

# **The Industrial Development Bank Of India (Appeal To The Central Government) Rules, 1995**

UNION OF INDIA

India

## **The Industrial Development Bank Of India (Appeal To The Central Government) Rules, 1995**

### **Rule**

### **THE-INDUSTRIAL-DEVELOPMENT-BANK-OF-INDIA-APPEAL-TO-THE- of 1995**

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### **13.**

/617In exercise of the powers conferred by sub-section (3) of section 13-D of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government here by makes the following rules, namely :-

#### **1. Short title and commencement .-(1) These rules may be called The Industrial Development Bank of India (Appeal to the Central Government) Rules, 1995.**

(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 Industrial Development Bank of India Act, 1964 (18 of 1964);(b)"authorised representative "means,-(i)in relation to an appellant, a person duly authorised by the appellant to present an appeal on his behalf to the Central Government;(ii)in relation to the Board, a person duly appointed by the Board by

resolution as authorised representative to appear, plead and Act for the Board in any appeal under these rules;(iii)in relation to any other party to the appeal, a person duly authorised by such party to appear, plead and Act on his behalf;(c)"Board "means the Board of Directors of the Development Bank constituted under sub-section (1) of section 5 of the Act;(d)"Development Bank "means the Industrial Development Bank of India established under section 3 of the Act;(e)"Form "means the form appended to these rules;(f)"party "means a person who files an appeal before the Central Government and the respondent;(g)"Rules "means rules made under the Act;(h)other expressions which are not defined here shall have the meanings respectively assigned to them in the Act.

### **3. Form of appeal**

.-Every appeal under sub-section (3) of section 13-D of the Act shall be preferred by any person aggrieved by an order of refusal of the Board made under sub-section(2) of section 13-D, to the Central Government in the Form.

### **4. Time within appeal is to be preferred**

.- (1) An appeal shall be preferred by the aggrieved person within a period of thirty days from the date of communication to him of the order of refusal of the Board made under sub-section (2) of section 13-D of the Act.(2)When the appeal is preferred after the expiry of the period of thirty days specified in sub-rule (1), it shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the Central Government that he had sufficient cause for not preferring the appeal within the said period of 30 days:Provided that if the Central Government is satisfied that the appellant had sufficient cause for not preferring the appeal within the aforesaid period, it may, for reasons to be recorded in writing, admit the appeal after the expiry of the aforesaid period but before the expiry of forty-five days from the date of communication to him of the order of refusal of the Board.

### **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 challan with any branch of the State Bank of India under the head,-

#### **0070.**

-Other administrative service

#### **60.**

-Other services

**800.**

-Other receipts.

## **6. Contents of appeal**

.- (1) Every appeal filed under rule 3 shall be written in English or Hindi and shall set forth concisely under distinct heads, the grounds of appeal which shall be numbered consecutively. (2) Every appeal shall be filed in the Form in duplicate and shall be accompanied by the certified copy of the order of refusal of the Board appealed against, affidavit and other documents to support the grounds of appeal.

**7.**

Right to representation (1) An appellant and every other party to the appeal may appear before the Central Government in person or through their authorised representatives. (2) The Board shall be represented before the Central Government through its authorised representative. (3) Authorisation empowering a person to act as an authorised representative shall be filed with the Central Government before the commencement of the hearing of the appeal.

## **8. Procedure for filing appeal**

.- (1) An appeal shall be preferred either by the appellant in person or his authorised representative to the Central Government and the same shall be addressed to the Secretary to the Government of India, Department of Economic Affairs, Ministry of Finance, New Delhi, by registered post. (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, Department of Economic Affairs, Ministry of Finance, New Delhi.

## **9. Furnishing of information/documents**

.- (1) The Central Government may, before considering the appeal, require any party to the appeal to furnish such further information and documents as it considers necessary. (2) The parties shall furnish such information and documents within 30 days of such order or such further period as may be granted by the Central Government.

## **10. Date and place of hearing of appeal to be communicated**

.- The Central Government shall communicate, before considering the appeal, to the parties concerned, the date and place of the hearing of the appeal and shall also send a notice of the Board either before or with such communication.

**11. Hearing of appeal .-(1)On the day fixed or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Central Government shall then, if necessary, hear the authorised representative of the Board and any other party to the appeal and in such case the appellant shall be entitled to reply.**

(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 dismiss the appeal for default: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 exparte order and restore the appeal.

## **12. Orders by the Central Government**

.- (1) The Central Government may after considering the appeal and making such further enquiry as it considers necessary, either dismiss the appeal, or-(a)pass an order directing that the transfer of shares shall be registered by the Board and the Board shall comply with such order within thirty days of the receipt of the order; or(b)pass an order directing the rectification of the register of shareholders of the Development Bank; or(c)in its discretion, pass such others orders as it may deem fit and just.(2)The order passed under sub-rule (1) above shall be in writing and shall be signed and dated and shall be communicated to the concerned parties.  
FORM Industrial Development Bank Of India (Appeal to the Central Government) (See rule 3) Form Of Appeal  
From: (Mention the name and address of the appellant here) To, The Secretary to the Government of India, Department of the Economic Affairs, Ministry of Finance, New Delhi. Sir, The appellant named above, begs to prefer this appeal under sub-section (3) of section 13-D of the Industrial Development Bank of India Act, 1964 (18 of 1964), against order of refusal of the Board of the Development Bank passed under the said Act on the following facts and grounds. Facts: (Mention briefly the facts of the case here. Enclose certified copy of the order of refusal of the Board, an affidavit and copies of other relevant documents, if any). Grounds: (Mention here the grounds on which the appeal is made). Prayer: In the light of what is stated above, the appellant 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 ..... (Signature of the appellant or his authorised representative).