

The Adjudicating Authority Regulations, 2006

UNION OF INDIA

India

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Rule THE-ADJUDICATING-AUTHORITY-REGULATIONS-2006 of 2006

- Published on 18 January 2007
- Commenced on 18 January 2007
- [This is the version of this document from 18 January 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Adjudicating Authority Regulations, 2006 Published vide G.S.R. 31(E), dated 18.1.2007, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 18.1.2007.

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/904 Whereas it is expedient to frame Regulations of Practice, the Adjudicating Authority in exercise of the powers conferred by sub-section (15) of section 6 of the Prevention of Money-Laundering Act, 2002, enabling it to frame regulations of its own practice and procedure, hereby makes the following regulations of practice:-

Chapter I Preliminary

1. Short title .-These regulations may be called **The Adjudicating Authority Regulations of 2006.**

2. Commencement .-(a) These Regulations of Practice shall come into force from the date to be announced on the Notice Board of the Adjudicating Authority.

(b) These Regulations of Practice may be published by Central Government in the Official Gazette. (c) These Regulations shall apply, as far as may be to, all the proceedings pending in the Adjudicating Authority on the date of their commencement.

Chapter II

3. Definitions .-(i) "Application" means and includes Original Application (O.A.) instituted under section 8 of the Act and Miscellaneous Application (M.A.).

(ii) "Complaint" means and includes Original Complaint (O.C.) instituted under section 8 of the Prevention of Money-Laundering Act, 2002. (iii) "Bench" means a Bench duly constituted by the Chairperson of the Adjudicating Authority. (iv) Words and expressions used and not defined in these Regulations of Practice shall have the same meanings as assigned in the Act.

Chapter III

4. Filing of applications and complaints .-(a) All applications, complaints, pleadings, affidavits and other papers filed in the Adjudicating Authority shall be fairly, legibly type written or printed in English or Hindi on durable white foolscap folio paper of Metric A-4 size (30.5 cms. Long and 21.5 cms. Wide) on the one side only in double space with left margin of 5 cms. and right margin of 2.5 cms. duly paginated, indexed and stiched together in the paper book form.

5. Date and signature .-A party required to affix his signature shall also state his name in capitals near his signature and initial or sign at the bottom of the each page with date on the last page.

6. Attestation .-The attestation shall be made at the end of the document in the form given below:

"This Annexure-is the true copy of the original document"(Signature)Name & Designation of the attestor with date.

7. Receipt of papers .-All pleadings, original applications, miscellaneous applications, original complaints and papers shall be received in the office hours on the working days. Receipt of all pleadings/OAs/OCs/MAs shall be made in prescribed Form No. 6.

8. Date of stamping of papers and maintenance of Inward Register in the following manner:-

(i)The receiving branch shall immediately, on receipt of an application, complaint or other pleading or papers, affix dated/stamp of the Authority.(ii)Date-Stamp shall be affixed on all pages on the main/first copy on the first page of each other copy of the application/complaint.(iii)The Official receiving the application/complaint shall affix his initials on the stamp affixed on the first page of the main/first copy and on the first page of all other copies.

Chapter IV

Presentation, Registration Number And Posting For Orders

9. Duty of the official appointed to receive application .-(a) The Official authorised by the Authority to receive the applications/complaints under the Act, shall immediately enter it in the receipt register and shall put serial number (receipt number) on the application/complaint.

10. Registration and numbering .-(a) The Registrar/Administrative Officer or any officer authorised by the Chairperson of the Adjudicating Authority on examining the application/complaint, shall direct registration.

(b)The application under section 8 ordered to be registered shall be numbered as A.O. No.(c)The complaint under section 8 ordered to be registered shall be numbered as O.C. No.(d)Other Miscellaneous Applications ordered to be registered shall be numbered as M.A. No.

11. A daily cause list in Form No. 3 of cases fixed for hearing on a day by the Adjudicating Authority shall be prepared under the signatures of Registrar/Administrative Officer in triplicate and shall be pasted on the previous working day on the notice board of the Adjudicating Authority. The Assistant shall maintain a file of daily cause list which shall be preserved for one year and shall be destroyed at the end of the next calendar year.

Chapter V

Service Of Summons/notices

12. Issue of summons/notices .-(a) Notices shall be in the Form No. 1 as prescribed under these regulations. The summons/notices shall be signed by the Registrar/Administrative Officer or any other officer authorised by the Chairperson of the Adjudicating Authority.

(b)Summons/notices shall be sent by registered post, acknowledgement due.(c)When an acknowledgement purporting to be signed by the defendant or his agent is received by the Adjudicating Authority or the postal article containing the summons is received back by the Authority with an endorsement purporting to have been made by a postal employee to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons or not claimed, the Authority issuing the summons/notice shall declare that the summons/notice had been duly served on the defendant.(d)Where the Adjudicating Authority is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons/notice cannot be served in the ordinary way, the Adjudicating Authority shall order service by an advertisement in a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.(e)Service substituted by order of the Authority shall be as effective as if it has been made on the defendant personally.

13. Steps for fresh summons/notices .-If any summons/notice is returned unserved, the applicant shall take steps for service of summons/notice as ordered, failing which, the matter shall be placed before the Bench hearing the case.

14. Form of summons/notices .-Summons/notices shall be in form appended to the regulations.

15. Filing of reply to the notice .-The reply shall be filed by the defendant within the period as prescribed in the Act. If the defendant/non-applicant fails to file the reply to the show cause notice, matter shall be proceeded ex parte

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16. Inspection of records .-(a) Inspection of records, upon the application in the prescribed Form No. 4 shall be allowed under the orders of the Chairperson of the Adjudicating Authority, or the Registrar or the Administrative Officer, as the case may be.

(b)On grant of application for inspection of the records, the Administrative Officer or an officer authorised in that behalf shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar/Administrative Officer in the presence of the officer authorised by the Chairperson of the Adjudicating Authority.(c)The officers supervising inspection may, at any time, prohibit further inspection if in his opinion any of the records are likely to be damaged in the process of inspection.

17. Maintenance of application of inspection .-Such applications for inspection of the records shall be maintained by the officer authorised by the Chairperson of the Adjudicating Authority and he shall obtain therein the signatures of the persons making such inspection.

Chapter VI

18. Examination of witness and the issue of commissions .-Provisions of section 11, sub-section (1) of the Act and the relevant provisions of the Code of Civil Procedure, as far as may be applicable, shall apply in the matters of summoning and enforcing attendance of any person as witness and issuing a commission for the examination of such witnesses.

19. Recording of deposition .-The deposition of the witness whenever necessary shall be recorded in prescribed Form No. 5.

20. Numbering of witness .-The witness called by the applicant shall be numbered consecutively as P.Ws. and those by the defendants/non-applicants as D.Ws. and any witness examined at the instance of the complainants shall be numbered consequently as C.Ws. and the witness called by the Adjudicating Authority shall be numbered as A.Ws.

21. Witness expenses payable .-Subject to the discretion of the Adjudicating Authority and the orders passed thereupon, the Adjudicating Authority may direct the concerned party for the payment of expenses to the witness, as the case may be.

22. Marking of documents .-Documents filed by the applicant shall be marked as Ex.A1 and the documents filed by the complainants shall be marked as Ex.C1 and the documents filed by the defendants/non-applicants shall be marked as Ex.D1 and so on.

Chapter VII

Orders

23. Judgment and issue of Order .-The order supported by reasons duly recorded should be pronounced in open Court and on the date notified in that behalf. Every sheet of the order shall bear the initial of the Chairperson as the case may be.

24. If the parties or any of the parties or their counsel remain present on the date of pronouncement of the judgment/order, a copy of the judgment/order, if ready, shall forthwith be delivered to the parties/counsel present under their signatures. In that case, it shall not be necessary to send again the copy of the judgment/order to the parties present.

25. Indexing of case files .-(a) After disposal and on communication of the order to the parties/legal practitioner, the officer concerned shall arrange the record with paging and prepare the index sheet in the prescribed Form No. 8. Thereafter, he shall affix his initial and transmit the record with the index enclosures in the record book.

(b)The record-keeper shall examine the record with general index and if the record is found to be in order, a note shall be given in the index to that effect. In case, any defect is found, the same shall be reported to the Administrative Officer or the officer authorised by the Chairperson, who shall direct the clerk concerned to make necessary corrections.(c)After completion of the examination of record, the list of the records shall be kept in a file and ordinarily at the end of the calendar year, the list shall be bound up so as to constitute a register of decided cases.(d)The records shall be kept in bundles and labelled showing the month and year of the decision/order shall be attached to each bundle.

Chapter VIII

Grant Of Certified Copies

26. An application for a copy shall be filed in the prescribed Form No. 10 by the parties alongwith required copying fee.

27. The above copying fee shall be payable in the form of demand draft drawn in favour of Administrative Officer payable at the place of the Bench of the Authority which is a non-refundable fee.

28. Endorsement on a copy .-Every copy shall bear the following particulars-

(i)Number of the application in the register.(ii)Name of the applicant.(iii)The date, month and year of the applicant.(iv)Amount of copying fee.(v)Name of the copyist.(vi)Date fixed for issue of copy.(vii)Date on which copy was ready.(viii)Date of notice to applicant.(ix)Date of delivery/posting.FORM NO.1Regd. A.D.Before The Adjudicating AuthorityNotice To Show Cause.....Applicant/Comp named applicant has filed an application under sub-section (4) of section 14 or under sub-section (10) of section 18 against you.OrAbove named complainant has filed a complaint under sub-section (5) of section 5 against you.You are called upon to indicate the source of your income, earning or assets out of which or by means of which you have acquired the property attached under sub-section (1) of section 5 or seized under section 17 or section 18 of the Prevention of Money-Laundering Act, the evidence on which you rely and other relevant information and particulars and to show cause why all or any of such property should not be declared to be the properties involved in money-laundering, and confiscated by the Central Government.You are directed to appear before the Adjudicating Authority in person or through an advocate/authorised representative, duly instructed onthe day of..... yearat 10.30 a.m., failing which the application/complaint shall be heard and decided in your absence.Given under my hand and the seal of the Adjudicating Authority, thisday ofRegistrar/Administrative OfficerAdjudicating AuthorityNew DelhiSealFORM NO. 2(ORDER-SHEET)Adjudicating AuthorityTitle of the case :Number of the case :

Date Description of the Order Remarks

FORM NO.3(DAILY CAUSE LIST)Adjudicating AuthorityDate:

SerialNumber	ApplicationNumber	Nameof Applicant	Nameof Defendants	Nameof Applicant's Counsel	Nameof Defendant's Counsel	Postedfor
1	2	3	4	5	6	7

FORM NO. 4Application For Inspection Of RecordsTo,The Registrar/Administrative OfficerAdjudicating AuthorityNew DelhiKindly grant permission to inspect the record of the case mentioned below.Particulars of the record for which inspection is sought.(1)Kind of case.(2)Number and year.(3)Name of Parties.(4)Date of decision (or hearing, if pending)Order of the Registrar/Administrative OfficerSignature of the Applicant/Defendant/Counsel/Authorised AgentOffice Report:Inspection commenced at on.....20Inspection concludedInspection fee already paid with applicationRsAdditional fee, if any, paid RsSignature of ClerkDateFORM NO. 5Before Adjudicating AuthorityOriginal Application NoStatement Of WitnessOath AdministeredNameFather's/Husband's nameage.....Occupation

.....Place of residence and address.....
Statement was
 read over to the witness who admitted it to be correct.....Signature,
 Chairman/MemberAdjudicating AuthorityNew DelhiDateFORM NO.
 6Receipt SlipAn application/complaint has been received on
from Shri
Signat
 of Authorised Official/OfficerFORM NO.7Certificate Of AttendanceCertified that Shri
appeared before this Authority as a witness on O.A./O.C. No
/20....., on behalf of the..... on He
 was relieved at.....on..... He was paid/not paid any T.A.
 and D.A.....Signature of Registrar/Administrative OfficesDate
FORM NO.8General-IndexRecords
 Part Descriptionof Paper No.of Sheets in paper Stateof document Dateof weeding Remarks
 A B A B

FORM NO.9List Of Records Transmitted To The Record RoomList of
cases disposed of in the Adjudicating Authority, New
 Delhi, in the month of

Sl.No.	Dateof Disposal	Number& year of suit or case	Dateof institution	Nameof parties	Numbersof papers on record	Detailsof additions to record made in the record room Particulars	RemarksNumberof papers
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PartA PartB Date

Irecord keeper, acknowledge that on the day of
I received the records and paper mentioned in the above form.FORM NO.
 10Application For Copy Of RecordToThe Registrar/Administrative OfficerNew
 DelhiApplication/Case No

.....
 (Non-applicant/Defendants)Decided/Fixed for hearing on
Kindly grant Photostat/typed certified Copy/Copies
 of the paper named in the following list from the record of the above mentioned case, for which I
 tender copying fee of the value of RsMy address is
List

SerialNo.	Fullparticulars of the paper of which a copy is sought	No.of copies required	Thepurpose for which the copy is sought	Remarks
1	2	3	4	5

DateSignature of
 Applicant or his Advocate/Authorised RepresentativeNote.-In case the applicant/complainant
 desires that the copies should be sent by post attach self addressed envelope with postage stamp.