DEBTS RECOVERY TRIBUNAL (PROCEDURE) RULES, 1993[1]

In exercise of the powers conferred by sub-sections (1) and (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institution Ordinance[1A], 1993 (25 of 1993), the Central Government hereby makes the following rules, namely: -

DEBTS RECOVERY TRIBUNAL (PROCEDURE) RULES, 1993[1]

1. Short title and commencement

(1) These rules may be called the Debts Recovery Tribunal (Procedure) Rules, 1993.

(2) They shall come into force on the date[1] of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,-

(a) "agent" means a person duly authorised by a party to present application or to give reply on its behalf before the Tribunal;

(b) "applicant" means a person making an application to the Tribunal under section 19;

(c) "application" means an application made to the Tribunal under section 19;

(d) "legal practitioner" shall have the same meaning as it is assigned to it in the Advocates Act, 1961 (25 of 1961);

(e) "Ordinance" means the Recovery of Debts Due to Banks and Financial Institutions [2][Act, 1993 (51 of 1993) (hereinafter referred to as the Act)];

(f) "Presiding Officer" means the Presiding Officer of a Tribunal;

(g) "Registrar" means the Registrar of the Tribunal;

(h) "Registry" means the Registry of the Tribunal,

3. Language of the Tribunal

(1) The proceedings of the Tribunal shall be conducted in English or Hindi.

(2) No reference, application, representation, documents or other matter contained in any language other than English or Hindi shall be accepted by the Tribunal unless the same is accompanied by the true translation thereof in English or Hindi.

4. Procedure for filing applications

(1) An application shall be presented in Form annexed to these rules by the applicant in person or by his agent or by a duly authorised legal practitioner to the Registrar of the Bench within whose jurisdiction his case falls or shall be sent by registered post addressed to the Registrar.

(2) An application sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar the day on which it was received in the office of the Registrar.

(3) The application under sub-rule (1) shall be presented in [3][two sets] in a paper book along with an empty file size envelope bearing full address of the [4][defendants] and where the number of [4][defendant] is more than one, then sufficient number of extra paper-books together with empty file size envelopes bearing full address of each of the respondents shall be furnished by the applicant.

5. Presentation and scrutiny of applications

(1) The Registrar, or, as the case may be, the officer authorised by him under rule 4, shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign endorsement.

(2) If on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar, may allow the applicant such time to rectify the defect as he may deem fit.

(4) If the concerned applicant fails to rectify the defect within the time allowed in sub rule(3), the Registrar may by order and for reasons to be recorded in writing, decline to register the application.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Presiding Officer concerned in chamber whose decision thereon shall be final.

[5][5A. Review

(1) Any party considering itself aggrieved by an order made by the Tribunal on account of some mistake or error apparent on the face of the record desires to obtain a review of the order made against him, may apply for a review of the order to the Tribunal which had made the order.

(2) No application for review shall be made after the expiry of a period of sixty days from the date of the order and no such application shall be entertained unless it is accompanied by an affidavit verifying the application..

(3) Where it appears to the Tribunal that there is no sufficient ground for a review, it shall reject the application [6][but where the Tribunal is of opinion that the application] for review should be granted, shall grant the same:

PROVIDED that no such application shall be granted without previous notice to the opposite party to enable him to appear and to be heard in support of the order, a review of which is applied for.]

6. Place of filing applications

The application shall be filed by the applicant with the Registrar within whose jurisdiction the applicant is functioning as a bank or financial institution, as the case may be, for the time being.

7. Application fee

(1) Every application [5][under section 19, interlocutory application or application for review of decision of Tribunal] shall be accompanied with a fee provided in sub-rule (2) and such fee may be remitted either in the form of crossed demand draft drawn on a nationalised bank in favour of the Registrar and payable at the station where the Registrar's office is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar and payable in Central Post Office of the station [7][located at any place within local limits of the jurisdiction of a Tribunal].

(2) The amount of fee payable shall be as follows-

[8][TABLE

Sl. No.	*Nature of application*	*Amount of fees payable*
1.	Application for recovering of debt due (a) Where amount of debt due is Rs. 10 lakh (b) Where amount of debt due is above Rs. 10 lakh	 Rs. 12,000 Rs. 12,000 plus Rs. 1,000 for every one lakh, subject to a maximum of Rs. 1,50,000.
2.	Application for review	50 per cent of the fee paid
3.	Application for interlocutory order	Rs. 10
4.	Vakalatanama	Rs.5]

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8. Contents of application

(1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application and such grounds shall be numbered consecutively and shall be typed in double space on one side of the paper.

(2) It shall not be necessary to present separate applications to seek interim order of direction if in the original application the same is prayed for.

9. Documents to accompany the application

(1) Every application shall be accompanied by a paper book containing,-

(i) statement showing details of the debt due from a [4][defendant] and the circumstances under which such a debt has become due;

(ii) all documents relied upon by the applicant and those mentioned in the application;

(iii) details of the crossed demand draft or crossed Indian Postal Order representing the application fee;

(2) The documents referred to in sub-rule(l) shall be neatly typed in double space on one side of the paper, duly attested by a senior officer of the bank, or financial institution, as the case may be, and numbered accordingly.

(3) Where the parties to the suit or proceedings are being represented by an agent, documents authorising him to act as such agent shall also be appended to the application:

PROVIDED that where an application is filed by legal practitioner, it shall be accompanied by a duly executed vakalatnama.

10. Plural remedies

An applicant shall not seek relief or reliefs based on more than a single cause of action in one single application unless the reliefs prayed for are consequential to one another.

11. Endorsing copy of application to the respondent

A copy of the application and paper book shall be served on each of the respondents as soon as they are filed, by registered post.

12. Filing of reply and other documents by the respondent

(1) The [4][defendant] may file [9][two complete sets] containing the reply to the application along with documents in a paper book form with the registry within one month of the service of the notice of the filing of the application on him.

(2) The [4][defendant] shall also endorse one copy of the reply along with documents as mentioned in sub-rule (1) to the [10][applicant].

(3) The Tribunal may, in its discretion on application by the respondent, allow the filing of reply referred to in sub-rule (1), after the expiry of the period referred to therein.

[5][(4) If the defendant fails to file the reply under sub-rule (1) or on the date fixed for hearing of the application, the Tribunal may proceed forthwith to pass an order on the application as it thinks fit.

(5) Where a defendant makes an admission of the full or part of the amount of debt due to a bank or financial institution, the Tribunal shall order such defendant to pay the amount, to the extent of the admission, by the applicant within a period of one month from the date of such order failing which the Tribunal may issue a certificate in accordance with section 19 of the Act to the extent of amount of debt due admitted by the defendant.

(6) The Tribunal may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Tribunal thinks reasonable:

PROVIDED that where it appears to the Tribunal that either applicant or defendant desires the production of a witness for cross examination, and that such witness can be produced an order shall not be made authorising the evidence of such witness to be given by affidavit.

(7) If the defendant denies his liability to pay the claim made by the applicant, the Tribunal may act upon the affidavit of the applicant who is acquainted with the facts of the case or who has on verification of the record sworn the affidavit in respect of the contents of application and the documents as evidence.

(8) Provisions contained in section 4 of the Banker's Books Evidence Act, 1891 (18 of 1891) shall apply to a certified copy of an entry in a banker's book furnished along with the application filed under sub-section (1) of section 19 by the applicant.]

13. Date and place of hearing to be notified

(1) The Tribunal shall notify the parties the date and place of hearing of the application in such a manner as the Presiding Officer may by general or special order direct.

14. Order to be signed and dated

(1) Every order of the Tribunal shall be in writing and shall be signed and dated by the Presiding Officer of the Tribunal.

(2) The order shall be pronounced in open court.

15. Publication of orders

Any orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

16. Communication or orders to parties

Every order passed on an application shall be communicated to the applicant and to the [4][defendant] either in person or by registered post free of cost.

17. Fee for inspection of records and obtaining copies thereof

(1) A fee of rupees twenty for every hour or part thereof of inspection subject to a minimum of rupees one hundred shall be charged for inspecting the record of a [11][each pending application] by party thereto.

(2) A fee of rupees five for a folio or part thereof involving typing and a fee of rupees ten for a folio or part thereof involving typing of statement and figures shall be charged.

18. Orders and directions in certain cases

The Tribunal may make such orders to give such decision as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

19. Working hours of the Tribunal

Except on Saturdays, Sundays and other public holidays, the offices of the Tribunal shall, subject to any order made by the Presiding Officer, remain open daily from 10 a.m. to 6.00 p.m. but no work, unless, of an urgent nature, shall be admitted after 4.30 p.m. on any working day.

20. Sitting hours of the Tribunal

The sitting hours of the Tribunal (including a vacation bench), shall ordinarily be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p.m. subject to any order made by Presiding Officer.

21. Holiday

Where the last day for doing any act falls on a day which the office of the Tribunal is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which that office opens.

22. Powers and functions of the Registrar

(1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing.

(2) The official seal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Registrar.

(4) The seal of the Tribunal shall not affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

23. Additional powers and duties of Registrar

In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Presiding Officer, namely,-

(i) to receive all applications and other documents including transferred applications,

(ii) to decide all questions arising out of the scrutiny of the applications before they are registered;

(iii) to require any application presented to the Tribunal to be amended in accordance with the rules;

(iv) subject to the direction of the Presiding Officer, to fix date of hearing of the application or other proceedings and issue notice thereof;

(v) direct any formal amendment of records;

(vi) to order grant of copies of documents to parties to proceedings;

(vii) to grant leave to inspect other records of Tribunal;

(viii) dispose of all matters relying to the service of notices or other processes, application for the issue of fresh notices or for extending the time for or ordering a particular method of service on a [4][defendant] including a substituted service by publication of the notice by way of advertisements in the newspapers;

(ix) to requisition records from the custody or any court or other authority.

24. Seal and emblem

The official seal and emblem of the Tribunal shall be such as the Central Government may specify.

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FORM : APPLICATION UNDER SECTION 19 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993

(Rule 4)

For use in Tribunal's office _____

Date of filing _____

Date of receipt by post _____

or

Registration No _____

Signature

Registrar

In the Debts Recovery Tribunal

(Name of the place)

Between

A	B	Applicant
and		
C	D	[4][Defendant]

DETAILS OF APPLICATION:

1. Particulars of the applicant:

(i) Name of the applicant:

(ii) Address of registered office:

(iii) Address for service of all notices

2. Particulars of the [4][defendant]

(i) Name of the [4][defendant]:

(ii) Office address of the [4][defendant]

(iii) Address for service of all notices

3. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the recovery of debt due falls within the jurisdiction of the Tribunal.

4. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 24 of the Recovery of Debts to Banks and Financial Institutions [12][Act], 1993

5. Facts of the case:

The facts of the case are given below:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise)

6. Relief(s) sought:

In view of the facts mentioned in para 5 above, the applicant prays for the following relief(s)-

(Specify below the relief(s) sought explaining the ground for relief (s) and the legal provisions (if any) relied upon).

7. Interim order, if prayed for:

Pending final decision on the application, the applicant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons).

8. Matter not pending with any other court, etc.:

The applicant. further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

9. Particulars of bank draft/ postal order in respect of the application fee:

(1) Name of the bank on which drawn:

(2) Demand draft no:

or

(1) Number of Indian Postal Order(s):

(2) Name of the issuing post office:

(3) Date of issue of postal order (s);

(4) Post office at which payable:

10. Details of index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures:

VERIFICATION

I son/ daughter/ wife of Shri _____ being the _____ (Name in full and block letters) (designation) of _____ (name of the company _____) holding a valid power of attorney from _____ (name of the company) do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signature of the applicant.

Place: _____

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Date: _____

To
The Registrar,
_____
_____

Foot Notes

1 Notification No. GSR 564(E), dated 20th. August, 1993
1A Now the Act No. 51 of 1993.
2 Substituted by Debts Recovery (Procedure) Amendment Rules, 1994, w.e.f. 13th. March, 1994 for the words, brackets and figures "Ordinance, 1993 (25 of 1993), hereinafter referred to as "the Ordinance"".
3 Substituted by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E) dated 19th. June, 1997 for the words "four sets".
4 Substituted for the word "respondent" by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E), dated 19th. June, 1997.
5 Inserted by DRT (Procedure) Amendment Rules, 1997 vide GSR 328(E) dated 19th. June, 1997.
6 Inserted vide GSR 405(E), dated 25th. July, 1997, Gaz. of India, Ext. Pt. II, s. 3(i), dated 25th. July, 197.
7 Substituted for the words "where a Tribunal is located" by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E) dated 19th. June, 1997.
8 Substituted by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E) dated 19th. June, 1997.
9 Substituted for the words "four complete sets" by DRT (Procedure) Amendment Rules, 1997, vide GSR(E), dated 19th. June, 1997.
10 Substituted for the word "application" by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E), dated 19th. June, 1997.
11 Substituted by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E), dated 19th. June, 1997 for the word "pending application".
12 Substituted by DRT (Procedure) Amendment Rules, 1997, vide GSR 328(E), dated 19th. June, 1997 for the word "Ordinance".

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DEBTS RECOVERY APPELLATE TRIBUNAL (PROCEDURE) RULES, 1994

DEBTS RECOVERY APPELLATE TRIBUNAL (PROCEDURE) RULES, 1994
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FORM: MEMORANDUM OF APPEAL UNDER SECTION 20, SECTION 30 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993 (51 OF 1993)

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[Notification No. GSR 815(E), dated 16th. November, 1994]

In exercise of the powers conferred by sub-sections (1) and (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institution Act, 1993 (51 of 1993), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement

(1) These rules may be called the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,-

(a) "Act" means the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993);

(b) "agent" means a person duly authorised by a party to present appeal or to give reply on its behalf before the Appellate Tribunal;

(c) "appeal" means an appeal made to the Appellate Tribunal under section 20 or section 30 of the Act:

(d) "appellant" means a person or a bank or financial institution making an appeal to the Appellate Tribunal under section 20 or section 30 of the Act;

(e) "Appellate Tribunal" means an Appellate Tribunal established by the, Central Government under section 8 of the Act;

(f) "legal practitioner" shall have the same meaning as assigned to it in the Advocates Act, 1961 (25 of 1961);

(g) "presiding officer" means the presiding officer of an Appellate Tribunal;

(h) "Registrar" means the Registrar of an Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorised by the presiding officer to function as Registrar;

(i) "Registry" means the Registry of the Appellate Tribunal.

3. Sittings of Appellate Tribunal

An Appellate Tribunal shall hold its sittings either at headquarters or at such other place falling within its jurisdiction as it may consider convenient.

4. Language of Appellate Tribunal

(1) The proceeding of the Appellate Tribunal shall be conducted in English or Hindi.

(2) No appeal, reference, application, representation, document or other matters contained in any language other than English or Hindi, shall be accepted by the Appellate Tribunal, unless the same is accompanied by a true copy of translation thereof in English or Hindi.

5. Procedure of filing appeals

(1) A memorandum of appeal shall be presented in the form annexed to these rules by the appellant either in person to the Registrar of the Appellate Tribunal within whose jurisdiction his case falls or shall be sent by the registered post addressed to such Registrar.

(2) Where the appellant is a bank or a financial institution a memorandum of appeal may be preferred,-

(a) by one or more legal practitioners authorised by such banks of financial institution; or

(b) by any of the officers of such bank of financial institution to acts as presenting officers;

and every person so authorised may present the appeal before the Appellate Tribunal.

(3) Where the appellant is other than a bank or a financial institution, he may prefer an appeal in person or by him agent or by a duly authorised legal practitioner.

(4) An appeal sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar on the day on which it is received in the office of the Registrar.

(5) The appeal under sub-rule (1) shall be presented in four sets in a paper book along with an empty file size envelope bearing full address of the respondent and where the

number of respondents are more than one, the sufficient number of extra paper books together with empty file size envelopes bearing full address of each respondent shall be furnished by the appellant.

6. Presentation and scrutiny of memorandum of appeal

(1) The Registrar shall endorse on every appeal the date on which it is presented under rule 5 or deemed to have been presented under that rule and shall sign endorsement.

(2) If, on scruting, the appeal is found to be in order, it shall be duly registered and given a serial number.

(3) If an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allows the appellant to rectify the same in his presence and if the said defects is not formal in nature, the Registrar, may allow the appellant such time to rectify the defects as he may deem fit.

(4) If the concerned appellant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar may by order and for reasons to be recorded in writing, decline to register such memorandum of appeal.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within fifteen days of making of such order to the presiding officer concerned in his chamber, whose decision thereon shall be final.

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7. Place of filing memorandum of appeal

The memorandum of appeal shall be filed by the appellant with the Registrar of the Appellate Tribunal having jurisdiction in the matter.

8. Fee

(1) Every memorandum of appeal under section 20 of the Act shall be accompanied with a fee provided in sub-rule (2) and such fee may be remitted either in the form of crossed demand draft drawn on a nationalised bank in favour of the Registrar and payable at the station where the Registrar's officer is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar and payable in Central Post Office of the station where the Appellate Tribunal is located.

(2) The amount of fee payable in respect of appeal under section 20 shall be as follows:-

Amount of debt due		Amount of fees payable
1.	Less than Rs. 10 lakhs	Rs.12,000
2.	Rs. 10 lakhs or more but less than Rs. 30 lakhs	Rs. 20,000
3.	Rs. 30 lakhs or more	Rs. 30,000

9. Deposit of amount debt due

Where an appeal is preferred by a person referred to in section 21 of the Act, such appeal shall not be entertained by the Appellate Tribunal unless such person has deposited with the Appellate Tribunal seventy five per cent of the amount of debt so due from him as determined by the Tribunal under section 19 of the Act, provided that the Appellate

Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under section 21 of the Act.

10. Contents of memorandum of appeal

(1) Every memorandum of appeal filed under rule 5 shall set forth concisely under distinct heads, the grounds of such appeal without any argument or narrative, and such grounds shall be numbered consecutively and shall be typed in double line space on one side of the paper.

(2) It shall not be necessary to present separate memorandum of appeal to seek interim order or direction if in the memorandum of appeal, the same is prayed for.

11. Documents to accompany memorandum of appeal

(1) Every memorandum of appeal shall be in triplicate and shall be accompanied with two copies (at least one of which shall be a certified copy) of the order of the Presiding Officer of Debts Recovery Tribunal or order made by the Recovery Officer under section 30 of the Act, as the case may be, against which the appeal is filed.

(2) Where the parties to the appeal are being represented by an agent, documents authorising him to act as such agent shall also be appended to the appeal:

PROVIDED that where an appeal is filed by a legal practitioner, it shall be accompanied by a duly executed Vakalatanama.

(3) Where a bank or financial institution is being represented by any of its officers to act as presenting officer before the Appellate Tribunal, the documents authorising him to act as the presenting officer shall be appended to the memorandum of appeal.

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12. Plural remedies

A memorandum of appeal shall not seek relief or reliefs based on more than a single case of action in one single memorandum of appeal unless the reliefs prayed for are consequential to one another.

13. Endorsing copy of appeal to the respondents

A copy of the memorandum of appeal and the paper book shall be served on each of the respondents, as soon as they are filed, by the Registrar by registered post.

14. Filing of reply to the appeal and other documents by the respondents

(1) The respondent may file four complete sets containing the reply to the appeal along with documents in a paper book form with the registry within one month of the service of the notice on him of the filing of the memorandum of appeal.

(2) The respondent shall also endorse one copy of the reply to the appeal along with documents as mentioned in sub-rule (1) to the appellant.

(3) The Appellate Tribunal may, in its discretion on application by the respondent, allow the filing of reply referred to in sub-rule (1), after the expiry of the period referred to therein.

15. Who may be joined as respondents

(1) In an appeal by a person other than a bank or financial institution the bank or financial institution who has to recover any debt from any person under section 19 of the Act before the Tribunal against those orders the appeal has been preferred shall be made the respondent to the appeal.

(2) In an appeal by the bank or a financial institution the other party shall be made the respondent to the appeal.

16. Date and place of hearing to be notified

The Appellate Tribunal shall notify the parties the date and place of hearing of the appal in such a manner as the presiding officer may by general or special order direct.

17. Dress regulations for the presiding officer and for the representatives of the parties.

(1) Summer dress for the presiding officer shall be white pant with black coat and a black tie or a buttoned-up black coat. In winter, striped or black trousers may be worn in place of white trousers. In the case of female presiding officers, however the dress shall be black coat over white saree.

(2) The dress for the agent of the parties (other than a relative or regular employee of the appellant or respondent) appearing before the Appellate Tribunal shall be the following, namely,-

(a) in the case of a male, a suit with a tie or buttoned-up coat over a pant or national dress that is a long buttoned-up coat on dhoti or churidar pyjama. The colour of the coat shall, preferably, be black;

(b) in the case of female, black coat over white or any other sober coloured saree;

(c) where, however, the agent belongs to a profession like that of lawyers or a chartered accountant and they have been prescribed dress for appearing in their professional capacity before any court, Appellate Tribunal, Tribunal or other such authority, they may, at their option, appear in that dress, in lieu of the dress mentioned above.

(3) All other persons appearing before the Appellate Tribunal shall be properly dressed.

18. Order to be signed and dated

(1) Every order of the Appellate Tribunal shall be in writing and shall be signed and dated by the Presiding Officer of the Appellate Tribunal.

(2) The order shall be pronounced in open court.

19. Publication of orders

The orders of the Appellate Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Appellate Tribunal may lay down.

20. Communication of orders

Every order passed on an appeal shall be communicated to the appellant and to the respondent and to the Tribunal concerned either in person or by registered post free of cost.

21. Fee for inspection of records and obtaining copies thereof

(1) A fee of rupees twenty for every hour or part thereof of inspection subject to a minimum of rupees one hundred shall be charged for inspecting the records of a pending appeal by a party thereto.

(2) A fee of rupees five for a folio or part thereof not involving typing and a fee of rupees ten for a folio or part thereof involving typing of statement and figures shall be charged.

22. Orders and directions in certain cases

The Appellate Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

23. Working hours of the Appellate Tribunal

(1) Except on Saturdays, Sundays and other public holidays the offices of the Appellate Tribunal shall, subject to any other order made by the Presiding Officer, remain open daily from 10 a.m. to 6 p.m. but no work, unless of an urgent nature, shall be admitted after 4.30 p.m. on any working day.

(2) The sitting hours of the Appellate Tribunal shall ordinarily be from l0:30 a.m. to 1 p.m. and 2.00 p.m. to 5.00 p.m. subject to any order made by the Presiding Officer.

24. Holiday

Where the last day for doing any act falls on a day on which the office of the Appellate Tribunal is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which that office opens.

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25. Powers and functions of the Registrar

(1) The Registrar shall have the custody of the records of the Appellate Tribunal and shall exercise such other functions as are assigned to him under these rules or by the presiding officer by a separate order in writing.

(2) The official seal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the presiding officer, the seal of the Appellate Tribunal shall not be affixed to any order, summons or other process have under the authority in writing from the Registrar.

(4) The seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

26. Additional powers and duties of Registrar

In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special orders of the presiding officer, namely,-

(1) to receive all appeals and other documents;

(2) to decide all questions arising out of the scrutiny of the appeals before they are registered;

(3) to require any appeal presented to the Appellate Tribunal to be amended in accordance with the rules;

(4) subject to the directions of the presiding officer to fix date of hearing of the appeals or other proceeding and issue notices thereof;

(5) direct any formal amendment of records;

(6) to order grant of copies of documents to parties to proceedings;

(7) to grant leave to inspect the record of Appellate Tribunal;

(8) dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisements in the newspapers;

(9) to requisition records from the custody of any court or other authority.

27. Seal and emblem

The official seal and emblem of the Appellate Tribunal shall be such as the Central Government may specify.

FORM: MEMORANDUM OF APPEAL UNDER SECTION 20, SECTION 30 OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993 (51 OF 1993)

For use in Appellate Tribunal's office
Date of filing _____
Date of receipt by post _____
Registration number _____
Signature
Registrar
In the Debts Recovery Appellate Tribunal, between:
A.B Appellant
C D and others Respondent(s)

IndiaCode

DETAILS OF APPEAL

1. *Particulars of the appellant:*
   (i) Name of the appellant
   (ii) Address of registered office of the appellant
   (iii) Address for service of all notices
2. *Particulars of the respondent or respondents:*
   (i) Name of the respondent or respondents
   (ii) Office address of the respondent or respondents
   (iii) Addresses or service of all notices
3. *Jurisdiction of the Appellate Tribunal*

The Appellant declares that the matter of the appeal falls within the jurisdiction of the Appellate Tribunal

4. *Limitation*

The appellant further declares that the appeal is within the limitation as prescribed in sub-section (3) of section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993).

5. *Facts of the case and the orders passed by the Tribunal Recovery Officer*

The facts of the case are given below:

(Give here a concise statement of facts and grounds of appeal against the specific order of Tribunal or Recovery Officer, as the case may be, in a chronological order, each paragraph containing as neatly as possible as separate issue, fact or otherwise).

6. *Relief(s) sought*

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) (Specify below the relief(s) sought explaining the grounds for relief (s) and the legal provisions (if any) relied upon).

7. *Interim order, if prayed for*

Pending final decision on the appeal the appellant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

8. *Matter not pending with any other court, etc.*

The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other Tribunal.

9. *Particulars of bank* draft/ postal *order in respect of the deposit of debts due in terms of section 21 of the Act applicable or under any other provisions of the Act:*

(1) Name of the bank on which drawn
(2) Demand draft number

or

(1) Number of Indian Postal Order(s)
(2) Name of the issuing post office
(3) Date of issue of postal order(s)
(4) Post office at which payable

10. Particulars of bank draft/postal order in respect of the fee paid in terms of rule 8 of these rules

(1) Name of the bank on which drawn
(2) Demand draft number

or

(1) Number of Indian Postal Order(s)
(2) Name of the issuing post office
(3) Date of issue of postal order(s)
(4) Post office at which payable.

11. Details of index

An index in duplicate containing the details of the documents to be relied upon is enclosed.

12. List of enclosures.

Verification

I, (name and full block letters) son/ daughter/ wife of Shri _____ being the _____ (designation) of _____ (name of the company) holding a valid power of attorney from _____ (name of the company) do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signature of the applicant

Place:

Date:

To

The Registrar,

_____

_____

IndiaCode

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