

## **Adjudicating Authority Regulations of 2006**

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## **Adjudicating Authority Regulations of 2006**

G.S.R. 31(E). Whereas it is expedient to frame Regulations of Practice, the Adjudicating Authority in exercise of the powers

conferred by sub-sec. (15) of Section 6 of the Prevention of Money-Laundering Act, 2002, enabling it to frame regulations of its own practice and procedure, hereby makes the following regulations of practice:

CHAPTER 1  
PRELIMINARY

**1. Short title :-**

These regulations may be called the Adjudicating Authority Regulations of 2006.

**2. Commencement :-**

(a) These Regulations of Practice shall come into force from the date to be announced on the Notice Board of the Adjudicating Authority.

(b) These Regulations of Practice may be published by Central Government in the Official Gazette.

(c) These Regulations shall apply, as far as may be to, all the proceedings pending in the Adjudicating Authority on the date of their commencement.

CHAPTER 2  
PRELIMINARY

CHAPTER 3  
PRELIMINARY

CHAPTER 4  
PRESENTATION, REGISTRATION NUMBER AND POSTING FOR ORDERS

**9. Duty of the official appointed to receive application :-**

(a) The Official authorized by the Authority to receive the applications/complaints under the Act, shall immediately enter it in the receipt register and shall put serial number (receipt number) on the application/complaint.

**10. Registration and Numbering :-**

(a) The Registrar/Administrative Officer or any officer authorized by the Chairperson of the Adjudicating Authority on examining the application/complaint, shall direct registration.

(b) The application under Section 8 ordered to be registered shall be numbered as O.A. No.

(c) The complaint under Sec. 8 ordered to be registered shall be numbered as O.C. No.

(d) Other Miscellaneous Applications ordered to be registered shall be numbered as M.A. No.

**11.** :-

A daily cause list in Form (3) of cases fixed for hearing on a day by the Adjudicating Authority shall be prepared under the signatures of Registrar/Administrative Officer in triplicate and shall be pasted on the previous working day on the notice board of the Adjudicating Authority. The Assistant shall maintain a file of daily cause list which shall be preserved for one year and shall be destroyed at the end of the next calendar year.

CHAPTER 5

SERVICE OF SUMMONS/NOTICES

**12. Issue of Summons/Notices** :-

(a) Notices shall be in the form No. 1 as prescribed under these Regulations. The summons/notices shall be signed by the Registrar/Administrative Officer or any other officer authorized by the Chairperson of the Adjudicating Authority

(b) Summons/notices shall be sent by registered post, acknowledgement due.

(c) When an acknowledgement purporting to be signed by the defendant or his agent is received by the Adjudicating Authority or the postal article containing the summons is received back by the Authority with an endorsement purporting to have been made by a postal employee to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons or not claimed, the Authority issuing the summons/notice shall declare that the summons/notice had been duly served on the defendant.

(d) Where the Adjudicating Authority is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons/notice cannot be served in the ordinary way, the Adjudicating Authority shall order service by an advertisement in a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.

(e) Service substituted by order of the Authority shall be as effective as if it has been made on the defendant personally.

**13. Steps for fresh Summons/Notices :-**

If any summons/notice is returned unserved. the applicant shall take steps for service of summons/notices as ordered, failing which, the matter shall be placed before the Bench hearing the case.

**14. Form of Summons/Notices :-**

Summons/notices shall be in form appended to the Regulations.

**15. Filing of reply to the Notice :-**

The reply shall be filed by the defendant within the period as prescribed in the Act. If the defendant/non-applicant fails to file the reply to the show cause notice, matter shall be proceeded ex parte.

**16. Inspection of Records :-**

(a) Inspection of records, upon the application in the prescribed form No. 4 shall be allowed under the orders of the Chairperson of the Adjudicating Authority, or the Registrar or the administrative officer, as the case may be.

(b) On grant of application for inspection of the records, the administrative officer or an officer authorized in that behalf shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar/Administrative officer in the presence of the officer authorized by the Chairperson of the Adjudicating Authority.

(c) The officers supervising inspection may, at any time, prohibit further inspection if in his opinion any of the records are likely to be damaged in the process of inspection.

**17. Maintenance of Application of Inspection :-**

Such applications for inspection of the records shall be maintained by the officer authorized by the Chairperson of the Adjudicating Authority and he shall obtain therein the signatures of the persons making such inspection.

CHAPTER 6

SERVICE OF SUMMONS/NOTICES

CHAPTER 7

ORDERS

**23. Judgment and issue of Order :-**

The order supported by reasons duly recorded should be pronounced in open court and on the date notified in that behalf. Every sheet of the order shall bear the initial of the Chairman as the case may be.

**24.** . :-

If the parties or any of the parties or their counsel remain present on the date of pronouncement of the judgment/order, a copy of the judgment/order, if ready, shall forthwith be delivered to the parties/counsel present under their signatures. In that case, it shall not be necessary to send again the copy of the judgment/order to the parties present.

**25. Indexing of case files** :-

(a) After disposal and on communication of the order to the parties/legal practitioner, the officer concerned shall arrange the record with paging and prepare the index sheet in the prescribed form No. 8. Thereafter, he shall affix his initial and transmit the record with the index enclosures in the record book.

(b) The record-keeper shall examine the record with general index and if the record is found to be in order, a note shall be given in the index to that effect. In case, any defect is found, the same shall be reported to the administrative officer or the officer authorized by the Chairperson, who shall direct the clerk concerned to make necessary corrections.

(c) After completion of the examination of record, the list of the records shall be kept in a file and ordinarily at the end of the calendar year, the list shall be bound up so as to constitute a register of decided cases.

(d) The records shall be kept in bundles and labeled showing the month and year of the decision/order shall be attached to each bundle.

CHAPTER 8

GRANT OF CERTIFIED COPIES

**26.** . :-

An application for a copy shall be filed in the prescribed form No. 10 by the parties alongwith required copying fee.

**27.** . :-

The above copying fee shall be payable in the form of demand draft

drawn in favour of administrative officer payable at the place of the Bench of the Authority which is non-refundable fee.

**28. Endorsement on a copy :-**

Every copy shall bear the following particulars

( i) Number of the application in the register,

(ii) Name of the applicant.

(iii) The date, month and year of the application.

(iv) Amount of copying fee.

(v) Name of the copyist,

(vi) Date fixed for issue of copy,

(vii) Date on which  
copy was ready,

(viii) Date of notice  
to applicant,

(ix) Date of  
delivery/posting.