

Small Industries Development Bank of India (Appeal to the Central Government) Rules, 2003

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Small Industries Development Bank of India (Appeal to the Central Government) Rules, 2003

In exercise of the powers conferred by sub-sec (3) of Sec. 20-D of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby makes the following rules, namely :

1. Short Title and commencement :-

- (1) These rules may be called the Small Industries Development Bank of India (Appeal to the Central Government) Rules, 2003
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Small Industries Development Bank of India Act, 1989 (39 of 1989);

(b) "authorized representative" means

(i) in relation to an appellant, a person duly authorized by the appellant to present an appeal on his behalf to the Central

Government;

(ii) in relation to the Board, a person duly appointed by the Board by resolution as authorized representative to appear, plead and act on behalf of the Board in any appeal under these rules;

(iii) in relation to any other party to the appeal, a person duly authorized by such party to appear, plead and act on his behalf;

(c) "Board" means the Board of Directors of the Small Industries Bank constituted under sub-sec. (1) of Section 3 of the Act;

(d) "Small Industries Bank" means the small Industries Development Bank of India established under Section 3 of the Act;

(e) "Form" means the form appended to these rules;

(f) "party" means a person who files an appeal before the Central Government and the respondent;

(g) "rules" means the rules made under the Act;

(h) other expenses, which are not defined here, shall have the meaning respectively assigned to them in the Act.

3. Form of Appeal :-

Every appeal under sub-sec. (3) of Section 20D of the Act shall be preferred by any person aggrieved by an Order of refusal of the Board made under sub-sec. (2) of Sec. (2) of Section 20D to the Central Government in the Form.

4. Time within which appeal is to be preferred :-

(1) An appeal shall be preferred by the aggrieved person within a period of thirty days from the date of communication to him of the order of refusal of the Board made under sub-sec. (2) of Section 20D of the Act.

(2) When the appeal is preferred after the expiry of the period of thirty days specified in sub-rule (1), it shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the Central Government that he had sufficient cause for not preferring the appeal within the said period of thirty days;

Provided that if the Central Government is satisfied that the appellant had sufficient cause for not preferring the appeal within the aforesaid period, it may, for reason to be recorded in writing,

admit the appeal after the expiry of the aforesaid period but before the expiry of forty five days from the date of communication to him of the order of refusal of the Board.

5. Payment of fees :-

(1) Every memorandum of appeal shall be accompanied by a fee of Rs. 500/-.

(2) The amount of fees shall be deposited through a Bank Draft drawn in favour of Pay and Accounts Officer (Banking) and deposited with the State Bank of India, Parliament Street, New Delhi under the Major head "0070" "Other Administrative Services". "502" "Service and Service Fees".

6. Contents of appeal :-

(1) Every appeal filed under Rule 3 shall be written in English or Hindi and shall set forth concisely under distinct heads, the grounds of appeal which shall be numbered consecutively.'

(2) Every appeal shall be filed in the Form in duplicate and shall be accompanied by a certified copy of the order of refusal of the Board appealed against, affidavit and other documents to support the grounds of appeal.

7. Right to representation :-

(1) An appellant and every other party to the appeal may appear before the Central Government in person or through their authorized representatives.

(2) The Board shall be represented before the Central Government through its authorized representative.

(3) Authorisation empowering a person to act as an authorized representative shall be filed with the Central Government before the commencement of the hearing of the appeal.

8. Procedure for filing appeal :-

(1) An appeal shall be preferred either by the appellant in person or his authorized representative to the Central Government and the same shall be addressed to the Secretary to the Government of India, Department of Economic Affairs, Ministry of Finance and Company Affairs, New Delhi by registered post.

(2) An appeal under sub-rule (1) shall be deemed to have been preferred to the Central Government on the date on which it is

received in the office of the Secretary to the Government of India, Department of Economic Affairs, Ministry of Finance and Company Affairs, New Delhi.

9. Furnishing of information or documents :-

(1) The Central Government may, before considering the appeal, require any party to the appeal, to furnish such further information and documents as it considers necessary.

(2) The parties shall furnish such information and documents within thirty days of such order or such further period as may be granted by the Central Government.

10. Date and place of hearing of appeal to be communicated :-

The Central Government shall communicate, before considering the appeal, to the parties concerned, the date and place of the hearing of the appeal and shall also send a notice of the appeal to the Board either before or with such communication.

11. Hearing of appeal :-

(1) On the days fixed or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Central Government shall then, if necessary, hear the authorized representative of the Board and any other party to the appeal and in such case the appellant shall be entitled to reply.

(2) In case the appellant does not appear in person or through an authorized representative when the appeal is called for hearing, Central Government may dismiss the appeal for default:

Provided that if such appellant or such authorized representative on an application satisfy the Central Government that there was sufficient cause for his non-appearance, when the appeal was called for hearing, the Central Government may make an order setting aside the ex- parte dismissal and restore the appeal.

12. Orders by the Central Government :-

(1) The Central Government may after considering the appeal and making such further enquiry as it considers necessary, either dismiss the appeal; or

(a) pass an order directing that the transfer of shares shall be registered by the Board and the Board shall comply with such order

within thirty days of the receipt of the order; or

(b) pass an order directing the rectification of the register of shareholders of the Small Industries Bank; or

(c) in its discretion, pass such other orders as it may be deem fit and just.

(2) The order passed under sub-rule (1) above, shall be in writing, signed and dated and shall be communicated to the concerned parties.