

The State Financial Corporations (Appeal To The Central Government) Rules, 2003

UNION OF INDIA

India

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Rule

THE-STATE-FINANCIAL-CORPORATIONS-APPEAL-TO-THE-CENTRAL of 2003

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The State Financial Corporations (Appeal To The Central Government) Rules, 2003 Published vide G.S.R. 267(E), dated 17.6.2003, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 26.7.2003.

1017.

In exercise of the powers conferred by sub-section (5) of section 5 and section 48-B of the State Financial Corporations Act, 1951 (63 of 1951), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement .-(1) These rules may be called the State Financial Corporations (Appeal to the Central Government) Rules, 2003.

(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 State Financial Corporations Act, 1951 (63 of 1951);(b)"appellant" means any person aggrieved against the order of refusal of the Board made under sub-section (4) of section 5 of the Act and preferring appeal in terms of section 5(5) of the Act;(c)"Authorised representative" means a person duly authorised by the appellant or the Board or any other party to the appeal to appear, plead and act, or to file the appeal or reply or any information or document, as the case may

be, on their respective behalf before the Central Government;(d)"Form" means a Form appended hereto;(e)"party" means the appellant, or any other opposite party to the appeal including the Board, or any other person who is otherwise opposite party to the appeal, and includes their respective authorised representative;(f)all other expressions used but not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure for filing appeal .-(1) Every appeal under sub-section (5) of section 5 of the Act shall be preferred by the appellant or his authorised representative to the Central Government as nearly as possible in Form.

(2)An appeal under sub-rule (1) shall be deemed to have been preferred to the Central Government on the date on which it is received in the office of the Secretary to the Government of India in the department dealing with Economic Affairs, New Delhi.

4. Time within which appeal is to be preferred .-An appeal shall be preferred by the appellant within a period of thirty days from the date of receipt of the order of refusal of the Board made under sub-section (4) of section 5 of the Act:

Provided that the Central Government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied, based on such cogent materials on record, that there was sufficient cause for not preferring appeal within that period.

5. Payment of fees .-(1) Every memorandum of appeal shall be accompanied by a fee of Rs. 500.

(2)The amount of fees shall be deposited by means of a Bank Draft drawn in favour of Pay & Accounts Officer (Banking) and deposited with State Bank of India, Parliament Street, New Delhi under the Major Head:"0070-Other Administrative Services""502-Service and Service Fees"

6. Contents of appeal .-(1) Every appeal filed under rule 3 shall be written in English or Hindi accompanied by the certified copy of the order of refusal of the Board appealed against and authority of the authorised representative and shall set forth concisely, under distinct heads, the grounds of appeal which shall be numbered consecutively and whole memorandum of appeal along with supporting documents or annexures thereof shall be on due affidavit and copy of the appeal shall be served on the other party to the appeal and acknowledgement thereof filed with the memorandum of appeal.

(2)No appeal, reference, application, representation, document or other matters contained in any language other than English or Hindi shall be accepted by the Central Government, unless the same

is accompanied by a certified true translation thereof in English or Hindi.

7. Furnishing of information or documents .-The Central Government may, while considering the appeal, require any party to the appeal, to furnish such further information and documents, as it considers necessary within such time as may be granted by the Central Government.

8. Date and place of hearing of appeal to be communicated .-The Central Government shall communicate, while considering the appeal, to the parties concerned, the date and place of the hearing of the appeal.

9. Hearing of appeal .-(1) The Central Government may, after giving the parties to the appeal, an opportunity of being heard and, hearing the appeal on the day fixed or any other day to which the hearing may be adjourned, pass such orders thereon as it thinks fit to meet the ends of justice.

(2) In case the appellant does not appear in person or through an authorised representative when the appeal is called for hearing, the Central Government may either dismiss the appeal for default or dispose of the appeal on merits ex parte ; Provided that if the appellant on an application satisfies the Central Government that there was sufficient cause for his non-appearance, when the appeal was called for hearing, the Central Government shall make an order setting aside the ex parte order and restore the appeal. (3) The order passed under sub-rules (1) and (2) shall be in writing and shall be signed and dated and shall be communicated to the parties.

FORM (See rule 3)

APPEAL UNDER SUB-SECTION (5) OF SECTION 5 OF THE STATE FINANCIAL CORPORATION ACT, 1951 (63 OF 1951)

Date of filing.....Registration No.....Before the Secretary to the Government of India in the Department of Economic Affairs, New Delhi

Between Appellant(s) A.B.....And The Board [mention here name of the State Financial Corporation/other(s)..... Opposite party(ies) [mention the name and address of the party(ies) here]

The appellant(s) named above, begs to prefer the appeal under sub-section (5) of section 5 of the State Financial Corporations Act, 1951 (63 of 1951), against the order of refusal of the Board of (Mention the name of the State Financial Corporation) passed under section 54) of the said Act, on the following facts and grounds (Mention briefly the facts of the case here. Enclose certified copy of the order of refusal by the Board, and copies of other relevant documents, if any)

GROUND(S) (Mention here the grounds on which the appeal is preferred)

Matter not pending with any other Court, etc.-The appellant declares that the matter regarding which this appeal has been made is not pending before any Court of law or any other authority or Tribunal.

PRAYER In the light of what is stated above, the appellant(S) prays that he/she/it may be granted the following relief.

RELIEF SOUGHT (specify the relief sought)

The amount of Rs.....as fees for this appeal has been deposited vide challan No.dated.....with.....branch of the State Bank of India.

List of Enclosures:-

1. Certified copy of the order of refusal passed by the Board under section 5(4) of the Act.

2. Authority of the Authorised Representative.

3. Receipt/acknowledgement showing service of copy of appeal on the other party(ies) to the appeal.

4. Other document(s), etc.....

VERIFICATION I do hereby solemnly affirm and state that all the averments contained above are true to the best of my belief, knowledge and information. Place.....Date.....Signature of Appellant(s) or his/their Authorised representative Affidavit_____