

The Recovery of Debts due to Banks and Financial Institutions Act, 1993

Chapter VI

Miscellaneous

Section 36: Power to make rules.

36. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may, provide for all or any of the following matters, namely:—

¹[(a) other business or commercial rights of similar nature under clause (jb) of section 2;]

²[(aa)] the salaries and allowances and other terms and conditions of service of ³[the Chairpersons, the Presiding Officers], Recovery Officers and other officers and employees of the Tribunal and the Appellate Tribunal under sections 7, 12 and 13;

(b) the procedure for the investigation of misbehaviour or incapacity of ⁴[the Chairpersons of Appellate Tribunals and the Presiding Officers of the Tribunals], under sub-section (3) of section 15;

(c) the form in which an application may be made under section 19, the documents and other evidence by which such application shall be accompanied and the fees payable in respect of the filing of such application;

⁵[(ca) the form of application and the fee for filing application under sub-section (3) of section 19;]

⁶[(cc) the rate of fee to be refunded to the applicant under sub-section ⁷[(3B)] of section 19 of the Act;]

⁵[(cca) the period for filing written statement under sub-section (10) of section 19;

(ccb) the fee for obtaining copy of the order of the Tribunal under sub-section (21) of section 19;

(ccc) the form and manner of authenticating digital signature under clause (a), and the manner of authenticating service or delivery of pleadings and documents under clause (b), of sub-section (1) of section 19A;

(ccd) the form and manner of filing application and other documents in the electronic form under sub-section (1) and manner of display of orders of the Tribunal and Appellate Tribunal under sub-section (4) of section 19A;]

(d) the form in which an appeal may be filed before the Appellate Tribunal under section 20 and the fees payable in respect of such appeal;

⁸[(*da*) the rules of uniform procedure for conducting the proceedings before the Tribunals and Appellate Tribunals under section 22A;

(*db*) the other mode of recovery under clause (*d*) of section 25;]

(*e*) any other matter which is required to be, or may be, prescribed.

⁸[(3) Every notification issued under sub-section (4) of section 1, section 3 and section 8 and every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule or both Houses agree that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.]

Amendments:

1. Ins. by Act 44 of 2016, s. 42 (w.e.f. 1-9-2016).
2. Clause (a) numbered as clause (aa) thereof by s. 42, *ibid.* (w.e.f. 1-9-2016).
3. Subs. by Act 1 of 2000, s. 17, for “the Presiding Officers” (w.e.f. 17-1-2000).
4. Subs. by s. 17, *ibid.*, for “the Presiding Officers of the Tribunals and Appellate Tribunals” (w.e.f. 17-1-2000).
5. Ins. by Act 44 of 2016, s. 42 (w.e.f. 1-9-2016).
6. Ins. by Act 1 of 2013, s. 17 (w.e.f. 17-1-2000).
7. Subs. by Act 44 of 2016, s. 42, for “(3A)” (w.e.f. 1-9-2016).
8. Subs. by Act 1 of 2000, s. 17, for sub-section (3) (w.e.f. 17-1-2000).