

### **33.Appointment of new committee or administrator on failure to constitute committee, etc..-(1)**

Where the term of office of a committee has expired and a new committee has not been constituted, or <sup>41k</sup>[where a no-confidence motion is passed by the general body against the existing committee or where the existing committee resigns enbloc or where vacancies occur in the committee either by resignation or otherwise and the number of remaining members cannot constitute the quorum for the meeting of the committee, or where the committee fails to hold its regular meeting consecutively for six months or where the Registrar is satisfied-]

(a)that a new committee cannot be constituted before the expiry of the term of office of the existing committee; or

<sup>41aa</sup> [(aa) there is stalemate in the constitution or functions of the committee;]

<sup>41d</sup>[(b)that a new committee is prevented from entering upon office, or a new committee fails to enter upon office, on the date on which the term of office of the existing committee expires, the Registrar may, either *suo motu* or on the application of any member of the society, after <sup>41 l</sup>[intimating ] the Circle Co-operative Union, appoint one administrator or an administrative committee consisting of not more than three individuals, <sup>41</sup>[who need not be members of the society, one among them as convener] to manage the affairs of the society, for a period not exceeding six months as may be specified in the order, which period may, at the discretion of the Registrar and for reasons to be recorded in writing, be extended, from time to time, so, however, that the aggregate period shall not, in any case, exceed one year or till a new committee enters upon office, which ever is earlier.

(i) xxx

<sup>41i</sup>[<sup>41e</sup>[(ii) xxx]]]

Provided that before making such order, the Registrar shall publish a notice on the notice board of the head office of the society inviting objections to the making of the order within a period specified in the notice and consider such objections.

Provided further that it shall not be necessary to publish such notice in cases where the Registrar is satisfied that it is not reasonably practicable to do so.

<sup>41j</sup>[Provided also that, where a committee, administrator or administrators, as the case may be, is in office at the commencement of the Kerala Co-operative Societies (Amendment) Act 1992, the Registrar may extend the term of such committee administrator or administrators, as the case may be, for a further period not exceeding one year from the date of such commencement.]

<sup>41m</sup>[**Explanation**<sup>1</sup>.-For the purposes of this sub-section a tender of resignation by a member of the committee shall have the effect of terminating his membership from the committee.]

<sup>41g</sup>[(1A)Notwithstanding anything contained in sub-section (1), where on receipt of a report from the Registrar, the Government are satisfied that a new committee cannot be constituted or cannot enter upon office of a society before the expiry of the term of office of the <sup>41a</sup>[administrator or administrative committee], as the case may be, appointed by the Registrar under sub section (1) and that it is necessary in the public interest to manage the affairs of the society and to enable a new elected committee to enter upon office, the Government may, by notification in the Gazette, for reasons to be recorded,

permit the Registrar to extend the terms of the said <sup>41a</sup>[administrator or administrative committee], as the case may be, for a further period not exceeding one year in the aggregate or till a new committee enters upon office, whichever is earlier.]

(2)The <sup>41b</sup>[administrator or administrative committee] appointed under <sup>41h</sup>[sub- sections (1) and (1A)] shall, subject to the control of the Registrar and to such instructions as he may from time to time give, <sup>41f</sup>[have power to exercise all or any of the powers and functions] of the committee or of any officer of the society and take all such action as may be required in the interests of the society.

(3)The <sup>41c</sup>[administrator or administrative committee] shall arrange for the constitution of a new committee or for the entering upon office of the new committee, as the case may be.

41, 41a, 41b, 41c substituted by [Act 22 of 2013](#)

41aa inserted by [Act 8/2013](#)

41d substituted by [Act 7 of 2010](#)

41e in clause (ii) the words 'not more than three administrators who need not be' shall be substituted by [Act 1 of 2000](#).

41f substituted by [Act 1 of 2000](#)

41g inserted & 41h substituted by [Act 16 of 1993](#)

41i substituted & by 41j inserted [Act 5 of 1992](#)

41k, 41l substituted & 41m inserted by [Act 38 of 1971](#)