

# The Debts Recovery Tribunal (Procedure) Rules, 1993

UNION OF INDIA

India

## The Debts Recovery Tribunal (Procedure) Rules, 1993

### Rule

### THE-DEBTS-RECOVERY-TRIBUNAL-PROCEDURE-RULES-1993 of 1993

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The Debts Recovery Tribunal (Procedure) Rules, 1993 Published vide G.S.R. 564(E), dated 5.8.1993, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 20.8.1993.

### 21.

/939In exercise of the powers conferred by sub-sections (1) and (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institutions Ordinance, 1993 (25 of 1993), the Central Government hereby makes the following rules, namely:-

#### 1. Short title and commencement. - These rules may be called The Debts Recovery Tribunal (Procedure) Rules, 1993.

(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 Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993);(aa)"agent" means a person duly authorized by a party to present application or to give reply on its behalf before the Tribunal;](b)[ "applicant" means a person making an application under section 19 or under section 31-A and also includes an "applicant" who files an appeal under section 30(1) of the Act; [ Substituted by G.S.R. 44(E), dated 21-1-2003, for sub-Rules (b) and (c) (w.e.f. 21-1-2003).](c)"application" means an application filed under section 19 or under section 31-A and includes an "appeal" filed under section 30(1) of the Act;](d)"legal practitioner" shall have the same meaning as if assigned to it in the Advocates Act, 1961 (25 of 1961);(e)"Ordinance" means the Recovery of Debt Due to Banks and Financial Institutions Ordinance, 1993 (25 of 1993);(f)[

"Presiding Officer" means the Presiding Officer of the Tribunal and includes the Presiding Officer of any other Tribunal, authorised by the Central Government to discharge the function;] [Substituted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).](g) [ "Registrar" means the Registrar of the Tribunal and includes the Assistant Registrar to whom the powers and duties of the Registrar may be delegated;] [ Substituted by G.S.R. 44(E), dated 21-1-2003, for sub-Rule (g) (w.e.f. 21-1-2003).](h)"Registry" means the Registry of the Tribunal.

### **3. Language of the Tribunal. - (1) The proceedings of the Tribunal shall be conducted in English or Hindi.**

(2)No reference, application, representations, documents or other matters contained in any language other than English or Hindi shall be accepted by the Tribunal, unless the same is accompanied by a true translation thereof in English or Hindi.

### **4. Procedure for filing application. - (1) [The application under section 19 or section 31-A, or under section 30(1) of the Act may be presented as nearly as possible in Form I, Form II and Form III respectively] annexed to these rules by the applicant in person or by his agent or by a duly authorized legal practitioner to the Registrar of the Bench within whose jurisdiction his case falls or shall be sent by registered post addressed to the Registrar.**

(2)An application sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar the day on which it is received in the office of the Registrar.(3)The application under sub-rule (1) shall be presented in [two sets] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " four sets" (w.e.f. 19-6-1997).], in a paper book alongwith an empty file size envelop bearing full address of the [defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondents" and " respondent" , respectively (w.e.f. 19-6-1997).] and where the number of [defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondents" and " respondent" , respectively (w.e.f. 19-6-1997).] is more than one, then sufficient number of extra paper books together with empty file size envelopes bearing full addresses of each [defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondents" and " respondent" , respectively (w.e.f. 19-6-1997).] shall be furnished by the applicant.

### **5. Presentation and scrutiny of applications. - [(1) The Registrar or, as the case may be, the officer authorized by him, shall endorse on every application the date on which it is presented or deemed to have been presented under rule 4 and shall sign endorsement.]**

(2)If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.(2A)[ After registration of the application under sub-rule (2), the Tribunal shall issue summons to the defendants in Form IV.] [Inserted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).](3)If the application, on scrutiny, is found to be defective and the defect

noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.(4)If the concerned applicant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register the application.(5)An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Presiding Officer concerned in chamber whose decision thereon shall be final.[5-A. Review.(1)Any party considering itself aggrieved by an order made by the Tribunal on account of some mistake of error apparent on the face of the record desires to obtain a review of the order made against him, may apply for a review of the order to the Tribunal which had made the order.(2)No application for review shall be made after the expiry of a period of [thirty days] from the date of the order and no such application shall be entertained unless it is accompanied by an affidavit verifying the application.(3)Where it appears to the Tribunal that there is no sufficient ground for a review, it shall reject the application but ] [where the Tribunal is of opinion that the application] [ Substituted by G.S.R. 405(E), dated 25-7-1997.][for review shall be granted, it shall grant the same:Provided that no such application shall be granted without previous notice to the opposite party to enable him to appear and to be heard in support of the order, a review of which is applied for.] [Inserted by G.S.R. 328(E), dated 19-6-1997 (w.e.f. 19-6-1997). ]

## **6. [ Place of filing application.**

- The application shall be filed by the applicant with the Registrar within whose jurisdiction,-(a)[ the branch or any other office of the applicant is functioning as a bank or financial institution and maintaining an account in which debt claimed is outstanding for the time being:Provided that a Debenture Trustee having a claim against any company for redemption of secured debt securities, shall file an application at the place within whose jurisdiction the Debenture Trustee has its principal place of business or at the place where secured asset is located.](b)the defendant, or each of the defendants where there are more than one, at the time of making application, actually or voluntarily resides, or carries on business, or personally works for gain; or(c)any of the defendants where there are more than one, at the time of making the application, actually and voluntarily resides, or carries on business, or personally works for gain; or(d)the cause of action, wholly or in part, arises.

**7. Application fee. - (1) Every application under section 19(1), or section 19(2), or section 19(8), or section 30(1) of the Act, or interlocutory application or application for review of decision of the Tribunal shall be accompanied by a fee provided in the sub-rule (2) and such fee may be remitted through a crossed Bank Demand Draft drawn on a bank or Indian Postal Order in favour of the Registrar of the Tribunal and payable at the place where the Tribunal is situated.**

(2)The amount of fee payable shall be as follows:-

Sl. No.	Nature of application	Amount of fee payable
1.	Application for recovery of debts due under section 19(1) or section 19(2) of the Act,-	
(a) Where amount of debt due is Rs. 10 lakhs	Rs. 12,000	
(b) Where the amount of debt is above Rs. 10 lakhs	Rs. 12,000 plus Rs. 1,000 for every one lakh rupees of debt due or part thereof in excess of Rs. 10 lakhs, subject to a maximum of Rs. 1,50,000	
2.	Application to counter-claim under section 19(8) of the Act,-	
(a) Where the amount of claim made is upto Rs. 10 lakhs	12,000	
(b) Where the amount of claim made is above Rs. 10 lakhs	Rs. 12,000 plus Rs. 1,000 for every one lakh rupees or part thereof in excess of Rs. 10 lakhs, subject to a maximum of Rs. 1,50,000	
3.	Application for review including review application in respect of the counter-claim-	
(a) Against an interim order	Rs. 125	
(b) Against a final order excluding review for correction of clerical or arithmetical mistakes	50% of fee payable at rates as applicable on the applications under section 19(1) or 19(8) of the Act, subject to a maximum of Rs. 15,000	
4.	Application for interlocutory order	Rs. 250
5.	Appeals against orders of the Recovery Officer If the amount appealed against is,-	
(i) less than Rs. 10 lakhs	Rs. 12,000	
(ii) Rs. 10 lakhs or more but less than Rs. 30 lakhs	Rs. 20,000	
(iii) Rs. 30 lakhs or more	Rs. 30,000	
6.	Vakalatnama	Rs. 5.]

**8. Contents of application. - (1) Every application filed under rule 4 shall set forth concisely under distinct heads, the grounds for such application and such grounds shall be numbered consecutively and shall be typed in double space on one side of the paper.**

(2) It shall not be necessary to present separate application to seek interim order of direction if in the original application the same is prayed for.

## **9. [Documents to accompany the application under section 19 or section 31-A of the Act.]**

(1)[An application under section 19 or section 31-A] [ Substituted by G.S.R. 44(E), dated 21-1-2003, for " Every application" (w.e.f. 21-1-2003).][shall be accompanied by a paper book containing:-] [Substituted by G.S.R. 44(E), dated 21-1-2003, for " Documents to accompany the application" (w.e.f. 21-1-2003). ](i)[ a statement showing details of the debt due from a defendant and circumstances under which such debt has become due; and shall also disclose details of the case and decision in that case which is sought to be reviewed;] [ Substituted by G.S.R. 44(E), dated 21-1-2003, for Clause (i) (w.e.f. 21-1-2003).](ii)[ all documents relied upon by the applicant and those mentioned in the application; [Substituted by G.S.R. 44(E), dated 21-1-2003, for " Documents to accompany the application" (w.e.f. 21-1-2003). ](iii)details of the crossed demand draft or crossed Indian Postal Order representing the application fee;(iv)Index of Documents.(2)The documents referred to in sub-rule (1) shall be neatly typed in double space on one side of the paper, duly attested by a senior officer of the Bank, or Financial Institution, as the case may be, and numbered accordingly.(3)Where the parties to the suit or proceedings are being represented by an agent, document's authorising him to act as such agent shall be appended to the application:Provided that where an application is filed by a legal practitioner, it shall be accompanied by a duly executed vakalatnama.]

## **10. [\* \* \*]**

## **11. Endorsing copy of application to the [defendant].**

- A copy of the application and paper-book shall be served on each of the defendants as soon as they are filed, by the Registrar by registered post.

## **12. [ Filing of written statement and other documents by the defendant and by the applicant as a reply to the written statement. [Substituted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).]**

(1)The defendant may, within a period of thirty days from the date of service of summons, file two complete sets of written statement including claim for set-off or counter claim, if any, along with documents in a paper book form.(2)A copy of the written statement filed under sub-rule (1) shall be served to the applicant.(3)If the defendant fails to file the written statement of his defence, including claim for set off or counter claim under sub-rule (1), if any, within the period of thirty days, the Presiding Officer may in exceptional cases and special circumstances to be recorded in writing, extend the period, by such further period not exceeding fifteen days.(4)If the defendant have filed their claim for set off or counter claim, the applicant shall file reply statement in answer to the claim for set off or counter claim within a period of thirty days of filing of such claims.(5)If the applicant fails to file his reply within the period of thirty days, the Presiding Officer may, in exceptional cases and special circumstances, to be recorded in writing, extend the period, by such further period not exceeding fifteen days.(6)The written statement of the defendant including claim for set off or

counter claim or any other pleading whatsoever by the defendant or the applicant, as the case may be, shall be supported by an affidavit sworn in by the defendant or the applicant or the witnesses, verifying all the facts and pleadings and other documents annexed and the affidavits of witnesses, to be led by defendant or the applicant shall be filed simultaneously with the written statement of the defendant or the reply of the applicant.(7)If the defendant or the applicant as the case may be, fails to file the reply as specified above, the Tribunal may proceed forthwith to pass an order on the application as it thinks fit.(8)Where a defendant makes an admission of the full or part of the amount of debt due to a bank or financial institution, the Tribunal shall order such defendant, to pay such amount, to the extent of the admission, by the applicant within a period of thirty days from the date of such order, failing which the Tribunal may issue a certificate in accordance with section 19 of the Act, to the extent of amount of debt due admitted by the defendant.(9)The Tribunal may at any time for sufficient reason order that any particular fact or facts shall be proved by affidavit, or that the affidavit of any witness shall be read at the hearing, on such conditions as the Tribunal thinks reasonable:Provided that after filing of the affidavits by the respective parties where it appears to the Tribunal that either the applicant or the defendant desires the production of a witness for cross examination and that such witness can be produced and it is necessary to do so, the Tribunal shall for sufficient reasons to be recorded, order the witness to be present for cross examination, and in the event of the witness not appearing for cross examination, then, the affidavit shall not be taken into evidence and further that no oral evidence other than that given in this proviso will be permitted.(10)If the defendant denies his liability to pay the claim made by the applicant, the Tribunal may act upon the affidavit of the applicant who is acquainted with the facts of the case or who has on verification of the record sworn the affidavit in respect of the contents of application and the documents as evidence.(11)The provisions contained in section 4 of the Banker's Books Evidence Act, 1891 (18 of 1891) shall apply to a certified copy of an entry in a banker's book furnished along with the application filed under sub-section (1) of section 19 by the applicant.]

12. Filing of reply and other documents by the[defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondent" and " respondents" , respectively (w.e.f. 19-6-1997).].- (1) The[defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondent" and " respondents" , respectively (w.e.f. 19-6-1997).]may file[two complete sets] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " four complete sets" (w.e.f. 19-6-1997).]containing the reply to the application alongwith documents in a paper book form with the registry within one month of the service of the notice of the filing of the application on him.(2) The[defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondent" and " respondents" , respectively (w.e.f. 19-6-1997).]shall also endorse one copy of the reply alongwith documents as mentioned in sub-rule (1) to the[applicant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " application" (w.e.f. 19-6-1997).].(3) The Tribunal may, in its discretion on application by the[defendant] [ Substituted by G.S.R. 328(E), dated 19-6-1997, for " respondent" (w.e.f. 19-6-1997).], allow the filing of reply referred to in sub-rule (1), after the expiry of the period referred to therein.(4) [ If the defendant fails to file the reply under sub-rule (1) or on the date fixed for hearing of the application, the Tribunal may proceed forthwith to pass an order on the application as it thinks fit.(5) Where a defendant makes an admission of the full or part of the amount of debt due to a bank or financial institution, the Tribunal shall order such defendant to pay the amount, to the extent of the admission, by the applicant within a period of one month from the date of such order failing which

the Tribunal may issue a certificate in accordance with section 19 of the Act to the extent of the amount of debt due admitted by the defendant.] [Inserted by G.S.R. 328(E), dated 19-6-1997 (w.e.f. 19-6-1997). ](6) [ The Tribunal may at any time for sufficient reason order that any particular fact or facts shall be proved by affidavit, or that the affidavit of any witness shall be read at the hearing, on such conditions as the Tribunal thinks reasonable: Provided that after filing of the affidavits by the respective parties where it appears to the Tribunal that either the applicant or the defendant desires the production of a witness for cross-examination and that such witness can be produced and it is necessary to do so, the Tribunal shall for sufficient reasons to be recorded, order the witness to be present for cross-examination, and in the event of the witness not appearing for cross-examination, then, the affidavit shall not be taken into evidence and further that no oral evidence other than that given in this proviso will be permitted.] [Substituted by G.S.R. 44(E), dated 21-1-2003, for sub-Rule (6) (w.e.f. 21-1-2003). ](7) [ If the defendant denies his liability to pay the claim made by the applicant, the Tribunal may act upon the affidavit of the applicant who is acquainted with the facts of the case or who has on verification of the record sworn the affidavit in respect of the contents of application and the documents as evidence.(8) The Provisions contained in section 4 of the Bankers' Books Evidence Act, 1891 (18 of 1891) shall apply to a certified copy of an entry in a banker's book furnished alongwith the application filed under sub-section (1) of section 19 by the applicant.] [Inserted by G.S.R. 328(E), dated 19-6-1997 (w.e.f. 19-6-1997). ]

**13. Date and place of hearing to be notified. - The Tribunal shall notify the parties the date and place of hearing of the application in such a manner as the Presiding Officer may by general or special order direct.**

**14. Order to be signed and dated. - (1) Every order of the Tribunal shall be in writing and shall be signed and dated by the Presiding Officer of the Tribunal.**

(2) The order shall be pronounced in open Court.

**15. Publication of orders. - Any orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.**

[15-A. Publication of names of the defaulters.- The Tribunal may cause to notify the names of the defaulters in the newspaper or otherwise after the final order/recovery certificate has been passed by the Tribunal as it deem fit and proper.]

**16. [ Communication of orders to parties. - Every final order passed and recovery certificate issued shall be communicated to the applicant and to the defendant either in person or by registered post free of cost and may also be uploaded in the website of the Tribunal:**

Provided that the applicant and defendant may obtain copy of any other order passed by the Tribunal during the hearing from the Registrar on payment of fees of rupees five per page, subject to a minimum of rupees one hundred, for every order and the same may also be uploaded in the website of the Tribunal.] [Substituted 'Every order passed on an application shall be communicated to the applicant and to the defendant either in person or by registered post free of cost.' by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).]

**17. Fee for inspection of records and obtaining copies thereof. - (1) A fee of rupees twenty for every hour or part thereof of inspection subject to a minimum of rupees one hundred shall be charged for inspecting the records of a [each pending application] by a party thereto.**

(2) A fee of rupees five for a folio or part thereof not involving typing and a fee of rupees ten for a folio or part thereof involving typing of statement and figures shall be charged.

**18. Orders and directions in certain cases. - The Tribunal may make such orders to give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.**

**19. Working hours of the Tribunal. - Except on [second Saturday of a month], Sundays and other public holidays, the offices of the Tribunal shall, subject to any order made by the Presiding Officer, remain open daily from 10 a.m. to 6.00 p.m. but no work, unless, of an urgent nature, shall be admitted after 4.30 p.m. on any working day.**

**20. Sitting hours of the Tribunal. - The sitting hours of the Tribunal (including a vacation bench) shall ordinarily be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p.m. subject to any order made by the Presiding Officer.**

**21. Holiday. - Where the last day for doing any act falls on a day on which the office of the Tribunal is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which that office opens.**

**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 or 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.

### **23. Additional powers and duties of Registrar. - In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Presiding Officer, namely:-**

(i)to receive all applications and other documents including transferred applications;(ii)to decide all questions arising out of the scrutiny of the applications before they are registered;(iii)to require any application presented to the Tribunal to be amended in accordance with the rules;(iv)subject to the directions of the Presiding Officer to fix date of hearing of the applications or other proceedings and issue notices thereof;(v)direct any formal amendment of records;(vi)to order grant of copies of documents to parties of proceedings;(vii)to grant leave to inspect the record of Tribunal;(viii)dispose of all matters relating to the service of notices or other processes, applications for the issue of fresh notices or for extending the time for or ordering a particular method of service on a [defendant] including a substituted service by publication of the notice by way of advertisements in the newspapers;(ix)to requisition records from the custody of any Court or other authority.[23-A. Functions of Assistant Registrar.- The Assistant Registrar of the Tribunal shall assist the Registrar in the work relating to the Registry and Administration of the Tribunal and perform such other functions assigned/delegated to him by the Presiding Officer.]

### **24. Seal and emblem. - The official seal and emblem of the Tribunal shall be such as the Central Government may specify.**

[FORM I(See rule 4)]Application Under Section 19 Of The Recovery Of Debts Due To Banks And Financial Institutions [Act] [Substituted By G.S.R. 352(E), Dated 31-3-1994, For &Quot;ordinance&Quot; (W.E.F. 31-3-1994)], 1993For use in Tribunal's office

\_\_\_\_\_Date of filing \_\_\_\_\_Date of receipt by post  
\_\_\_\_\_orRegistration No \_\_\_\_\_SignatureRegistrarIN THE  
DEBTS RECOVERY TRIBUNAL.....(Name of the place)BetweenA B .....ApplicantandC D  
.....[Defendant] [Substituted by G.S.R. 328(E), dated 19-6-1997, for "respondent" (w.e.f.  
19-6-1997)]DETAILS OF APPLICATION:

#### **1. Particulars of the applicant**

(i)Name of the applicant:(ii)Address of registered office:(iii)Address for service of all notices

## 2. Particulars of the [defendant] [Substituted by G.S.R. 328(E), dated 19-6-1997, for "respondent" (w.e.f. 19-6-1997)]

(i) Name of the [defendant] [Substituted by G.S.R. 328(E), dated 19-6-1997, for "respondent" (w.e.f. 19-6-1997)] :- (ii) Office address of the [defendant] [Substituted by G.S.R. 328(E), dated 19-6-1997, for "respondent" (w.e.f. 19-6-1997)] (iii) Address for service of all notices

## 3. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the recovery of debt due falls within the jurisdiction of the Tribunal.

### 3A. [ Details of debt and assets:

- |  |   |   |
|--|---|---|
| (i) Total amount of debt claimed as on the date to bespecified.  | amount of debt, in rupees   |   |
| (ii) Amount of debt, as on specified date, secured by security interest over properties or assets of the defendant with particulars of secured properties and assets.  | amount of secured debt, in rupees                                     | description of property or asset with its location securing the debt. |
| (iii) Estimated value of properties or assets over which security interest is created.   | description of property or asset with its location securing the debt. | value, in rupees  |
| (iv) If estimated value is not adequate to cover the total debt claimed with future interest particulars of any other properties or assets known to the applicant with estimated value of such other properties or assets. | description of property or asset with its location.                   | estimated value, in rupees  |
| (v) Amount of unsecured debt or portion of debt not covered by estimated value of secured properties and other properties.   | amount of unsecured debt, in rupees                                   | portion of debt not covered by securities, in rupees.]                |

[Inserted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).]

## 4. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 24 of the Recovery of Debts to Banks and Financial Institutions [Act] [Substituted by G.S.R. 352(E), dated 31-3-1994, for "Ordinance" (w.e.f. 31-3-1994)], 1993.

## **5. Facts of the case :-**

The facts of the case are given below :-(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise)

## **6. Relief(s) sought :**

In view of the facts mentioned in para 5 above, the applicant prays for the following relief(s)-(Specify below the relief(s) sought explaining the ground for relief (s) and the legal provisions (if any) relied upon).

## **7. [ Interim order, if prayed for:**

(i)pending final decisions on the application, the applicant seeks issue of the following interim order:-(Give here the nature of the interim order prayed for with reasons)(ii)whether the applicant is seeking an order directing the defendant to disclose to the Tribunal particulars of other properties or assets owned by the defendant and if so, grounds justifying such order.(iii)if the applicant proposes to rely on evidence of any witness in support of his claim, he shall annex affidavits of the witnesses, to the application.]

## **8. Matter not pending with any other court, etc. :**

The applicant. further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

## **9. Particulars of bank draft/ postal order in respect of the application fee :**

(1)Name of the bank on which drawn :(2)Demand draft no :or(1)Number of Indian Postal Order(s):(2)Name of the issuing post office:(3)Date of issue of postal order (s);(4)Post office at which payable:

## **10. [ Details of documents :**

True copies of all documents and evidence of witnesses along with an index of such documents in duplicate, relied upon in support of the claim.]

## **11. List of enclosures :**

VERIFICATION I son/ daughter/ wife of Shri \_\_\_\_\_ being the \_\_\_\_\_ (Name in full and block letters) (designation) of \_\_\_\_\_ (name of the company \_\_\_\_\_ ) holding a valid power of attorney from \_\_\_\_\_ (name of the company ) do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material facts. Signature of the applicant. Place:

\_\_\_\_Date: \_\_\_\_\_ToThe  
 Registrar, \_\_\_\_\_[FORM II] [Inserted by G.S.R. 44(E),  
 dated 21-1-2003 (w.e.f. 21-1-2003)](See rule 4)Application Under Section 31-A Of The Recovery Of  
 Debts Due To Banks And Financial Institutions Act, 1993Four use of Tribunal's office  
 .....Date of filing .....Date of receipt by post .....OrRegistration No.  
 .....SignatureRegistrarIN THE DEBTS RECOVERY TRIBUNAL.....(name of  
 place)Between.....  
 Application(s)/Judgment-Creditor(s)and.....Defendant(s)/Judgment-Debtor(s)I. Particulars  
 of the Applicant(s) :-(i)Name of the applicant:(ii)Address of the Registered Office:(iii)Address for  
 service of all notices:II. Particulars of the defendant(s) :-(i)Name of the defendant:(ii)Office address  
 of the defendant:(iii)Address for service of all notices:III. Jurisdiction of the Tribunal :-The  
 applicant declares that the subject matter of the application falls within the jurisdiction of the  
 Tribunal.(IV)Limitation :The applicant further declares that the application is within the limitation  
 prescribed in section 24 of the Recovery of Debts Due to Banks and Financial Institutions Act,  
 1993.(V)Facts of the case :-The facts of the case are given below. :-(give here a concise statement of  
 facts in a chronological order, each paragraph containing as nearly as possible a separate issue, facts  
 or otherwise).(VI)Relief prayed for :-(I)Issue of Recovery Certificate for the recovery of a sum of Rs.  
 ..... (Rupees ..... only) inclusive a sum of Rs. .... (Rupees ..... only) as per the decree  
 in O.S. No. .... dated ..... passed by ..... with interest at the rate of .....% from ..... the  
 date of realization with costs.(II)Any other relief.(VII)Matter not pending with any other Court,  
 etc.:-The applicant further declares that the matter regarding which this appeal has been made is  
 not pending before any Court of law or any other authority or any other Tribunal(s).(VIII)List of  
 enclosures :-(a)Copy of the decree passed by the Court on the basis of which the present application  
 is filed.(b)List of hypothecated movables indicating the place in which they are kept.(c)List of  
 mortgaged immovables.(d)Calculations Sheet showing the amount for which the Recovery  
 Certificate is sought to be issued.VERIFICATIONI ..... (name in full block letters)  
 son/daughter/wife of ..... being the ..... (designation) of ..... (Name of  
 Bank/Financial Institution), do hereby verify that the contents of para I to VIII are true to my  
 personal knowledge and belief and that I have not suppressed any material fact(s).Signature of the  
 applicantPlace :Date :ToRegistrar,Debts Recovery Tribunal.....FORM III(See rule  
 4)Appeal Under Section 30(1) Of The Recovery Of Debts Due To Banks And Financial Institutions  
 Act, 1993 (51 Of 1993)For use of Tribunal's office .....Date of filing .....Date of  
 Receipt by post .....OrRegistration No. ....SignatureRegistrarIN THE DEBTS  
 RECOVERY TRIBUNAL.....(Name of place)Between.....  
 Appellant(s)/Judgment-Creditor(s)and..... Respondent(s)/Judgment-Debtor(s)Details of  
 appeal :-(I)Particulars of the Appellant(s) :-(i)Name of the appellant :(ii)Address of the Registered  
 office of the appellant:(iii)Address for service of all notices:(II)Particulars of the respondent(s)  
 :-(i)Name(s) of respondent :(ii)Office address of the respondent:(iii)Address for service of all  
 notices:(III)Jurisdiction of the Tribunal :-The appellant declares that the subject matter of the  
 appeal falls within the jurisdiction of the Tribunal.(IV)Limitation :The appellant declares that the  
 appeal is within the limitation as prescribed in section 30(1) of the Recovery of Debts Due to Banks  
 and Financial Institutions Act, 1993 (51 of 1993).(V)Facts of the case :-(give here a concise statement  
 of facts and grounds of appeal against the specific order of Recovery Officer, in a chronological  
 order)(VI)Relief(s) sought :-In view of the facts mentioned in paragraph V above, the appellant

prays for the following relief(s). (Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon). VII. Interim order, if prayed for--Pending final decision on the appeal the appellant seeks issue of the following interim order : (Give here the nature of the interim order prayed for with reasons) (VIII) Matter not pending with any other Court, etc.: -The appellant further declares that the matter regarding which this appeal has been made is not pending before any Court of law or any other authority or any other Tribunal(s). (IX) Details of index :-An index in duplicate containing the details of the documents to be relied upon is enclosed. (X) List of enclosures :-Verification I ..... (name in full block letters) son/daughter/wife of ..... holding a valid power of attorney from ..... (Name of the company) do hereby verify that the contents of para I to IX are true to my personal knowledge and belief and that I have not suppressed any material fact(s). Signature of the applicant Place : Date : To Registrar, Debts Recovery Tribunal.....][FORM IV] [Inserted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).] (See sub-rule (2A) of rule 5) Summons under sub-section (4) of section 19 of the Act, read with sub-rule (2A) of rule 5 of the Debt Recovery Tribunal (Procedure) Rules, 1993. Before Debts Recovery Tribunal \_\_\_\_\_ address \_\_\_\_\_ OA No. \_\_\_\_\_

- |  |   |   |
|--|---|---|
| (i) Total amount of debt claimed as on the date to be specified.   | amount of debt, in rupees   |   |
| (ii) Amount of debt, as on specified date, secured by security interest over properties or assets of the defendant with particulars of secured properties and assets.  | amount of secured debt, in rupees                                     | description of property or asset with its location securing the debt. |
| (iii) Estimated value of properties or assets over which security interest is created.   | description of property or asset with its location securing the debt. | value, in rupees  |
| (iv) If estimated value is not adequate to cover the total debt claimed with future interest particulars of any other properties or assets known to the applicant with estimated value of such other properties or assets. | description of property or asset with its location.                   | estimated value, in rupees  |
| (v) Amount of unsecured debt or portion of debt not covered by estimated value of secured properties and other properties.   | amount of unsecured debt, in rupees                                   | portion of debt not covered by securities, in rupees.]                |

Whereas, OA No. \_\_\_\_\_ was listed before Hon'ble Presiding Officer on ..... Whereas, this Hon'ble Tribunal is pleased to issue summons/ notice on the said Application under section 19(4) of the Act, (OA) filed against you for recovery of debts of . \_\_\_\_\_/- (application along with copies of documents etc. annexed). In accordance with sub-section (4) of section 19 of the Act, you, the defendants are directed as under:-(i) to show cause within thirty days of the service of summons as to why relief prayed for should not be granted; (ii) to disclose particulars of properties or assets other than properties and assets specified by the applicant under serial number 3A of the original application; (iii) you are restrained from dealing with or disposing of secured assets or such other

assets and properties disclosed under serial number 3A of the original application, pending hearing and disposal of the application for attachment of properties;(iv)you shall not transfer by way of sale, lease or otherwise, except in the ordinary course of his business any of the assets over which security interest is created and/ or other assets and properties specified or disclosed under serial number 3A of the original application without the prior approval of the Tribunal;(v)you shall be liable to account for the sale proceeds realised by sale of secured assets or other assets and properties in the ordinary course of business and deposit such sale proceeds in the account maintained with the bank or financial institutions holding security interest over such assets.You are also directed to file the written statement with a copy thereof furnished to the applicant and to appear before \_\_\_\_\_ on\_\_\_\_\_at \_\_\_\_\_A.M. failing which the application shall be heard and decided in your absence.Given under my hand and seal of the Tribunal on this the .....day of.....20.....By Order of the TribunalRegistrarDebts Recovery Tribunal, .....ToDefendants

**1.**

**2.**

**3.**

[Substituted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).][Substituted by Notification No. G.S.R. 1047(E), dated 3.11.2016 (w.e.f. 20.8.1993).]