the day and year first above written.

Drafted by Gopal Sawal Adv.





