

F.No.6/BC/Listing/09
Board for Industrial & Financial Reconstruction
(Bench Co-ordination)

New Delhi, July, 2009

Subject: PROCEDURE FOR LISTING OF REFERENCES AND
MISCELLANEOUS APPLICATIONS IN BIFR

Following guidelines, as per approval of Board for Industrial and Financial Reconstruction (BIFR) are issued in regard to listing of references and applications in BIFR:-

2. Before the Board for Industrial and Financial Reconstruction (BIFR) the filings are primarily in two categories. The first is the filing of References reporting sickness of the Company and requesting for measures of rehabilitation. The second is miscellaneous filing including applications and request letters during the pendency of the Reference.

3. The References are to be listed within sixty days of their filing, so as to enable compliance with the mandatory requirement of service of the Reference to all the parties before it is taken up for hearing by the Bench.

4. Regarding the listing of Miscellaneous applications in pending References, the following procedure is proposed to be followed:-

(i) In addition to the monthly list published at the beginning of the month notifying the listing of the References, there would be a daily

cause list notifying the listing of the applications. This will be notified on the website and displayed on the Notice Board. Orders and judgments will also be pronounced in open court. No separate notification will be given to the parties / authorized agents / advocates of the listing of the applications.

(ii) The list would be in three parts:

Part I : - Pronouncement of orders and judgments

Part II : - Miscellaneous Applications

Part III : - References as per Advance List.

(iii) The list would be displayed on the Notice Board as well as on the website.

(iv) The NIC-BIFR Computer Centre would give necessary support in the computerization of the maintenance of data base as also of the website.

(v) Before filing the application, the applicant will be required to serve*, at least two days prior to filing, to all the parties appearing in the particular case by speed post/Registered AD. In case there is urgency and the applicant is seeking waiver of serving of two days' prior notice, he shall make an additional application to that effect which shall be considered by the Bench at the time of considering the main application.

*prescribed by **F.No. 6 / BC / Listing / 09** on date 18th September, 2009

(vi) The applications will be received along with proof of service of the advance copy, at the reception counter of BIFR and given a diary number. The application can be filed by an authorized agent or an advocate duly appointed by the applicant.

(vii) Filings would be permitted till 3.00 pm when all the filings for the day would be sent to the Bench Co-ordination Cell / Registrar of the BIFR

(viii) In the Bench Co-ordination Cell, one person would be authorized, to be dedicated, to only coordinating the receipt of applications. The Authorized Official would enter the details of the applications so received within one working day.

(ix) On receipt of application, there would be a preliminary scrutiny of the application by the Authorized Official in the Bench Co-ordination Cell who would then put up the application to the Registrar for examination of the comments/objections/defects pointed out by the Authorized Official. The Registrar would either approve the comments / objections / defects or suitably modify them. If there are any objections or requirements from the Registry, the same should be conveyed to the applicant within seven (07) working days by the Registry/Authorized Officer. *

*sustained by **F.No. 6 / BC / Listing / 09** on date 20th August, 2009

(x) There would be a time limit of two weeks for removal of objections. If for any particular objection, the registry is not satisfied about the compliance and the applicant disputes the ruling of registry over removal of objections, the proceedings should be produced before the Board on a date requested for by the applicant so as to enable the applicant to satisfy the Board.

(xi) A list of the applications, mentioned in para 9 above, will be forwarded to the Bench officers, who alongwith their dates of receipt will forward to the Secretary for the purpose of listing.

(xii) A date of hearing would be scheduled on the sixth working day after the filing of the application. Where objections are removed the applications should be listed strictly on the basis of the date of filing.

(xiii) On the date so fixed the parties appearing would be heard. In case the Bench feels that notice must go to the parties who are not appearing and their presence is required, then a fresh notice may be issued to all such parties notifying the next date. However, if the Bench feels that urgent orders need to be passed while such notice is served on parties who are not present, it may pass these ad-interim orders pending the hearing of the parties.

(xiv) All order / judgments would be passed after hearing the parties. The order / judgment may either be passed immediately on hearing

the parties or the Order may be reserved and be pronounced later in open court after notification in Part-I of the list.

(xv) After the orders / judgments are ready for pronouncement, it would be shown for pronouncement in the list after two days to enable parties to be present for the pronouncement, if they so desire.

(xvi) The name of the lawyers or parties would be indicated in each matter in the list.

5. These guidelines will come into force with effect from the date of issue. These guidelines are forwarded to all concerned for information and necessary action. A copy of these Guidelines has been placed on **BIFR Website (www.bifr.nic.in)** also.

sd/-
(N.C. Gaur)
Deputy Secretary & Registrar

PPS to Hon'ble Chairperson

PPS to HM (KCV)

PPS to HM (PR)

PPS to HM (NS)

PS to Secretary

PS to Deputy Secretary/Registrar

Smt Anita Bhalla, Consultant (Bkg)

Sh. K. Ganesan, Consultant (Bkg)

Sh. Y.P. Batheja, Consultant (Bkg)

Smt. Kalpana Prusty, Consultant (Bkg)

Section Officer (Bench-I)

Bench Officer (Bench-II)

Bench Officer (Bench-III)

Section Officer (Mon-I)

Section Officer (Mon-II)

Section Officer (Mon-III)

Section Officer (BC)

Section Officer (SD Cell)

Section Officer (GA)

Reception

Notice Board

BIFR - NIC Computer Centre - for placing on the BIFR Website.

F. No.6/BC/Listing/2009
Board for Industrial & Financial Reconstruction
Ministry of Finance
(Bench Co-Ordination Section)

New Delhi, 18th September, 2009

Subject: PROCEDURE FOR LISTING OF REFERENCES AND MISCELLANEOUS APPLICATIONS IN BIFR - AMENDMENTS THEREIN - FORMAT OF NOTICE

In continuation of BIFR's OM No.6/BC/Listing/09 dated 08/07/2009 and 20/08/2009 on the subject mentioned above, the Board for Industrial and Financial Reconstruction has approved the enclosed format for filing the Miscellaneous Applications.

2. This format of notice will come into force from the date of issue. This is forwarded to all concerned for information and necessary action. A copy of this amendment in Procedure for Listing of References and Miscellaneous Applications in BIFR has been placed on BIFR Website (www.bifr.nic.in) also.

sd/-
(NC Gaur)
Dy. Secretary

PPS to Hon'ble Chairman
PPS to HM(PR)
PPS to HM(NS)
All officers in BIFR
Section Officer (Bench-I)
Bench Officer (Bench-II)
Bench Officer (Bench-III)
Section Officer (Mon-I)
Section Officer (Mon-II)
Section Officer (Mon-III)

NOTICE OF MOTION FOR MISCELLANEOUS APPLICATION

IN THE BOARD FOR INDUSTRIAL & FINANCIAL RECONSTRUCTION

M.A. No. _____ in BIFR Case No. _____

Filed by SHRI _____

On behalf of _____

IN THE MATTER OF :

In BIFR CASE No. _____ COMPANY NAME: _____

VERSUS

M/s _____ (As Applicable)

Sir,

The enclosed Misc. application in the aforesaid matter is being filed on behalf of _____, after two days of this notice on _____. It is likely to be listed on sixth working day after the date of filing or any date, thereafter, subject to the miscellaneous application being found in order and complete in all respects by the Secretary/Registrar of the Board. Please take notice accordingly. The date of hearing may be ascertained from the website of BIFR and or the hearing schedule for miscellaneous applications put on the Notice Board of BIFR.

New Delhi

Through

Date:

Advocate