

The Security Interest (Enforcement) Rules, 2002

UNION OF INDIA

India

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Rule THE-SECURITY-INTEREST-ENFORCEMENT-RULES-2002 of 2002

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The Security Interest (Enforcement) Rules, 2002 Published vide Notification S.O. 1020(E), dated 20.9.2002. Last Updated 22nd October, 2018 [22/977] In exercise of the powers conferred by sub-section (1) and clause (b) of sub-section (2) of section 38 read with sub-sections (4), (10) and (12) of section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).], 2002 (54 of 2002), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called The Security Interest (Enforcement) Rules, 2002. (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a) "authorized officer" means an officer not less than a chief manager of a public sector bank or equivalent, as specified by the Board of Directors of Board of Trustees of the secured creditor or any other person or authority exercising powers of superintendence, direction and control of the business or affairs of the secured creditor, as the case may be, to exercise the rights of a secured creditor under the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).]; (b) demand notice means the notice in writing issued by a secured creditor or authorized officer, as the case may be, to any borrower pursuant to sub-section (2) of section 13 of the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).]; (c) ["Act" means the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);] [Substituted by S.O. 103(E), dated 2.2.2007, for Clause (c) (w.e.f. 2.2.2007).] (d) "approved valuer" means a valuer as approved by the Board of Directors or Board of Trustees of the secured creditor, as the case may be; (e) Words and expressions used and not defined in these rules but defined in the [Act] [

Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).] shall have the meanings respectively assigned to them in the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).].

3. Demand notice.

(1)The service of demand notice as referred to in sub-section (2) of section 13 of the Act shall be made by delivering [including hand delivery] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] or transmitting at the place where the borrower or his agent, empowered to accept the notice or documents on behalf of the borrower, actually and voluntarily resides or carries on business or personally works for gain, by registered post with acknowledgment due, addressed to the borrower or his agent empowered to accept the service or by Speed Post or by courier or by any other means of transmission of documents like fax message or electronic mail service:Provided that where authorized officer has reason to believe that the borrower or his agent is avoiding the service of the notice or that for any other reason, the service cannot be made as aforesaid, the service shall be effected by affixing a copy of the demand notice on the outer door or some other conspicuous part of the house or building in which the borrower or his agent ordinarily resides or carries on business or personally works for gain and also by publishing the contents of the demand notice in two leading newspapers, one in vernacular language, having sufficient circulation in that locality.(2)Where the borrower is a body corporate, the demand notice shall be served on the registered office or any of the branches of such body corporate as specified under sub-rule (1).(3)Any other notice in writing to be served on the borrower or his agent by authorized officer, shall be served in the same manner as provided in this rule.(4)Where there are more than one borrower, the demand notice shall be served on each borrower.(5)[The demand notice may invite attention of the borrower to provisions of sub-section (8) of section 13 of the Act, in respect of time available to the borrower, to redeem the secured assets.] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).][3-A. Reply to representation of the borrower. [Inserted by S.O. 103(E), dated 2.2.2007 (w.e.f. 2.2.2007).](a)After issue of demand notice under sub-section (2) of section 13, if the borrower makes any representation or raises any objection to the notice, the Authorized Officer shall consider such representation or objection and examine whether the same is acceptable or tenable.(b)If on examining the representation made or objection raised by the borrower, the secured creditor is satisfied that there is a need to make any changes or modifications in the demand notice, he shall modify the notice accordingly and serve a revised notice or pass such other suitable orders as deemed necessary, within [fifteen days] from the date of receipt of the representation or objection.(c)If on examining the representation made or objection raised, the Authorized Officer comes to the conclusion that such representation or objection is not acceptable or tenable, he shall communicate within [fifteen days] [Substituted 'one week' by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] of receipt of such representation or objection, the reasons for non-acceptance of the representation or objection, to the borrower.]

4. Procedure after issue of notice.

- If the amount mentioned in the demand notice is not paid within the time specified therein, the authorized officer shall proceed to realise the amount by adopting any one or more of the measures

specified in sub-section (4) of section 13 of the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).] for taking possession of movable property, namely:-(1)Where the possession of the secured assets to be taken by the secured creditor are movable property in possession of the borrower, the authorized officer shall take possession of such movable property in the presence of two witnesses after Panchnama drawn and signed by the witnesses as nearly as possible in Appendix I to these rules.(2)After taking possession under sub-rule (1) above, the authorized officer shall make or cause to be made an inventory of the property as nearly as possible in the form given in Appendix II to these rules and deliver or cause to be delivered, a copy of such inventory to the borrower or to any person entitled to receive on behalf of borrower.(2A)[The borrower shall be intimated by a notice, enclosing the panchnama drawn in Appendix I and the inventory made in Appendix II. [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).](2B)All notices under these rules may also be served upon the borrower through electronic mode of service, in addition to the modes specified under rule 3.](3)The authorized officer shall keep the property taken possession under sub-rule (1) either in his own custody or in the custody of any person authorized or appointed by him, who shall take as much care of the property in his custody as owner of ordinary prudence would, under the similar circumstances, take of such property:Provided that if such property is subject to speedy or natural decay, or the expense of keeping such property in custody is likely to exceed its value, the authorized officer may sell it at once.(4)The authorized officer shall take steps for preservation and protection of secured assets and insure them, if necessary, till they are sold or otherwise disposed of.(5)In case any secured asset is:-(a)a debt not secured by negotiable instrument; or(b)a share, in a body corporate;(c)other movable property not in the possession of the borrower except the property deposited in or in the custody of any Court or any like authority, the authorized officer shall obtain possession or recover the debt by service of notice as under:-(i)in the case of a debt, prohibiting the borrower from recovering the debt or any interest thereon and the debtor from making payment thereof and directing the debtor to make such payment to the authorized officer; or(ii)in the case of the shares in a body corporate, directing the borrower to transfer the same to the secured creditor and also the body corporate from not transferring such shares in favour of any person other than the secured creditor. A copy of the notice so sent may be endorsed to the concerned body corporate's Registrar to the issue or share transfer agents, if any;(iii)in the case of other movable property (except as aforesaid), calling upon the borrowers and the person in possession to hand over the same to the authorized officer and the authorized officer shall take custody of such movable property in the same manner as provided in sub-rules (1) to (3) above;(iv)movable secured assets other than those covered in this rule shall be taken possession of by the authorized officer by taking possession of the documents evidencing title to such secured assets.

5. Valuation of movable secured assets.

- After taking possession under sub-rule (1) of rule 4 and in any case before sale, the authorized officer shall obtain the estimated value of the movable secured assets and thereafter, if considered necessary, fix in consultation with the secured creditor, the reserve price of the assets to be sold in realisation of the dues of the secured creditor.

6. Sale of movable secured assets.

(1) The authorized officer may sell the movable secured assets taken possession under sub-rule (1) of rule 4 in one or more lots by adopting any of the following methods to secure maximum sale price for the assets, to be so sold-(a) obtaining quotations from parties dealing in the secured assets or otherwise interested in buying such assets; or (b) inviting tenders from the public; or (c) [holding public auction including through e-auction mode; or] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] (d) by private treaty. (2) The authorized officer shall serve to the borrower a notice of thirty days for sale of the movable secured assets, under sub-rule (1): [Provided that if the sale of such secured assets is being effected by either inviting tenders from the public or by holding public auction, the secured creditor shall cause a public notice in the Form given in Appendix II-A to be published in two leading news papers, including one in vernacular language having wide circulation in the locality.] [Substituted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f. 20.9.2002).] [Provided further that if sale of movable property by any one of the methods specified under sub-rule (1) fails and the sale is required to be conducted again, the authorised officer shall serve, affix and publish notice of sale of not less than fifteen days to the borrower for any subsequent sale.] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] (3) Sale by any methods other than public auction or public tender, shall be on such terms as may be settled [between the secured creditors and the proposed purchaser] [Substituted 'between the parties in writing' by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] (4) [The authorised officer shall upload the detailed terms and conditions of the sale of the movable secured assets on the web-site of the secured creditor, which shall include, (a) details about the borrower and the secured creditor; (b) complete description of movable secured assets to be sold with identification marks or numbers, if any, on them; (c) reserve price of the movable secured assets , if any, and the time and manner of payment; (d) time and place of public auction or the time after which sale by any other mode shall be completed; (e) deposit of earnest money as may be stipulated by the secured creditor; (f) any other terms or conditions which the authorised officer considers it necessary for a purchaser to know the nature and value of movable secured assets.]

7. Issue of certificate of sale.

(1) Where movable secured assets is sold, sale price of each lot shall be paid as per the terms of the public notice or on the terms as may be settled between the parties, as the case may be, and in the event of default of payment, the movable secured assets shall be liable to be offered for sale again. (2) On payment of sale price, the authorized officer shall issue a certificate of sale in the prescribed form as given in Appendix III to these rules specifying the movable secured assets sold, price paid and the name of the purchaser and thereafter the sale shall become absolute. The certificate of sale so issued shall be prima facie evidence of title of the purchaser. (3) Where the movable secured assets are those referred in sub-clauses (iii) to (v) of clause (1) of sub-section (1) of section 2 of the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).], the provisions contained in these rules and rule 7 dealing with the sale of movable secured assets shall, mutatis mutandis, apply to such assets.

8. Sale of immovable secured assets.

(1) Where the secured asset is an immovable property, the authorized officer shall take or cause to be taken possession, by delivering a possession notice prepared as nearly as possible in Appendix IV to these rules, to the borrower and by affixing the possession notice on the outer door or at such conspicuous place of the property. (2) The possession notice as referred to in sub-rule (1) shall also be published in two leading newspaper, one in vernacular language having sufficient circulation in that locality, by the authorized officer. (2A) [All notices under these rules may also be served upon the borrower through electronic mode of service, in addition to the modes prescribed under sub-rule (1) and sub-rule (2) of rule 8.] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] (3) In the event of possession of immovable property is actually taken by the authorized officer, such property shall be kept in his own custody or in the custody of any person authorized or appointed by him, who shall take as much care of the property in his custody as a owner of ordinary prudence would, under the similar circumstances, take of such property. (4) The authorized officer shall take steps for preservation and protection of secured assets and insure them, if necessary, till they are sold or otherwise disposed of. (5) Before effecting sale of the immovable property referred to in sub-rule (1) of rule 9, the authorized officer shall obtain valuation of the property from an approved valuer and in consultation with the secured creditor, fix the reserve price of the property and may sell the whole or any part of such immovable secured asset by any of the following methods:-(a) by obtaining quotations from the persons dealing with similar secured assets or otherwise interested in buying the such assets; or (b) by inviting tenders from the public; (c) [by holding public auction including through e-auction mode; or] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] (d) by private treaty. (6) the authorized officer shall serve to the borrower a notice of thirty days for sale of the immovable secured assets, under sub-rule (5):[Provided that if the sale of such secured asset is being effected by either inviting tenders from the public or by holding public auction, the secured creditor shall cause a public notice in the Form given in Appendix IV-A to be published in two leading newspapers including one in vernacular language having wide circulation in the locality.] [Substituted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f. 20.9.2002).] (7) [every notice of sale shall be affixed on the conspicuous part of the immovable property and the authorised officer shall upload the detailed terms and conditions of the sale, on the web- site of the secured creditor, which shall include; (a) the description of the immovable property to be sold, including the details of the encumbrances known to the secured creditor; (b) the secured debt for recovery of which the property is to be sold; (c) reserve price of the immovable secured assets below which the property may not be sold; (d) time and place of public auction or the time after which sale by any other mode shall be completed; (e) deposit of earnest money as may be stipulated by the secured creditor; (f) any other terms and conditions, which the authorized officer considers it necessary for a purchaser to know the nature and value of the property.] (8) Sale by any methods other than public auction or public tender, shall be on such terms as may be settled [between the secured creditors and the proposed purchaser in writing] [Substituted 'between the parties in writing' by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).].

9. Time of sale, issue of sale certificate and delivery of possession, etc.

- [(1) No sale of immovable property under these rules, in first instance shall take place before the expiry of thirty days from the date on which the public notice of sale is published in newspapers as referred to in the proviso to sub-rule (6) of rule 8 or notice of sale has been served to the borrower: Provided further that if sale of immovable property by any one of the methods specified by sub rule (5) of rule 8 fails and sale is required to be conducted again, the authorized officer shall serve, affix and publish notice of sale of not less than fifteen days to the borrower, for any subsequent sale.] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).](2) The sale shall be confirmed in favour of the purchaser who has offered the highest sale price in his bid or tender or quotation or offer to the authorized officer and shall be subject to confirmation by the secured creditor: Provided that no sale under this rule shall be confirmed, if the amount offered by sale price is less than the reserve price, specified under sub-rule (5) of [rule 8] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).]: Provided further that if the authorized officer fails to obtain a price higher than the reserve price, he may, with the consent of the borrower and the secured creditor effect the sale at such price.(3) [On every sale of immovable property, the purchaser shall immediately, i.e. on the same day or not later than next working day, as the case may be, pay a deposit of twenty five per cent. of the amount of the sale price, which is inclusive of earnest money deposited, if any, to the authorized officer conducting the sale and in default of such deposit, the property shall be sold again;] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).](4) The balance amount of purchase price payable shall be paid by the purchaser to the authorized officer on or before the fifteenth day of confirmation of sale of the immovable property or such extended period [as may be agreed upon in writing between the purchaser and the secured creditor, in any case not exceeding three months] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).](5) In default of payment within the period mentioned in sub-rule (4), the deposit shall be forfeited [to the secured creditor] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.(6) On confirmation of sale by the secured creditor and if the terms of payment have been complied with, the authorized officer exercising the power of sale shall issue a certificate of sale of the immovable property in favour of the purchaser in the Form given in Appendix V to these rules.(7) Where the immovable property sold is subject to any encumbrances, the authorized officer may, if he thinks fit, allow the purchaser to deposit with him the money required to discharge the encumbrances and any interest due thereon together with such additional amount that may be sufficient to meet the contingencies or further cost, expenses and interest as may be determined by him.(8) On such deposit of money for discharge of the encumbrances, the authorized officer may issue or cause the purchaser to issue notices to the persons interested in or entitled to the money deposited with him and take steps to make the payment accordingly.(9) The authorized officer shall deliver the property to the purchaser free from encumbrances known to the secured creditor on deposit of money as specified in sub-rule (7) above.(10) The certificate of sale issued under sub-rule (6) shall specifically mention that whether the purchaser has purchased the immovable secured asset free from any encumbrances known to the secured creditor or not.

10. Appointment of Manager.

(1)The Board of Directors or Board of Trustees, as the case may be, may appoint in consultation with the borrower any person (hereinafter referred to as the Manager) to manage the secured assets the possession of which has been taken over by the secured creditor.(2)The Manager appointed by the Board of Directors or Board of Trustees, as the case may be, shall be deemed to be an agent of the borrower and the borrower shall be solely responsible for the commission or omission of acts of the Manager unless such commission or omission are due to improper intervention of the secured creditor or the authorized officer.(3)The Manager shall have power by notice in writing to recover any money from any person who has acquired any of the secured assets from the borrower, which is due to may become due to the borrower.(4)The Manager shall give such person who has made payment under sub-rule (3) a valid discharge as if he has made payments to the borrower.(5)The Manager shall apply all the monies received by him in accordance with the provisions contained in sub-section (7) of section 13 of the [Act] [Substituted by S.O. 103(E), dated 2.2.2007, for " Ordinance" (w.e.f. 2.2.2007).].

11. Procedure for recovery of shortfall of secured debt.

(1)An application for recovery of balance amount by any secured creditor pursuant to sub-section (10) of section 13 of the Act shall be presented to the Debts Recovery Tribunal in the form annexed as Appendix VI to these rules by the authorized officer or his agent or by a duly authorized 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 of Debts Recovery Tribunal.(2)The provisions of the Debts Recovery Tribunal (Procedure) Rules, 1993 made under Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), shall mutatis mutandis apply to any application filed by under sub-rule (1).(3)An application under sub-rule (1) shall be accompanied with fee as provided in rule 7 of the Debts Recovery Tribunal (Procedure) Rules, 1993.

12. [Application to the Tribunal/Appellate Tribunal [Inserted by S.O. 103(E), dated 2.2.2007 (w.e.f. 2.2.2007).]

. [Substituted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f 20.9.2002).]-(1) Any application to the Debt Recovery Tribunal under sub-section (1) of section 17 shall be, as nearly as possible, in the form given in Appendix VII to the rules.(2)Any application to the Appellate Tribunal under sub-section (6) of section 17 of the Act shall be, as nearly as possible, in the form given in Appendix VIII to the said rules. Any appeal to the Appellate Tribunal under section 18 of the Act shall be, as nearly as possible, in the form given in Appendix IX to the said rules.

13. Fees for applications and appeals under sections 17 and 18 of the Act.

(1)Every application under sub-section (1) of section 17 or an appeal to the Appellate Tribunal under sub-section (1) of section 18 shall be accompanied by a fee provided in the sub-rule (2) and such fee may be remitted through a crossed demand draft drawn on a bank or Indian Postal Order in favour

of the Registrar of the Tribunal or the Court as the case may be, payable at the place where the Tribunal or the Court is situated.(2)The amount of fee payable shall be as follows:

No.	Nature of Application	Amount of Free payable
	Application to a Debt Recovery Tribunal under	
1.	sub-section(1) of section 17 against any of the measures referred to in sub-section (4) of section 13	
(a)	Where the applicant is a borrower and the amount of debt due is less than Rs. 10 lakhs	Rs. 500 for every Rs. 1 lakh or part thereof
(b)	Where the applicant is a borrower and the amount of debt due is Rs. 10 lakhs and above	Rs. 5,000+Rs. 250 for every Rs. 1 lakh or part thereof in excess of Rs. 10 lakhs subject to a maximum of Rs. 1,00,000
(c)	Where the applicant is an aggrieved party other than the borrower and where the amount of debt due is less than Rs. 10 lakhs	Rs. 125 for every Rupees One lakh or part thereof
(d)	Where the applicant is an aggrieved party other than the borrower and where the amount of debt due is Rs. 10 lakhs and above	Rs. 1250+Rs. 125 for every Rs. 1 lakh or part thereof in excess of Rs. 10 lakhs subject to a maximum of Rs. 50, 000
(e)	Any other application by any	Rs. 200
2.	Appeal to the Appellate Authority against any order passed by the Debt Recovery Tribunal under section 17	Same fees as provided at clauses (a) to (e) of serial number 1 of this rule.

13A. [Application by lessee or tenant. [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).]

(1)Every application under sub-section (1) of section 17 filed by lessee or tenant of the secured assets shall be accompanied by a fee specified in sub-clause (c) and sub-clause (d) of sub-rule (2) of rule 13, as the case may be.(2)The application to be made by the lessee or the tenant under sub-section (1) of section 17, shall be in the form specified in Appendix X annexed to these rules] [Inserted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f. 20.9.2002).]APPENDIX I[See rule 4(1)]PanchnamaWhere AS;We

Sr. No. Name of Panch and Father's/Husband's Name Address Age Occupation

The above mentioned Panchs on being called by Shri_____, the authorized officer of_____ (name of the Institution), under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security (Second) Interest [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], 2002 and in exercise of the powers under Section 13(4) of the said [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).] today entered the premises of Shri/M/s_____ at _____ and demanded the payment of the dues mentioned in the demand notice dated_____ in respect of Loan Account bearing No. and on its

non-payment, taken over possession of movable properties as detailed in the inventory attached to this Panchnama between the hours _____ M and _____ M in our presence.[The borrower's attention is invited to provisions of sub-section (8) of section 13 of the Act, in respect of time available, to redeem the secured assets.] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).]We also hereby state that during take over of possession_____ (to be filled in case of occurrence of any incidence)Therefore, we declare that the facts of the Panchnama mentioned herein are true and correct to the best of our observations and knowledge.

1. Signature Date Time

Name

Address

2. - do -

Drawn before me

Authorized OfficerAPPENDIX II[See rule 4(2)]InventoryInventory of movables taken possession in Loan Account bearing No.-----Inventory of movable properties taken possession of at the premises of Shri/M/s----- Plot No.-----/Gala No.-----H.no.-----, Street No.-----of-----under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], 2002 (54 of 2002) and the Security Interest (Enforcement) Rules, 2002 made thereunder, on this -----day of ----- 20-----by Shri -----, authorized officer of----- (name of the Institution) under the said [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], between the hours -----M.

Sl. No.	Description of article	Estimated value	Place where kept for safe custody (Name of the person if necessary)
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Panchas:

Sl. No. Nameand Address of Panch Signatures

Drawn by me today the-----20-----at-----M.....Signature of Borrower/Representative.....Signature of Authorized Officer[Appendix II-A] [Inserted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f. 20.9.2002).][See proviso to rule 6(2)]Sale notice for sale of movable propertiesE-Auction Sale Notice for Sale of Movable Assets under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002read with proviso to Rule 6(2) of the Security Interest (Enforcement) Rules, 2002Notice is hereby given to the public in general and in particular to the Borrower (s) and Guarantor (s) that the below described movable property hypothecated/pledged/charged to the Secured Creditor, the constructive/physical ----- (whichever is applicable) possession of which has been taken by the Authorised Officer of ----- Secured Officer, will be sold on "As is where is", "As is what is", and " Whatever there is" on ----- (mention date of the sale), for recovery of Rs.----- due to the ----- Secured Creditor from ----- (mention name of the Borrower (s)) and ----- (mention name of the Guarantor (s)). The reserve price will be

Rs-----and the earnest money deposit will be Rs-----
 -----.(Give short description of the movable property with known encumbrances, if any)For detailed terms and conditions of the sale, please refer to the link provided in -----Secured Creditor's website i.e. www. (give details of website) .Date:Authorized OfficerPlace:APPENDIX III[See rule-7(2)]Certificate of Sale(For Movable Property)WhereasThe undersigned being the authorized officer of the ----- (name of the institution) under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], 2002 (54 of 2002) and in exercise of the powers conferred under Sub-section (12) of Section 13 read with [rule 6 and 7] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] of the Security Interest (Enforcement) Rule, 2002 has in consideration of the payment of Rs.----- (Rupees-----) sold on behalf of the -----(name of the secured creditor/institution in favour of----- (purchaser), the following movable property secured in favour of the ----- (name of the secured creditor) by ----- (the names of the borrowers) towards the financial facility ----- (description) offered by----- (secured creditor). The undersigned acknowledge the [receipt of the sale price of Rs. _____ (Rupees _____ only] [Substituted by S.O. 1444(E), dated 21-8-2007 (w.e.f. 21-8-2007).] in full and hand over the delivery and possession of the items listed below.Description of the movable property.Sd/-Authorized OfficerDate:Place:APPENDIX IV[rule-8(1)]Possession Notice(for Immovable property)WhereasThe undersigned being the authorized officer of the ----- (name of the Institution) under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], 2002 and in exercise of powers conferred under Section 13(12) read with [rule 3] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] of the Security Interest (Enforcement) Rules, 2002 issued a demand notice dated -----calling upon the borrower Shri -----/M/s-----to repay the amount mentioned in the notice being Rs.----- (in words-----) with in 60 days from-the date of receipt of the said notice.[The borrower having failed to repay the amount, notice is hereby given to the borrower and the public in general that the undersigned has taken possession of the property described herein below in exercise of powers conferred on him under sub-section (4) of section 13 of Act read with rule 8 of the Security Interest Enforcement) Rules, 2002 on this the day of of the year] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).][The borrower's attention is invited to provisions of sub-section (8) of section 13 of the Act, in respect of time available, to redeem the secured assets.] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).]The borrower in particular and the public in general is hereby cautioned not to deal with the property and any dealings with the property will be 17 subject to the charge of the ----- (name of the Institution) for an amount Rs.-----and interest thereon.

DESCRIPTION OF THE IMMOVABLE PROPERTY

All that part and parcel of the property consisting of Flat No.-----/Plot No.----- In Survey No.-----/City or Town Survey No.-----/Khasara no.-----Within the registration

Sub-district----- and District-----Bounded;On the North byOn the South byOn the East byOn the West bySd/-Authorized Officer(Name of the Institution)Date:Place:[Appendix - IV-A] [Inserted by Notification No. G.S.R. 1040(E), dated 17.10.2018 (w.e.f. 20.9.2002).][See proviso to rule 8 (6)]Sale notice for sale of immovable propertiesE-Auction Sale Notice for Sale of Immovable Assets under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with proviso to Rule 8 (6) of the Security Interest (Enforcement) Rules, 2002Notice is hereby given to the public in general and in particular to the Borrower (s) and Guarantor (s) that the below described immovable property mortgaged/charged to the Secured Creditor, the constructive/physical --- -----(whichever is applicable) possession of which has been taken by the Authorised Officer of ----- Secured Creditor, will be sold on "As is where is", "As is what is", and "Whatever there is" on ---- -----(mention date of the sale), for recovery of Rs.-----due to the -----Secured Creditor from -----(mention name of the Borrower (s)) and - -----(mention name of the Guarantor (s)). The reserve price will be Rs-----and the earnest money deposit will be Rs-----.(Give short description of the immovable property with known encumbrances, if any)For detailed terms and conditions of the sale, please refer to the link provided in ----- Secured Creditor's website i.e. www. (give details of website)Date:Authorised OfficerPlace:Appendix V[rule 9(6)]Sale Certificate(For Immovable Property)WhereasThe undersigned being the authorized officer of the -----(name of the Institution) under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest [Act] [Substituted by S.O. 103(E), dated 2-2-2007, for "Ordinance" (w.e.f. 2-2-2007).], 2002 (54 of 2002) and in exercise of the powers conferred under Section 13 read with [rule 8 and 9] [Substituted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] of the Security Interest (Enforcement) Rules, 2002 sold on behalf of the----- (name of the secured creditor/institution) in favour of----- (purchaser), the immovable property shown in the schedule below secured in favour of the----- (name of the secured creditor) by----- (the names of the borrowers) towards the financial facility ----- (description) offered by ----- (secured creditor). The undersigned acknowledge the receipt [of Rs. (Rupees. only] [Inserted by S.O. 103(E), dated 2-2-2007 (w.e.f. 2-2-2007).], the sale price in full and handed over the delivery and possession of the scheduled property. The sale of the scheduled property was made free from all encumbrances known to the secured creditor listed below on deposit of the money demanded by the undersigned.

DESCRIPTION OF THE IMMOVABLE PROPERTY

All that part and parcel of the property consisting of Flat No.-----/Plot No.----- In Survey No.-----/City or Town Survey No.-----/Khasara No.----- Within the registration sub-district-----and District-----Bounded;On the North byOn the South byOn the East byOn the West byList of encumbrances

1.

2.

Sd/-Authorized Officer(Name of the Institution)Date:Place:Appendix VIFORM[See rule 11(1)]Application Under Sub-Section (10) Of Section 13 Of The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest (Second) [Act] [Substituted By S.O. 103(E), Dated 2-2-2007, For "ordinance" (W.E.F. 2-2-2007).], 2002For use in Office.Date of filing-----Date of receipt by post-----Registration No.-----SignatureRegistrarIn The Debts Recovery Tribunal[Name Of The Place]

BETWEEN

A.B. APPLICANT

AND

C.D. DEFENDANT

Delete whichever is not applicable.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 (defendant)

- (i) Name of the defendant :
- (ii) Office address of the 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 Due to Banks and Financial Institutions (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.Details of recoveries made by sale of securities:-

[Give here security wise details of sale/s conducted and realizations, appropriations of sale proceeds towards, costs interest and principal amount and the balance amount to be recovered.]

7.Relies sought- In view of me facts mentioned in para 5 above, the applicant prays for the the following relief(s):-

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

8.Iterimorder, 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.]

9. Matter not pending with any other court, etc.- The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

10. 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 | : |

11. Details of Index:- An index in duplicate containing the details of the documents to be relied upon is enclosed.

[Such documents should include copies of sale certificates or any other documents relating to sale of secured assets and sale proceeds realised].

12. List of enclosures-

Verification I----- (Name in full and block letters) son/daughter/wife of
Shri----- being the----- (designation)----- (name
of the company) holding a valid power of attorney from----- (name of the
company) do hereby verify that the contents of paras I 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 _____ [APPENDIX VII] [Inserted
by S.O. 103(E), dated 2-2-2007 (w.e.f. 2-2-2007)]. [See rule 12(1)] Application Under Sub-Section (1)
Of Section 17 Of The Securitisation And Reconstruction Of Financial Assets And Enforcement Of
Security Interest Act, 2002 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(s)

And

C.D. Defendant(s)

Delete whichever is not applicable. 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 defendant:-

- | | |
|--|---|
| (i) Name of the defendant | : |
| (ii) Office address of the defendant | : |
| (iii) Address for service of all notices | : |

3. Jurisdiction of the Tribunal:- The applicant declares that the subject matter of this application falls within the jurisdiction of the Tribunal.

4. Limitation:- The applicant further declares that this application is filed within the limitation prescribed in sub-section (1) of Section 17 of the Securitisation and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002.

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 as to how the applicant is aggrieved).

6. Relief (s) sought:- In view of the facts mentioned in paragraph 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 this 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 in terms of [rules 13] [Substituted by S.O. 1444(E), dated 21-8-2007, for rules 13 (w.e.f. 21-8-2007)]. of these rules:-

(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..... (Name in full and block letters), son/daughter/wife of Shri....., the applicant/for and on behalf of the applicant hereby solemnly 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..... APPENDIX-VIII [See rule 12(2)] Application Under Sub-Section (6) Of Section 17 Of The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 For use in Appellate Tribunal's Office Date of filing Date of receipt by post Or Registration

No..... Signature Registrar IN THE DEBTS RECOVERY APPELLATE TRIBUNAL (NAME OF THE PLACE)

Between

A.B. Applicant(s)

And

C.D. Defendant(s)

*Delete whichever is not applicable.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 defendant:-

(i) Name of the defendant :

(ii) Office address of the defendant :

(iii) Address for service of all notices :

3.Jurisdiction of the Appellate Tribunal:- The applicant declares that the subject matter of this application falls within the jurisdiction of the Appellate Tribunal.

4.Facts of the case:- The facts of the case are given below:-

The applicant submits that the applicant/defendant had filed an application under sub-section (1) of Section 17 of the of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Hon'ble Debt Recovery Tribunal (Place) on (date), which was registered as, and is still pending. The aforesaid application ought to have been disposed off on or before.....

5.Relief (s) sought:-In view of the facts mentioned in[para 4]above, the applicant prays for the following relief(s) :- [Substituted by S.O. 1444(E), dated 21-8-2007, for para. 5 (w.e.f. 21-8-2007).]

Direct the Hon'ble Debt Recovery Tribunal (Place) to dispose of the said application No..... at the earliest and/or pass any other suitable order in the interest of justice and equity.

6.Matter not pending with any other court, etc.:- The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

7.Details of Index:-An index in duplicate containing the details of the documents to be relied upon is enclosed. :

8.List of enclosures:- :

VerificationI.....(Name in full and block letters) son/daughter/wife of Shri..... the applicant hereby solemnly verify that the contents of paras 1 to 7 are true to my personal knowledge and belief and that I have not suppressed any material facts.....Signature of the applicantPlace:Date:ToThe

Registrar.....APPENDIX IX[See rule 12(2)]Appeal Under Section 18 Of The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002For use of Tribunal's office _____Date of filing

_____Date of receipt by post _____Registration No. _____SignatureRegistrarIn The Debts Recovery Appellate

Tribunal(Name of place)Between_____

Appellant(s)/Judgment-Creditor(s)and_____ Respondent(s)/Creditor

(s)Details of appeal:

I.Particulars of the Appellant(s)

- (i) Name of the Appellant
- (ii) Address of the Registered office of the appellant
- (iii) Address for service of all notices

II.Particulars of the respondent(s)

- (i) Name(s) of respondent
- (ii) Office address of the respondent
- (iii) Address for service of all notices

III.Jurisdiction of the Appellate Tribunal-The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

IV.Limitation-The appellant declares that the appeal is within the limitation prescribed in sub-section (1) of Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

V.Facts of the case-

(Give here a concise statement of facts and grounds of appeal against the specific order of DRT passed under *sub-section (3)/sub-section (4) of[Section 17] [Substituted by S.O. 1444(E), dated 21-8-2007, for Section 18 (w.e.f. 21.8.2007.)of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

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

VII.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)

VIII.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(s).

IX.Particulars of Bank draft/Postal Order in respect of the deposit of debts due in terms of sub-section (1) of Section 18 of the Act

- (1) Name of the bank on which drawn
 - (2) Demand Draft number
- or
- (1) Number of Postal Order(s)
 - (2) Name of Issuing Post Office
 - (3) Date of Issue of Postal Order(s)
 - (4) Post Office at which payable

X. Particulars of [Bank draft/postal order] [Substituted by S.O. 1444(E), dated 21-8-2007, for bank draft, postal order (w.e.f. 21-8-2007).] in respect of the fee paid in terms of rule 13 of these rules:-

(1) Name of the bank on which drawn

(2) Demand Draft number

or

(1) Number of Postal Order(s)

(2) Name of Issuing Post Office

(3) Date of Issue of Postal Order(s)

(4) Post Office at which payable

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

XII. List of enclosures-

Verification I _____ (name in full block letters) son/daughter/wife of Shri _____ the appellant do hereby verify that the contents of paragraphs [I to XII] [Substituted by S.O. 1444(E), dated 21-8-2007, for I to IX (w.e.f. 21-8-2007).] are true to my personal knowledge and belief and that I have not suppressed any material fact(s). _____ Signature of the Appellant Place: _____ Date: _____ To Registrar [Debts Recovery Tribunal] [Substituted by S.O. 1444(E), dated 21-8-2007, for Debts Recovery Tribunal (w.e.f. 21-8-2007).] *Delete whichever is not applicable [APPENDIX X] [Inserted by Notification No. G.S.R. 1046 (E), dated 3.11.2016 (w.e.f. 20.9.2002).] [See rule 14] (for lessee/ tenants) (Application under sub-section (1) of section 17 read with sub-section (4) of section 17 of the Act) For use in Tribunal's Office: Date of filing Date of receipt by post or Registration number Signature Registrar In the Debts Recovery Tribunal (Name of the place) Between:

A B..... Applicant(s)

And

C D..... Defendant(s)

Delete whichever is not applicable. Details of application:

1. Particulars of applicant:-

(i) Name of applicant: (ii) Locus of applicant - lessee/ tenant: (iii) Address of applicant/lessee: (iv) Address for service of all notices:

2. Particulars of the defendant/bank:-

(i) Name of the defendant/ bank: (ii) Office address of the defendant/bank: (iii) Address for service of all notices:

3. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application falls within the jurisdiction of the Tribunal.

4. Limitation:

The applicant further declares that this application is filed within the limitation prescribed in sub-section (1) of section 17 of the Act.

5. Locus of applicant:

Enumerate herein-nature of locus of applicant under sub-section (1) of section 17 read with section sub-section (4) of section 17.(i)Whether the applicant is a lessee or tenant:(ii)If applicant is a lessee or tenant, furnish the following details:

Date of lease deed/ agreement of tenancy if any

Whether the lease deed/ agreement of tenancy is registered

Details of registration – name of the SRO, document number to be furnished

Amount of rent under the lease deed/ agreement of tenancy

Period of lease/ tenancy

Whether permission of secured creditor taken

Date of expiry of lease/ agreement of rent

Whether lease/ tenancy renewed

Copy of lease deed/ agreement of tenancy

6. 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 as to how the applicant is aggrieved).

7. Cause of action:

8. Relief(s) sought:

In view of the facts mentioned in paragraph 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 as laid down under sub-section (3) of section 17]

9. 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).

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

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

11. Particulars of bank draft or postal order in respect of the application fee in terms of [rule 13] of these rules:

(i) Name of the bank on which drawn: (ii) Demand draft No.: or (i) Number of Indian Postal Order(s): (ii) Name of the issuing post office: (iii) Date of issue of postal order(s): (iv) Post office at which payable:

12. Details of index:

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

13. List of enclosures:-

Verification I (Name in full and block letters) son/ daughter/ wife of Shri., the applicant/ for and on behalf of the applicant hereby solemnly verify that the contents of paragraphs 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,