

Article

An Introduction to the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 — A study

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In India commercial banking has been the hub of the financial system and has played a pivotal role in economic development. Apart from performing the key-functions of providing liquidity and payment services to the real sector and managing financial intermediation process, the banking industry has been able to provide major credits to all sections of economy. Banking has been termed 'growth facilitators' with introduction of concept of 'global village'. The face of commercial bank has changed a lot and that too radically. Efficiency in management of liability has been call of the day. With induction of private Banks, sellers market has changed to buyers market. It was recognized at an early stage of reform that the weak banking system would not be able to withstand the pressures of liberalization in their current state. The legislation bringing about qualitative improvement in the Banks and supporting financial infrastructure in order to change the environment of recovery where needed. It is noticeable that prior to the enactment of RDDB Act, the normal remedy for recovery of debts due to Banks and Financial Institutions was to institute a suit in Civil Court which was tried and decided in accordance with the procedure laid down in Civil Procedure Code 1908. The decree passed by the Civil Courts was also executed in accordance with the procedure contained in Order XXI thereof. The procedure of suit was a long and a cumbersome process. Often it took years and decades to recover the amount. The position was that a civil suit took five years to fifteen years for adjudication of liability or for getting a judgment. After such a long period spent in adjudication of liability there was considerable difficulty at the time of execution for recovery of loan amount or for sale of goods/property.

At the stage of execution borrower was no longer there, several claimants for property will come –up or the value of pledged assets might have gone down or identity of immovable property was lost. This gave rise to a kind of hopelessness in banking industry and banks started to make compromises and to accept one time down payment. Heavy discounts on such repayments of loan were offered by Banks. Many eminent personalities/leader companies availed the opportunity and escaped their full obligations to repay the debts through compromise agreements. Simultaneously Rs. 10,000/- concession was granted to the poor borrower and atmosphere for payment of loans further deteriorated. Ultimately, realizing the ground realities Government of India constituted Bank Debt Recovery Tribunals with a view to ensure speedy recovery.

These Tribunals are new set-up of legal instructions to deal with recovery cases relating to Banks and Financial Institutions. These Tribunals are forum quite different

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from other legal forums like Civil Courts. Here only the Banks and Financial Institutions have rights to file the original applications for recovery of their dues. This type of classification to provide such privilege to the Banks and to the Financial Institutions is a classification taking into account the NPAs of the Banks and Financial Institution which affect the economy of the country as such this classification seems permissible under Article 14 of the Constitution of India.

Procedure contemplated under the Act is a summary procedure. The legislature has created new forums to decentralise the judicial work, concentrated in Civil Courts of the country. It was a welcome change and successful experiment for early disposal of cases.

The Legislature, in its wisdom thought it expedient to confine this special remedy for recovery of debts of more than ten lacs. For lesser amount, the Bank and Financial Institutions can avail normal remedy of Civil Court. Besides this, the Act further authorises the Central Government to specify such other amount, being not less than one lac rupees. Thus, having regard to the contingency debts less than ten lacs but more than one lac can also be included within the purview of the Tribunal.

The purpose and object of the Act can be deciphered from the long title.¹ The title clearly describes the purpose and object for recovery of debts due to Banks so that such recovery could be adjudicated expeditiously. It is clear that scheme of the Act is more to substitute the process of the Courts in relation to the recovery suits.

The basic purpose of the Act is to provide an alternative process of law for recovery of Bank dues. It was to substitute the entire procedure which was adopted by the Courts under the Code of Civil Procedure for recovery suits relating to the Banks and Financial Institutions.

The proceedings are analogous to a suit. The proceedings under the Act are calculated to counter act the dilatory tactics adopted by the recalcitrant litigants.

Now we will discuss various provisions of R.D.D.B. Act in short. Thus all matters which are related to debts due to Banks are to be subject matter of the Act. Central Government; by virtue of Section 3 of RDDB Act has established Tribunal to exercise the jurisdiction, powers and authority by or under this Act. The notifications also contain the areas within which the Tribunal will exercise their jurisdiction.

Section 2(d) defines 'Banks' as including (i) Banking Companies, (ii) corresponding new Banks, (iii) State Bank of India, (iv) subsidiary Banks, and (v) Regional Rural Banks, (vi) a Multi State Co-operative Bank²

'Banking Company' is defined in Section 2(e) and 'Corresponding New Bank' is defined in Section 2(f) and it refers to Section 5(da) of the Banking Regulation Act, 1949. Clause (da) of Section 5 of the Banking Regulation Act, 1949, defines 'corresponding new banks' as Banks constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 and Section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980. Thus about 20 nationalised Banks have come under the purview of RDDB Act. Section 2 (h) defines 'financial institutions' and refers to public financial institutions falling within Section 4-A of the Companies Act, 1958- namely (i) the Industrial Credit and Investment Corporation of India; (ii) the Industrial Finance Corporation of India; (iii) the Industrial Development Bank of India; (iv) the Life Insurance Corporation of India and (v) the Unit Trust of India. Other financial institutions since notified are large in number.

Debt has been defined in Section 2(g), which means any liability, including interest due from any person by a Bank during the course of any business activity undertaken by the Bank under any law for the time being in force in cash or otherwise, whether secured or unsecured, or whether payable under a decree or order of any civil Court or otherwise subsisting or legally recoverable on the date of the application.

The application is defined in Clause (b) to Section 2 and means application made to a Tribunal under Section 19 of the Act.

Sub-section 4 of Section 19 of the Act provides that on receipt of the application from the Bank or Financial Institution for the recovery of the amount, the Tribunal shall issue summons requiring the defendant to show cause within thirty days of service of summons as to why the relief prayed for should not be granted. The Defendant shall, within a period of thirty days from the date of service, present a written statement.

Sub-section 24 of Section 19 lays down that the application made to the Tribunal under Sub-section 1 or sub-section 2 shall be dealt with by it as expeditiously as possible and endeavor shall be made by it to dispose of the application finally within one hundred eighty days from the date of receipt of the application.

Any debt due to the Bank comes within the scope and ambit of the Act in respect whereof an application is made under Section 19 to the Debt Recovery Tribunal, which exercises the jurisdiction under Section 17 of the Act in respect of such debts from the appointed day. 'Appointed day' has been defined in Section 2(c) of the Act as the date on which the Tribunal is established under sub-section (1) of Section 3. Therefore, from the date a Tribunal is established under Section 17 it is entitled to exercise jurisdiction in respect of recovery of debts due to Banks. Debt Recovery Tribunal is a Tribunal and not a Court. The proceedings before it are initiated on an application and not by suit. The Tribunal does not pass decree; instead issues a Recovery Certificate which is to be executed through Recovery Officer which partakes a character of a decree.

Section 18 excludes jurisdiction of Civil Court and other authorities in regard to matter specified in Section 17. The second proviso to Sub-section (3) to Section 19 excludes in its application to suits transferred under Section 31 in so far as the same relates to payment of Tribunal fees (Procedure). Rules 1993 have been framed by Central Government under Section 36 of R.D.D.B. Act. Rule 4 provides that an application shall be presented in the form annexed to the Rules by the applicant in person or by his agent whereas Rule 5, 6, 7 regulate the presentation, scrutiny and the fees payable on such applications. Rule 8 and 9 relate to the contents and the documents required accompanying the application. Rule 10 provides relief or reliefs based on more than a single cause of action can not be sought unless they are consequential with each other. Under sub-section (4) of Section 19 on receipt of the plaint, Tribunal shall issue summons to the defendant requiring him to show cause as to why relief prayed for should not be granted. Under sub-section (20), the Tribunal may, after giving the applicant and the defendant an opportunity of hearing, pass such order as it thinks fit to meet the end of justice. Thereafter under Sub-section (21), a copy of every order passed by the Tribunal is to be sent to the parties. Under Sub-section (22), the Tribunal is to issue a certificate on the basis of its order to the Recovery Officer as defined in Clause (k) of Section 2 of the Act for recovery of the amount of debt specified in the certificate.

Sub-section 1 of Section 22 of the Act specifically provides that the Tribunal and the Appellate Tribunal shall not be bound by the procedure laid down by Civil Procedure

Court but shall be guided by the principles of natural justice and shall have powers to regulate its own procedure.

Chapter V deals with recovery of determined debt by Tribunal and a complete procedure for recovery of debts has been provided in Section 25 to 30.

It is not the intendment of the Act that while the basic liability of the defendant is to be decided by the Tribunal under Section 17, the Banks/Financial Institutions should go to the Civil Court or the Company Court or some other authority outside the Act for the actual realization of the amount. The certificate granted under Section 19 (22) has to be executed only by the Recovery Officer. No dual jurisdiction at different stages is contemplated.

Sub-section 3 of Section 20 lays down that every appeal under sub-section 1 shall be filed within a period of forty five days from the date on which a copy of the order is made or deemed to have been made, by the Tribunal is received by applicant.

Sub-section 6 of Section 20 enjoins that the appeal filed before the Appellate Tribunal shall be dealt with by it as expeditiously as possible.

Section 21 of the Act enjoins that an appeal shall not be entertained by the Appellate Tribunal unless the person preferring the appeal has deposited seventy five percent of the amount of debt due from him as determined by the Tribunal but Appellate Tribunal has right to dispense with such condition in appropriate cases.

The Act is a complete Code by itself as far as recovery of debt is concerned. It provides for various modes of recovery. Therefore, the debt due under the recovery certificate can be recovered in various ways. The remedies mentioned therein are complementary to each other. The Act provides for adjudication of disputes as far as the debts due is concerned.

It covers secured as well as unsecured debts. However, it does not rule out applicability of the provisions of the Transfer of Property Act, in particular Section 69 and 69 A of the Act.

Section 31 speaks about transfer of pending cases and Section 31 A clarifies that Tribunal can pass orders on the basis of Civil Court decree. Section 32 speaks that employees and officers of the Tribunal shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1960 (45 of 1860). Section 33 protects from suit, prosecution or other proceedings to Central Government and other officers of Tribunal for the actions which have been taken by them in good faith.

Section 34 provides for overriding effect to the Act. Section 35 empowers Central Government to make any provisions for removing the difficulties in application of the Act. Section 36 tells about the power of Central Government to make rules, by notification, to carry out the provisions of the Act. Lastly, Section 37 puts legal sanctity to the actions taken under the Recovery of Debts Due to Banks and Financial Institutions Ordinance, 1993. *Vide* amendment of 2013 the Parliament further provided for a specific time of thirty days to the defendants for filing of written statements and creating an obligation for Presiding Officer for recording the reasons in writing if extension of time is to be made for filing of written statement and also to carry out the hearing on day to day basis. Secondly, Multi State Co-operative Banks were also permitted expressly to present their application for recovery.

All the ramifications and outcome of legislation may not be visualized. At this juncture the judiciary has to intervene. The RDDB Act also faced bad weather and the constitutionality of the Act was challenged before Delhi High Court.³ Delhi High Court

declared the Act to be unconstitutional. It pointed out various anomalies in the Act. Commenting on various provisions of the Act it held that stringent provisions exist for recovery of the debts, if found due. Its provisions are wholly loaded in favour of the Banks and Financial Institutions as if the debt to be recovered is a tax. The Act would appear to be more like the Customs Act and the Central Excise & Salt Act where there are provisions of the Income Tax Act, 1961 applicable as if the Income Tax found due. Provisions of the Income Tax Act, 1961, and the Income Tax (certificate proceedings) Rules 1962 for recovery of the debts found due already stand incorporated in the Act. Under Section 18 of the Act jurisdiction of all Courts is barred in relation to matters specified in Section 17. It was wholly unnecessary to provide Section 18 saving the jurisdiction of the High Court under articles 226 and 227 of the constitution as the Act is not on any of the matter specified in Articles 323-B of the Constitution of India.

The Tribunal is not merely an Executing Authority to recover debts as claimed by the Bank or Financial Institutions. The Tribunal is enjoined with the duty to decide the debts due to the Bank. Taking into account the entire Scheme and modalities, the Tribunal, while adjudicating the claim of the Banks or the Financial Institutions has to take into account the cause shown by the debtor as required under Sub-section (3) of Section 19. Such cause could include the counter claim and set off of the debtor as put forth against the claim of the Bank. The Tribunal, having regard to the cause as shown, has to decide the liability of the debtor and if the debtor succeeds, the Tribunal has to make necessary adjustment of such claim against the debts claimed by the Bank.

But under the provision of the Act, the Tribunal cannot adjudicate upon the claim of set off, adjustment or counter claim made by the respondent. Assume a case where counter claim or adjustment is proved and the amounts become due to the respondent. The dichotomy that case of the value of Rs. 10 lakhs and above can be tried only by the Tribunal and those less than that amount by the subordinate judiciary (in Delhi) is not understandable. The suit of the value of over Rs. five lakhs and less than Rs. Ten lakhs can be filed only in the Delhi High Court and that between Rs. one lakh and Rs. five lakhs before the District Judge. The Presiding Officer of the Tribunal can at best be of the rank of the District Judge. Then, the rules of natural justice are no substitute for the procedure prescribed under the Code of Civil Procedure. On these grounds Delhi High Court struck down the Act in toto. Similarly, regarding validity of the Act, Karnataka High Court⁴ also held that parliament did not have the legislative competence to enact the Act in as much as Entry 11-A of List 3 could not include 'Tribunal' and that a Tribunal can not be formed for any matters other than the matters specified in Article 323-A and 323-B of Constitution of India. In view of pendency of several writs in different High Courts, the proceedings under RDDB Act remained stayed.

However an appeal was made to Supreme Court and constitutional validity of the Act was up held. But for removing certain anomalies Supreme Court advised the Government⁵ to bring the necessary amendments in the Act 1993. The decisions of Delhi, Karnataka and Gauhati High Courts were overruled. It was held that parliament has legislative competence to enact such a law under Entry- 45 Schedule 7 List I of Constitution. Section 25 to 28 of the Act providing for different modes of recovery are not unreasonable, arbitrary or without guidelines.

After that again in Allahabad Bank case Supreme Court⁶ declared that power to adjudicate is exclusive with Debts Recovery Tribunal and Bank & Financial Institution are not supposed to go to any other authority outside the Act and there is no need to obtain the leave of the Company Court under Section 446 of the Companies Act.

Constitution & Officials of the Tribunal: Debt Recovery Tribunal is a Court within the meaning of Section 3 of the Indian Evidence Act, 1872 and also for the purpose of clause 13 of the Letters Patent Act. As per Section 2(o)⁷ Tribunal means the Tribunal established under sub-section 1 of Section 3 of the Act. Section 4 deals with the composition of the Tribunal. According to the Section the Tribunal shall consist of one person that is Presiding Officer. Section 2(ja)⁸ of the Act defines Presiding Officer as Presiding Officer of Debts Recovery Tribunal appointed under sub-section (7) of Section 4. Section 4 makes clear that it is only Presiding Officer who is having powers which are vested in the Tribunal. The second part of para I of Section 4 says that Presiding Officer will be appointed by the notification of Central Government. The Section further makes clear that Presiding Officer of one Tribunal can work as Presiding Officer of any other Tribunal as Government of India may authorize and notify in this behalf in official gazette. The Presiding Officer has the role to issue necessary Recovery Certificate which is forwarded to Recovery Officer.

Several provisions have been made ensuring independence of Presiding Officer.

Though qualification of the Presiding Officer and the Chairperson of Debt Recovery Tribunal and Debt Recovery Appellate Tribunal respectively are the qualifications required to be of a district judge and of a judge of High Court. Under Section 10⁹:

Section 10. Qualifications for appointed as the Chairperson of the Appellate Tribunal:-A person shall not be qualified for appointed as the Chairperson of the Appellate Tribunal unless he:

- (a) is, or has been, or is qualified to be, a Judge of a High Court; or
- (b) has been a member of the Indian Legal Service and has held a post in Grade I of that service for at least three years; or

of the RDDB Act, other qualifications are also provided for the appointment of Chairperson. The set-up of a Tribunal and the Appellate Tribunal in the scheme of the RDDB Act is quite different from the set-up of other Tribunals where the Tribunals are comprised of two members, one administrative member and the other judicial member. This difference is very much relevant to distinguish these Tribunals from other Tribunals.

The Debt Recovery Tribunal and Debt Recovery Appellate Tribunal have no administrative feature as there is no administrative member in those Tribunals. These aspects of the constitution of these Tribunals making them different from other Tribunals may be connected with the nature of cases which the Tribunals deal with. The appointment will be for five years only (from the date he enters upon his office) or until he attains the age of sixty two years¹⁰.

Presiding Officer has no doubt the powers to withdraw the certificate. On reversal of order in appeal the withdrawals is contemplated. In case of settlement or compromise or an adjustment inter se parties there can be withdrawal of recovery certificate. It has a power to withdraw a certificate. It has a power to cancel a certificate. It has a power to grant payment of certificated amount in installments. It has a power to correct clerical or arithmetical mistakes in the certificate. All such powers are independent and disjunctive from each other.

Recovery Officer: It is obvious from combined reading of Section 2 (0), Section 3 (1) and Section 4(1) of the Act, 1993 that the Tribunal is consisting of one person only i.e. Presiding Officer and the Recovery Officer does not constitute the Tribunal. The

Recovery Officer is the officer of the Tribunal constituting the staff of the Tribunal to execute the certificate in pursuance of Section (7) (read with its marginal heading) of Act, 1993.

The Power conferred under Section 19 (23) of the Act, is the power conferred on the Tribunal which cannot be exercised by the Recovery Officer. The Jurisdiction of the Recovery Officer, being the officer of Tribunal, cannot be separable from the jurisdiction of Presiding Officer.

Once the certificate has been issued, the certificate cannot be disputed by the Certificate Debtors before the Recovery Officer nor does the Recovery Officer have power to determine his jurisdiction in respect of the certificate in pursuance of Sub-section (1) of Section 26. The procedure to be adopted for recovery of certified debt Income Tax Act is quite different from that of the procedure under Code of Civil Procedure. After issuance of the certificate to the Recovery Officer, the Recovery Officer shall act according to the certificate and against the parties as mentioned in the certificate.

As per the Section 26 of the Act no objection to the certificate on any other ground shall be entertained by the Recovery Officer and the Recovery Officer has got no power to decide any legal question arising out of the final order, at the time of execution of the final order.¹¹

Whether Recovery Officer in absence of recovery certificate issued by Presiding Officer can take cognizance of the execution in proceedings transferred to him directly from the Civil Court. It appears that Recovery Officer comes into picture on receipt of Recovery Certificate. Recovery Officer starts discharging his functions on receipt of the certificate and not otherwise. The issuance of certificate by the Presiding Officer alone would give jurisdiction to the Recovery Officer. However in the case of adjustment /settlement/compromise a satisfaction is to be recorded for certified debt then the same will be recorded by Recovery Officer only under Rule 9¹²

Recovery Officer has no power to modify any modes of recovery neither correctness of Recovery Certificate can be challenged before him. Even on any ground Recovery Officer can not put any objection to Recovery Certificate.

Thus a Recovery Officer does not have power to accept the offer of certificate-debtor of his intention to pay back the certificate amount on receipt of hypothecated/pledged goods in a serviceable state and to direct Bank to assess or re-value the goods.¹³ Similarly, Recovery Officer can not pass an order of injunction.¹⁴

But Recovery Officer has not to leave Recovery Certificate issued by Tribunal unexecutable. Though Recovery Officer is not a separate executing Court and is the Officer of the Tribunal yet the powers of Recovery Officer can not be confined to the judgment delivered only and therefore Recovery Officer will have power to decide any compensation in pursuance to provisions of Order XXI Rule 31 (2) of Code of Civil Procedure¹⁵

An order made by Recovery Officer for consignment of recovery proceedings in the record, will be treated as an administrative order and therefore liable to be recalled at any time by Recovery Officer *suo moto* on the basis of application of any party.¹⁶

Section 29 of the RDDB Act though provides for application of Income Tax Act yet in view of *non-obstante* clause in Section 30 an appeal will be maintainable under the Act irrespective of the rights available under Schedule Rule 61. And therefore any person aggrieved has right to appeal before the Tribunal against the order of Recovery Officer under Section 30 of the Act, but writ petition under Article 227 of Constitution will not be maintainable against orders passed by Recovery Officer.¹⁷ In appeal against

order of Recovery Officer Tribunal fees will be payable on the amount involved like auction-money etc. before Debt Recovery Tribunal under Rule 7 (2) (5) and on second appeal before Debt Recovery Appellate Tribunal, same Tribunal fees will be payable.¹⁸

Registrar has not been defined in the Act. Registrar is also staff of the Tribunal. No provisions have been made for the appointment of Registrar in the Act itself. Only under the Rules Registrar has been defined as the Registrar of the Tribunal. Rule 22¹⁹ prescribes for powers and functions of the Registrar. The Registrar is custodian of record of the Tribunal as well as of the seal of the Tribunal.

Seal of Tribunal can be used only under authority of Registrar in normal course or upon a specific direction by Presiding Officer of the Tribunal. The Registrar may also discharge any other functions which may be assigned to him in writing.

Additional powers are given under Rule 23. Registrar is authority to receive all documents/applications on behalf of Tribunal and will examine them so that the same conforms to the Rules/Regulations of the Tribunal and may direct any party before Tribunal for carrying out necessary amendment or for payment of proper Court fees and also may fix date of hearing before Presiding Officer.

An application for inspection for record of the Tribunal is to be allowed by Registrar. Registrar may send requisition for calling records from the custody of any Court or other authority. In accordance with Rule 23 (VIII) Registrar has to dispose off all the matters relating to the service of notices or other processes which includes service by publication. But apart from Rule 22 and 23 no judicial powers can be delegated to Registrar by Presiding Officer. The Registrar can not replace Presiding Officer in judicial work. Registrar's function is administrative in nature but subject to Rule 22 and 23. Registrar is administrative officer of the Tribunal.

Still sometimes when role of Registrar has to pass judicial or quasi-judicial orders for discharging his functions properly under the Rules, the same should be made in accordance with the principles of natural justice. Registrar may decline to register any defective application or may grant time to party for rectifying the defect.²⁰ In case the direction of Registrar is not carried out by party, he can deny for registering any application presented to him. An order for substituted service can not be made without deciding the matter on the principles of natural justice²¹ i.e. without deciding the issue regarding avoiding of service by defendant. Registrar has power to allow formal amendments but amendments like addition deletion of parties requiring an exercising of judicial discretion can not be considered by Registrar.

Similarly, Registrar can not dispose off an application for setting-aside *Ex parte* order.²² He cannot act as a Tribunal. He has no power to act as judicial body.

Thus we can observe that an efficient mechanism is provided in the form of Debts Recovery Tribunal and the mechanism has proved its worth and utility in past years by providing necessary reliefs.

Endnotes

1. An Act to provide for the establishment of Tribunals for expeditious adjudication and recovery of debts due to Banks and Financial Institutions and for matters connected therewith or incidental thereto.
2. Added by Amending Act No. 1 of 2013

3. *Delhi High Court Bar Association and Another v. Union of India* MANU/DE/0066/1995: 1995 (1) Bank CLR 286: AIR 1995, Delhi 232
4. *D.K Abdul Kader & Others v. Union of India* MANU/KA/0135/2001: 2002 (1) Bank CLR 630 (Kant): AIR 2001 Kant 176
5. *Union of India v. Delhi High Court Bar Association* MANU/SC/0194/2002: 2002(2) S.C.C. 275: 2002(2) Bank CLR 272 (S.C.): AIR 2002 SC 1479
6. *Allahbad Bank v. Canara Bank and another* MANU/SC/0262/2000: 2000(1) Bank CLR 481(SC): AIR 2000 SC 1535
7. Section 2 (o) "Tribunal" means the Tribunal established under sub-section (1) of section 3.
8. Section 2 (ja) "Presiding Officer" mean the Presiding Officer of the Debts Recovery Tribunal appointed under sub-section (1) of Section 4
9. Section 10. *Qualifications for appointed as the Chairperson of the Appellate Tribunal*: A person shall not be qualified for appointed as the Chairperson of the Appellate Tribunal unless he:
 - (a) is, or has been, or is qualified to be, a Judge of a High Court; or
 - (b) has been a member of the Indian Legal Service and has held a post in Grade I of that service for at least three years; or
 - (c) has held office as the Presiding Officer of a Tribunal for at least three years.
10. Section 4. *Composition of tribunal*: (1) A Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification, by the Central Government. (2) Notwithstanding anything contained in sub-section (1), the Central Government may authorise the Presiding Officer of one Tribunal to discharge also the functions of the presiding Officer of another Tribunal.

Section 5. *Qualification for appointed as Presiding Officer*: A person shall not be qualified for appointment as the Presiding Officer of a Tribunal unless, he is, or has been, or is qualified to be, a District Judge.

Section 6. *Term of Officer*: The Presiding Officer of a Tribunal shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 1[sixty-two years], which is earlier.
11. *State Bank of India v. M/s Arvind Engg. Works and Others* 1999 (2) Bank CLR 497 (DRT Delhi)
12. *Allahabad Bank v. M/S Das Medical Agencies & Others* 2005 (1) Bank CLR 781 (DRT Kol.)
13. *Uco Bank v. Swarup Dutta* 2009(1) Bank CLR 131 (DRT Kol.)
14. *Kotak Mahindra Bank Limited v. N.K. Industries Ltd. and Others* 2007(2) Bank CLR 395 (DRT Mumbai)
15. *Bank of Rajasthan Limited v. VCK Share and Stock Broking Services Private Limited and Others* 2009(2) Bank CLR 62 (DRT Kol)
16. *M/s Key Dee Rolling Mills and Others v. Bank of Maharashtra* 2004 (3) Bank CLR 555 (DRAT Mum)
17. *M/s Jekay Rolling Mill Pvt. Ltd. v. DRT & Others* 2003(3) Bank CLR 408 (Cal)
18. *Shri Ram Avtar v. M/s Durga Rice and Dall Mill and Others* 2005 (3) Bank CLR 400 (DRAT Allahbad)
19. Rule 22. *Powers and Functions of the Registrar*: (1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules by the Presiding Officer by a separate order in writing.
 - (2) The official seal shall be kept in the custody of the Registrar.
 - (3) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Registrar.
 - (4) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.
20. *P.S. Vincent v. Housing & Urban Development Corporation* MANU/KE/0009/2003: AIR 2003 Kerala 176
21. *Shiv Murat Sharma v. Allahbad Bank* 2002 (1) Bank CLR 605 (Cal.)
22. *Sumangal Jewelers and others v. Presiding Officer DRT Chennai* 2001(3) Bank CLR 171 (Madras)