

NATIONAL HOUSING BANK (RECOVERY OF DUES OF THE APPROVED INSTITUTIONS) GENERAL REGULATIONS, 2002

—33004/99 REGD NO D L -33004/99 Che Gazette of India EXTRAORDINARY PART 11—Section 11
PUBLISHED BY AUTHORITY 8, 2002/VAISAKHA 18, 1924 7 2002 33S(1987 (1987 53) S4 2002 I (2) 1987 (1987 53) 36 fiq-q, 1963, 1978, () 1972, () 1979, () 1972, -*f-q (fiq-q, 1964, 1965 (1960 • 1489 2002-1 2 GAZETTE OF INDIA EXTRAORDINARY PART 11 IPSEC 3 qto P, MINISTRY OF FINANCE (Department of Economic Affairs) (Banking Division) NOTIFICATION No. 33004/99 Dated the 7th Mm. 20(2) G.S.R. exercise of the powers conferred section 54A of the National Housing Bank Act, 1987 (53 of 1987). the Central Government hereby makes the following rules. namecl) — 1. Short Title and commencement.—(1) These rules may be called the Housing Finance Institutions Debt Recovery Officers' Appellate Tribunal (Financial and Administrative) Rules. (2) shall come into force on the date of their publication in the Official Gazette. 2. Denomination. — In these rules, unless the context otherwise requires.— (a) "Act" means the National Housing Bank Act, 1987 (53 of 1987). (b) "Appellate Tribunal" means the Appellate Tribunal established under section 36-1 of the Act. (c) "Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under section 36J of the Act. (d) all other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act. 3. (names of the Presiding Officer of the Appellate Tribunal.—The Presiding Officer shall have the same powers as are conferred on a Head of Department in respect of the General Financial Rules, 1963 the Delegation of the Financial Powers Rules, 1978, the Fundamental Rules, the Supplemental Rules the Central Civil Services (Leave) Rules, 1972. the Central Civil Services (Jury) Rules, 1979. the Civil Services (Pension) Rules, 1972. the Central Civil Services (Conduct) Rules, 1964* the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the General Provident Fund (Central Services) Rules, 1966) as amended from time to time provided that the exercise of powers by the Presiding Officer under these rules shall be subject to such instructions as be issued from time to time by the Central Government. IF No. AJITM SHARAN. JI secy (B&I) Q.T. Tr. 336(1987 (1987 53) 1. 1) f q * i f « () 2002 t, I 1961 (1961 () -e-q -Q fi--a-t -t , [-30)] 3. am-fr4 MRT, (17) fT-9Xfa -a-a •q*1T; f?tat MTOTTT I 8. fiqti-i 3 4 GAZETTE OF INDIA EXTRAORDINARY (u\$ yfiiH 3-Tm-q NOTIFICATION New Delhi. 7th Mm. 2002 G.S.R.* 336(E).—In exercise of the powers conferred by section 54A of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby makes the following rules, namecl

1. Short Title and Commencement.—(1) These rules may be called the Housing Finance Institutions Debt Recovery Officers' (Qualifications and Conditions of Service) Rules, 2002. (2) They shall come into force on the date of their publication in the Official Gazette. 2. Qualifications for appointment as recovery officer—A person shall not be qualified for appointment as recovery officer, unless he: (a) is enrolled or is qualified to be enrolled as an advocate under the Advocates Act, 1961 (25 of 1961) (b) is in the regular service on an institution as an officer: and (c) has experience as an officer of one or more approved institutions for at least five years or has practiced as an advocate for at least three years, 3. Term of office of recovery officer.—The recovery officer shall hold office for such term, not exceeding three years as the Central Government may specify and shall be eligible for re-appointment: Provided that the recovery officer shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office, 4. Resignation by a recovery officer—A recovery officer may, by writing under his hand addressed to the Central Government, resign at any time. Provided that the recovery officer shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiration of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office, whichever is earliest

5. Removal of recovery officer from office in certain circumstances—The Central Government in consultation with National Housing Bank may remove from office any recovery officer, who— (a) (b) (c) (d) (e) has been adjudged an insolvent: or has been convicted of an offence involving moral turpitude: or has become physically or mentally incapable of acting as such recovery officer: or has acquired such financial or other interest as is likely to affect prejudicially his functions as a Recovery Officer or has so abused his position as to render his continuance in office

prejudicial to the public interest; or has resigned or, for any reason, been removed or dismissed from the service of the approved institution of which he is an employee; Provided that where a recovery officer is proposed to be removed on any of the grounds specified in clauses (b) to (c), the recovery officer shall be informed of the charges against him and given reasonable opportunity of being heard in respect of those charges

6. Oath of office and Undertaking.—Every person appointed as recovery officer shall, before entering upon his office, make and subscribe an oath of office and undertaking in Form I and Form II annexed hereto.

7. Other conditions of service.—The salary and allowances and other terms and conditions of service of a recovery officer in respect of matters for which no provision is made in these rules shall be the same as for the time being applicable to other employees of the approved institution or corresponding status and shall continue to be paid by the approved institution of which he is an employee.



8. Interpretation —If any question arises relating to the Interpretation of these rules, the same shall be referred to the Central Government for its decision. IF. No. AJITM SHARAN. Jt. secy. (B&I)

ANNEXURE



FORM-I (See rule 6) Form of oath or office for a officer(Name of the recovery officer) having been appointed as recovery officer do solemnly affirm/do swear in the name of God that I will faithfully and consciously discharge duties as recovery officer to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will (NAME OF THE RECOVERY OFFICER) (See rule 6) Form or oath of recovery for recovery officer(Name of the recovery officer) having been appointed as recovery officer do solemnly affirm/do swear in the name of God that I will not directly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as recovery officer except as be required for the due discharge of my duties as the recovery officer."

(NAME OF THE RECOVERY OFFICER) 7 2002 QTZITf. 337(1987 (1987 53) 54 Qq1-?lâ) 2002 I (2) 1987 (53) . ft-fix, 6 12750—16500 10000—15200 2. 6500—10500 3. 6500—10500 4. 5500—9000 s. 6 4000—6000 7 4000—6000 8 3050—4590 10 2610—3540 11 2550—3200 12 2610—3540 13. 14 15.

GAZETTE OF INDIA EXTRAORDINARY 11 —SEC. 3 5500 3050 9000 —4590 2610—3540 2550—3200

NOTIFICATION No, Delhi. 71 h 2002 G.S.R. exercise the powers conferred by section 54A of the National Housing Bank Act, 1987 (53 of 1987) the Central Government hereby, makes the following rules.

Short Title and Commencement.—(1) These rules shall be called the Housing Finance Institutions Debt Recovery Appellate Tribunal (Salaries, Allowances and other Conditions of Service of the Officers and Employees) Rules

2. Definitions.—In these rules, unless the context otherwise requires, (d) "Act" means the National Housing Bank Act, 1987 (53 of 1987). (b) all other words and expressions used and not defined in these rules shall be defined in the Act shall have the meanings respectively, as assigned to them in the Act 3. Salary (of officers and employees) Appellate Tribunal, nature and categories of officers and employees of an Appellate Tribunal and the scales of pay thereof shall be as specified in the Schedule appended hereto 4. Conditions of service.—The conditions of service of the officers and employees of an Appellate Tribunal in the matter of pay, allowances, leave, medical facilities, and other conditions of service of the officers and employees shall be regulated in accordance with the rules and regulations as are from time to time, applicable to officers and employees of the Central Government belonging to Group 'A', Group 'C' and Group 'D' as the case may be, and drawing the corresponding scales of pay SCHEDULE S No Name of Post Scale or 12750— 2 3 4 6 7 Presiding Officer Secretary/Registrar Assistant Registrar Principal Secretary to Presiding Officer Section Officer (Treasurer Assistant/Research Assistant Accounts Assistant/Cashier 7 8. 9. 10. 11 12. 13 14 15 Steno Grade 'C' Steno Grade 'D' UDC/Care Taker Staff Car Driver J amadar/D aftry, cum-Record Keeper Gestetner Operator-cum-Photocopier Peon/Farash/Sweeper 2610—35.4k) 2550—3200 IF No AJIT M SHARAN. It seq (B&I) 338(1987 (1987 53) 54 2002 2. ' 1987 (1987 53) ' ' B' (M) " 36 ' ' ' VITT 36 ' ' ' -8T 36 1961 (1961 25) . ' 36 3Tf1-& : (2) ..q-q-r 8 GAZETTE OF EXTRAORDINARY [PART 11—SEC. 3 (77) KRT, ffit *rrr I 5 zv-arfirm 7*7111 7. 3Üra 8. 36 f4frm t, fgqiz ii *'it -h 36 rh ait 37ft4fizrq 36 IO. (1) 5 ft.FT-fâT:-q <ârq fGT, fr-v 37TWRSi (*pf) (2) vdf-qfrm f-F7T t -ga 9 (3) f\$IT KITT MT 12. 3T\$rq - Å 13. 14. (1) (2) () -h' Y4ffJB I (3) (1) 34-fi 15.) fy-a (2) f*--q0T 16. 17. 1) -Gi-z ft-a) (n) Nlfq 18. (1) fm CTFiT I 19. *qfX*iT 20. ft-q I 21. 1) ft-g frot, 1489 q //02—2- 10 THE GAZETTE OF INDIA EXTRAORDINARY IPSEC. 3 22. 23. (1) 10 6 n, 4.30 MTVIT I (2) 10.30 1 2 3Tq. 5 24. .3.ifrq 25. 1) fi*i I 26. 30-!fq— (1) a-TA7 (6) yfirzi fag 3-iM-rfRf 27. I NOTIFICATION No" Delhi. the 7th M;n. G.S.R. 338(E).—In exercise of the powers conferred by section 54A of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby makes the following rules. name.h CHAPTER 1 Preliminary 1. Short Title and Commencement* I) These rules shall be called the Housing Finance Institutions Debt Recovery Appellate Tribunal (Procedure) Rules. 2002 (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 National Housing Bank Act, 1987 (53 of 1987). 11—7C 3(i) 11 (b) (c) (d) (e) (D) (g) (h) (i) "agent" means a person duly authorised by a party to present application or to give reply on its behalf to the Appellate Tribunal: "appeal" means an appeal made to the Appellate Tribunal under section 36S of the Act, "appellant" means a person or an approved institution making an appeal to the Appellate Tribunal under section 36S of the Act, "Appellate Tribunal" means an Appellate Tribunal established by Central Government under section 36-1 of the Act: "legal practitioner" shall have the same meaning as assigned to it in the Advocates Act, 1961 (25 of 1961); "Presiding Officer" means the Presiding Officer of an Appellate Tribunal. "recovery officer" means an officer appointed by the

Central Government under section 36D of the Act: means the registrar of an Appellate Tribunal and includes an officer of such Tribunal who is authorised by the Presiding Officer to function as Registrar, means (the Registry of the Appellate Tribunal). All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act 3. Sittings of Appellate Tribunal.—An Appellate Tribunal shall hold its sittings either at headquarters or at such other place falling within its jurisdiction as it may consider convenient

4. Language of Appellate Tribunal the proceedings or the Tribunal shall be conducted in English or Hindi

(2) **No appeal.** reference. application, representation or other matters connected in any language other than English or Hindi. shall be accepted by the Appellate Tribunal. unless the same is accompanied by a true copy of translation thereof in English or Hindi. appellant either in person to the Registrar or the Appellate Tribunal "within his jurisdiction in his case falls or shall be sent by registered post addressed to such Registrar. (2) (3) (4) Where there is an approved Institution. a memorandum of appeal may be preferred. (a) by one or more legal practitioners authorised such approved institution: or (b) any of the officers or such institution to act as Presenting Officers. and every person so authorised may present the appeal before the Appellate Tribunal. Where the appellant is other than an approved institution. he prefer an appeal person or by his agent or a duly authorised legal practitioner An appeal sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar on the date on which it is received, at the office of the Registrar The appeal under sub-rule (1) shall be presented in a paper book along with an annexed file size envelope bearing (full address of the respondent) and here the number of respondents are more than one- then sufficient number of paper book together with file size envelopes bearing full addresses of each respondents shall be furnished by the appellant

6. Presentation and scrutiny. of memorandum of appeal. (1) The Registrar shall endorse on every appeal the date on which it is presented under rule or deemed to have been presented together with the date and shall sign endorsement, (2) (3) (4) (5) It on scrutiny. the appeal is found to be in order. it shall be registered and given a serial number. If an appeal on scrutiny is found to be defective and the defect noticed is curable in nature. the Registrar may allow the appellant to rectify the same within his presence and if he said defective is not curable in nature. the Registrar may allow the appellant such time to rectify the defect as he may deem fit for the concerned appellant fails to rectify the defect within the allowed sub-rule (3) the Registrar may by order and for reasons to be recorded in writing. decline to register such memorandum of appeal An appeal against the order of the Registrar under sub-rule (4) shall be made within fifteen days or making order to the Presiding Officer concerned in his chamber. whose decisions. shall be final Place of filing memorandum of appeal.—The memorandum or appeal shall be filed by the appellant with the Registrar or the Appellate Tribunal having jurisdiction over the matter, Payment of Fee—Even memorandum of appeal under section 36S of the Act shall be accompanied with a fee prescribed fee and such fee may be remitted either in the form of crossed demand draft drawn on a nationalised bank in 12 TIMES GAZETTE OF : EXTRAORDINARY favour of the Registrar. Housing Finance Institutions Debt Recovery Appellate Tribunal. ... 11—SEC. 3 . (Place) and payable at the station where the Registrar's office is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar Housing Finance Institutions Debt Recovery Appellate Tribunal. , .. (Place) and payable in Central Post Office of the station where the Appellate Tribunal is located

9. Deposit of amount of debt due.—Where an appeal is preferred by a borrower, such appeal shall not be entertained by the Appellate Tribunal unless such person has deposited with the Appellate Tribunal seven-fifths per cent of the amount of debt so due from him as determined by the recovery officer under section 36F of the Act. that the Appellate Tribunal may. for reasons to be recorded in writing. waive or reduce the amount to be deposited under section of the Act

10. Contents of memorandum of appeal Every memorandum of appeal filed under rule 5 shall set forth concisely under distinct heads, the grounds of such appeal without argument or narrative. and such grounds shall be numbered consecutively and shall be typed in double line space on one side of the paper It shall not be necessary to present separate memorandum of appeal to seek interim order or direction if in (2) memorandum of appeal. the same is preferred for

11. Documents to accompany memorandum of appeal Every memorandum of appeal shall be in quadruplicate and shall be accompanied with two copies (at least one of which shall be certified copy)

of the order of the recovery officer against which the appeal is filed.(2) Where the parties to the appeal are being represented by an agent, documents authorising him to act as such agent shall also be appended to the appeal : Provided that where an appeal is filed by a legal practitioner, shall be accompanied by a duly executed Vakalatnama. (3) Where an approved institution is being represented by an officer of its officers to act as Presenting Officer before the Appellate Tribunal the document authorising him to act as Presenting Officer shall be appended to the memorandum of appeal 12. Plural remedies.—A memorandum of appeal shall not seek relief or reliefs based on more than a single cause of action one single memorandum of appeal unless the reliefs prayed for are consequential to one another or arising from the same order of the recovery officer

13. Endorsing copy of appeal to the respondents.—A copy of the memorandum of appeal and paper book shall be served on each of the respondents, as soon as they are filed, by the Registrar by registered post



14. Filing of reply to the appeal and other documents by the l) The respondent may file four complete sets containing the repl.\ to the appeal alohgurlth documents a paper book



form with the Registry one month or the service of the notice on him of the filing or the Incinerandum or appeal (2) The respondent shall also endorse one copy of the receipt to the appeal along with documents as mentioned in sub-rule (1) to the applicant (3) The Appellate Tribunal may, in its discretion on application by the respondent, allow the filing of reply referred LO in sub-rule (1) after the expiry of the period referred to therein

15. Who be joined as In an appeal by a person other than an approved Institution, the approved institution has to recover any debt from the person under section 36E of the Act, before the recovery officer against whose order the appeal has been preferred. shall be made the respondent to the appeal. In an appeal by an approved Institution the other party shall be made the respondent to the appeal. (2) 16. Date and place of hearing to be notified.—The Appellate Tribunal shall notify the parties the date and place of hearing of the appeal in such a manner as the Presiding Officer may by general or special order direct

17. Dress Rules for the Presiding Officer and for the Representatives of the Parties (1) The Presiding Officer shall be in white shirt and black trousers or a buttoned-up black coat. In the case of female Presiding Officers, however, the dress shall be black or white or black coat or white sari. (2) The dress for the agent of the parties (other than a solicitor or regular employee of the appellant or respondent) appearing before the Appellate Tribunal shall be the uniform, if any, of the institution. In the case of a male, a white shirt and a buttoned-up coat over a pant or national dress that is a long buttoned-up coat on dhoti or churidar pants. The colour of the coat shall, preferably, be black (b) In the case of female, black coat or white or any other sober coloured sari (c) Where, however, the agent belongs to a profession like that of a chartered accountant and has been prescribed a dress for appearing in his professional capacity before a court, he may, at his option, appear in that dress. In the case of the Appellate Tribunal, the order shall be as notified above. — (3) All other persons appearing before the Appellate Tribunal shall be properly dressed. (4) Every order of the Appellate Tribunal shall be in writing and shall be signed and dated by the Presiding Officer of the Appellate Tribunal. (5) The order shall be pronounced in open court

19. Publication of orders.—The orders of the Appellate Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Appellate Tribunal may lay down. (2) Communication of orders.—Every order passed on an appeal shall be communicated to the appellant and to the respondent and to the recovery officer concerned either in person or by registered post free of cost

21. Fee for inspection of records and obtaining copies (1) A fee of rupees ten for every hour or part thereof of inspection subject to a minimum of rupees one hundred shall be charged for inspecting the records of a pending appeal of a party hereto, (2) A fee of rupees five for a folio or part thereof not involving writing and a fee of rupees ten for a folio or part thereof involving writing of statement and figures shall be charged (3) Orders and directions in certain cases.—The Appellate Tribunal may make such orders or give such directions as may be necessary, or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice (4) Working hours of the Appellate Tribunal (1) Except on Saturdays, Sundays and other public holidays, the officers of the Appellate Tribunal shall, subject to any other order made by the Presiding Officer, remain open daily from 10 a.m. to 6 p.m. but no work, unless of an urgent nature, shall be admitted after 4.30 p.m. on any working day, (2) The sitting hours of the Appellate Tribunal shall ordinarily be from 10 a.m. to 2 p.m. and 2 p.m. to 5 p.m. subject to order made by the Presiding Officer, (3) Effect of holiday.—Where the last day for doing an act falls on a day on which the office of the Appellate Tribunal is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which that office opens, (4) The Registrar shall have the custody of the records of the Appellate Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing, (5) The official seal shall be kept in the custody of the Registrar (6) Subject to any general or special order made by the Presiding Officer, the seal of the Appellate Tribunal shall not be affixed to any order, summons or other process, save as under the authority of the Registrar (7) The seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Tribunal save as under (8) Additional powers and duties of Registrar.—In addition to the powers conferred else, here in these rules, the Registrar

shall have the following rules and duties subject to any general or special orders or the Presiding Officer, (2) (3) (4) to receive all appeals and other documents and to decide all questions arising out of the scrutiny of the appeals before they are registered for consideration, appeal presented to the Appellate Tribunal to be amended in accordance with the rules subject to the directions of the Presiding Officer in case of hearing or the appeals or other proceedings and Issue notices hereon. (5) direct and transmit original documents or records to order grant or copies of documents in case of proceedings (7) to permit access to inspect the record or Appellate Tribunal: itspos, or all matters relating to the scrutiny or notices or other processes. application for the issue of fresh (8, notice or for the time for or ordering a particular method of scrutiny. ICC on a respondent including substituted, and ICC by publication of the notices by it or or it is concerned the sponsors : GAZETTE OF INDIA EXTRAORDINARY 27. Sen] and emblem.—The official seal and emblem of the Appellate Tribunal shall be such as the Central Government may specify. IF No. 2001-CPJ AJITM SHARAN. JI seq (B & 1) 7 2002 ft. 339 (1987 (1987 53) 1. 1) 3. TqCTM) 2002 I 1987 (1987%TS3) (u) ' 36 a-a-fit 3Rfi.T<tg 4. OIT I (get) 1972 1960 I (1962 I 9. QT*T t.RT.—a.n0r« (3-i+ q..TR 10. Qi 15 11. t, *ITT I 12. 1) fuq MTQ I (3) 13. 1954 1994 I 14. 15. 36 €7 (3)/2001-æäfr] (åfi5TT NOTIFICATION New Delhi. the 7th 2002 G.S.R 339(E).—In exercise of the conferred powers under section 4A of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby makes the following rules, namely — 1. Short title and I) These rules be called the Housing Finance Institutions Debt Recovery Appellate Tribunal (Savings, Allowances and other Terms and Conditions of Service of the Presiding Officer) Rules, 2002 (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 National Housing Bank Act, 1987 (53 of 1987). (b) "Presiding Officer" means a person appointed as Presiding Officer of an Appellate Tribunal under Section 36J of the Act, (c) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act 3. Presiding Officer of an Appellate Tribunal shall be a salary in the scale of pay of Rs Provided that in the case of an appointment of a person as a Presiding Officer, who has retired as a District Judge, or who has retired from service, under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, gratuity, contribution to the Contributory Provident Fund or other forms of retirement benefits, the of such Presiding Officer shall be reduced by the gross amount of pension or employer's contribution to the Contributor's Prom, Ident Fund or other form of retirement benefit, if any, drawn, or to be drawn by him 4. Deputation duty allowance.—If a person holding the post on a regular basis in the scale of pay of Rs is appointed as Presiding Officer of an Appellate Tribunal on tenure basis and holds in his parent cadre, he shall be paid a salary in the scale of pay specified rule 3 plus a deputation duty allowance at a rate as are applicable to Group A officers of the Central Government drawing an equivalent pay, 16 GAZETTE OF INDIA : EXTRAORDINARY PART 3 S. Dearness allowance and city compensatory allowance.—The Presiding Officer of an Appellate Tribunal shall be entitled to draw dearness allowance and city compensatory allowance at the rate admissible to Group A officers of the Central Government drawing an equivalent pay. 6. Leave.—The Presiding Officer of an Appellate Tribunal shall be governed in matters relating to his rights in respect of leave by the Central Civil Services (Leave) Rules, 1972 7. Leave sanctioning authority.—The President of India shall be the authority competent to sanction leave to the Presiding Officer of the Appellate Tribunal

8. Pension/Provident Fund—In case a serving Judge or an Officer of the Central Government or State Government is holding the post of Presiding Officer, the service rendered in the Appellate Tribunal will count for pension to be drawn in accordance with the rules of the service to which he belongs. He shall also be governed by the Provisions of the General Provident Fund (Central Services) Rules, 1960. In all other cases, a person shall be entitled to Contributory Provident Fund (India) Rules, 1962

9. Travelling allowances.—The Presiding Officer of an Appellate Tribunal while on tour or on transfer (including the journey undertaken to join the Appellate Tribunal or on the expiry of his terms with the Appellate Tribunal to proceed to his home town) shall be entitled to the travelling allowances, daily allowances, transportation of personal effects and other similar matters at the same scales and at the same rates as are applicable to Group A officers of the Central Government drawing an equivalent pay, 10. Leave travel concession.—The Presiding Officer of an Appellate Tribunal shall be entitled to leave travel

so prepared 4. Medical Fitness.—No person shall be appointed as a Presiding Officer unless he is Medically fit by a Medical Board to be constituted by the Central Government, for the purpose unless he has already been declared fit by an equivalent authority. S. Interpretation.—If any question arises relating to the interpretation of these rules (the same shall be referred to the Central Government for its decision). G. in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-servicemen and other special categories of persons'. in accordance with the orders issued by the Central Government from time to time in this regard



7. Oaths of office and secrecy> person appointed to be Presiding Officer under section 36J or the Act shall, before entering upon his office, make and subscribe an oath of office and secrecy in the Forms annexed hereto. IF No. AJITM SHARAN. Jt. secy. (B&I) ANNEXURE FORM.} (See rule 7)

Form or oath of office for Presiding Officer of the Housing Finance Institutions Debt Recovery Appellate Tribunal (Name of the Presiding Officer) having been appointed as Presiding Officer do solemnly swear in the name of God that will faithfully and consciously discharge duties as Presiding Officer to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will." (NAME OF THE PRESIDING OFFICER) Housing Finance Institutions Debt Recovery Appellate Tribunal



FORM-11 (See rule 7) Fonn or oath of secrcc.'. for Presiding Officer of the Housing Finance institutions Debt Recovery Appellate Tribunal (Name or (hc Presiding Officer) having been appointed as Presiding Officer do solemnly •affinn]do swear in 20 GAZEHE OF EXTRAORDNARY [PART 11—SEC. 3 the name of God that I will not directly or indirectly comununicate or reveal to any person or persons any rna(terwhich shall bc brought under my consideration or shall become known to me as Presiding Officer of said Debts Recovery Appellate Tribunal except as may be required for the due discharge of my duties as the Presiding Officer. " (NANG OF THE PRESIDNGOFFICER) Housing Finance Institutions Debt Recovery Appellate Tribunal 7 2002 qtMT.fi. 341(1987 (1987 53) 54 1. 2002 1987 ; 2 t, 3.79m (2) fifi •q-qf•q t 4 aq T'ai-%3 21 6. (2) 8. — 36 (1) (3) (4) (5) 3 10. (l) 22 GAZETTE OF : EXTRAORDNARY 11. 12. 13. .30.qrq-4 14. 1) err, I (3) t q•-ti frFT 15. 16. — (1) I O 6 OTIT 4.30 (t, I 17. — (1) I 18. — 19. (1) [11 —uc 3(i)] 20. 23 NOTIFICATION New Delhi, the 7th May, G.S.R cxercise of the powers conferred by Section 54A 'of the National Housing Bank Act. 1987 (53 of 1987), the Contral Govenunent hereby makes the following rules, namely CHAPTER I Prelimin•ry 1. Short Title and commencement-H 1) These ntles bc called the Housing Finance Institutions (Procedure for Recovery of Dues) Rules, 20(0)2. (2) They shall conuc into force on the date of their publication in the Official Gazette. 2 Definitionx.—In these rulesunless the context otherwise requircest— (a) • "Act" Incans the National Housing Bank Act, 1987 (53 or 1987)'. (b) • 'agent' • Incans a person duly authorised by a party (o present application orto give reply on its behalf to the rcccovery officer. (c) "applicant" Ineans an approved institution or a person Inaking an application to the recovery officer under Section -36B. •application" Incans an application Inade Io the recovery officer under Section 36E: (d) (d) all other words and c.xpressions used and not dcfined in these rules but defined in the Act sahl have the Incanings respectively assigned Io in (hc Act CHAPTER 11 Procedum of filing upplication before the recoveq ot-nccr 3. I) The proccdding by the recovery officer shall bc conducted in Hindi or English. (2) No rcrercncc, application. representations, doctnnents or olher nratters conlained in any language other than Hindi or English shall be accepted by the recovery officer, unless lhc satnc is acco:npanied by a (rue translation thereof in Hindi or English

4. Procedure for tiling 1) An application shall be prescnled in prescribed forni by lhc applicant in person or by his agcnl or shall bc scnl by registered post, Io the recovery officer within whoscjurisdiction his case falls.(2) An application sent by post under sub-rule (I) shall bc dccnled Io have been prescn(cd the day on which it is received by the recovery officer. (3) The applicat ion t•nder sub-rule (I) shall bc presented in SCIS. in o paper book along with an Cinpty file size envelop bearing frill address or the respondent and the nun)ber or respondents is Inorc than one. lhen sufficient urnished by the applicant. 5. Sc•utin.v of applications— I) Recovery Officer shall endorse on every application the dalc on which it is presented or dctnctd to bccn prescn(cd under rule 4 and shall sign endorsclncl- (2) on scrulin_', the application is round to bc in order: il shall bc duly regislered and given a serial number. (3) (hc application, on scrutiny, is round Io bc dcrctive and (hc dcrctct noticed is rorlnol in nalure, the rcccovery olliccr Inay al (hc applicant filing it Io rectify the dcrcccl in his prescncc and if the said dcrcc(is no(Connal in nature, the recovery officer Inay al l0',v the applicant such (illic Io rectify lhc dcrctct as hc mov dccln lil. (4) I l' lhc concnclcd applicant rails Io rectify the dcrcccl 'vithin the (itnc allonred in sub-rule (3 the rcccovert' officer tua_v bc order and ror reasons Io bc recorded in writing. decline Io regis(cr (hc application. 24 GAZETIE OF : EXN.AORDNARY [PART 11---SEC. 3 6. Place of Ning applications.— me application shall be filed by the aplicant With the recovery omcer within whosejurisdiciion fre borrower actually and voluntarily resides, or ca.rries on business, or personally works for gain, or the cause of action wholly or m part arises 7. Contents of Every application filed under rule 4 shall set forth under disüinct heads. the grounds for such application and such grounds shall be numbered consecutively and shall be typed in double space on one side of the paper (2) It shall not be necessariy to present separate application to seek Interim or ad-intenm order or direction If 1.11 the original application the saine IS pra.' ed for (3) Documents accompan mg the application shall be neath ped In double space on one Side of the paper or legible photocopies thereof. duly attested by an officer of the appro' ed institution, and numbered accordingly The Recovery Officer may summon the ongmal of the documents as and hen it is considered necessary 8. Notice to the borrower* 1) The notice hich IS raplred to be served on the borrower under Sub-section (1) of Section 36F shall be m the prescnbed fonn (2) ery such nonce shall be accolnpanied by a cop', of the application and paper book filed b} the applicant under rule 4 (3) The notice shall be sert ed by deliverng a cops to each of the respondent or to Ins authonsed agent- or "hen such service cannot be so

effected affixing a of the nonce on sonte conspicuous part of lus residence or bv registered post or bv such other mode as mm be decided b', the rccm en officer 9. Filing of reply and other document* by the I) On recclpt of the notice the respondent Ina.} pay the amount specified in the notice or file two complete sets contammg the reph to the application as to " IN the relief prayed for should not be granted along with documents In a paper book fonn ith the recovery officer lth 111 a penod of nmety days from the date of service of the notice on him (2) ne respondent shall also serve one copv of the repl' along lth documents as Incentloncd in sub-rule (1) to the applicant (3) lhc recov er•, officer at am tune for sufficient reason order that am particular fact or facts Ina', be prm ed by affldav1L or that the affidavit of alN witness Inay be read at (he heanng on such conditions as the rccc». en officer thinks reasonable Pro'* 'dcd that "herec It appears to the recoven officer that cilher applicant or defendanl destres the produclton of evidence of such witness to be gwen by affidavit (4) Ifthe respondent demes lus liability to pay the clann made b', the applicant, the rcco' erv officer Inay act upon the affidavit of the applicant who IS acquainted lth the facts of the case or ho has on venticauon of lhc record suorn the affidavit in respect of the contents of application and the documnts as Idence (5) If the respondent falls to file the rply under sub-rule (I) of on the date fixed for heanng of the application. the recovery officer Inay proceed forth" Ilh to pass such order on tlie application as hc thmks fit CHAPTER Procutdingx of Rct()' Officer 1(). Dutc and place ot hearing to be I) The recol cn officer shall notifi the parties the date and place of heanng of the application such a unanner as hc gencral or order direct (2) The recovery officer shall or to hear lhc application al the place frotn u herec the loan as drsburscd (o the borrower 11. Order to be 'igned and dated.—Ei cn order of lhc reco• cn officer shall be ritmg and shall contam the date " hcn the order as Signed and pronounced 12. Communication of orders to cn order passed on an application shall bc cotnrnucated to the applicant and lo lhc respondent cilher In person or b', regrslcred post Ircc 01 cos(13. Orderg und direction* in certain caws.—The rcco•t cn 01 liccr In,)', •nake such orders or g:vc such dlrectlons as be ncccssan or expedient lo give clfect to his orders or lo prch cnt abuse of lts process or 10 secure the ends of J usucc 25 CHAPTER IV Rmiew of order* bv Recovery Officer 14.) Any party considering itself aggrieved by an order made by the recoven,' officer on account of some mistake or ator appzuent 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 tecoverv officer which had Inade the order. (2) No applic)tion for miew shall be made aner the e.viry ofa period of thiny days fmm the date of communiultion of the order and no such application shall be entenained unless it is accompanied by an affidavit verifying lhc application. (3) Where it appears to the rccoverv officer thal (lucre is no sufficient ground for a review, hc shall reject the application but where the recovery officer is of opinion that the application for review shall be granted. he shall grant the same : Provided that no such application shall be granted without previous notice to the opposite pany to enable him to appear and to be heard in support of the order- a review oftwhich is applied (or

CHAPTER V Miuellnneoug IS. Fee for inxpection of rccordN und obtuining copieg t) No fee shall bc charged for inspec(ing the records of pending application by a party. (2) All costs to be incurred in obtaining copies of the documnt desired by a party shall bc recovered from such party by the recovery officer

16. Worldng hourx of the office of Recovery I) Except on Saturdays.Sundays and other public holidays, the office of the recovery o(liccr shall. subject to any order made by him, rcunain open daily from IO a. In. lo p. tn. but no work, unless, of an urgent nature. shall bc admntitcd ancr 4.30 p.nt. on any ""0d(ing day. (2) The wouing hours of IIC office or the recovery officer shall bc displayed at prouninent place in his office

17. Sitting houn of the Recovery I) The rccovcty ol"liccr shall regulate his own sitting hours.(2) The sitting hours of the recovery officer shall bc displayed at prolninent place in his office

18. Effect of Holiday.—Where the last day ror doing any act folls on o day on which lhc office or llic recovery officer is closed and by reason thercor the act cannot bc done on thal day. il tna.v bc done on the next day on which that office opens

19. Staff of the Recovery Officer.—(I) The approved institut ion. (hc officer of which is appointed as the recovery officer, shall provide the recovery otliccr with such or its other orticcrs and employces as thal ins! itut ion lilay think fit. (2) Such other officers and envloyces shall discharge lhcir runclions under the general superintendence of the recovery of[T1ccr

20. Seal and emblem.—The official seal and emblem of the recovery officer shall be such as the Central Government may specify. IF. No. AJIT M. SHARAN. Jt. secy (B&I) 7 2002 342(1987 (1987 53) SS 2002 I 26 GAZETTE OF : EXTRAORDINARY (2) (1987 ; [PART I—SEC. 3 (n) 36 ; (V) 36 (T) (v) ITIT t I (iD ; (iii) ; (iv) 6. — 36 3F.i3 — 3 I 7. GQ •7M 36 30,000/- I Mrq•trrNm (2) 27 — (u) (g) (2) 10. — (1) (2) 11. (1) ptr, '-fi i, •fi (2) (3) 12. 13. 14. 16. 17. — 16 .3å<fiä 14 28 GAZETTE OF : EXTRAORDINARY [PART IT—SEC 3 18. 19. (1) 18 *11T t 20. 21. — 12 17 19 22. (1) f+ft•rz 3+4@rrr, t, I (3) (1) 1908 (1908 16) (1) efi, •i, (2) Mt:i 1961 (196 1 43) 24. 1987 (1987 53) 36 I 25 1961 (fiq•q, 1962 æi-qft 11--uuS 3(i)](oar (i) (ii) (iii) (i) (ii) 29 1. 2. 3. 4. 6. 7. 8. 1987 36 t 1963 t I 3i•fitzü) (ii) (Ati üe.*i TN, 5 yp.f3T t (Ati *) 30 9. 10. GA.ær1E : EXNAORDNARY [PART n—SEc. 3 •if.qr) 1 10 WROa..... 1987 36 1987 36 tram, I Qrql*i t, t 1987 (1987 53) 36 yrftå Qi t 31 Ili TN, ßQ"t-- v«qt. 3 1987 ur« 36 y«eff 1. 2. 3. (i) (ii) (iii) (ii) 32 4. 5. 6. 7. 8. 9. 10. 11. 'THE GAZETTE OF : EXTRAORDINARY [PART 11—SEC. 3 710•«... 1987 (1987 53) 36 2 (Ati 7Qi Mti t, (qi) t t, ft-ü 36 : (5) (q) 30)] 12. 33 (3) 2001—€rü] NATIONAL HOUSING BANK NOTIFICATION New Delhi 7th May. G.S.R. 342.—In exercise of the powers conferred by section 55 of the National Housing Bank Act, 1987 (53 of 1987), the National Housing Bank. with (he previous approval of the Reserve Bank of India and in consultation with the Central Government. hereby makes (he following regulations. namely:- 1. Short Title and I) nesc regulations Inay be called the National Housing Bank (Recovery of Dues of the Approved Institutions) General Regulations, (2) The.y shall cotnc into force on the date of their publication in the Official Gazette



2. Definitionx.—In these regulations, unless the context otherwise requires, (a) "Act" means the National Housing Bank Act, 1987: (b) "agent" means person duly authorised by a party to present application or to give reply on its behalf to the recovery officer or to the Appellate Tribunal at the case inay be: "appeal"

means an appeal made to the Appellate Tribunal under section 36S of the Act: (c) appellant" means a person or an approved institution making an appeal to the Appellate Tribunal under (d) Section 36S of the

Act: (e) "applicant" means an approved institution or person making an application to the recovery officer under section 36E. (f) "application" means an application made to the recovery officer under section 36E: (g) "Registrar" means the Registrar of an appellate Tribunal and includes an officer of such Appellate Tribunal who is authorised by the Presiding Officer to function as Registrar: (h) "Registry" means the Registry of the Appellate Tribunal: (i) all over words and expressions used and defined in these regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

1494/02--534 OF INDIA : EXTRAORDINARY [PART II--sec. 33. Power of application to the recovery officer for recovery 36E of the Act shall be in Form No. I. 4. *company the application.---

Every application under regulation 3 shall be accompanied by— (i) a statement showing details of the assistance due from a respondent and the circumstances under which such an assistance has become due; (ii) all documents relied upon by the applicant and those mentioned in the application: (iii) index of documents: and (iv) where the parties to the suit or proceedings are being by an agent, documents authorising him to act as such agent. S, Form of Notice to the borrower.—A notice of demand to be on the borrower under

sub-section (1) of section 36F shall be in



Form No. 2

6. Fonn of appeal.—Every memorandum of appeal to the Appellate Tribunal under section 36S of the Act be In Fonn 3. 7, amount offeepayable in respect of appeal under section 36S shall be 1% of the amount due suuject to a minimum of Rs. 2,500/- and a nnximum of Rs. Procedure in Sales of Immovable Properties 8. Sule and proclumtion of The recovery officer may direct that any innnovable property mortgaged or assigned to the approved institution as security for any assistance in respect of which default has been made or such portion thereof as may seem necessary to satisfy the dues of the approved institution together with all costs, charges and expenses incurred by the recovery shall be sold. (2) Where any inunovable pmperty is ordered to be sold. the recovery omcer shall cause a proclamation of the intended sale to be made in the language of the district where the property is situate

9. ContentK of l) A proclamation of sale of immovable property shall be drawn up notice to the defaulter, and shall »ecify the time and place of sale, and shall also specify, as fairly and accurately as (a) complete description of the property to be sold: (b) the revenue,if any. assessed upon the property or any pan thereof: (c) any incumbrance. grant or conu•act to which the propeny is known to be liable: (d) the amount for the recovery of which the sale is ordered: (e) the reserve price, if any, fixed by the recovery ofTicer below which the property may not be sold: and (f) any other thing which the recovery omcer considers it material for a purchaser to know, in order to.iudge the nature and value of the property. (2) Tte place of sale »ecified tmder sub-regulation (l), shall be either the office of the recovery officer or some otherplace appointed by him in this behalf and situate on or near the propeny to be sold. 1(). Mode of making proclamation.—(1) Every proclannation for the sale of immovable property shall be made at some place on or near such property by beat of dnun or other customary method and a copy of the proclajnation shall be affixed on 8 conspicuous pan of the property and also upon a conspicuous part of the office of the recovery officer, (2) Where the recovery officer so directs. such proclamation shall also be published in such other manner including publication in the local newspaper and the cost of such publication shall be deemed to be the cost of the sale

11. Time Rnd comduct P111e sale shall not takeplace on a Sunday orotherholiday, or till a.fterthe expiration of at last thirty days from the date on which the copy of the proclamation was affixed In the office of the recovery officer or affixed on the property, whichever is lata. 33 (2) me sale åall be by public auction aM 'hall be either by the recovay omcer in person or by a pa•on by him In this belulf, ifthe omcer is ofthe opinion it will be more to appoin a pæon to sell a property. (3) Whae the recovery omcahas a permn to sell 8 pmperty, he shall also nx the remuneradon of guch peon for mch services and the remuneration payable to cuch person shell be deemed to be costs of the sale. 12 Power to ponpone ule.— lthe omca nuy from time to time ponone the ele

13. Stay of sale—If at any time before the bidding at the aucaion is completd the borrower pays, the duet of the institudon together with all costs, charges and expenses incurred by the recovery officer in repect of the pmperty which has been proclaimed for sale. to the Recovery officer or to the person appointed by him for conducting the gale, or pmvec to the satisfaction of such person that he has already paid the same to the approved institution . the sale shall be 8tayd 14. Payment of depotit by highe«t bldder.—When the highest bid at the ouction has been uscenuinedp the person who made dut bid shall, on the requisition ofthe recovery officer or the person uppointed by him. RI the case may be. conducting the sale* dqosit twenty five per calt- on the amount ofhis bid. and shall. on deposit be declared to be the prucloser suuject to the provisions hereinafter contained: Provided that no sale under this rule shall be made ifthe ammmt ofbid by the highest bi&ier leu than the resewe price, Tany specified under clause (e) of sub regulation (l) of regulation 9. IS. Consequences offuilure to pay depogit.—Ifthe person who made the highat bid fails to pay the deposit required by regulation 14. the property shali forthwith be put up again and sold, ond all expenæs attending the first sale, and the Mciency of price. if any. which may happen on resale. may be recovered from him by the recovery omcet, 16. Time for payment in MI.—The full arnount ofthe purchase unoncy shall bc paid by the within flRcen uye of the bid

17. Pmcedure in (Muult of payment.—In default of pu.vlnent of the roll annount of the purchase Inoncy within IIIC period mentioned in regulation 16- the deposit referred to in regulation 14 shall ancrc dfbmying the expenscs of the gale. bc forfeited and be applied in reduction of the dues. and (he propeny shall bc

resold. and the defaulting purchaser shall have no claim to the property or to any part of the sum for which it may subsequently be sold

18. Application to set aside At any time within thirty days from the date of the sale. application may be made to the Housing Finance Institutions Debt Recovery Appellate Tribunal to set aside the sale on the ground or on account of irregularity or mistake in publishing or conducting it: Provided that a sale shall be set aside only on the ground that the appellant has sustained injury by reason of such material irregularity or mistake in non-service of notice requiring the borrower to pay the dues or in publishing the proclamation or in the conduct of the sale

19. Order confirming or setting aside After the expiration of thirty days from the date of the sale. if no order confirming the sale- and, if such application has been made and allowed the recovery officer shall make an order setting aside the sale. (2) An order made under this regulation shall be final

20. Refund of purchase money on setting aside of sale.—Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase money

21. Proclamation under postponement or on mode once a postponement under regulation 12. and a sale consequent on a purchaser's default under regulation 17 or on the setting aside of a sale under regulation 19, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale

22. On confirmation of sale. A certificate shall be issued to the purchaser in manner aforesaid the recovery officer shall put the person declared to be the certified purchaser in possession of the (2) The certificate shall state that the property sold for the recovery of the amount due to the approved institution and (3) Every certificate granted under sub-regulation (1) shall be deemed to be a document registrable conveyance under the provisions of the Registration Act, 1908. (4) The certified purchaser of any immovable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all dues, cess and taxes falling due in respect thereof after that date. 36 GAZETTE OF : EXTRAORDINARY Procedure for sale of Movable Property [PART II—SEC. 3 23. Sale of Movable Property.—The recovery officer may direct that any moveable property mortgaged, hypothecated or assigned to the approved institution as security for any assistance in respect of which default has been made or such portion thereof as may seem necessary to satisfy the dues of the approved institution together with all costs, charges and expenses incurred by the recovery officer, shall be sold. (2) Where any moveable property is ordered to be sold, the recovery officer shall conduct the sale as nearly as may be in accordance with the law for the time being in force for the sale of moveable property for the recovery of arrears of income tax under the Income tax Act, 1961 (43 of 1961)

24. Proceeds of Sale—When a sale of immovable or moveable property under these regulations has been confirmed the proceeds of the sale shall be applied by the recovery officer in accordance with the provision of section 36G of the National Housing Bank Act, 1987 (53 of 1987). 2S. Save and except the provisions of the regulations herein contained, the recovery officer shall be guided by the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-Tax (Certificate Proceedings) Rules, 1962, as in force from time to time in the matter of sale of the immovable and moveable property.



FORM No. 1 (See Regulation 3) Application under section 36E of the National Housing Bank Act, 1987.
Application No.....of.....(Name of the approved institution) DETAIL OF APPLICATION:

1. Particulars of the applicant:— (i) Name of the applicant: (ii) Address of the applicant: (iii) Address for service of all notices: 2. Particulars of the respondent:— (i) Name of the respondent: (ii) Address for service of all notices: 3. Jurisdiction of the Recovery Officer:— APPLICANT'S STATEMENT The applicant declares that the subject matter of the recovery of dues falls within the jurisdiction of the Recovery Officer. The applicant further declares that the application is within the limitation prescribed under the Limitation Act, 1963. Facts of the case:— (i) The facts of the case are given below:— (Give here a concise statement of facts in the chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise.) (ii) Details of security: (Give here description of the property pledged, mortgaged, or assigned to the approved institution as security for the dues.) 4. Relief(s) sought:— In view of the facts mentioned in paragraph 3 above, the applicant prays that the amount due to it be recovered and be paid to the applicant by the sale of the property hereinbefore mentioned.

7. Interim and ad-interim order, if prayed for:—Pending final decision on the application, the applicant seeks issue of the following order:— (Give here the nature of the interim and/or ad-interim order prayed for with reasons). 8. not pending with any other court* etc. The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority.

9. Details of Index:—An index in duplicate containing the details of the documents to be relied upon is enclosed.



10. List of Enclosures:—Dui: (Authorised Official/Agent) NQJFICATION Verified that the contents of
pans. I to IO are true to my personal knowledge and belief and that I have not suppressed any material
facts. this day (Authorised Official/Agent) For use in Recovay Office Dateoffillinw..... .. Date of
receipt by or Registration No.. Signature of Recovery Officer



FORM No. 2 (See Regulation 5) Notice under Section 36B of the National Housing Bank Act, 1987 To, ...(Respondent) one of the approved institutions under the National Housing Bank Act, 1987 who has filed an application before the undersigned under section 36E(1) of the said Act stating that Mr/Ms. borrower, along with Mr./Ms. as co-borrower, and Mr./Ms. As guarantor borrowed from it a sum of Rs. as assistance on the basis of security by way of pledge/mortgage/mortgage/assignment of the property specified below. And Whereas the above said borrower/s who are under a liability to the said approved institution have made default in repayment and/or otherwise failed to comply with the terms of the agreement and the amount due to the said approved institution has not yet been paid and accordingly prayed for an order for the sale of the property specified below. 38 GAZETTE OF : EXTRAORDINARY(Particulars) [PART II—SEC. 3 Now, in exercise of the powers conferred by Section 36F of the National Housing Bank Act, 1987 (53 of 1987), you are hereby called upon to pay the amount due to the said institution, within a period of ninety days from the date of service of this notice or to show cause why the relief prayed should not be granted. Please take notice that in the case of default, any order for the sale of the property shall be issued in accordance with the provisions of the Act and the regulations/rules made thereunder: A copy of the application filed by the approved institution and paper book are sent herewith. Description of the property pledged, hypothecated or assigned as security for the dues— (Recovery Officer) FORM No. 3 (See Regulation 6) Memorandum of under Section 36S of the National Housing Bank Act, 1987 (53 of 1987). For use in the Appellate Tribunal's office Date of receipt by post.....,....., Registration No.,..... Signature of Registrar IN HOUSING FINANCE INSTITUTION DEBT RECOVERY TRIBUNAL, APPEAL, ... OF APPELLANT AND RESIDENTIAL DETAILS OF APPEAL: 2 Particulars of the appellant (i) Name of the appellant: (ii) Address: (iii) Address for service of all notices: Particulars of the respondent/s:— (i) Name of the respondent/s: (ii) Address for service of all notices: Jurisdiction of the Appellate Tribunal. 39 3. 4. 5. 6. 7. 8. 9. 10. 11

12. The Appellant declares that the subject-matter of the appeal falls within the jurisdiction of the Appellate Tribunal. The appellant declares that the appeal is against the order of the Recovery Officer dated.. within the limitation prescribed in Sub-section (2) of section 36S of the National Housing Bank Act, 1987 (53 of 1987). Facts of the case and the orders passed by the recovery officer :— facts of the case are given below (Give here a concise statement of facts and grounds of appeal against the specific order of the Recovery Officer in a chronological order each paragraph containing as nearly as possible a separate issue, fact or otherwise.) Relief(s) sought :— In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) [specify below the relief(s) sought explaining the grounds for relief(s) and the legal provisions (if any) relied upon.] Interim and/or ad-interim order, if any, for Pending hearing and final decision on the appeal, the appellant seeks issue of the following order (Give here the nature of the interim and/or ad-interim order prayed for with reasons). Matter not pending with any other Tribunal etc. : *The appellant further declare that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other Tribunal. Particulars of bank draft in respect of the deposit Of amount due in terms of section 36T of the Act : (a) Name of the bank on which drawn (b) draft number. Particulars of bank draft/postal order in respect of the fee paid in terms of regulation 7 of these Regulations :— (a) (b) (a) (b) (c) (d) Name of the bank on which drawn Demand draft Number of Indian Postal Order(s) Name of the issuing Post Office Date of issue of Postal Order(s) Post Office at which payable Details of Index : An index in duplicate containing the details of the documents to be relied upon is enclosed. List of Enclosures Dated : (Appellant) 40 OF : EXTRAORDINARY V. 1. FICATION [PART I—SEC. 3 Verified that the contents of paras 1 to 11 are true to my personal knowledge and belief and that I have not any material facts. (Appellant) Name Registrar, [File No. By the Orders of the Board AGARWAL, Chairman & Managing Director National Housing Bank Printed by the Munger, Govt. of India Pre. Ring Road. Mayapuri. New Delhi-110064 and by the Controller of Publications. [Delhi-110034.