



**DEBTS RECOVERY TRIBUNAL, AURANGABAD**  
**GOVT.OF INDIA, MINISTRY OF FINANCE**

( Department of Financial Services, )

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Ref.No : DRT / AUBAD/ Notice / charge of DRT A'bad / 2017 / 343

Date : 15-05-2017

**NOTICE**

It is informed to all the members of DRT Bar Association, litigants and concerned that the Charge of Hon'ble Presiding Officer DRT Aurangabad is kept with Shri Vijay Mohan, Hon'ble Presiding Officer, DRT, Nagpur with effect from 15-05-2017 to 20-05-2017 in addition to his own charge.

~~(Jeetendra Nattoo)~~  
Assistant Registrar(HoO),  
DRT, Aurangabad.

To

- 1) Notice Board, DRT, Aurangabad.
- 2) Notice Board, DRT-Bar Association, Aurangabad
- 3) Official Website, DRT, Aurangabad.

~~(Jeetendra Nattoo)~~  
Assistant Registrar(HoO)

o/c  
[Signature]

[Signature]  
12.50



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**(Department of Financial Services, Banking Division)**

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Ref.No: DRT / AUBAD/ 486 /2015

Date :- 30/06/2015.

NOTIFICATION

In exercise of the power conferred by Sub-Section (1) of Section 22 of the Recovery of Debts Due To Banks and Financial Institution Act, 1993 the Presiding Officer, Debts Recovery Tribunal, Aurangabad notifies that the Debts Recovery Tribunal, Aurangabad Regulation 2015 shall come into force w.e.f. 01/07/2015.

  
30/06/15

(Ramesh Kumar Mahaliyan)

Presiding Officer,

Debts Recovery Tribunal, Aurangabad.

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# **The Debts Recovery Tribunal, Aurangabad**

## **Regulations, 2015**

WHEREAS 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 Tribunal at Aurangabad under section 3 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 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 Tribunal at Aurangabad in supersession of the Regulation of Practice 2010, 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 Debts Recovery Tribunal at Aurangabad Regulations, 2015.

(2) They shall come into force from 1st of July, 2015.

##### **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 30 of the Act;

(d) 'case' means an O.A., S.A. and an application filed under section 31-A of the Act, Misc. I.A. or an appeal;

(e) 'I.A.' means an interlocutory application filed during the pendency of a case;

(f) 'Misc. I.A.' means an application filed under clause (e), (g) or (h) of sub-section (2) of section 22 of the Act;

(..1..)

- (g) 'O.A.' means an original application filed under sub-section (1) of section 19 of the Act;
  - (h) 'order sheet' means the daily recording of the proceedings in an O.A., S.A., application under section 31-A of the Act, Misc. I.A., appeal or the recovery proceedings, as the case may be;
  - (i) 'pleadings' includes an O.A., S.A., application filed under section 31-A of the Act, appeal, written statement, counter claim, replication/ rejoinder and reply;
  - (j) 'recovery proceedings' means the proceedings for recovery of the amount of R.C.;
  - (k) 'Rules' means the Debts Recovery Tribunal (Procedure) Rules, 1993;
  - (l) 'R.C.' means the certificate for recovery issued to the Recovery Officer under sub-section (22) of section 19 or under sub-section (2) of section 31-A of the Act;
  - (m) 'S.A.' means an application made under section 18 of the Act of 2002.
- (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.

## **CHAPTER –II**

### **PLEADINGS**

#### **3. Form of pleadings etc.**

- (1) The pleadings, affidavit, I.A. and Misc. I.A. shall be typed or printed in English in 'Times New Roman Font' in font 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 in Form-1 of these Regulations,
  - (b) List of dates and events,
  - (c) Pleadings,
  - (d) I.A., if any,
  - (e) Affidavit,
  - (f) Index of annexure/documents,
  - (g) Original/attested copies of documents,
  - (h) Power of Attorney, Board Resolution/letter of authorisation, if any,
  - (i) Vakalatnama.
- (3) Copy of the paper book shall be served upon the other party. No plural reliefs shall be sought for in an I.A. or Misc. I.A. unless they are consequential to each other.

- (4) A copy of the statement of account, certified in accordance with the provisions of the Bankers' Books Evidence Act, 1891, shall be filed along with the O.A., stating the rate of interest with a certificate that the interest has been charged at such rate. It shall also give the details of penal interest, if charged, with a certificate that penal interest has not been capitalised.
- (5) Small or torn documents shall be pasted on a paper equal to the size of the paper book.

#### **4. Signature on the pleadings**

The name of the person signing, digital signing, e.signing the pleadings shall be written in capital letters 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 a document filed by party shall be attested at the end of the document in the manner that, 'This Annexure is the true copy of the original document' with the signature and date.

#### **6. Production of resolution or authorisation**

A person purporting to represent a Company, Trust, Society or Association in a case 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 party appears through a Counsel, a Vakalatnama shall be filed describing the Counsel's name, enrolment number, and mobile/land line phone number alongwith complete address of his office.
- (2) A Counsel appearing for a party without filing the Vakalatnama shall file a memo of appearance for that day with the details as per sub-regulation (1).
- (3) A party appearing in person shall file his memo of address, mobile/land line phone number and e-mail address, if any.



## **CHAPTER – III**

### **PRESENTATION AND SCRUTINY OF A CASE**

#### **8. Presentation of a case**

- (1) A case shall be presented to the Registrar 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 case 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 case as expeditiously as possible but not later than seven working days from the date of its receipt. In case the scrutiny is not completed within such period, the same shall immediately be reported to the Registrar, who shall ensure to get the scrutiny completed within 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 case is found to be defective and the defect noticed is not formal, the Applicant/Appellant shall be asked to remove the defect(s) within fifteen days which may be extended for a 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 case.

#### **10. Procedure in respect of defaced, illegible, torn or damaged document**

Where an original document produced by a party appears to be defaced, torn or damaged or its condition or appearance requires special attention, a note of such condition or appearance shall be made on the index of document and it shall be kept in an appropriate plastic cover along with its typed copy.

## **11. Interlineations**

Interlineations, erasures or corrections shall be initialed by the party or his counsel.

## **12. Order sheet**

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

## **CHAPTER – IV**

### **PROCEEDINGS BEFORE REGISTRAR**

## **13. Matters before the Registrar**

A case shall, after the registration, be placed before the Registrar for listing before the Presiding Officer.

## **14. 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 SUMMONS/NOTICE, INSPECTION, RETURN OF DOCUMENT AND AMENDMENT**

## **15. Service of Summons/notice**

(1) The Registrar or the officer authorized in this behalf by the Presiding Officer shall sign the summons/notice with date and stamp of the Tribunal and may allow it to be served, as per sub-regulation (2), by the applicant/ appellant for service upon the defendant/respondent alongwith complete paper book. Affidavit of service along with proof of service shall be filed by the person effecting such service. A summons/notice shall, as the case may be, in the following Forms:

(a) Summons in respect of O.A in Form-3

(b) Notice in respect of S.A. in Form-4

(..5..)

- (c) Notice in respect of an application filed under section 31-A of the Act in Form-5
  - (d) Notice in respect of Misc. I.A. in Form-6
  - (e) Notice in respect of an appeal in Form-7.
- (2) The service of summons/notice upon the defendant/respondent 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, shall ensure the service of paper book upon the defendant/ respondent on the date of his first appearance.

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

- (3) 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.
- (4) Where the summons/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 summons/notice, the Tribunal may declare that it had been duly served:

Provided that where the summons/notice was correctly addressed and duly sent by registered post A.D and an affidavit regarding correctness of address and evidence of posting has been given by the applicant/appellant, 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.

- (5) Where the summons/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 applicant/ appellant, the Tribunal may declare that it had been duly served.
- (6) Where the summons/notice is received un-served, the applicant/ appellant shall take fresh steps for its service upon the defendant/respondent within fifteen days from the date of such receipt, failing which the matter shall be placed before the Presiding Officer for necessary orders.

- (7) Where a counsel accepts the summons/notice on behalf of any defendant/respondent and undertakes to file the Vakalatnama on his behalf, service of summons/notice upon such defendant/respondent shall be dispensed with.

## **16. Substituted service**

- (1) Where the defendant/respondent refuses to sign the acknowledgement or is absent from his residence/office at the time when the service of summons/notice is sought to be effected on him, the summons/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 defendant/respondent is avoiding service, it shall order the summons/notice to be served by affixing a copy thereof on some conspicuous part of the house in which such defendant/respondent is known to have last resided.
- (3) Where the service of summons/notice could not be effected as per regulation 16, the Tribunal may order its service by publication in a daily newspaper having circulation in the locality in which the defendant is known to have last resided or carried on business or personally worked for gain.

## **17. Inspection of records**

- (1) Subject to sub-rule (1) of rule 17 of the Rules, a party to a case may, with the leave of the Registrar, inspect the record of a case 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 case shall not be permitted to a third party:

Provided that if the Registrar, on affidavit or otherwise, is satisfied that there exist sufficient reasons for it, he may permit such party to inspect the record by making an order in writing.

- (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, in any manner, not 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 case.
- (6) The Registrar or the officer authorised by him shall, after the completion of inspection, 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.

### **18. Incorporation of amendment or addition of parties**

Amendment in the pleadings, addition/deletion of a party or substitution of legal representative/assignee shall, if allowed by the Tribunal, be carried out by filing the amended pleadings or memo of parties within seven days from the date of order or within such period as may be allowed by the 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 pleadings or memo of parties shall be supplied to the other party.

## **CHAPTER – VI**

### **HEARING OF CASE BEFORE THE PRESIDING OFFICER**

### **19. Filing of Written Statement/Reply and Evidence**

- (1) After the written statement/reply is filed by the defendant/ respondent, the Registrar shall place the matter before the Presiding Officer for hearing.
- (2) A party may, with the leave of the Presiding Officer, file the replication/ rejoinder.
- (3) The parties may, after the completion of pleadings, file the evidence in support of its claim/defence by way of affidavit and the documents, if any, with copies thereof to the other party.
- (4) Whenever a document is annexed to an affidavit, an index of such document with pagination shall also be filed with it.

## **20. Witnesses**

The witness of the applicant shall be specified as AW and numbered consecutively as AW-1 onward. The witness of the defendant shall likewise be specified as DW and numbered as DW-1 onward. Any witness examined at the instance of the Tribunal shall be specified as TW.

## **21. Recording of evidence**

- (1) Where any person/witness is summoned for examination on oath/cross-examination, the Presiding Officer or the Commissioner appointed by him in this regard, as the case may be, may record the evidence personally or may dictate to the Stenographer, who shall record it on a computer or type writer. Each page of such deposition shall be signed by the witness and initialed by the Presiding Officer or, as the case may be, by the Commissioner.
- (2) Any correction pointed out by the witness, if allowed by the Presiding Officer or the Commissioner, may be carried out in the deposition and shall be duly initialed. In case the correction is not allowed, a note to that effect shall be made at the bottom of the deposition.

## **22. Exhibition of Documents**

A document duly proved in evidence shall be marked as an Exhibit in the following manner :-

- (a) The document(s) proved by the applicant's first witness shall be marked as 'Ext. AW-1/1' onwards and by the second witness as AW-2/(in continuation of the numbers of first witness).
- (b) The document(s) proved by the defendant's first witness shall be marked as 'Ext. DW-1/1' onwards and by the second witness as DW-2/ (in continuation of the numbers of first witness).

## **23. Judgment**

- (1) The judgment/order shall be pronounced on the date notified for it and shall bear the signature/initial/ Digital signature/ e.signature of the Presiding Officer, Recovery Officers or the Registrar, as the case may be, on every page thereof.

- (2) If the Presiding Officer 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 order, transmit the record to the Registry.

#### **24. R.C.**

- (1) The R.C. shall be prepared in duplicate, in Form-9, within fifteen days from the date of order and shall be signed by the Presiding Officer after its verification by the Registrar.
- (2) If cost has been awarded to any party in the order, it shall be mentioned separately in the R.C. and includes:-
  - (a) fee paid on O.A.,
  - (b) fee actually paid to the Counsel, as specified in the memo filed in Form-10 within seven days of the conclusion of final arguments or fee paid to the counsel be calculated as per the High Court Rules, whichever is lesser,
  - (c) fee paid on I.A., if any,
  - (d) fee paid on Vakalatnama.
- (3) The R.C. shall be sent to the Recovery Officer, who shall assign a number to it in accordance with the RC Register maintained by him and inform it to the Registry which shall mention it in the O.A. Register and keep an R.C. in the O.A. file.

#### **25. Return of document/record**

- (1) Original document(s) filed by a party and admitted in evidence may, with the permission of the Presiding Officer, be returned to such party on filing an application in Form-11.
- (2) The document shall be returned to the authorized person after obtaining his signature on the order sheet as well as on its index.
- (3) No document shall be returned until the expiry of the period for preferring an appeal or making an application for review or until the appeal or application for review, if preferred/made, has been disposed of. The person applying for the return of the documents shall file a certified copy of the document to be substituted for the original.

## CHAPTER – VII

### RECORDS

#### 26. Maintenance of Record

The record of every case shall be maintained in the following files:

- (1) File 'A' consisting of the following papers shall be arranged in the following order:
  - (a) Order sheet and Judgment/Order;
  - (b) O.A., S.A., application under section 31-A of the Act, Misc. I.A. or memorandum of appeal;
  - (c) Written Statement/counter claim, reply to S.A., application under section 31-A of the Act or appeal;
  - (d) R.C.;
  - (e) Proclamation of sale, auction list, order confirming the sale and copy of the sale certificate where the immovable property is sold under the R.C.,
  - (f) Memo of possession and the order directing the delivery of possession ; and
  - (g) Index.
- (2) File 'B' consisting of the following papers shall be arranged in the following order:
  - (a) Summons/notice served upon a defendant/respondent;
  - (b) Application of compromise, if given effect to in the R.C.;
  - (c) Copy of judgment or order passed by the Appellate Tribunal, if any.
- (3) File 'C' consisting of the following papers shall be arranged in the following order:
  - (a) Documents admitted in evidence;
  - (b) Interrogatories and its replies;
  - (c) Oral evidence, if any;
  - (d) Affidavit given as evidence ;
  - (e) Registered addresses of the parties;
  - (f) Index
  - (g) I.A. and its reply.
- (4) File 'D' shall contain all other documents which are not included in Files 'A', 'B' or 'C'.



## 27. 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) The periods mentioned in sub-regulation (1) shall, where no appeal has been filed, be computed from the date of final order made in the case and, in case of appeal, from the date of order in appeal.
- (3) It shall be the duty of the officer in-charge of the record to cause the destruction of record.
- (4) The destruction of record shall be effected by tearing the papers into four pieces or by means of a paper shredder.
- (5) Registers and files, for the purpose of preservation and destruction, are classified as follows:

Sl.No.	Nature of Register / File	File
1.	Register of O.A.	A
2.	Register of S.A.	A
3.	Register of Application under section 31-A of the Act	A
4.	Register of Appeal	A
5.	Register of Recovery Certificate	A
6.	Register of Misc. I.A.	A
7.	Register of Sale Certificates	B
8.	Copy of File of O.A. returned for presentation to the Proper Tribunal	B
9.	Inward and Outward Register	B
10.	Register of Rejected O.A.	C
11.	Register of Certified Copies	D
12.	Memorandum Book	D
13.	Correspondence file of ephemeral importance	D
14.	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.

## **28. Transmission of Records**

- (1) The record of all cases decided during a month shall be transmitted to the Record Room alongwith 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 list and, if in order, make a note to that effect on that list. 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**

## **29. Certified copy of Record**

- (1) Any party to a case or his Counsel shall, in order to obtain a certified copy of the document(s) of that case, make an application to the Registrar in Form-12 with prescribed fee.
- (2) A tentative date, not later than fifteen days from the date of receipt of the application, by which the copy is expected to be prepared, shall be informed 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 case, 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 seal of the Section Officer.

### **30. Mode of Delivery**

The officer concerned shall deliver the certified 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.

### **31. 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.

### **32. Free Copy**

Free copy of the order passed by the Tribunal in a case shall, as far as possible, be sent or delivered to the parties, within fifteen days from the date of order, in accordance with rule 16 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. 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**

### **RECOVERY PROCEEDINGS**

#### **33. Recovery of amount**

- (1) The Recovery Officer shall maintain the order sheet of the recovery proceedings as per regulation 12.
- (2) The Recovery Officer shall, within fifteen days from the date of the receipt of R.C., issue a demand notice to the Certificate Debtor (CD) in Form-14.
- (3) Where, during the pendency of the recovery proceeding, any payment is made by the CD or any amount is adjusted towards the R.C., the Recovery Officer shall, on being satisfied, record the factum of such payment, adjustment or satisfaction in the order sheet.
- (4) The payment referred to in sub-regulation (3) shall be deposited with the Certificate Holder (CH) Bank or Financial Institution, as the case may be.

### **34. Attachment of Property**

- (1) The CH shall produce the details of the property of the CD sought to be attached.
- (2) The Recovery Officer may, on being satisfied that the CD is the owner of such property, order for the attachment of that property.
- (3) The order in respect of the moveable or immovable property shall be made in Form-15 or 16, as the case may be.
- (4) The order of attachment in respect of the immovable property shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and the Notice Board of the Tribunal. Where the attached property is an open land, the order of attachment shall be affixed on a board displaying the factum of attachment.
- (5) An inventory of the attached movable properties and a Panchanama thereof shall be prepared and a copy thereof shall be provided to the person from whom the property is attached.

### **35. Arrest and detention in Civil Prison**

- (1) Where the amount of R.C. is sought to be recovered by arrest and detention of a C.D. in the civil prison, the Recovery Officer shall issue show cause notice in Form-17 calling upon him to appear before him on the date specified in the notice and show cause why he should not be committed to the civil prison:

Provided that such notice shall not be necessary if the Recovery Officer is satisfied, by affidavit or otherwise, that, with the object or effect of delaying the recovery, the C.D. is likely to abscond or leave the local limits of the Tribunal.

- (2) Where the C.D. fails to appear or show cause in obedience to such notice, the Recovery Officer may, subject to sub-regulation (3), issue a warrant for the arrest of that C.D., in Form- 18.
- (3) No warrant for the arrest of the C.D. shall be issued until the C.H. deposits with the Recovery Officer such sum as he thinks sufficient for the subsistence of the C.D. and other necessary expenses from the time of his arrest until he is brought before him.

- (4) When a C.D. appears before the Recovery Officer in obedience to a notice issued under sub-regulation (1), or is brought before him after being arrested, the Recovery Officer shall, after hearing the parties, give the C.D. an opportunity of showing cause why he should not be committed to the civil prison and until the conclusion of the enquiry, the C.D. shall be released on his furnishing security to the satisfaction of the Recovery Officer for his appearance when required.
- (5) Upon the conclusion of enquiry referred to in sub-regulation (4) the Recovery Officer may make an order for the detention of the C.D. in the civil prison and shall in that event cause him to be arrested.
- (6) Where a C.D. is committed to the civil prison, the Recovery Officer shall issue a warrant of detention in Form-19 and fix for his subsistence such monthly allowance as he considers sufficient with reference to the class to which he belongs, which shall be supplied by the C.H. in advance before the first day of each month.
- (7) The C.D. shall, on satisfying the R.C., be released by the Recovery Officer from the civil prison by issuing a release order in Form-20.

### **36. Sale of movable property**

- (1) The Recovery Officer may, for the recovery of the amount of R.C., direct the sale of such movable property of the C.D. as may be necessary to satisfy the R.C. in one or more lots, as he may deem proper.
- (2) Where the movable property is sold by public auction, the price of each lot, along with poundage fee, shall be paid at the time of sale or within such period, which shall not be later than fifteen days from date of sale, as the Recovery Officer may direct.
- (3) On receipt of the sale price and poundage fees, the delivery of the movable property shall,
  - (a) where it has actually been seized, be made to the purchaser,
  - (b) where it is in possession of some person other than the C.D., be made by directing such person to hand over its possession to the purchaser.
- (4) The possession receipt (Kabja Pavti) shall be issued by the Recovery Officer in Form-21.

### **37. Sale of immovable property**

- (1) The Recovery Officer shall, after getting the immovable property valued by an approved valuer, issue the proclamation of sale of that property in Form-22.
- (2) The Recovery Officer shall fix the reserve price of the property after hearing the parties and taking into account the valuation report, which shall not be older than one year, whether submitted by the C.H. or the C.D., and other attending circumstances.
- (3) Whenever the sale of an immovable property is failed due to fixation of its reserve price on a higher side, the Recovery Officer may, by making a reasoned order, reduce it after taking into account the realizable or distress value of the property:

Provided that no such reduction shall be made unless the C.D. is given an opportunity to bring a purchaser for such reserve price.

### **38. Registers concerning Recovery Proceedings**

The following registers shall be maintained by or under the supervision of the Recovery Officer, namely:-

- (i) Register of R.C. in Form-23,
- (ii) Register of attachment of Moveable Property in Form-24,
- (iii) Register of attachment of Immovable Property in Form-25,
- (iv) Register of Warrant of Attachment in Form-26,
- (v) Register of Stay of Recovery Proceedings in Form-27,
- (vi) Register of Disposal of R.C.in Form-28,
- (vii) Register of Received Payments in Form-29,
- (viii) Register of Sale Certificate in Form-30.

## **CHAPTER – X**

### **MISCELLANEOUS**

#### **39. Stay Order**

- (1) The Tribunal shall enter the order staying the proceedings of a case received from the Supreme Court, High Court, or the Debts Recovery Appellate Tribunal 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.

#### **40. Disposal Register**

The Court Master shall maintain the Register of Disposal of cases in Form-32

**FORM-1**

[See Regulation-3(2)]

BEFORE THE DEBTS RECOVERY TRIBNAL, AURANGABAD

In the matter of:

Case No. \_\_\_\_\_

\_\_\_\_\_(Applicant(s))

Versus

\_\_\_\_\_ Defendant(s)

**INDEX**

<b>Sr.No.</b>	<b>Particulars</b>	<b>Page No.</b>
	<b>PART-A</b>	
1.	List of dates & events	
2.	Plaint	
3.	Reply/WS	
4.	Rejoinder	
5.	I.A. (Affidavit)	
6.	Any other document	
	<b>PART-B</b>	
1.	Details of documents with Annexure marked	
2.	Power of Attorney	
3.	Board Resolution/Letter of Authorisation.	
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1.	Vakalatnama	
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Applicant(s)

Through Counsel



**CHECK LIST**  
**DEBTS RECOVERY TRIBUNAL, AURANGABAD**

Original Application	IA Misc	Review Application	Appeal No.

**(Part-A)**

1. Dairy No. : \_\_\_\_\_
2. Date of Presentation : \_\_\_\_\_
3. Presented by : \_\_\_\_\_
4. Whether Fresh or Transferred : \_\_\_\_\_  
 If Transferred then : \_\_\_\_\_
  - a) The name of transferring Court : \_\_\_\_\_
  - b) No. of case in transferring Court : \_\_\_\_\_
  - c) Date of Receipt in the Tribunal : \_\_\_\_\_
  - d) Whether the case has been correctly filed or file is to be returned. : \_\_\_\_\_

**(Part-B)**

1. a) Whether the Application/Appeal in prescribed form : Yes/No  
 b) Whether Addition/Correction in the application has been initiated. : Yes/No  
 c) Total Number of Sets in Paper Book Form :
2. a) Whether the addresses of the parties are given in the title or not. : Yes/No
3. a) Whether the Application/Appeal is duly signed & verified : Yes/No  
 b) Whether the Annexure are duly signed and authenticated : Yes/No  
 c) Whether proper date of filing is mentioned on Application, Vakalatnama etc. : Yes/No  
 d) Whether Memo of address of the applicant is furnished : Yes/No
4. Language of Application whether English Or Hindi? : English/Hindi  
 (If not in Hind Or English, then whether true Translation (However, true translation of the documents at Page number not provided) In Hindi Or English is enclosed).
5. a) Whether Vakalatnama/Authority Letter has been filed : Yes/No  
 b) Whether Power of Attorney/Letter of Authority for filing the Application/Appeal has been filed. : Yes/No

**Note :Strike out whichever is not applicable.**

6. Whether the Application/Appeal is within the limitation, : Yes/No  
If no, whether application for condonation of delay is filed?
7. a) Whether the General Index & list of documents been signed : Yes/No.  
b) Whether paging has been properly done. : Yes/No
8. a) Whether all the copies of documents has been filed : Yes/No  
b) Whether all the annexures as per list of documents are : Yes/No  
made available on record.  
c) Whether certified coy of judgment & decree has been filed : Yes/No.  
d) Whether the certified copy on which MA/Review/Appeal : Yes/No.  
has been preferred is filed.
9. a) Whether copy of statement of accounts with requisite : Yes/No.  
Certificate annexed to O.A.  
b) Amount of claim as per application Rs. \_\_\_\_\_ = \_\_\_\_\_
10. a) Application fee paid by Demand Draft or IPO/e-Payment DD/PO/MC/IPO No. \_\_\_\_\_  
(Check the number, Name of Bank/Post Office \_\_\_\_\_ dt. \_\_\_\_\_  
Date, amount). For \_\_\_\_\_ Rs. \_\_\_\_\_  
b) Whether fee is proper or not : Yes/No.  
c) Whether particulars of fee paid is mentioned in : Yes/No.  
Pare 9 of application).
11. Relief Sought : As per para \_\_\_\_\_
12. Whether an Interim Relief is claimed, if yes, : Yes/No.  
Whether fee thereon paid.
13. Whether sufficient number of file sized envelopes, : Yes/No  
with complete addresses of all the defendants have been filed.
14. a) Whether all documents are on full scape/legal size/paper : Yes/No  
If not, then whether pasted/affixed on full scape paper  
with signatures of party submitting the application.  
b) Whether legible copies of documents filed. : Yes/No.
15. Whether any document is torn/Mutilated (If yes, the description) : Yes/No.

Comply the objection No . Sr.No. \_\_\_\_\_ on before \_\_\_\_\_

Dated: \_\_\_\_\_ (Signature of Checking ASS/UDC/LDC)

Note :Strike out whichever is not applicable.

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

**O.A. NO.** \_\_\_\_\_ **OF** \_\_\_\_\_ **Exh.No.** \_\_\_\_\_

\_\_\_\_\_ Applicant (s)

Versus

\_\_\_\_\_ Defendants (s)

**SUMMONS**

WHEREAS the applicant has instituted an application U/S 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 against you for the recovery of sum mentioned therein together with current and future interest and other reliefs. You are hereby summoned to appear and file written statement before this Tribunal at 10.30 a.m. or at such time immediately thereafter according to the convenience of Tribunal on \_\_\_\_\_ to answer the claim.

2. A copy of the application is enclosed herewith. The copies of the annexures are also enclosed. You are directed to collect the annexure on your appearance before the Tribunal.

3. If you intend to file any documents, you may file the same with a list along with the written statement.

4. You should file your registered address and a memo of appearance when you enter appearance before the Tribunal either in person or by a Pleader/Advocate duly instructed.

5. Take notice that, in default of, your appearance on the day mentioned herein before, the proceeding will be heard and determined in your absence.

Given under my hand and the seal of this Tribunal on this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

**Signature of the Officer  
Authorised to issue summons.**

**Note :Strike out whichever is not applicable.**

**NOTICE UNDER SECTION 17 OF SECURITIZATION ACT R/W PROVISIONS OF THE DEBTS RECOVERY TRIBUNAL ACT AND THE DEBTS RECOVERY TRIBUNAL (PROCEDURE) RULES, 1993 AS AMENDED FROM TIME TO TIME.**

CASE NO.....

APPLICANT (S) ..... VS. DEFENDANT (S) .....

An application under Section 17(1) of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 has been filed before this Tribunal (A copy of application is enclosed).

Show cause as to why the relief prayed for should not be granted. You are required to file reply, if any, in your defence in the paper book form in two complete sets and produce all the documents and affidavit in your support in the Tribunal personally or through your duly authorized agent or legal practitioner and appear before **this Tribunal on..... at 10.30 A.M.** failing which the application shall be heard and decided in your absence. You are further directed to supply advance copy of the reply to the SA to the Counsel for the Applicant.

Given under my hand and the seal of this Tribunal on this \_\_\_\_ **day of** \_\_\_\_**20** .

**By order of Tribunal**

**Registrar**

Debts Recovery Tribunal, Aurangabad

**BEFORE DEBTS RECOVERY TRIBUNAL, AURANGABAD**

Notice under Section 31-A r/w 19(4) of the Recovery to Debts Due to Banks and Financial Institutions Act, 1993 read with Rule 12 & 13 of the Debts Recovery Tribunal (Procedure) Rules, 1993.

**In the matter of:**

Take notice that Execution Application filed by Applicant for issuance of Recovery Certificate and the same was listed before the **Hon'ble Presiding Officer** on ..... A copy of this application is enclosed herewith.

**Take notice that you are directed to appear in person or through your legal authorized representative before the Hon'ble Tribunal on ..... at 10.30 A.M., failing which the matter shall be heard in your absence.**

Given under my hand and the seal of this Tribunal on this \_\_\_\_ day of \_\_\_\_20 .

**By order of Tribunal**

**Registrar**

Debts Recovery Tribunal, Aurangabad

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

Misc I.A. / RA No. \_\_\_\_\_ OF \_\_\_\_\_

**Exh. No.**

\_\_\_\_\_ **APPLICANT(S)**

**VERSUS**

\_\_\_\_\_ **RESPONDENT(S)**

**NOTICE**

WHEREAS the application has been made to this Tribunal. The copy of which is enclosed herewith. This is to give you notice, as to why relief asked for should not be granted. Take notice that the said application will be taken up for hearing by the Tribunal at 10.30 a.m. or at such time immediately thereafter according to the convenience of the Tribunal on \_\_\_\_\_.

2. You are required to appear in person or by a Pleader/Advocate duly instructed at the aforesaid time and file your reply, if any.
3. Take notice that in default of, your appearance on the day mentioned herein before, the proceeding will be heard and determined in your absence.

Given under my hand and the seal of this Tribunal on this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

**Signature of the Officer  
Authorised to issue summons.**

**Note : Strike out whichever is not applicable.**

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

**APPEAL NO. \_\_\_\_\_ OF \_\_\_\_\_**

\_\_\_\_\_ **APPELLANT(S)**

**VERSUS**

\_\_\_\_\_ **RESPONDENT(S)**

**NOTICE**

WHEREAS the above named appellant has preferred an appeal under R.D.D.B.F.I. Act against the order passed by the Registrar/Recovery Officer in O.A./R.P. No. \_\_\_\_\_ under section 30 of R.D.D.B.F.I. Act on \_\_\_\_\_.

2. Take notice that the said appeal (copy enclosed) will be taken up for hearing by the Tribunal at 10.30 a.m. or at such time immediately thereafter according to the convenience of the Tribunal on \_\_\_\_\_ 20

3. You are hereby required to appear in person or by a Pleader/Advocate duly instructed, as the case may be, at the aforesaid time and place.

4. If you do not appear on the date of hearing, the appeal shall be decided in your absence.

Given under my hand and the seal of this Tribunal on this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

**Signature of the Authorised Officer**

**Note : Strike out whichever is not applicable.**

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

**O.A./R.A/MISC.I.A./APPEAL/R.C. NO. \_\_\_\_\_ OF \_\_\_\_\_**

Applicant/Appellant .....

Vs.

Defendant/Respondent .....

**APPLICATION FOR INSPECTION OF DOCUMENTS/RECORD.**

I hereby apply for permission to inspect the documents/records in the above proceeding. The details are as follows:-

1. Name and address of the person :  
seeking Inspection.
2. Whether he is party to the proceeding. :
3. Details of the papers/documents :  
sought to be inspected.
4. Reason for seeking the inspection. :
5. Date and timing of the inspection sought :
6. Details of DD/IPO. :

Place:

**Signature of Applicant Or  
his advocate on record.**

Date :

Note: If the Applicant is not a party to the proceeding, the application shall be supported by affidavit.

Note : Strike out whichever is not applicable.



**DEBTS RECOVERY TRIBUNAL, AURANGABAD**  
**RECOVERY CERTIFICATE UNDER SUB-SECTION 7 AND 22 OF SECTION-19 OF THE RECOVERY OF DEBTS DUE TO THE BANKS AND FINANCIAL INSTITUTION ACT, 1993 AS AMENDED FROM TIME TO TIME.**

CASE No.....

Having its Branch at:

Applicant Bank

.....  
.....

Versus

Defendant No.1

.....  
.....  
.....

Defendant no.2

**Recovery Certificate for Rs.....**

In terms of final order dated \_\_\_\_\_ passed by this Tribunal in the above mentioned case, it is ordered that the Applicant Certificate Holder Bank is entitled to recover a sum of **Rs.\_\_\_\_\_** along with cost, expenses and future interest \_\_\_\_\_% simple p.a. from the date of filing of the O.A. i.e, ..... till the date of realization in full, jointly or severally from the Certificate Debtors no..... hereinafter referred to as:-

<b>Certificate Debtor 1</b>	
<b>Certificate Debtor 2</b>	

**In case of failure to pay the aforementioned adjudicated amount within 30 days, same shall be recovered from the sale of the .....**

**If there is any shortfall, the same shall be recovered from the sale of .....**

**Parties are directed to appear before the Ld. Recovery Officer, Debts Recovery Tribunal, Aurangabad, on .....**

The recovery Officer shall realize the amount as per this Certificate in the manner and move prescribed under Section 25 and 28 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (as amended from time to time) from the above named Certificate Debtors.

**This Certificate has been issued under my signature and seal of the Tribunal on this \_\_\_\_\_ day of \_\_\_\_\_.**

**PRESIDING OFFICER**  
**Debts Recovery Tribunal, Aurangabad**

**DEBTS RECOVERY TRIBUNAL, AURANGABAD**

Exhibit No. \_\_\_\_\_

**SCHEDULED TO RECOVERY CERTIFICATE  
MEMO OF COSTS**

**O.A. NO. \_\_\_\_\_ OF \_\_\_\_\_**

.....Applicant/s

Vs.

.....Defendant/s

<b>Sr. No.</b>	<b>Item of Costs</b>	<b>Amount in Rupees</b>
1.	Fee on the application	
2.	Process Fees (Inc. Publication)	
3.	Advocate fees	
4.	Commissioner/Receivers/Valuation/Security fee.	
5.	Miscellaneous Charges	
	<b>Total Costs : Rs.</b>	

Place:

**Presiding Officer**

Date :

**Debts Recovery Tribunal, Aurangabad**

**Note : Strike out whichever is not applicable.**

**DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_  
O.A./MISC.I.A./R.A./APPEAL/R.C. No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Applicant/Appellant

Vs.

\_\_\_\_\_ Defendant/Respondent

**APPLICATION FOR RETURN OF DOCUMENTS/RECORD**

I hereby pray for return of the following documents filed in the above pending/disposed of proceeding on behalf of the applicant/appellant/defendant/respondent.

Sr. No.	Particulars of Documents	Exhibit No.

I undertake to produce the aforesaid document before the Tribunal as and when directed.

Place :

Date :

Signature of Advocate/Party

**Note : Strike out whichever is not applicable.**

**DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_  
O.A./MISC.I.A./R.A./APPEAL/R.C. No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Applicant/Appellant/Certificate Holder

Versus

\_\_\_\_\_ Defendant/Respondent/Certificate Debtor

**APPLICATION FOR GRANT OF CERTIFIED COPY**

1. Name and address of the applicant :
2. Whether applicant is party to the case :  
if not whether an affidavit is filed.
3. Whether the case is pending/disposed :
4. Description with date of documents :  
of which copy is applied for.
5. Number of copies required and nature :  
of application.
6. Amount of fees deposited :
7. Details of postal orders :
8. Purpose of certified copy required :

Place:

Date:

Signature of applicant

Note : If the applicant is not a party to the proceeding, the application shall be supported by affidavit.

9. The date given to the applicant for collection of copy:

Signature of applicant

10. Date, Name & Signature of the person receiving the copy:

Signature of applicant

Note : Strike out whichever is not applicable..

**ENDORSEMENT ON APPLICATION & CERTIFIED COPY**

1. Sr. No. of Application :
2. Proceeding No. :
3. Name of the applicant :
4. Date of presentation of application :
5. Date given to collect copy :
6. Number of pages :
7. Copying fee charges :
8. Date on which copy is ready :
9. Date of delivery :

(Signature of S.O./Official authorised)

**Note : Strike out whichever is not applicable..**

**DEBTS RECOVERY TRIBUNAL, AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_

R.C. No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Certificate Holder

Versus

\_\_\_\_\_ Certificate Debtor

**DEMAND NOTICE**

To

\_\_\_\_\_  
\_\_\_\_\_

In view of the Recovery Certificate issued in O.A./Misc. I.A. No. \_\_\_\_\_ passed by the Presiding Officer, DRT \_\_\_\_\_ an amount of Rs. \_\_\_\_\_, in word Rs. \_\_\_\_\_ is due against you.

You are hereby called upon to deposit the above sum within 15 days of the receipt of the notice, failing which the recovery shall be made as per rules.

In additions to the sum aforesaid you will be liable to pay:

- (a) Such interest as is payable for the period commencing immediately after this notice of the execution proceedings.
- (b) All costs, charges and expenses incurred in respect of the service of this notice and other process that may be taken for recovering the amount due.

Recovery Officer  
Debt Recovery Tribunal, Aurangabad

**Note : Strike out whichever is not applicable..**

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_

**WARRANT OF ATTACHMENT OF MOVABLE PROPERTY**

R.C. No. \_\_\_\_\_ OF \_\_\_\_\_.

(Short Title)

To

\_\_\_\_\_,  
\_\_\_\_\_

Whereas (C.D.) \_\_\_\_\_ was ordered by the Recovery Certificate of this Tribunal passed on the day of \_\_\_\_\_ in O.A./Misc. I.A. No. \_\_\_\_\_ to pay to the Applicant Bank/F.I. \_\_\_\_\_, the sum as noted below, and whereas the said has not been paid.

Recovery Certificate	Details
Principal	
Interest	
Costs	
Further interest	
Total	

This is to command you to attach the movable property of the said Certificate Debtor as set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said \_\_\_\_\_ and unless the said shall pay to you the above said sum and the costs of this attachment, to hold the same until further orders from the Recovery Officer.

You are further commanded to return this warrant on or before the \_\_\_\_\_ with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

Given under my hand and the seal of the Tribunal, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Schedule of property

Recovery Officer  
Debt Recovery Tribunal, Aurangabad

**Note : Strike out whichever is not applicable.**

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

**WARRANT OF ATTACHMENT OF IMMOVABLE PROPERTY**

R.C. No. \_\_\_\_\_ OF \_\_\_\_\_.

(Short Title)

To

\_\_\_\_\_,  
\_\_\_\_\_

Whereas (C.D.) \_\_\_\_\_ was ordered by the Recovery Certificate of this Tribunal passed on the day of \_\_\_\_\_ in O.A. No. \_\_\_\_ to pay to the Applicant Bank/F.I. \_\_\_\_\_, the sum as noted below, and whereas the said has not been paid.

Recovery Certificate	Details
Principal	
Interest	
Costs	
Further interest	
Total	

This is to command you to attach the immovable property of the said Certificate Debtor as set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said \_\_\_\_\_ and unless the said shall pay to you the above said sum and the costs of this attachment, to hold the same until further orders from the Recovery Officer.

You are further commanded to return this warrant on or before the \_\_\_\_\_ with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

Given under my hand and the seal of the Tribunal, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Schedule of property

Recovery Officer  
Debt Recovery Tribunal, Aurangabad

**Note : Strike out whichever is not applicable.**



**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_

R.C. No. \_\_\_\_\_ OF \_\_\_\_\_.

**NOTICE TO SHOW CAUSE WHY WARRANT OF ARREST SHOULD NOT  
ISSUED**

To

\_\_\_\_\_,  
\_\_\_\_\_

Whereas (C.D.) \_\_\_\_\_ has made an application to this Tribunal for execution of Recovery Certificate by arrest and imprisonment of your person, you are hereby required to appear before this Tribunal on \_\_\_\_\_ to show cause as to why you should not be committed to the civil prison in execution of the said Recovery Certificate.

Given under my hand and the seal of the Tribunal, this \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_\_\_.

Seal of the Tribunal

Recovery Officer  
Debt Recovery Tribunal, Aurangabad

**Note : Strike out whichever is not applicable.**

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_

R.C. No. \_\_\_\_\_ OF \_\_\_\_\_.

(Short Title)

**WARRANT OF ARREST IN EXECUTION**

To

The SHO,

\_\_\_\_\_  
\_\_\_\_\_

Whereas (C.D.) \_\_\_\_\_ was adjudged by the Recovery Certificate of this Tribunal in O.A. No. \_\_\_\_\_ dated the \_\_\_\_ day of \_\_\_\_ 20\_\_, to the Recovery Certificate Holder for the sum of Rs. \_\_\_\_\_ as noted below; and whereas the said sum has not been paid to the said Recovery Certificate holder in satisfaction of the said Certificate, these are to command you to arrest the said Certificate Debtor and unless the said Certificate Debtor shall pay to you the said sum together with Rs. \_\_\_\_\_ for the cost of executing this process, to bring the said Certificate Debtor before the Tribunal with all convenient speed.

Recovery Certificate	Details
Principal	
Interest	
Costs	
Further interest	
Total	

You are further commanded to return this warrant on or before the \_\_\_\_\_ with an endorsement certifying the day on which and manner in which it has been executed/ or the reason why it has not been executed.

Given under my hand and the seal of the Tribunal, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Seal of the Tribunal

Recovery Officer  
Debt Recovery Tribunal, Aurangabad

**Note : Strike out whichever is not applicable.**

**WARRANT OF DETENTION**

RC No. \_\_\_\_\_

To

The Officer incharge of Civil Prison of \_\_\_\_\_ Jail,

\_\_\_\_\_

\_\_\_\_\_.

Whereas Shri \_\_\_\_\_ R/o \_\_\_\_\_  
\_\_\_\_\_, has appeared before the undersigned under a warrant in execution of  
certificate in O.A. No. \_\_\_\_\_ dated \_\_\_\_\_ drawn up by the Presiding Officer,  
Debts Recovery Tribunal, Aurangabad specifying that an amount of  
Rs. \_\_\_\_\_ is to be recovered from him.

And whereas he has not satisfied the undersigned that he is entitled to  
be discharged from custody and has not paid the amount due from him as detailed  
below:

- |     |                       |     |
|-----|-----------------------|-----|
| (a) | Amount of Certificate | Rs. |
| (b) | Costs and charges     | Rs. |
| (c) | Interest              | Rs. |

And whereas the undersigned is satisfied that Shri  
\_\_\_\_\_ be committed to the Civil Prison and an order to that effect  
has been passed by the undersigned on \_\_\_\_\_.

You are hereby commanded and required to take and receive that said  
Shri \_\_\_\_\_ into the Civil Prison and to keep him imprisoned therein  
for a period of \_\_\_\_\_ i.e. upto \_\_\_\_\_ or until the amount aforesaid together  
with further interest on Rs. \_\_\_\_\_ for the period commencing immediately  
after the date of issue of this warrant is paid to you or until you receive an order of  
release from the undersigned.

The undersigned does hereby fix as per rules Jail Authority per day as  
the rates for subsistence allowances of the said Shri \_\_\_\_\_ during his  
confinement under the warrant.

Given under my hand and seal at \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Recovery Officer  
Debts Recovery Tribunal, Aurangabad

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_

R.C. No. \_\_\_\_\_

Dated: \_\_\_\_\_.

**ORDER OF RELEASE UNDER RULES 77, 78 & 79 OF THE SECOND SCHEDULE OF THE INCOME TAX ACT, 1961 READ WITH THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993.**

To

The In-Charge of Lock Up/Jail Supt.,

.....

**ORDER FOR RELEASE**

Under orders passed on this ..... day, of .....20 you are hereby directed to forthwith set free Shri \_\_\_\_\_ S/o Shri \_\_\_\_\_ R/o \_\_\_\_\_ who is now under your custody as a result of the execution of arrest warrants issued by this Tribunal on \_\_\_\_\_.

Given under my hand and seal on this ..... Day of ..... 20.....,

Recovery Officer  
DRT \_\_\_\_\_

**IN THE DEBTS RECOVERY TRIBUNAL AT AURANGABAD**

**O.A./R.C. No. \_\_\_\_\_ OF \_\_\_\_\_**

(Short title)

To

\_\_\_\_\_  
\_\_\_\_\_

I hereby confirmed that today \_\_\_\_\_, I have received actual/physical possession of the property mentioned herein below in execution of Recovery Certificate granted in O.A. No. \_\_\_\_\_.

Signature of Purchaser

In presence of:

1) \_\_\_\_\_

2) \_\_\_\_\_

Note : Strike out whichever is not applicable.

**REGD. A/D\DASTI\AFFIXATION\BEAT OF DRUM**

**SALE PROCLAMATION**

**OFFICE FO THE RECOVERY OFFICER\_\_\_\_  
IN THE DEBTS RECOVERY TRIBUNAL, AURANGABAD**

\_\_\_\_\_  
\_\_\_\_\_

R.C. No.

DATED:

**PROCLAMATION OF SALE UNDER RULES 38, 52(2) OF SECOND  
SCHEDULE TO THE INCOME TAX ACT, 1961 READ WITH THE  
RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS  
ACT, 1993**

**.....VS.....**

To,  
CD No.1: \_\_\_\_\_  
\_\_\_\_\_

Whereas you has/have failed to pay the sum of **Rs.....Only**) payable by you/him in respect of Recovery Certificate in OA/T.A. No..... By the Presiding Officer, Debts Recovery Tribunal\_\_\_\_\_ and the interest and costs payable as per certificate.

And whereas the undersigned has ordered the sale of property mentioned in the Schedule below in satisfaction of the said certificate.

And whereas there will be due there under a sum **Rs.....Only**) including costs and interest thereon w.e.f.....

Notice is hereby given that in absence of any order of postponement, the said property shall be sold on ..... by e-auction and bidding shall take place through “On line Electronic Bidding” through the website <http://.....of M/s.....>

**For further detail contact: Mr.....Officer of bank.....**

The sale will be of the property of the defendant above named as mentioned in the schedule below and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

The property will be put up for the sale in the lots specified in the schedule. If the amount to be realized is satisfied by the sale of a portion of the property, the sale shall be immediately stopped with respect to the remainder. The sale also be stopped if, before any lot is knocked down, the arrears mentioned in the said certificate, interest costs (including cost of the sale) are tendered to the officer conducting the sale or proof is given to his satisfaction that the amount of such certificate, interest and costs have been paid to the undersigned.

No officer of other person, having any duty to perform in connection with sale, however, either directly or indirectly bid for, acquire or attempt to acquire any interest in the property sold. The sale shall be subject to the conditions prescribed in Second Schedule of the Income Tax Act, 1961 and the rules made there under and to the further following conditions.

The particulars specified in the annexed schedule have been stated to the best of the information of the undersigned, but the undersigned shall not be answerable for any error, mis-statement or omission in this proclamation.

1. (a) The reserve price below which the property No.(i) (mentioned below) shall not be sold is.....
2. The amount by which the biddings are to be increased shall be Rs...../- In the event of any dispute arising as to the amount of bid, or as to the bidder, the lot shall at once be again put up to auction.
3. The highest bidder shall be declared to be the purchaser of any lot provided that further that the amount bid by him is not less than the reserve price. It shall be in the discretion of the undersigned to decline/acceptance of the highest bid when the price offered appears so clearly inadequate as to make it inadvisable to do so.
4. EMD shall be deposited by..... Online through RTGS/NEFT/directly in to the **account No..... the name of .....of CH Bank, having IFSC Code No..... Or by way of DD/pay order in favour of Recovery Officer, DRT\_\_\_\_\_ to be deposited with R.O., DRT\_\_\_\_\_** and details of the property along with copy of PAN card, Address proof and identity proof, E-mail ID, Mobile No. and in case of the company or any other document confirming representation/attorney of the company and the receipt/counter file of such deposit. EMD deposited thereafter shall not be considered for participation in the e-auction.

5. The successful bidder shall have to pay **25% of the sale proceeds** after adjustment of EMD on being knocked down by next date **i.e. By 3:00 P.M. in the said account as per detail mentioned in para 3 above.** If the next day is Holiday or Sunday, then on next first office day.

6. The purchaser shall deposit the balance **75% of the sale proceeds on or before 15<sup>th</sup> day** from the date of sale of the property, exclusive of such day, or if the **15<sup>th</sup> day be Sunday or other Holiday**, then on the first office day after the 15<sup>th</sup> day by prescribed mode as stated in para 3 above. In addition to the above the purchaser shall also deposit **Poundage fee with Recovery Officer, Debts Recovery Tribunal, Aurangabad @2% upto Rs.1,000/- and @1% of the excess of the said amount of Rs.1,000/- through DD in favour of Registrar, Debts Recovery Tribunal, Aurangabad**

In case of default of payment within the prescribed period, the deposit, after defraying the expenses of the sale, may, if the undersigned thinks fit, shall be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold. The property shall be resold, after the issue of fresh proclamation of sale.

The property is being sold on **“AS IS WHERE IS BASIS”**.

The undersigned reserves the right to accept or reject any or all bids if found unreasonable or postpone the auction at anytime without assigning any reason.

No. of lots	Description of the property to be sold with the names of the co-owners where the property belongs to defaulter and any other person as co-owners.	Revenue assessed upon the property or any part thereof	Details of any other encumbrance to which property is liable	Claims, if any, which have been put forward to the property, and any other known particulars bearing on its nature and value.
1.	2.	3.	4.	5.
1.				

Given under my hand and seal on this ..... Day of ..... 20.....,

Recovery Officer  
Debts Recovery Tribunal, Aurangabad



**FORM NO. 23**  
[See Regulation 38(i)]

**REGISTER OF RECOVERY CERTIFICATE**

Sr. No.	R.C. No.	Name of the Certificate Holder	Name of the Certificate Debtor	Date of Receipt
1	2	3	4	5
Tribunal from which R.C. is received	Date of Transfer	Tribunal to which the R.C. transferred	Amount of Recovery Certificate	Remarks
5	6	7	8	9

Note : Strike out whichever is not applicable.

**FORM NO.24**  
[See Regulation 38(ii)]

**REGISTER OF ATTACHMENT OF MOVABLE PROPERTY**

Sr. No.	RC No.	Name & Address Of Applicant	Name & Address of Defendant	Amount Of Certificate	Date of Issue of warrant of Attachment	Date of Attachment
1	2	3	4	5	6	7

Description of Property	Estimated Value of Each Property	Place where the property is kept in custody	Date of sale/ Resale	Amount of Sale Proceeds	Date of confirmation of any sale	Remarks
8	9	10	11	12	13	14

**FORM NO.25**  
[See Regulation 38(iii)]

**REGISTER OF**  
**ATTACHMENT OF IMMOVABLE PROPERTY**

Sr. No.	RC No.	Name & Address Of Applicant	Name & Address of Defendant	Amount Of Certificate	Date of Issue of warrant of Attachment	Date of Attachment
1	2	3	4	5	6	7

Description of Properties attached with Survey No.	Estimated Value of Property	Amount of sale proceeds	Date of Confirmation of Sale	Date Of Issue of sale Certificate	Remarks
8	9	10	11	12	13

Note : Strike out whichever is not applicable.

**FORM NO.26**  
[See Regulation 38(iv)]

**EXECUTION REGISTER FOR THE**  
**RECOVERY INSPECTOR**

Sr. No.	RC No.	Date of receipt of Attachment Warrant of Moveable	Date of receipt of Attachment Warrant of Immoveable	Others
1	2	3	4	5

Date of Receipt	Date of return	Signature of Recovery Officer	Remarks
6	7	8	9

**FORM NO.27**  
**[See Regulation 38(v)]**

**STAY REGISTER OF RECOVERY PROCEEDINGS**

Sr. No.	RC No.	Name and address of the Certificate Holder
1	2	3

Name and address of the Certificate Debtor	Particulars of Stay	Remarks
4	5	6

**FORM NO.28**  
**[See Regulation 38(vi)]**

**REGISTER FOR DISPOSAL OF RECOVERY CERTIFICATE**

Sr. No.	RC No.	Name of the Certificate Holder	Name of the Certificate Debtor	Date of Disposal	Nature of Disposal	Remarks
1	2	3	4	5	6	7

Note : Strike out whichever is not applicable.

**FORM NO.29**  
**[See Regulation 38(vii)]**

**REGISTER FOR RECOVERY OFFICER'S PAYMENT RECEIVED**

Sr. No.	R.C. No. and name of the applicant disposing the amount	Amount received	Date of amount deposited	Sr. No.	R.C. No. and name of the party to whom amount is paid	Amount paid	Balance
1	2	3	4	5	6	7	8

**FORM NO.30**  
[See Regulation 38(viii)]

**REGISTER FOR SALE CERTIFICATE ISSUED**

Sr. No.	R.C. No.	O.A. No. and name of the Tribunal which passed the R.C.	Name of parties	Name of the Auction Purchaser	Date of confirmation of sale
1	2	3	4	5	6

Description of the property sold	Price Paid	Date of granting the certificate	Remarks
7	8	9	10

Note : Strike out whichever is not applicable.

**FORM NO.31**  
[See Regulation 39(i)]

**STAY REGISTER OF O.A./T.O.A./M.A./R.A./APPEAL**

Sr. No.	Proceeding No.	Name and address of the Applicant	Name and address of the Defendant
1	2	3	4

Amount of claim.	Authority granting stay	Particulars of stay	Remarks
5	6	7	8

**FORM NO.32**  
[See Regulation 40(i)]

**DISPOSAL REGISTER**

Sr. No.	Case No.	Title	Amount of claim.
1	2	3	4

Date of disposal	Remarks
5	6

**NOTICE**

Date : 13/05/2011

All the Advocates practicing in this Tribunal and the litigants are informed that while filing OAs / SAs / MAs / RAs / Appeals etc. the same are to be submitted in two separate Paper books as stipulated in Regulation 3(5) of the Regulations of Practice, 2010 while is reproduced as under :


**3. Form of Pleading :**

(5) The O.A. or S.A. or M.A. or R.A. or Memorandum of Appeal shall have the following documents :

- a) **General Index referring to O.A. or S.A or M.A. or R.A. or Appeal, as the case may be, Vakalatnama, Memo of Address, List of Documents, Power of Attorney, stitched in the form of Paper Book ;**
- b) **List of documents in support of O.A. or S.A. or M.A. or R.A. or Appeal with documents or their photocopies Stitched in paper book.**

Further, at the time of presentation of O.As. averment/ Certificate of Interest / Penal Interest as per Regulation 3(2) (b) are required to be stated therein.

Henceforth, all OAs / SAs / MAs / RAs / Appeals etc. are to be filed in accordance with the provisions of the Regulations of Practice, 2010 and it be noted by all concerned for strict compliance.

  
In/c Registrar,  
Debts Recovery Tribunal

Aurangabad.

NO 335/2011

Copy to :

Bar Association

DRT Aurangabad.

o/c  
R



**DEBTS RECOVERY TRIBUNAL, AURANGABAD**  
**GOVT. OF INDIA, MINISTRY OF FINANCE**

**(Department of Financial Services, Banking Division)**

"Jeevan Suman", L.I.C. Building, Plot No.3, N-5, CIDCO, Aurangabad – 431 003. (M.S.)  
Phone : (0240) 2473612, Telefax : (0240) 2473613, E-Mail : [drtabad@sancharnet.in](mailto:drtabad@sancharnet.in)

Ref. No. DRT/AUBAD/ 564 /2012.

Date : 4/7/2012.

**NOTICE**

In view of the Rule 3(2) of the Debts Recovery Tribunal (procedure) Rules, 1993, it is informed to all concerned that at the time of filing of any application, reference, representation, documents or other matters, it be ensured that if any document is in Marathi or in any language other than English or Hindi, then the same should be accompanied by a true translation thereof in English or Hindi, failing which the said matter will not be accepted and registered.

This issues with the approval of Hon'ble P.O. (H.O.D)

By Order

  
Assistant Registrar

Notice Board  
DRT, Aurangabad





**DEBTS RECOVERY TRIBUNAL, AURANGABAD**  
GOVT. OF INDIA, MINISTRY OF FINANCE  
(Department of Financial Services, Banking Division)  
"Jeevan Suman", L.I.C. Building, Plot No.3, N-5, CIDCO, Aurangabad - 431 003. (M.S)  
Phone: (0240) 2473612, Telefax: (0240) 2473668, E-Mail: [drtaurangbad-dfs.nic.in](mailto:drtaurangbad-dfs.nic.in)

Ref. No : DRT / AUBAD/

Date :- 28/09/2012

**NOTICE**

It has been observed that the Banks / Financial Institutions / Advocates are not filing authenticated copies of statements of accounts, showing details of debit entries regarding interest / compound interest and also not filing the certificate nor making necessary averment in the applications filed under section 19 of the RDDBI Act in view of Hon'ble Supreme Court Judgment, in Central Bank of India V/s Ravindra and others. Therefore, the banks / Financial Institutions / Advocates are directed as under :

- 1) The Banks / Financial Institutions / Advocates shall file the authenticated copy of statement showing details, and giving particulars of debit entries, and if the debit entry relates to interests then setting out also the rate of, and period for which the interest has been charged as per Central Bank of India V/s Ravindra and others judgment, with certificate in accordance with Banker's Book Evidence Act, 1891 / Amendments as per information Technology Act, 2000 and undertaking to give inspection of statement of accounts.
2. The applicant banks / Financial institutions / Advocates shall make an averment in the application filed under section 19 of the Act to the effect that "interest / compound interest has been charged at such rates, and capitalized at, such periodical rests, as are permitted by, and do not run counter to the directives of, the Reserve Bank of India."
3. The applicant banks / Financial Institutions / Advocates shall also show the account of penal interest separately and shall also furnish a certificate to the effect that "the penal interest has not been capitalized".

It is hereby noticed to all concerned that the above directions are mandatory and are required to be complied strictly, failing which the registry of DRT will keep the matter in default and the case will not be registered.

By Order



**DEBTS RECOVERY TRIBUNAL, AURANGABAD**  
**GOVT.OF INDIA, MINISTRY OF FINANCE**

**( Department of Financial Services, Banking Division )**

"Jeevan Suman", L.I.C. Building, Plot No.3, N-5, CIDCO, Aurangabad - 431 003 (M.S)

Phone : (0240) 2473612, 2473613, Telefax : (0240) 2483668,

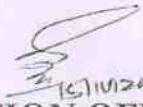
E-Mail : [drtabad@sancharnet.in](mailto:drtabad@sancharnet.in) and [drtrib@bsnl.in](mailto:drtrib@bsnl.in)

Ref.No : DRT / AUBAD/Notice/ matters without intimation to the otherside / 2012/ 902/12

Date: 15-10-2012

**NOTICE**

IT IS EXPERIENCED BY THE HON'BLE PRESIDING OFFICER, DRT, AURANGABAD THAT THE MATTERS ARE MENTIONED BEFORE THE TRIBUNAL WITHOUT INTIMATING THE OTHERSIDE WHICH CAUSES INCONVENIENCE TO THE CONCERNED PARTIES SO ALSO TO THE TRIBUNAL. IN VIEW OF THE AFORESAID, ALL THE CONCERNED ARE ADVISED TO TAKE NOTE THAT THE MATTERS SHOULD BE MENTIONED IN THE PRESENCE OF ALL THE PARTIES.

  
SECTION OFFICER,  
D.R.T., AURANGABAD.

✓ **FOR:- NOTICE BOARD, DRT, AURANGABAD**





## DEBTS RECOVERY TRIBUNAL, AURANGABAD

GOVT. OF INDIA, MINISTRY OF FINANCE

( Department of Financial Services)

"Jeevan Suman", L.I.C. Building, Plot No.3, N-5, CIDCO, Aurangabad - 431 003 (M.S)

Phone : (0240) 2473612, 2473613, Telefax : (0240) 2483668,

E-Mail : [drtaurangabad-dfs@nic.in](mailto:drtaurangabad-dfs@nic.in)

Ref. No. : DRT / AUBAD / Notice / Mentioning of matters before Tribunal / ..... / 2013

Date : 28-01-2013

### NOTICE

It is experienced by the Hon'ble Presiding Officer, DRT, Aurangabad, that the matters are mentioned before the Tribunal without intimating the other side and some time submissions are also made in absence of the other side and even some time submissions are made by the parties while mentioning in presence of all the parties which causes inconvenience to the concerned parties so also to the Tribunal. In view of the aforesaid, all the concerned are hereby advised to take note that the matters should be mentioned in the presence of all the parties only for taking adjournment and no submissions will be allowed.

( C. S. Chauhan )

Assistant Registrar,

D.R.T., Aurangabad.

*de*

For : Notice Board, DRT, Aurangabad.

2) Notice Board, Bar Room, DRT, Aurangabad.

3) Website : <http://www.drtaurangabad.gov.in>