

The Debts Recovery Tribunals (Refund of Court Fee) Rules, 2013¹

In exercise of the Powers conferred by clause (cc) of sub-section (2) of section 36 read with sub-section (3A) of section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government hereby makes the following rules regulation the refund of court fee in the Debts Recovery Tribunals (hereinafter called the Tribunal) namely:-

1. Short Title and commencement.-

(1) These rules may be called the Debts Recovery Tribunals (Refund of Court Fee) Rules, 2013.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Applicability.- These rules shall be applicable in all cases filed before the Tribunal which are settled prior to the commencement of the hearing before that Tribunal or at any stage of the proceedings before the final order is passed by the Presiding Officer:

Provided that no refund shall be allowed when the recovery proceedings are pending with the Recovery Officer.

3. Definitions.- In these rules, unless the context otherwise requires,-

(a) “Act” means the Recovery of Debts due to Banks and Financial Institutions Act, 1993;

(b) “Presiding Officer” means the Presiding Officer of the Debts Recovery Tribunal appointed under sub-section (1) of the section 4 of the Act;

(c) “Tribunal” means the Debts Recovery Tribunal established under sub-section (1) of section 3 of the Act;

(d) The words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

4. Amount of refund.- The Presiding Officer of the Tribunal before which any case is filed for settlement of the dues of the Banks and Financial Institutions may order refund of fee remitted at the time of filing the case at the following rates:

(a) 50 percent of the fee remitted in the cases which are settled prior to the commencement of the hearing before the Tribunal;

(b) 25 percent of the fee remitted in the cases which are settled at any stage of the proceedings before the final order by the Presiding Officer is passed.

1. Vide G.S.R. 311(E), dated 15th May, 2013, published in the Gazette of India, Extra., Pt. II, Sec 3(i), No. 234, dated 15th May, 2013.

2. Came into force on 15-5-2013.

5. Procedure for refund.-

- (1) The applicant(s) and the defendant(s) shall file a joint application before the Registrar of the Tribunal for refund of court fee indicating the details of the settlement.
- (2) On receipt of such application, the Registrar shall certify the amount of court fee remitted in the case and the amount to be refunded and place the application before the Presiding Officer.
- (3) The Presiding Officer shall accordingly take further action for issue of financial sanction and presentation of bill in Pay and Accounts Office and refund of the due amount to the applicant.