

Financial Assets and Enforcement of Security Interest (Removal of Difficulties) Order, 2004

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Financial Assets and Enforcement of Security Interest (Removal of Difficulties) Order, 2004

Whereas the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) (hereinafter referred to as the said Act) came into force on the 18th day of December, 2002; And whereas any person (including borrower), aggrieved by any of the measures referred to in subsection (4) of Section 13 of the said Act taken by the secured creditor or his authorised officer under Chapter III of the said Act, may prefer an appeal under sub-section (1) of Section 17 of the said Act to the Debts Recovery Tribunal established under sub-section (1) of Section 3 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 having jurisdiction in the matter; And whereas the provisions contained in sub-section (3) of Section 17 of the said Act provides that the Debts Recovery Tribunal shall, as far as may be, dispose of an appeal arising with the said Act in accordance with the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993) and rules made thereunder; And whereas Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, read with Rule 7 of the Debts Recovery Tribunal (Procedure) Rules, 1993 made under that Act, specifies the fee for the purpose of filing an application to the Debts Recovery Tribunal under the Act; And whereas any person (including borrower), aggrieved by any order made by the Debts Recovery Tribunal under sub-section (3) of Section 17 of the said Act may prefer an appeal under sub-section (1) of Section 18 of the said Act to the Debts Recovery Appellate Tribunal referred to under sub-section (1) of Section 8 of the Recovery of Debts Due to Banks and Financial Institutions Act,

1993 (hereinafter referred to as the Appellate Tribunal) having jurisdiction in the matter; And whereas the provisions contained in sub-section (2) of Section 18 of the said Act provides that the Appellate Tribunal shall, as far as may be, dispose of an appeal arising with the said Act in accordance with the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and rules made thereunder; And whereas Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, read with Rule 8 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994 made under that Act, specifies the fee for the purpose of filing of an appeal to the Appellate Tribunal; And whereas in the absence of express provisions to levy fees, difficulties have arisen in the matter of levying of fees for filing of appeals under Sections 17 and 18 of the said Act to the Debts Recovery Tribunal and the Appellate Tribunal established under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 40 of the said Act, the Central Government hereby makes the following Order to make the provisions for levying of the fee for filing of appeals under Sections 17 and 18 of the said Act, being not inconsistent with the provisions of the Act, to remove the difficulty, namely:

1. Short title and commencement :-

(i) This Order may be called the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Removal of Difficulties) Order, 2004.

(ii) It shall come into force at once.

2. Definition :-

Debts Recovery Tribunal (Procedure) Rules, 1993 means the Debts Recovery Tribunal (Procedure) Rules, 1993 made under Section 9 read with clause (e) of subsection (2) of Section 36 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

3. Fee for filing of an appeal to Debts Recovery Tribunal :-

The fee for filing of an appeal to the Debts Recovery Tribunal under sub-section (1) of Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 shall be mutatis mutandis as provided for filing of an application to the Debts Recovery Tribunal under Rule 7 of the Debts Recovery Tribunal (Procedure) Rules, 1993.

4. Fee for filing of an appeal to Debts Recovery Appellate Tribunal :-

The fee for filing of an appeal to the Debts Recovery Appellate Tribunal under sub-section (1) of Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 shall be mutatis mutandis as provided for filing of an appeal to the Debts Recovery Appellate Tribunal under Rule 8 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994.