
Tamil Nadu Co-Operative Societies (Second Amendment) Act, 2003

3 of 2004

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An Act further to amend the Tamil Nadu Co-operative Societies Act, 1983. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:- 1. Received the assent of the Governor on the 10th February, 2004 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No.43, Page 9-10, dated 12th February, 2004.

1. Short Title And Commencement :-

- (1) This Act may be called the Tamil Nadu Co-operative Societies (Second Amendment) Act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion Of New Section 137-A :-

After Section 137 of the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) (hereinafter referred to as the principal Act), the following Section shall be inserted, namely:-

" 137-A. Special provisions In respect of Sick Registered Societies.-

- (1) (a) Notwithstanding anything contained in this Act or the rules made thereunder or the bylaws of the societies concerned or in any other law for the time being in force, where in the opinion of the Registrar, a registered society in which shares are held by the

Government, is or has become sick and there is no possibility to rehabilitate the same, the Registrar shall, after consulting the Government, and the financing bank, if any, to which such society is indebted and subject to such rules, including identification of the transferee as may be prescribed direct the board concerned in writing, within such time, as may be specified in the notice, to transfer its assets or its assets and liabilities, in whole or in part, to any other registered society, or a company, or a firm or a body, whether incorporated or not, on such terms and conditions, as may be prescribed and on such transfer, the said society shall stand dissolved.

(b) If, within the time specified in the notice referred to in clause (a), the registered society fails to comply with the direction of the Registrar, he shall, after giving an opportunity in the manner prescribed, to the general body, the board of such society and the creditors thereof to make their representations, if any, by order notified in the Tamil Nadu Government Gazette, take such action as he deems fit in the matter, including the issue of a direction to the registered society to transfer its assets or its assets and liabilities, in whole or in part in the manner referred to in clause (a) and on such transfer the said society shall stand dissolved.

(2) It shall be competent for the Government to give such directions as they deem fit to the Registrar, for purposes of this Section.

Explanation.--For the purpose of this Section, "Company means a company as defined in the Companies Act, 1956 (Central Act I of 1956)."

3. Amendment Of Section 140 :-

In Section 140 of the principal Act, for the expression "where the affairs of a registered society have been completely wound up", the expression "where the affairs of a registered society have been completely wound up or dissolved under Section 137-A" shall be substituted.