

THE DEBTS RECOVER TRIBUNAL (PROCEDURE) AMENDMENT RULES, 1997

New Delhi, the 19th June, 1997

G.S.R. 328 (E) :- In exercise of the powers conferred by sub sections (1) and (2) of Section 36 of the Recovery of Debts to Banks and Financial Institutions Act, 1993 (53 of 1993), the Central Government hereby makes the following rules further to amend the Debts Recovery Tribunal (Procedure) Rules, 1993, namely :-

1. (1) Short title and commencement - These rules may be called the Debts Recovery Tribunal (procedure) Amendment Rules, 1997.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Debts Recovery Tribunal (Procedure) rules 1993, (hereinafter referred to as the said rules),
 - (a) In rule 4, in sub-rule (3) -
 - (i) For the words "four sets", the words "two sets" shall be substituted.;
 - (ii) For the word "respondent" wherever it occurs, the word "defendant" shall be substituted;
 - (b) After rule 5, the following rule shall be inserted, namely :-

"5A Review (1) Any party considering itself aggrieved by an order made by the Tribunal on account of some mistake of error apparent on the face of the record desires to obtain a review of the order made against him, may apply for a review of the order to the Tribunal which had made the order.

 - (2) No application for review shall be made after the expiry of a period of sixty days from the date of the order and no such application shall be entertained unless it is accompanied by an affidavit verifying the application.
 - (3) Where it appears to the Tribunal that there is no sufficient ground for a review, it shall reject the application for review should be granted, it shall grant the same;

Provided that no such application shall be granted without previous notice to the opposite party to enable him to appear and to be heard in support of the order, a review of which is applied for".
 - (c) in rule 7 -
 - (i) in sub-rule (1)
 - (A) for the words "Every application", the words and figures "Every application under Section 19, inter application or application for review of decision of Tribunal" shall be

substituted;

(B) For the words "where .a Tribunal is located, the words "located at any place within local limits of jurisdiction of a Tribunal", "shall be substituted;

(ii) in sub-rule (2), for the TABLE, the following TABLE shall be substituted, namely:-

Serial Number	Nature of application	Amount of Fee Payable
1	Application for recovering of debts due	
	(a) Where amount of debt due is Rs. 10 lakhs	Rs.12,000/-
	(b) Where amount of debt due is above Rs.10 lakhs	Rs.12,000/- plus
	Rs.1,000/- for every one lakh of	
		debt or part thereof in excess of Rs.10 lakhs, subject to a maximum of Rs.1,50,000/-
2	Application for review	50 per cent of the fee paid
3	Application for interlocutory order	Rs.10
4	Vakalatnama	Rs.5/-

(d) in rules 9 and 11 for the word "respondent" wherever it occurs, the word "defendant" shall be substituted.

(e) in rule 12 -

(i) in sub-rule (1)

(A) for the word "respondent" at both the places, where it occurs, the word ""

defendant" shall be substituted.

(B) for the words "four complete sets" the words "two complete sets" should be substituted

(ii) in sub-rule (2) –

(A) for the word "respondent" the word "defendant" shall be substituted;

(B) for the word "application" the word "applicant" should be substituted;

(iii) in sub-rule (3) for the word "respondent" the word "defendant" shall be substituted;

(iv) after sub-rule (3), the following sub-rules shall be inserted, namely:

(4) If the defendant fails to file the reply under sub-rule (1) or on the date fixed for hearing of the application, the Tribunal may proceed forthwith to pass an order on the application as it thinks fit.

(5) Where a defendant makes an admission of the full or part of the amount of debt due to a bank or financial institution, the Tribunal shall order such defendant to pay the amount to the extent of the admission within a period of one month from the date of such order failing which the Tribunal may issue a certificate in accordance with Section 19 of the Act to the extent of amount of debt due to the defendant.

(6) The Tribunal may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as it thinks reasonable.

Provided that where it appears to the Tribunal that either applicant or defendant desires the production of a witness for cross examination, and that such witness can be produced an order shall not be made the evidence of such witness to be given by affidavit.

(7) If the defendant denies his liability to pay the claim made by the applicant, the Tribunal may require the affidavit of the applicant who is acquainted with the facts of the case or who has on verification sworn the affidavit in respect of the contents of application and the documents as evidence.

(8) Provisions contained in Section 4 of the Bankers' Books Evidence Act, 1891 (18 of 1891) shall apply to a certified copy of an entry in a banker's book furnished along with the application filed under sub-section (1) of Section 19 by the applicant",

(a) in rule 16, for the word "respondent" the word "defendant" shall be substituted;

(b) in rule 17, in sub-rule (1) for the words "Pending application", the words "each pending application" shall be substituted.

(c) in rule 23, in clause (viii), for the word "respondent" the word "defendant" shall be substituted.

3. In the Form to the said rules, for the word "respondent" wherever it occurs, the word "defendant" shall be substituted.'

[F. No. 18 (2) 93-Coord.]

D.R.S. CHAUDHARY, Jr. Secy.

Note:- The principal rules were published vide GSR 564 (E) dated 5th August, 1993 and subsequently corrigendum was issued vide GSR 351 (E) dated 31st March. 1994.