(2020) 10 DRT CK 0004

In the Debts Recovery Tribunal

Case No : Securitisation Application No. 2 Of 2017

Shobha,(Borrower/Mortgager) And Anr. APPELLANT

Vs

M/s. Repco Home Finance Limited RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 — Section 13, 13(2), 13(3), 13(3-A), 13(4), 14, 31(i)
Recovery of Debts Due to Banks and Financial Institutions Act, 1993 — Section 22(2)(h)

Citation : (2020) 10 DRT CK 0004

Hon'ble Judges : S.V. Gowramma, J

Bench : Single Bench

Advocate : M.A.Rajendra, FX And Co.

Final Decision : Dismissed

Judgement

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/* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-priority:99; mso-style-qformat:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Verdana","serif";}

This Securitization Application (for short - 'the SA') is filed on 01.02.2017 seeking to declare the entire proceedings initiated by the respondent bank under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short - 'the Act') in obtaining Annexure -A orders under S.14 to be illegal; and to award to cost of the proceedings.

1. The 1st applicant is the borrower and 2nd applicant is the co-borrower and the

Respondent is the secured creditor.

2. The facts therein to the filing of the SA is as under; The Applicants had availed a Housing loan of Rs.10,00,000/- and Rs.4,00,000/- for additional construction on 24.05.2007 and 31.10.2007 respectively and executed loan documents which are not on requisite stamp papers and is not registered as per the registration Act.

3. The 1stApplicant is a housewife who had availed the loan for running a beauty parlour and due to loss in the business it was closed and the 2ndApplicant is working as Clerk in a post office. Due to unforeseen circumstance and financial losses could not remit the instalments as per the schedule, resulting in the account slipping into a NPA category.

4. The Respondent bank classified the account as NPA and has issued Annexure - B Demand Notice u/s 13(2) dated 05.07.2013. On receipt of the demand notice, the Applicants raised objections vide Annexure-C through their Advocate dated 06.09.2012 to which the bank has issued another notice by Annexure-D dated 02.03.2013 through their counsel, to which the applicants has also replied to the notice issued by the respondent bank.

5. The Applicants raised objections on 15.01.2013 under section 13(3) which is duly acknowledged by the respondent bank. However, the bank did not reply to the objections raised by the Applicants and issued a recall demand notice dated 02.03.2013 through their counsel. It is averred that the respondent bank without issuing reply to section 13(3- A) has proceeded and issued section 13(4) notice without complying the provisions of the Act.

6. It is the case of the Applicants that the house constructed is on a village panchayath Khata and hence as on today, the property is situated in a revenue land and due to non-receipt of the taxes by BBMP and nonpayment of betterment charges, no financial institutions are coming forward to take over the liability. Hence, the respondent bank cannot initiate recovery proceedings u/s 13 of the Act.

7. However, it is contended that the Applicants are ready to regularize the accounts and the regular EMI, the interest charged is exorbitant which is not permissible under RBI guidelines. The bank has charged a penalty of Rs.2,88,988/- and Rs.9,980/- in respect of two housing loans. Hence, the claim of the bank is not legally recoverable.

8. The applicants had challenged the 13(4) notice in SA No.586/82013 and the Tribunal recording the applicant's acceptance to the proposal of the respondent bank to settle the liability disposed the application on 28.04.2014 as per Annexure-H.

9. The applicant could not settle the liability and the payment made by the applicants has not been appropriated properly. Hence, the Applicants filed a Misc. Application No.12/2014 which also came to be disposed by granting a week's

time to regularize the loan account on mutual terms. The M.A.12/2014 came to be disposed on 20.11.2014 directing the applicants to pay another Rs.2.00 lakhs which was duly complied by the Applicants.

10. When the Applicants approached the bank, the Respondent bank raised flimsy ground that the date in the order is mentioned as 09/01/2015 instead of 09.11.2015. The Applicants were constrained to file another application u./s 22(2) (h) of the RDDB & FI Act, 1993 which was duly rectified. The Applicants with an intention to regularize the account approached the bank with a request to furnish the details of the statement of account which was refused by the respondent bank to give any relevant particulars. The Applicants sent the letter by registered post at Annexure -0,P& Q respectively and the postal receipts of the Acknowledgment cards.

11. The respondent bank even after making substantial remittances issued the sale notice at Annexure-R putting the Schedule Property to be sold on 14.03.2016 and the same is also published in the The Hindu dated 05.02.2016 and in the paper publication it is mentioned that the place of auction is REPCO HOME FINANCE LIMITED, No.79, 1st B Cross, Kempegowda Layout, Laggere, Bangalore - 560 056. The sale notice was also challenged by the Applicants in SA No.147/2016. In the grounds of the appeal it is contended that the bank has not considered the Applicants request by merging the overdue amount and had not give any reply under section 13(3-A). The respondent bank has also failed to comply with the Rule 4(1) of not affixing the possession notice on the conspicuous place of the schedule property.

12. It is also alleged that the bank has charged penal interest at 24% and have burdened the Applicants with another sum of Rs.2,98,968/-. Hence the debt is not legally recoverable after the classification of the account as NPA. The bank cannot charge 24% interest which is illegal, arbitrary and unlawful and the applicants had not signed the documents agreeing the interest.

13. The order passed by the II ACMM Court is contrary to provision of the Act. The bank having the knowledge of tenant in the property has obtained the S.14 order and as per the judgment passed by the Hon'ble Supreme Court of India in Harsha Goverdhan case Vs. ARCII and Vishal Kalsaria, the tenant cannot be evicted without due process of law. Hence, the bank cannot take physical possession of the property when two proprieties are merged together. The relief sought in the SA is to quash the order of the Hon'ble II ACMM Court at Annexure-A as illegal and unlawful and the entire proceedings be quashed.

14. The Respondent bank has filed a detailed statement of objections along with documents substantiating their stand. It is the case of the bank that the applicants have filed the present application within the period of 45 days from the date of passing of the order as on 09.01.2017 is false; as right to appeal the Tribunal is available only after losing the secured asset but not prior to it.

15. The Applicants had requested the respondent bank for the Term loan facility

of Rs.10,00 lakhs and Rs.4.00 lakhs for the purpose of construction and for additional construction on 24.05.2017 and 31.10.2017. Due to the default in the repayment the Respondent bank has classified the account as NPA and has proceeded under the Act.

16. The Applicants on receipt of notice has raised objections on 15.01.2013 seeking three months' time to repay the over due and also undertook to clear the entire amount from the date of notice dated 15.01.2013. Since the Applicants did not comply, the bank proceeded under 13(4) notice, legal notice dated 02.03.2013 was issued to the Applicants notifying to pay the amount due and further educated failing which the respondent would initiate proceedings under the Act.

17. The Applicants having received the 13(2) notice and since they did repay even after demand notice, the bank issued the 13(4) notice was affixed on the building vide Annexure-A is the physical affixture of the notice on conspicuous place of the Schedule Property.

18. The contention of the Applicants that the schedule property is situated at Uttarahalli Hobli is a revenue land is false, as the property comes within the limits of BBMP. Though the Applicants contends that it is a revenue land, there was no disclosure of any agricultural land or revenue lands at the time of loan or creation of mortgage and on the other hand that the Applicants has availed the construction loan on 25.05.2007 and 31.10.2007.

19. Further there is no definition of agricultural land under the SARFAESI Act and the actual use, intended use and predominant use becomes relevant parameters if the lands are agricultural as per section 31(i) of the SARFAESI ACT and the mere revenue entries is not the criteria but the actual and predominant use of land is relevant.

20. The legal notice dated 02.03.2013 was issued before the account was classified as NPA and further the bank notified the Applicants that in case, if they do not make payments with interest within 7 days, they would initiate further recovery as per law. Since the Applicants failed to comply with the notice, the bank has proceeded ever after granting 4 years of time from the date of NPA for repayment, the Applicants did not choose to clear the account and as well as they became willful defaulters.

21. The Applicants have challenged the Possession Notice and the Tribunal vide Order dated 28.04.2014 disposed off the matter directing the Applicants to regularize the account within 4 months. The Applicants failed to comply with the Tribunal's Order even after 4 months' time to regularize the account. Instead of regularizing the account, the Applicants are using all strategies to circumvent the orders.

22. Since the applicant did not comply with the Tribunal's Order the bank proceeded under the Auction Sale notice which was published in The Hindu paper

on 05.02.2016 and the place of mentioned as Repco Home Finance Limited, No.79, 1st B Cross, Kempegowda Layout, Laggere, Bangalore - 560 056. However it is noted that due to typographical error, the place of auction was mentioned as above and a corrigendum was issued on very next date and notified the general public that venue address has to be read As Repco Home Finance Limited, No.109, I floor, A Wing Mittal Tower, M.G.Tower, Bangalore - 56001.

23. The Applicants had challenged the sale notice in S.A. No.147/2016 which came to be disposed with a direction to regularize the accounts by 31.03.2016.

24. The respondent bank approached the Chief Judicial Magistrate under Section 14 of the Ac to take possession of the property under section 14 provisions. The Applicants had appeared before the Hon'ble CJM and filed a Memo stating that the secured property occupied by the Tenants and their family and as per Apex Court Order, tenants cannot be evicted.

25. The Applicants are dragging the matter since 2013 on one or the other ground and have failed to utilize numerous opportunities given by this Tribunal to regularize the accounts till date. The bank has followed all procedures according to law and prefers for dismissal of SA with cost.

The Ld Counsel for applicants has relied upon the judgements:

Judgement of the Hon'ble High Court of Judicature at Madras in the case titled Bharat Post Graduate College v. Indiabulls Housing Finance Limited and another in W.P.No.33561/2017

26. The Order dated 11.10.2012 passed in SA 841/2010 passed by Hon'ble Debt Recovery Tribunal, Bangalore in the case titled Kiran Prabhakar and others V. ICICI Bank

27. The Order dated 14.05.2018 in SA 383/2016 passed by Hon'ble Debt Recovery Tribunal- I, Bangalore in the case titled M/s. Shradda Enterprises and others V. The Manager Lakshmi Vilas Bank

28. The Order dated 02.12.2019 passed in D.No.10812/2017 passed by Hon'ble Debt Recovery Tribunal-II, Bangalore in the case titled M/s. Kapse Modular System V. Canara Bank

29. The Respondent bank has relied on the following judgments:

1. AIR 2014 Supreme Court 339. State of Haryana Vs. Navir Singh

2. Kerala High Court C. Assiamma Vs. State Bank of Mysore and others on 20th November 1989 in O.S. No.16 of 1977.

3. Madras High Court -Veerammal and Ant. Vs. Kr.L. Lakshmanan Chettiar. And on 20th November 1959 at Madura' in A.S. No,274 of 1957.

4. 1987 KU 458 - High Court of Karnataka (Full Bench) Chief Controlling Revenue

Authority in Karnataka Vs The Manager-Advances State Bank of India.

5. AIR 1993 Supreme Court 352 R.N. Gosain Vs. Yashpal Dhir - Special Leave Petition (Civil) No.4325n of 1992 0/- 23 - 10 - 1992Page 10 : Page:4

6. AIR 1979 Karnataka 52 S.S. Yelimeli Vs. Channabasappa - Second Appeal No.777 of 1972, D/-14-4-1978 at para22: Page7

30. Pursuant to hearing the submissions and arguments that came to be made on either side and on consideration of their pleadings and evidence, the factual matrix and the legal proposition concerning the present /is are being deliberated thus.

31. Admittedly, the applicants are borrowers who had availed credit facilities from the respondent bank; had created mortgage of the immoveable property as collateral security towards the credit facilities.

32. Undeniably, there is default in repayment towards the loans. It is self-confessed that the applicants have executed necessary documents which are not registered as per the Registration Act. There is no dispute about the initiation of proceedings under the SARFAESI Act. Since the applicants defaulted in the repayment, the bank has proceeded under the Act and issued demand notice under S.13[2] dated 05.07.2013 to which the applicants claims to have given reply to the notice vide Annexure F letter dated 15.01.2013.

33. Since the applicants did not liquidate the liability as demanded in S.13[2] notice dated 05.07.2013 within 60 days, the bank proceeded and issued S.13[4] notice dated 08.11.2013.

34. It is undisputed fact that the applicants had challenged the S.13[4] notice dated 08.11.2013 under S.17 in SA 586/2013 on 02.12.2013 which came to be disposed of on 28,04.2014 recording the applicants intention to regularize the account. Accordingly, the Tribunal vide order dated 28.04.2014 disposed of the SA directing the applicants to regularize the loan accounts within 04 weeks form the date of the order and thereafter to remit the regular EMIs towards the loan account without fail.

35. Further it was clarified in the order that if the applicants fail to comply with the order, the order of the Tribunal would stand vacated and the bank was granted liberty to proceed against the applicants in respect of the applicant's property according to law.

36. It is also discernible form the records that the applicant could not regularize the account as undertaken and admitted in the SA, contrarily, filed a Miscellaneous application MA 12/2014 on 28.08.2014 which came to be disposed of on 09.11.2014 directing the applicants to pay Rs. 2 lakhs within one week, reserving the liberty to bank proceed in case of default in accordance with law.

37. The materials on records reflects that the applicants have failed miserably to regularize the account as intended and as put forth before this Tribunal. On the

other hand, the applicants are frustrating the procedures initiated by the Bank under one pretext or the other. The applicants have flouted the Orders of this Tribunal and abused the due process of law in failing to utilize the opportunities granted by this Tribunal.

38. The Ld Counsel for applicants who had filed earlier applications in 586/2013 and MA 12/2017 and SA 147/2106 has filed the present SA aggrieved by the S.14 order passed by the Ld. II ACMM, Bangalore.

39. The arguments of the Ld Counsel for the applicants are mainly on four grounds; that the respondent bank has not replied to the representation raised by the applicants to Annexure B S.13[2] demand notice dated 05.07.2013. The applicant's representation under S.13[3] is at Annexure F. The applicants has relied upon the Judgement of the Hon'ble High Court of Judicature at Madras in the case titled Bharat Post Graduate College v. Indiabulls Housing Finance Limited and another in W.P.No.33561/2017 and takes this Tribunal to para 13 and 13[c] to content that the bank's failure to reply to the representation under S.13[3A] would be violative of the provision of the Act and therefore liable to be interfered under S.17.

40. The said contention can only be determined adjudicated only if the applicants had raised any objections/representation to the demand notice dated 05.07.2013 issued by the respondent bank under S.13[2]. The applicant claims to have given objections at Annexure F u/s.13[3] which is dated 15.01.2013 to the S.13[2] notice.

41. It is relevant to note that the Respondent bank has issued Annexure B-demand notice dated 05.07.2013 u/s S.13[2] of the Act. It is reflected in the notice that there is a demand made for the payment of an amount of Rs.19,67,796 and Rs.6,14,666/- from both the accounts along with future cost and interest and other charges. Further it is also seen mentioned that the accounts have been classified as NPA on 01.06.2013.

42. On perusal of Annexure F, the objections raised by the applicants to the S.13[2] notice is dated 15.01.2013. The demand notice under S.13[2] is dated 05.07.2013. Hence, the contention of the applicant that he had given objection to S.13[2] notice is unsustainable as Annexure F at any point of imagination cannot be an objection to the S.13[2] notice as the date of objections is prior to the date of issuance of demand notice.

43. On the other hand, as per Annexure F, the applicant had sought 3 months' time to repay the overdue amount and also undertook to clear the amount within three months from the date of notice dated 15.01.2012.

44. Since there is no objections raised to S.13[2] under S.13[3A], the allegation that the respondent bank has not replied to the objections raised and has illegally proceed further under the Act is a disastrous contention with deserved to be dismissed.

45. Yet another contention taken by the applicant that the account is not classified as NPA as per the RBI guidelines. The respondent bank relies on the Annexure-D which is the notice issued by M/s. Bhat and Associates, counsel representing the respondent bank before the account was classified as NPA and it is notified that if the applicant fails to make the payment together with interest within 7 days from the date of issuance of legal notice dated 02.03.2013, the bank would initiate proceedings for the recovery of the amount as per the law,

46. Inspite of the notice the applicant did not make any effort to clear the liability instead wrote a letter seeking time and undertook time to regularize the account in 3 months vide Annexure E and also sought some time to make payment to the OD amount and to clear the liability in three months. Hence, the contention of the Applicant that the classification of NPA is not in accordance with law and no date of NPA was intimated to them is baseless and does not have merit for consideration.

47. The other contention raised by the applicant is that the house constructed on the property is anvillage panchayat khata and is on revenue land. Since the BBMP is not issuing the tax receipts nor khata, the other financial institutions are not coming forward to take over the liability. Hence, the property is a revenue land/agricultural land and the same is protected under S.31[1] of the Act.

48. Contrary to the said contentions, the applicants have themselves admitted that they had availed construction loan and the property comes under the BBMP jurisdiction. Further the applicants had no such issues that they are mortgaging the agricultural property at the time of availing the loan. It is relevant to consider the nature of the property at the time of disbursal of loan and whether any agricultural activities are being carried on the property and the predominate use of the property to be considered. In the instant case the loan availed is for construction of house, admittedly in the exchange of legal notices, it is also mentioned that the applicants could complete the construction belatedly as bank disbursed the loan latterly and the issue of collecting the betterment charges by the BBMP.

49. In absence of any forceful evidence to establish that the property is agricultural land or revenue land, it is only be concluded as that the property is not an agricultural land. Furthermore, in the notice issued by the Applicants through their counsel, there was no such averment that the property is an agricultural land. Hence the said contention also fails.

50. Yet another contention raised by the applicants are mortgage cannot be enforced and that the mortgaged is not registered with central registry.

51. The respondent bank in countenance put forth that the applicants do not dispute the mortgage nor the deposit of tile deeds and relied upon the following judgements in support of his case.

1. Hon'ble Apex Court in the case titled State of Haryana Vs. Navir Singh

reported in IR 2014 Supreme Court 339, wherein it held that

"the essence of the mortgage by deposit of title deeds is handing over by a borrower to the creditor title deeds of immovable property within the intention that those documents shall constitute security, enabling the creditor to recover the money lent."

2. Hon'ble High Court of Kerala in the case titled C.Assiamma Vs. State Bank of Mysore and others on 20th November 1989 in O.S. No.16 of 1977., wherein it is held that

"it is not necessary that the whole or even the most materials of the documents of title to the property should be deposited nor that the documents deposited should show a complete or good title in the deposition. It is sufficient if the deeds deposited bonafide relate to the property or are material evidence of title or are shown to have been deposited which the intention of creating a security thereon".

3. Hon'ble High Court of Madras -in the case titled Veerammal and Ant. Vs. Kr4L.LakshmananChettiar. And .. on 20th November 1959 at Madurai in A.S. No.274 of 1957.

"It is not necessary in order to create an equitable mortgage that all the title deeds should be deposited. If the deeds are material evidence of title and are proved to have been deposited with intention of creating a mortgage, it is sufficient".

4. Hon'ble High Court of Karnataka (Full Bench) Chief in case titled 1987 KU 458 - Controlling Revenue Authority in Karnataka Vs The Manager-Advances State Bank of India

"Equitable mortgage by deposit of title deeds may be created by mere act of depositing deeds of title or even evidence of title like tax receipts evidencing payment of property tax on immovable properties".

5. Hon'ble Supreme Court of India in case titled R.N. Gosain Vs. Yashoal Dhir - AIR 1993 - 352 Special Leave Petition (Civil) No.4325n of 1992 Dj- 23 - 10 - 1992Page 10 : Page:4

"The Applicant/Borrower on the one hand admitting the creation of equitable mortgage in the argument, and other hand contending that there is no mortgage that cannot be permitted".

6. Hon'ble High Court of Karnataka in case titled S.S. Yelimeli Vs. Channabasappa - AIR 1979 Karnataka 52Second Appeal No.777 of 1972, D/-14-4-1978 at para22: Page7"

It is well established that the decision of a case cannot be based on grounds outside the pleadings of the parties and it is the case pleased that has to be found. Plaintiff wants to shift his ground".

52. Notwithstanding to the contention raised by the applicants the judgement

relied upon by the bank substantiate that there is a valid mortgage created by the parties as security towards the credit facility. The applicant though vaguely submits that there is no mortgage is unable to justify their contention with any authorities, which dis entitles any consideration by the Tribunal.

53 In the grounds of the SA, at para xii at page16, it is contended that the Order passed by the Hon'ble II ACMM Court, Bangalore is in contrary to the provision of the SARFAESI Act,2012; and there is tenants in occupation of the property and as per the judgment of the Hon'ble Supreme Court in Harsha Vardhan case V. ARCIL and Vishal Kalsaria, the tenant cannot be evicted without due process of law.

54. Though, the applicants had not raised any specific contentions about the measure under S.14 of the Act. A mere vague allegation cannot be adjudicated upon in absence of any irregularity pointed out by the applicants with regard to noncompliance of the procedures and provision as prescribed under the Act. Contrary to the pleadings in the SA, the applicants vehemently argues that the Annexure A order passed by the Hon'ble II ACCM Bangalore is to be set aside and has relied upon the order passed by the Hon'ble DRT-1, Bangalore where in the Tribunal had set aside the order of the magistrate and the bank was directed to redeliver the possession.

55. In the instant matter, the Ld. Counsel for respondent opposes any arguments in this regard as there is no such averments in the SA and the Tribunal cannot go beyond the pleading in a case. The Ld Counsel also relied upon the Judgment of Hon'ble High Court of Karnataka, reported in AIR 1979Karnataka 52 at para 22 wherein it is held that ' it is well established that the decision of a case cannot be based on grounds outside the pleadings of the parties and it is the case pleaded that has to be found". It is settled proposition of law, that the court cannot go beyond the pleadings of the case. Thus, it is clear that there is no specific averments with regard to the measures under S.14 and the Tribunal cannot go beyond the pleadings made in the SA.

56. The Ld Counsel for Applicants has relied upon the order passed by the Tribunal, however, the same is not applicable to the present case as the applicants have not made a case that there is irregularity in the S.14 measure initiated.

57. Furthermore, on perusal of S.14 application along with affidavit filed, it is seen that the respondent bank has complied with all the mandatory provisions of the Act and the Rules made thereunder. It is seen in the S.14 application filed along with affidavit in Crl. Mis.8055/2016 before the II ACMM at Bangalore, that the applicants have availed loan and has created mortgage of property as security. On default in repayment that bank has initiated the measures under the Act after classifying the account as NPA.

58. Further it is reflected at para 10 of the affidavit that the S.13[2] notice dated 05.07.2013 was issued by RPAD. The notice was duly served on applicants on

08.07.2013 and the notice is also affixed on the property on 06.07.2013.

59. When the applicants did not liquidate the liability within 60 days, the bank has proceeded further in issuance of S.13[4] dated 06.11.2013 and the notice was affixed and published in The Udayavani and The Hindu dated 09.11.2013. After careful examination of the records made available and convincing about the compliance of the measures under S.14, Ld. ACMM has passed an order to take the possession of the secured asset in compliance of S.14 [i[to [ix] and the same is in order which does not require any further adjudication in the matter.

60. It is submitted by the Ld Counsel for respondent that the Ld. II ACMM and since the applicants have not lost the possession of the property there is no prejudice cause to applicants as they are not disposed from the property.

61. Furthermore, as per S.14 no act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this Section shall be called in question in any court or before any authority.

62. Thus, it is evident that the respondent has followed all the procedures under the Act and the applicant though had challenged S.13[4] before this Tribunal had consented to regularize the account within 4 weeks. Since the applicants failed to regularize the account, now cannot have any grievance with regard to S.13[4] measure dated 06.11.2013 as any challenge to the measures is to be within the period of 45 days from the date of measure; further any challenge to S.13[4] notice is also barred by principles of estoppel.

63. For the foregoing reasons, the present SA filed by the applicants fails and going by the aforestated factual and legal position, the Tribunal arrives at a definitive conclusion that the applicant could not substantiate any legal infirmities in the procedures initiated by the respondent bank under S.13[4] of the Act and under S.14, the contentions made otherwise does not sustain.

64. Ergo, the SA fails and stands dismissed accordingly. Interim order if any stands vacated. Consequently/any pending IA/s are also disposed of. No order as to costs.

(Dictated to the Stenographer (SR), after its transcription and necessary corrections, signed and pronounced by me In the Open Court on this 12th October, 2020)

APPENDIX

LIST OF DOCUMENTS PRODUCED BY THE APPLICANTS

SI No.

Date

Particulars

Annexure

01

CMM order CRL. Mis. 8055/2016

A

02.

05.07.2013

Demand Notice

B

03.

06.09.2012

Notice Mylariah

C

04.

02.03.2013

Notice M/s Bhat Associates

D

05.

Objection letter to M/s. Bhat

E

06.

15.01.2013

Objection to Demand Notice

F

07.

03.10.2012

Overdue details

G

08.

03.10.2012

Order passed in S.A.586/2013

H

09.

M.A.No.12/2014 - Petition

I

10.

Bank statement

J

11.

Order in M.A. No.12/2014

K

12.

Rectification Petition in M.A. No.12/2014

L

13.

Order on rectification petition & endorsement

M

14.

06.02.2016

Letter

N

15.

Postal Receipt

O

16.

Postal Acknowledgement

P

17.

01.02.2016

. Paper Publication -Auction Sale Notice

Q

18.

Paper publication

R

19.

SA No. 147/2016

S

LIST OF DOCUMENTS PRODUCED BY THE RESPONDENT

SI No.

Date

Particulars

Annexure

01

15.10.2013

Photographs of affixture of Possession Notice on the secured Asset

A

02

24.05.2007

Loan Documents

B

03

02.03.2013

Copies of the letter and Reply to the Notice dated 02.03.2013

C & D

04

28.04.2014

Order of the Tribunal

05

01.02.2016

Auction Sale Notice dated 05.02.2016 and Copies of the Paper Publication

F