**Nominations by members in the Housing Society**

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There are different meaning of ‘Nominee’ in different sector e.g. When we are appointing someone as ‘Nominee’ at the time of open the bank account, for insurance, for any investment that time you are selecting your family member as ‘Nominee’ who can fulfill your responsibility to carry out the things. ‘Nominee’ means you are selecting a person for important job. But when you are selecting a ‘Nominee’ for any competition that means a person choose as a winner for particular prize.

In the Housing Society Nomination means is to select the person with whom the society shall deal with the Share of interest of the deceased member in the capital property of the society.

**Limitations of the Nominee**

1. The nominee member of the society for which he is nominee, such flat cannot be sold or rented / leased or transferred by the nominee.
2. As the nominee he has no legal rights in the flat of the deceased member during his life time
3. The nomination form is temporary document and cannot be taken as the last wish of the deceased member irrespective of any criteria.
4. The third party cannot buy the property of the deceased from a nominee; it will be liable for legal disputes relating to the property, to the legal heirs or beneficiaries of the deceased.

**Who cannot do the nomination?**

1. A proprietary firm
2. A partnership firm
3. A limited liability partnership (LLP)
4. A one person company (OPC)
5. A Private limited company
6. A Public limited company
7. A Trust
8. A NGO
9. A Society itself
10. A Minor (person below 18 yrs)

**Who can be nominated as nominee?**

A Legal heir beneficiary

A Non individual person

A Minor

A Mentally / Physically disabled person

**What is the procedure of Nomination?**

* The bonafide member of the flat can fill up the nomination form (Form No.14) in triplicate with required details in the form. He should sign the form along with two witnesses. % of the shares should be mention clearly in the form.
* After submitting nomination form in the society office 3rd copy will be returned to you as acknowledgement by the office with signature of the office bearers.
* The submitted nomination form will be presented in the Managing Committee meeting and it will be approved after verification of the all necessary details as mentioned in the form.
* After approval of the Managing Committee the entry of the form will be done in the Nomination Register by the office bearers of the society and particular entry number, resolution date and date of the approval by the Managing Committee will be mentioned in the form.
* The duly filled ‘Duplicate Copy’ of the form with stamping and signing by the authorized signatory will be return to the particular member.
* The Original copy of the nomination form and the nomination register will be stored as lifelong in the society records.
* Altered, modified nomination form or the register could not be validating by the society.
* The member of the society can record his / her first nomination with the society for which no fee shall be charged. Member can change or revise his / her nomination form by requesting to the Managing Committee by any time along with the request letter. This would be required to cancel the earlier nomination.
* In case there are joint members in the flat they should fill up separate form for his / her own ration in the flat i.e. 50% ownership of the flat. Some where one form can be filled but it should be fill up by above ratio of the joint members. But then single nomination form cannot be executed if one of the joint holders expires, partially form cannot be executed.
* The society shall not accept the Nomination form if the nomination form is received after death of the member or owner of the particular flat.
* Nominee is a “trustee” of the deceased flat owner hence he or she cannot make further nomination or will of the Deceased’s property in the society.
* Nominee cannot claim regular membership of the society, based on the nomination form. Yes but nominee can claim”Nominal Membership” of the society by following the procedure of law after demise of the member.
* If the nominee is the sole legal heir and wishes to become to be owner of the deceased property then the nominee has to “Probate” (if applicable) from the Testamentary Section of the High Court, as per procedures of the law.

**Be connected with us to get the more information related to the Housing Society.**

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