

# **The Housing Finance Institutions Debt Recovery Appellate Tribunal (Procedure for Appointment as Presiding Officer of the Appellate Tribunal) Rules, 2002**

UNION OF INDIA

India

## **The Housing Finance Institutions Debt Recovery Appellate Tribunal (Procedure for Appointment as Presiding Officer of the Appellate Tribunal) Rules, 2002**

### **Rule**

### **THE-HOUSING-FINANCE-INSTITUTIONS-DEBT-RECOVERY-APPELLA of 2002**

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The Housing Finance Institutions Debt Recovery Appellate Tribunal (Procedure for Appointment as Presiding Officer of the Appellate Tribunal) Rules, 2002Published vide Notification No. G.S.R. 340(E), dated 7th May, 2002Ministry of Finance(Department of Economic Affairs)(Banking Division)G.S.R. 340(E). - In exercise of the powers conferred by section 54A of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby makes the following rules, namely:-

### **1. Short Title and Commencement.**

(1)These rules may be called the Housing Finance Institutions Debt Recovery Appellate Tribunal (Procedure for Appointment as Presiding Officer of the Appellate Tribunal) Rules, 2002.(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 National Housing Bank Act, 1987 (53 of 1987).(b)"Appellate Tribunal" means the Appellate Tribunal established under

section 36-I of the Act.(c)"Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under section 36J of the Act.(d)all other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Method of appointment under section 36J of the Act.**

(1)For the purpose of appointment to the post of a Presiding Officer, there shall be a Selection Committee consisting of-(i)the Chief Justice of India or a Judge of the Supreme Court of India as nominated by the Chief Justice of India:(ii)the Secretary to the Government of India in the Ministry of Finance (Department of Economic Affairs);(iii)the Secretary to the Government of India in the Ministry of Law and Justice;(iv)Special/ Additional Secretary to the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division), or an officer not below the rank of Joint Secretary in the Banking Division nominated by the Special/ Additional Secretary in the Banking Division, who shall also be the convenor of the Selection Committee;(v)Chairman, National Housing Bank.(2)The Chief Justice of India or the Judge of the Supreme Court shall be the chairman of the Selection Committee.(3)Any three members of the Committee including the Chairman shall form a quorum for meeting of the Committee.(4)The Selection Committee may devise its own procedure for selecting a candidate for appointment as Presiding Officer.(5)The Selection Committee shall recommend persons for appointment as Presiding Officer from amongst the persons on the list of candidates prepared by the Ministry of Finance after inviting applications therefor by advertisement.(6)The Central Government shall on the basis of the recommendations of the Selection Committee make a list of persons selected for appointment as Presiding Officer and the said list shall be valid for a period of two years. The appointment of a Presiding Officer shall be made from the list so prepared.

### **4. Medical Fitness.**

- No person shall be appointed as a Presiding Officer unless he is declared medically fit by a Medical Board to be constituted by the Central Government for the purpose unless he has already been declared fit by an equivalent authority.

### **5. Interpretation.**

- If any question arises relating to the interpretation of these rules the same shall be referred to the Central Government for its decision.

### **6. Saying.**

- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, other Backward Classes, Ex-serviceman and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard.

## **7. Oaths of office and secrecy.**

- Every person appointed to be Presiding Officer under section 36J of the Act shall, before entering upon his office, make and subscribe an oath of office and secrecy in the Forms annexed hereto. Annexure Form-I (See rule 7) Form of oath of office for Presiding Officer of the Housing Finance Institutions Debt Recovery Appellate Tribunal "I..... (Name of the Presiding Officer) having been appointed as Presiding Officer do solemnly affirm/do swear in the name of God that I will faithfully and consciously discharge my duties as Presiding Officer to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will." (Name of the Recovery Officer) Housing Finance Institutions Debt Recovery Appellate Tribunal Form-II (See rule 7) Form of oath of secrecy for Presiding Officer of the Housing Finance Institutions Debt Recovery Appellate Tribunal "I..... (Name of the Presiding Officer) having been appointed as Presiding Officer do solemnly affirm/do swear in the name of God that I will not directly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Presiding Officer of said Debts Recovery Appellate Tribunal except as may be required for the due discharge of my duties as the Presiding Officer." (Name of the Recovery Officer) Housing Finance Institutions Debt Recovery Appellate Tribunal