

THE DEBTS RECOVERY APPELLATE TRIBUNAL

REGULATIONS, 2015

WHERE AS the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993) came into force on 24th day of June, 1993;

AND WHEREAS the Central Government has established the Debts Recovery Appellate Tribunal at under section 8 of the said Act to exercise the jurisdiction, power and authority conferred on such Tribunal by or under the said Act;

AND WHEREAS section 22 of the said Act empowers the Appellate Tribunal to regulate its own procedure for the purposes of discharging its functions under the said Act;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 22 of the said Act, the Debts Recovery Appellate Tribunal at (name of place), in supersession of the earlier regulations, if any, hereby makes the following regulations to regulate its own procedure.

CHAPTER – I

PRELIMINARY

1. Short title and commencement

- (1) These Regulations may be called the Debt Recovery Appellate Tribunal Regulations, 2015.
- (2) They shall come into force from the date of its notification by the Chairperson of the Appellate Tribunal.

2. Definitions

- (1) In these Regulations,
 - (a) 'Act' means the Recovery of Debts Due to Banks and Financial Institutions Act, 1993;
 - (b) 'Act of 2002' means The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
 - (c) 'appeal' means an appeal filed under section 20 of the Act or under section 18 of the Act of 2002;
 - (d) 'I.A.' means an interlocutory application filed during the pendency of an appeal or Misc. Application;
 - (e) 'Misc. Application' means an application filed under clause (e) or (h) of sub-section (2) of section 22 of the Act;
 - (f) 'order sheet' means the daily recording of the proceedings in an appeal or Misc. Application;
 - (g) 'Rules' means the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994;
- (2) Words and expressions used but not defined in these Regulations shall have the same meaning as are assigned to them in the Act, Act of 2002 or the Rules.

APPEAL

3. Form of Appeal

- (1) The memorandum of appeal, Misc. Application, I.A. and affidavit shall be typed or printed in English in 'Times New Roman' font in size 13 or in Hindi with double space between the lines, on legal size paper (A3) with a left margin of 5 centimeters and right margin of 2.5 centimeters duly paginated, indexed and stitched together in the form of a paper book.

- (2) The paper book shall be arranged in the following manner:-
 - (a) Index of the papers in **Form-1** of these Regulations,
 - (b) List of dates and events,
 - (c) Memorandum of parties,
 - (d) Memorandum of appeal,
 - (e) I.A., if any,
 - (f) Affidavit,
 - (g) Index of annexure/documents,
 - (h) Original/attested copies of documents,
 - (i) Power of Attorney, Board resolution or letter of authorisation, if any,
 - (j) *Vakalatnama*.

- (3) No plural reliefs shall be sought for in an I.A. unless they are consequential to each other.
- (4) Small or torn documents shall be pasted on a paper equal to the size of the paper book.

4. Signature of the party

The name of the person signing, digital signing, e.signing the memorandum of appeal shall be written in capital letters with date below his signature at the bottom of each page.

Explanation:- The expression 'signature' includes a 'thumb impression', digital signature or e signature.

5. Attestation of copy

The copy of the document filed by the party shall be made at the end of the Annexure in the manner that 'This Annexure is a true copy of the original document. Signature with date.'

6. Production of resolution or authorization

A person purporting to represent a Company, Trust, Society or Association in an appeal or Misc. Application shall file an attested copy of the Board's resolution of such Company or the authorisation from the Trust, Society or Association, as

the case may be, in his favour.

7. Appearance through Counsel

- (1) Whenever a respondent appears through a Counsel, a *Vakalatnama* shall be filed describing the Counsel's name, enrolment number, mobile/land line phone number and complete address of his office.
- (2) A Counsel appearing for a party without filing the *Vakalatnama* shall file a memo of appearance for the day with the details as per sub-regulation (1) above.
- (3) A respondent appearing in person shall file his memo of address, mobile/land line phone number and e-mail address, if any.

CHAPTER – III

INSTITUTION AND SCRUTINY OF APPEAL

8. Presentation of Appeal

- (1) Every appeal shall be presented in accordance with rule 5 of the Rules before 4.30 p.m. on any working day and the Registrar or, as the case may be, the officer authorised by him shall give a Dairy Number with date along with his endorsement.

- (2) The appeal can also be filed by e filing mode.

9. Scrutiny

- (1) The Registrar or, as the case may be, the officer authorised by him shall scrutinize the appeal as expeditiously as possible but not later than seven working days from the date of receipt. In case the scrutiny is not completed within such period, the Registrar shall ensure to get the scrutiny completed within the next three working days. The scrutiny report shall be given in accordance with **Form-2** of these Regulations.
- (2) After the scrutiny, an endorsement shall be made in the manner that 'Scrutinized and found to be in order/defective' with signature and date.
- (3) If, on scrutiny, the appeal is found to be defective and the defect noticed is not formal, the appellant shall be asked to remove the defect within fifteen days, which may be extended for a total period not exceeding one month.
- (4) On failure to remove the defect within such period as specified in sub-regulation (3), the Registrar may, for reasons to be recorded in writing, decline to register the appeal.

10. Interlineations

Interlineations, erasures or corrections in the memorandum of appeal or Misc. Application shall be initialed by the party or his Counsel.

11. Order sheet

The presence of the counsel or the party shall be recorded in the order sheet and progress of case be recorded.

CHAPTER – IV

PROCEEDINGS BEFORE REGISTRAR

12. Matters before the Registrar

The appeal shall, after the registration, be placed before the Registrar for listing before the Chairperson.

13. Daily Cause List (Daily Board) of the Registrar

The matters to be dealt with by the Registrar shall be notified in the Daily Cause List (Daily Board) and shall be displayed on the Notice Board of the Tribunal at least one day in advance.

CHAPTER – V

**SERVICE OF NOTICE, INSPECTION,
AND AMENDMENT**

14. Service of notice

- (1) The Registrar, or the officer authorized in this behalf by the Registrar, shall prepare the notice of appeal in **Form-3** and notice of Misc. Application in **Form-6** and sign it with date and stamp of the Appellate Tribunal and may allow it to be served by the appellant or the applicant for service upon the respondent along with complete paper book.

- (2) The service of notice may ordinarily be made *Dasti*, i.e. by delivering or tendering personally or by transmitting through registered post acknowledgement due (AD) or by speed post or courier service. It may also be sent by electronic mail (e-mail) or by fax message with the leave of the Registrar who, in such event, the Registrar shall ensure the service of paper book upon the respondent on the date of his first appearance. Affidavit of service along with proof of service shall be filed by the person effecting such service.

Explanation: Service includes service effected on any adult member of the family, who is residing with the respondent.

- (4) Where the notice is to be served upon a company, corporation or firm, it may be served upon the Secretary, Director or other principal officer of the company or corporation at its registered office or upon the proprietor/partner of the firm at the address of the firm.

- (5) Where the notice is received back with an endorsement, purporting to have been made by a postal employee or by a person authorized by the courier service, to the effect that the addressee had refused to accept the notice, the Tribunal may declare that it had been duly served:

Provided that where the notice was correctly addressed and duly sent by registered post A.D and an affidavit regarding correctness of the address and evidence of posting has been given by the appellant/applicant, the declaration referred to in this sub-regulation may be made notwithstanding the fact that the acknowledgement having been lost or mislaid or, for any reason, has not been received back within thirty days from the date of issue.

- (6) Where the notice was sent by e-mail or fax message at the correct address and an affidavit regarding correctness of address and evidence of the delivery has been given by the appellant/applicant, the Tribunal may declare that it had been duly served.
- (7) Where the notice is received un-served, the appellant/applicant shall take fresh steps for its service upon the respondent within fifteen days from the date of such receipt or within such period as the Chairperson may direct.
- (8) Where a counsel accepts the notice on behalf of any respondent and undertakes to file the *Vakalatnama* on his behalf, service of notice upon such respondent shall be dispensed with.

15. Substituted service

- (1) Where the respondent refuses to sign the acknowledgement or is absent from his residence/office at the time when service of notice is sought to be effected on him, the notice shall be affixed on the outer door or some other conspicuous part of his residence/office.
- (2) Where the Tribunal is satisfied that there is reason to believe that a respondent is avoiding service, it may order the notice to be served by affixing a copy thereof on some conspicuous part of the house in which such respondent is known to have last resided.
- (3) Where the service of notice could not be effected as per regulation 14, the Tribunal may order its service by publication in a daily newspaper having circulation in the locality in which the respondent is known to have last resided or carried on business or personally worked for gain.

16. Inspection of record

- (1) The record of an appeal may, with the leave of the Registrar, be inspected by a party thereto by making an application to him in **Form-8**. The Registrar may reject such application by recording reasons for it.
- (2) Inspection of record of a pending or decided appeal shall not be permitted to a third party:

Provided that if the Registrar, on affidavit or otherwise, is satisfied that sufficient reasons exist therefore, he may permit such party to inspect the record.

- (3) The inspection shall preferably be made between 2.00 to 4.00 p.m. on such date as may be specified by the Registrar. If the inspection is not made/completed on such date, it may, with the leave of the Registrar, be made/completed within seven days from such date, failing which the application shall stand lapsed.
- (4) The person inspecting the record shall not in any manner cause any dislocation, mutilation, damage or tampering with the record and shall not write or make any marking on any paper of the record.
- (5) No inspection shall be allowed to any counsel who is not engaged by a party to the appeal.
- (6) The Registrar or the officer authorised by him shall, after the inspection is made/completed, keep the application referred to in sub-regulation (1) in the concerned file and the fact of inspection shall be noted at the margin of the order sheet.

17. Incorporation of amendment or addition of parties

Amendment in the memorandum of appeal, addition/deletion of a party or substitution of legal representative/assignee shall, if allowed by the Appellate Tribunal, be carried out by filing the amended memorandum of appeal or parties within seven days from the date of order or within such period as may be allowed by the Appellate Tribunal. The amended pleadings/ Memo of Parties shall be placed by the Registrar on the first page of the pleadings. A copy of the amended memorandum of appeal or parties shall be supplied to the other party.

18. Reply

The reply to an appeal shall be filed with a list of documents, if any, relied upon by the respondent in support of his defence.

CHAPTER - VI

JUDGMENT

19. Judgment

- (1) The judgment/order shall be pronounced in the open court on the date notified for it and shall bear the signature/initial of the Chairperson on every page thereof.
- (2) If the Chairperson is discharging his functions at two or more

places, the order may be pronounced at any of such places.

- (3) The Court Master shall, after the pronouncement of judgment/order, transmit the record to the Registry.

CHAPTER – VII

RECORDS

20. Maintenance of Record

The record of every appeal shall be maintained in the files, as under:

- (1) File '**A**' consisting of following papers shall be arranged in the following order:
 - (a) Order sheet and Judgment/Order;
 - (b) Memorandum of Parties;
 - (c) Memorandum of Appeal;
 - (d) Reply of appeal;
 - (e) Board Resolution, Power of Attorney or letter of authorization, if any.

- (2) File 'B' consisting of following papers shall be arranged in the following order:
 - (a) Notice served personally upon the respondent;
 - (b) Application of compromise/One Time Settlement (OTS), if any;
 - (c) *Vakalatnama*.

- (3) File 'C' consisting of following papers shall be arranged in the following order:
 - (a) I.A. with affidavit and its Annexure;
 - (b) Reply of I.A. with affidavit and its Annexure;
 - (d) Index.

- (4) File 'D' shall contain all other documents which are not included in File 'A', 'B' or 'C'.

21. Preservation and Destruction of Records

- (1) The following files shall be preserved/destroyed as under:
 - (i) File 'A' shall be preserved permanently;

- (ii) File 'B' shall be destroyed on the expiry of five years;
- (iii) File 'C' shall be destroyed on the expiry of three years;
- (iv) File 'D' shall be destroyed on the expiry of one year.

- (2) It shall be the duty of the officer in-charge of the record to cause the destruction of record.
- (3) The destruction of record shall be affected by tearing the papers into four pieces or by means of a paper shredder.
- (5) The following registers, book, file and list are classified as under for the purpose of preservation and destruction,:

Sl. No.	Nature	File
1.	Register of Appeal	A
2.	Register of Misc. Application	A
3.	Inward and outward Register	C
4.	Register of Certified Copies	D
5.	Memorandum Book	D
6.	Correspondence file of ephemeral importance	D
7.	Cause Lists	D

- (6) The following records shall be destroyed after a period of three years:

- (i) Post Books (Tapal Books),
- (ii) Receipts of Registered letters and Money-orders,
- (iii) Attendance Register.

22. Transmission of Records

- (1) The record of all appeals decided during a month shall be transmitted to the Record Room along with its list on or before 25th day of the next month.
- (2) On receipt of the record, the Officer in-charge of the records shall, after verification, acknowledge the receipt.
- (3) The Officer in-charge shall examine the record with the general index and, if in order, make a note to that effect in the index. In case of any defect, it shall be reported to the Section Officer, who shall get it removed.
- (4) The record shall be kept in bundles according to their serial numbers in the list. A label showing the month and year of the decision shall be attached to each bundle.

CHAPTER – VIII

CERTIFIED COPY AND FREE COPY

23. Certified Copy

- (1) Any party to an appeal or his Counsel shall, in order to obtain a certified copy of the record, make an application to the Registrar in **Form-12** with prescribed fee.
- (2) A tentative date for the delivery of copy, which may not be later than fifteen days from the date of receipt of the application, shall be intimated to the applicant. If, for any reason, the copy may not be prepared by that date, it shall be prepared within the next seven days.
- (3) An application for the copy by a person, other than a party to the appeal, shall be supported by an affidavit stating the purpose for which the copy is sought. The Registrar may, for sufficient reasons to be recorded in writing, reject the application.
- (4) Where the applicant fails to collect the copy within one month from the date of its preparation, as notified, the application shall stand lapsed.
- (5) An endorsement, in **Form-13**, shall be made on the application as well as on the back of the last page of the copy of every document with the signature and stamp of the Section Officer.

24. Mode of delivery

The officer concerned shall deliver the copy to the applicant or his Counsel after obtaining his signature in the concerned register and recording the date of delivery on the copy and application.

25. Request for copy by Post

When the applicant requests to have the certified copy sent to him by post, he shall deposit an additional sum of Rs.50/- besides the requisite fee by way of IPO, DD or PO for the postal charges.

26. Free Copy

Free copy of the order passed on an appeal shall, as far as possible, be sent or delivered to the parties within fifteen days from the date of order, in accordance with rule 20 of the Rules. If for any reason the order could not be so communicated to the parties, it shall be ensured to be sent/delivered within the next seven days.

CHAPTER – IX

MISCELLANEOUS

27. Stay Order

- (1) The Tribunal shall enter the order staying the proceedings of a case received from the Supreme Court or High Court in a Register, in **Form-31**.

- (2) The Registrar shall ensure that the stay order is immediately brought to the notice of the Presiding Officer.

28. Disposal Register

The Court Master or any other official authorised in this behalf shall maintain the Register of disposal of cases in **Form-32**.