

Gujarat Protection of Interest of Depositors (In Financial Establishments) Rules, 2005

CONTENTS

1. Short title
2. Definitions
3. Power of the Competent Authority to call for information
4. Maintenance of the record of monies or properties or assets attached
5. Administration of the attached monies, properties and assets
6. Power of the Competent Authority to direct the Police Officer
7. Powers relating to absconding persons
8. Power of the Competent Authority to sell or dispose of property
9. Ban on transfer of monies, properties or assets attached
10. Competent Authority to assist Special Public Prosecutor

Gujarat Protection of Interest of Depositors (In Financial Establishments) Rules, 2005

In exercise of powers conferred by sub-sec. (1) of Sec. 20 of the Gujarat Protection of Interest of Depositors (In Financial Establishments) Act, 2003 (Guj. 1 of 2004), the Government of Gujarat hereby makes the following rules, namely:

1. Short title :-

These rules may be called the Gujarat Protection of Interest of Depositors (In Financial Establishments) Rules, 2005

2. Definitions :-

In these rules, unless the context otherwise requires-

(a) "Act means the Gujarat Protection of Interest of Depositors (In Financial Establishments) Act, 2003 (Guj. 1 of 2004).

(b) "Competent Authority" means the Competent Authority appointed under Section 5 .

(c) Words and expressions defined in the Act and used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Power of the Competent Authority to call for information :-

Upon receiving an order or an ad-interim order under Section 4 of the Act, the Competent, Authority may call for the information from the promoters, directors, partners or member or any person who holds office in the Financial Establishment or manager or employees of such financial establishment or any officer or authority of the Government or a local authority or any other person.

4. Maintenance of the record of monies or properties or assets attached :-

(1) All monies or properties or assets attached under sub-sec. (1) and vested in the Competent Authority under sub-sec. (2) shall be sealed and shall be under the control of the Competent Authority.

(2) The Competent Authority shall maintain record of monies, properties and assets received, managed and disposed of and shall furnish the same to the Designated Court.

5. Administration of the attached monies, properties and assets :-

Upon publication of an order or an ad-interim order of attachment under Section 4 . The Competent Authority shall immediately prepare a statement giving detailed account or description of all monies, properties and assets attached and vested in him and shall, as far as practicable, administer the said monies, properties and assets in such a way as he deems fit in the best interest of the depositors and the Financial Establishment.

6. Power of the Competent Authority to direct the Police Officer :-

Any Officer in charge of Police Station when required by the Competent Authority shall investigate or inquire in respect of any person, place, property documents, books of accounts etc. for the purpose of tracing and identifying the properties.

7. Powers relating to absconding persons :-

Where the Competent Authority is satisfied or has reason to believe that a person in respect of whom action is contemplated under the Act has absconded or is concealing himself the Competent Authority shall make a report in writing to the Designated Court.

8. Power of the Competent Authority to sell or dispose of property :-

(1) Where any property attached under sub-sec. (1) and vested in

the Competent Authority under sub-sec. (2) of Section 4 , is subject to speedy and natural decay or if it is otherwise expedient so to do, the Competent Authority may, after obtaining permission of the Designated Court sell or otherwise disposed of the perishable items of assets by public auction at the earliest as the Competent Authority deems fit and include the proceeds in the account of the Financial Establishment and submit details thereof to the Designated Court.

9. Ban on transfer of monies, properties or assets attached

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When an order or an ad-interim order attaching the monies, properties or assets of a Financial Establishment and vesting the same in the Competent Authority is made under Section 4 of the Act, such monies or properties or assets shall not be transferred to any other person by any mode whatsoever and if such transfer is made, it shall be null and void.

10. Competent Authority to assist Special Public Prosecutor

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The Competent Authority shall furnish all information and render such assistance to the Special Public Prosecutor or to the Special Government Pleader, as the case may be, for the purpose of conducting the cases in the Designated Court.