

**Before the Recovery Officer, Debts Recovery Tribunal,
GOVERNMENT OF INDIA - MINISTRY OF FINANCE**

2nd Floor, "B" Block, CGO Complex, Seminary Hills, Nagpur - 440 006.

RECOVERY PROCEEDING No. 73 of 2012
(In O.A. No. 104 of 2011)

In the matter of:

**Bank of Maharashtra,
Branch: Sitabuldi, Nagpur.**

... Certificate Holder

- Versus -

Shri MITHUN PRADIP KATE & OTHERS.

... Certificate Debtors

To,

- 1) Mithun s/o. Pradip Kate, R/o. Balaji Colony, Pipala Road, Besa Square, Nagpur.
- 2) Vishal s/o. Baliram Patil, R/o. Plot No. 8, Kharite Nagar, Kamptee Road, Nagpur.
- 3) Durvas s/o. Vithoba Katole, R/o. House No. 3366, F.No. C-1, Kohale Layout, Wadi, Nagpur.

PROCLAMATION OF SALE

Whereas, the Hon'ble Presiding Officer of the Tribunal has issued the Recovery Certificate in O.A. No. 104/2011 for recovery of ₹ 11,24,477/- (₹ Eleven Lakhs Twentyfour Thousand Four Hundred Seventyseven only) with interest and costs from the Certificate Debtors and a sum of ₹ 13,49,823/- (₹ Thirteen Lakhs Fortynine Thousand Eight Hundred Twentythree only) (as on 17.10.2013) is recoverable together with further interest, costs and charges.

And whereas the undersigned has ordered the sale of the mortgaged property/attached property of the Certificate Debtor as mentioned in the Schedule with the known encumbrance on "As it is where it is basis" towards satisfaction of the said Recovery Certificate.

Notice is hereby given that the said property shall be sold by the undersigned by **E-Auction on date 10.12.2013** through the E-Auction Agency e-Procurement Technologies Limited (ABC procure) Address: A-201/208, Wall Street - II, Opposite Orient Club, Near Gujarat College, Ellis Bridge, Ahmedabad - 380006, E-Mail Address - sales@abcprocure.com, fasupport@abcprocure.com and fatl@abcprocure.com, Phone No. 079-40230804/05/06/13/14/15/16/17/18 to 22 at their website/portal: www.abcprocure.com / https://drt.abcprocure.com between 11.00 a.m. to 1.00 p.m., with auto extension clause, i.e. the end time of E-Auction will be extended by 5 minutes each time if bid is made in the last 5 minutes before close of E-Auction and thereafter to be confirmed by the Recovery Officer.

The public at large is hereby invited to bid in the said E-Auction. The online offers along with EMD amount, which is payable by way of RTGS/NEFT/Demand Draft of any Nationalized Bank/Scheduled Bank, of the amount as indicated in the Schedule and attested photocopy of TAN/PAN card and address proof shall be uploaded with the online offer. The offer for more than one property shall be made separately. The last date for submission of online offers along with EMD and other information/details is 4.12.2013 by 5.00 p.m. The physical inspection of the properties may be taken between 3.00 p.m. to 5.00 p.m. on date 29.11.2013 at the property site.

The EMD shall be deposited by way of RTGS/NEFT in the Nodal Bank Account No. 60149891217 of Bank of Maharashtra, Mahabank Bhawan, Sitabuldi, Nagpur, IFSC Code No. MAHB0000005 for online money transfer/deposit. The refund of EMD to the unsuccessful bidders at the close of auction shall be made only in the account number mentioned by such bidder. In case of payment of EMD by Demand Draft, the same shall be drawn in the name of Recovery Officer, Debts Recovery Tribunal, Nagpur in R.P. No. 73/2012. The Demand Draft shall be returned to the unsuccessful bidders at the close of E-Auction.

The sale shall be subject to the laws for the time being in force, provisions contained in the Regulations of Practice, 2010 and terms and conditions of sale attached with Bid Application Form.

The Bid Application form and copy of Terms & Conditions can also be obtained from the Recovery Officer, Debts Recovery Tribunal, CGO Complex, Seminary Hills, Nagpur, on any working day on the payment of ₹ 100/- by way of IPO/PO/DO payable at Nagpur, favouring Recovery Officer, DRT, Nagpur.

Schedule

No. of Lots	Description of property with the name of owners	Tax assessed on the property	Known Encumbrances on the property		
(1)	(2)	(3)	(4)		
1.	All that piece and parcel of the house property numbered as Municipal House No. 1013-A, City Survey No. 218, Sheet No. 191, at Chilar Oil, Mouza Nagpur, Tahsil & District Nagpur, and bounded as under:- East: House of Smt. Radhikabai Ranganath Mahurkar; West: Road; North: Lane; South: House of Smt. Radhikabai Ranganath Mahurkar. The Property owned by Shri Mithun P. Kate CD No. 1	Not Known	Not Known		
	Valuation/Also State Valuation given, if any, by the Certificate Debtor	Claims, if any, which have been put forward and other known particulars its nature and value	Reserve Price below which the property will not be sold	EMD	Minimum Bid Increment by which the biddings are to be increased
	(5)	(6)	(7)	(8)	(9)
	NIL	NIL	₹ 16,00,000/-	₹ 16,000/-	₹ 10,000/-

Facilitator Bank Branch: Asset Recovery Branch, Sitabuldi, Nagpur.

Official designated: Shri Darshan Singh, Chief Manager, ARB.

Contact Number: 09872811645

Given under my hand and seal of this Tribunal at Nagpur on this 28th day of October, 2013.

Sd/-

(S.R. PARANJPE)
Recovery Officer

SEAL

Debts Recovery Tribunal, Nagpur - 440 006.

Debts Recovery Tribunal, Nagpur

SECOND FLOOR, B BLOCK, C.G.O.COMPLEX, SEMINARY HILLS, NAGPUR-440 006

TERMS AND CONDITIONS OF SALE GENERAL

1. The Auction shall only be through Online Electronic mode through the website/E-Auction Portal of the service provider agency of the Certificate Holder Bank, who shall arrange the platform for the E-Auction.
2. The bidders may participate in the E-Auction from their own offices/place of their choice. DRT/Bank/Service Provider shall not be held responsible for the internet connectivity, network problems, system crash down, power failure etc.
3. In case some persons desirous of bidding does not have access to internet, the Certificate Holder Bank shall notify one of its branches as Facilitator Branch for providing assistance to such bidder and shall mention the name of the Branch and Official designated for the purpose in the advertisement.
4. For details/help/procedure/online training about the E-Auction, the prospective bidders may contact the E-Auction service provider agency as mentioned in the notice of Proclamation of Sale. They may also visit the website of the service provider agency.
5. Hard copy [printed copy] of this E-Auction Bid form duly filled in for each lot alongwith self-attested copies of Photo Id [PAN Card etc.] and Address Proof shall be submitted to the Recovery Officer, DRT Nagpur before 3 days of proposed auction for getting qualified to participate in the E-Auction process.
6. The intending bidders should register their participation with the service provider well in advance and should get User Id and Password.
7. The property shall be sold on 'AS IS WHERE IS BASIS'.
8. The particulars of property given in the sale proclamation have been stated to the best of the information of the Recovery Officer but the Recovery Officer shall not be answerable for any error or omission.
9. The Recovery Officer knows no arrears of Municipal Tax or other Taxes or any other encumbrance except those specifically given in the Schedule. Any statutory claim made in respect of the property upto the date of sale may be paid from and out of the sale proceeds to the extent the sale proceeds are in excess of the amount certified in the Recovery Certificate.
10. Any person, unless disqualified, may submit bid which shall be accompanied by the earnest money not less than 10% of the reserve bid as may be decided by the Recovery Officer and attested photocopy of TAN / PAN card. The amount in the case of the successful bidder shall be adjusted towards the purchase amount. The same shall be returned at the close of the auction to the unsuccessful bidders.
11. All the payments shall be made by RTGS/NEFT in the Nodal Bank

12. The bidder shall give his full name and complete address and state clearly whether he is submitting bid for himself or on behalf of another and in the latter case furnish proper authority in that regard and the full name and complete address of such party with his PAN / TAN Number and photocopy thereof.
13. Two or more persons may join together in submitting the bid but they may declare in writing their specific shares at the time of auction. In the absence of such declaration, it shall be deemed that they have equal shares. One sale certificate shall be issued in their joint names.
14. Anyone interested to purchase the property but who has not timely submitted tender / bid may, on showing bonafide to the satisfaction of the Recovery Officer and upon an undertaking to be bound by all the terms and conditions of sale, be permitted to offer bid with earnest money provided that his offer is atleast 10% more than the highest offer. However, the Recovery Officer reserves right to refuse to accept any such offer for reasons to be recorded in writing.
15. The properties shall ordinarily be sold in the same order in which they appear in the proclamation of sale.
16. The bidders shall be allowed to increase the bids. The amount by which each bidding is to be increased shall be determined by the Recovery Officer.
17. There shall be no fresh proclamation of sale if the sale is postponed for a period less than thirty days or in case sale is postponed beyond thirty days at the instance of the Certificate Debtor.
18. The property shall not be sold below the reserve price / revised reserve price. The Recovery Officer may, however, decline to accept the highest bid for reasons to be recorded in writing.
19. The purchaser shall be liable to pay poundage @ 2% of the purchase price up to Rs. 1,000/- and 1% of the purchase price for the amount exceeding Rs.1000/- by D.D. / P.O. / B.C. in the name of the Recovery Officer of the Tribunal.
20. No sale shall be confirmed by the Recovery Officer if the Certificate Debtor and Certificate Holder satisfy the Recovery Officer within thirty days of the sale that the Recovery Certificate has been fully satisfied provided that the Certificate Debtor immediately pays compensation to the successful bidder as provided by Rule 60(1) (b) of Second Schedule to the Income-tax Act.
21. In case of stay of sale or Recovery Proceeding by a Court or Tribunal of competent jurisdiction, the auction may either be postponed or cancelled without any further notice and the persons participating in the sale shall have no right to claim damages, compensation or cost for such postponement or cancellation.
22. All bidders shall be deemed to have read and understood the terms and conditions of sale and be bound by them.
23. The Recovery Officer may accept or reject the bid or postpone/ cancel the E-Auction without assigning any reasons thereof.

**TERMS AND CONDITIONS OF SALE BY PUBLIC AUCTION OF
IMMOVABLE PROPERTY**

1. The successful purchaser shall deposit 25% of the purchase price less the amount of EMD by RTGS/NEFT to the Nodal Bank Account or by Demand Draft in favour of 'Recovery Officer, DRT, Nagpur' as soon as the auction is knocked down in his favour and in default of such payment the property shall be resold. The balance of 75% of the bid amount together with poundage fee shall be paid on or before 15th day from the date of the sale. If the payments are not so made, the costs / expenses of the auction may be deducted and the balance amount shall be liable to be forfeited and credited to the Applicant Bank / Financial Institution for adjustment against the certified dues.
2. If for any reason the sale is not confirmed or is set aside, or stayed, the purchase money paid may be refunded to the purchaser with accrued interest, if any.
3. After the confirmation of the sale, a Sale Certificate shall be issued. The Sale Certificate is liable for stamp duty, registration and incidental charges to be paid by the Auction Purchaser.
4. As far as possible a plan of the property shall be annexed to the Sale Certificate.
5. The purchaser shall be deemed to have purchased the property with full knowledge and subject to all the reservations, if any, in the Master Plan and / or Development Plan or Draft Development Plan or Town Planning Scheme affecting the property and consent, including permission of the Competent Authority and / or under the relevant Provisions of the laws touching the matter, if any, shall be obtained by him from the concerned authorities.

**TERMS AND CONDITIONS OF SALE BY PUBLIC AUCTION OF
MOVABLE PROPERTY**

1. The entire price shall be paid at the time of the sale or immediately thereafter as the Tribunal / Recovery Officer conducting the auction directs and in default of payment, the property shall forthwith be put up for auction again.
2. The property shall be handed over to the Purchaser and a Certificate of Sale shall be issued after the sale.
3. The buyer shall forthwith remove the property from the place of storage. The Recovery Officer may allow reasonable time to remove the property from the place of storage.
4. The property shall remain at the risk of the buyer from the time of acceptance of his bid and the Recovery Officer shall not be under any liability for the safe custody or preservation thereof from that date.

**AUCTION SALE OF IMMOVABLE PROPERTIES UNDER THE RECOVERY OF
DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993**

R.P. No. _____

E- AUCTION BID FORM

1. Name of Bidder(s) :
(in capitals)
2. Father's / Husband's Name :
3. Postal Address of Bidders :

4. Phone & Cell Nos. :
5. E-Mail ID of Bidder :

6. Bank account details to which EMD amount is to be refunded:
 - i) Bank A/c No. :
 - ii) IFSC Code No. :
 - iii) Bank & Branch name:

7. Date of submission of bid :
8. PAN Number of Bidder :
9. Property Lot No. :

10. EMD remittance details :
Date of remittance :
- Name of Bank & Branch:
- A/c No.
- IFSC Code No.

- 11) Copy of PAN Card enclosed : Yes / No
- 12) Address Proof Enclosed : Yes / No

I declare that I have read, understood and agree to all the terms and conditions of e-auction sale being conducted by DRT Nagpur and shall abide by them. In the event of my not being declared as successful bidder in the e-auction, the EMD amount paid by me may be credited to my account at S.No.6 above.

(Signature of the Bidder(s))

- In case of multiple bidders, the details be given in tabular form in a separate sheet.
- **Hard copy [printed copy] of this E-Auction Bid form duly filled in for each lot alongwith self-attested copies of Photo Id [PAN Card etc.] and Address Proof shall be submitted to the Recovery Officer, DRT Nagpur before 3 days of proposed auction for getting qualified to participate in the E-Auction process.**