

GOVERNMENT OF GOA

Department of Finance Revenue and Expenditure Division

Notification

10/1/2000-Fin(R&C)

In exercise of the powers conferred by sub-section (1) of section 15 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999), the Government of Goa hereby makes the following rules:-

1. Short title and commencement. - (1) These rules may be called the Goa Protection of Interests of Depositors (in Financial Establishments) Rules, 2000.

(2) They shall come into force at once.

Definitions. - ¹[1] In these rules, unless the context otherwise requires,-

(a) "Act" means the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999);

(b) "Collector" means the Collector of the district;

(c) "competent authority" means the authority appointed by the Government under section 4 of the Act;

²[(d) "form" means a form appended to these rules;

(e) "Revenue Officer" means an Officer as defined under clause (30) of section 2 of the Goa, Daman and Diu Land Revenue Code, 1968 (No. 9 of 1969);

(f) "section" means a section of the Act.]

³[(2) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.]

⁴[**2A. Report of business by financial establishment.**— (1) Every financial establishment shall submit the report as specified in section 4A of the Act to the District Collector in Form-I hereto.

(2) The District Collector shall enter the details of report received in a register maintained in Form-II hereto.

(3) Every financial establishment shall furnish within one month of the expiry of each quarter of a financial year, a quarterly return in Form-III hereto, showing particulars in respect of its business including its financial position, area of its investments and the location of investment of moneys made by it within and outside the State about each such quarterly returns of the financial year, to the District Collector, within the limits of whose jurisdiction the main branch office, as declared by the financial establishment, is located.

2B. Record of complaints.— The Competent Authority shall maintain a record of every complaint received under the Act and shall enter the related details in a register maintained in Form-IV hereto.

2C. Procedure on receipt of complaint.— (1) On receipt of a complaint from depositors or otherwise, the Competent Authority shall initiate such inquiry as it may deem necessary to ascertain as to whether the financial establishment has fraudulently defaulted.

(2) The Competent Authority shall before conducting such inquiry give a copy of the complaint to the financial establishment and in case the financial establishment satisfies the Competent Authority with documentary proof that it has repaid such deposit, interest, bonus, profit or return of any kind, the Competent Authority may permit the complainant to withdraw the complaint.

(3) The report of the inquiry and findings therein, shall be submitted by the Competent Authority to the Government, for orders in terms of section 3 of the Act.]

2. Ad-interim Order and examination of the complainant and witnesses.- (1) The Government shall pass the ad-interim order of attachment under section 3 of the Act, which may also be ex-parte, under the following circumstances:-

(a) the financial establishment defaults in any manner to return deposits, pay interest or otherwise commits and default in its working;

(b) where the Government is satisfied that the financial establishment is likely to commit default, or has committed default, or has in a calculated manner an intention to commit default or for reasons to be recorded in writing deems it necessary and just to pass such orders.

(2) Upon receipt of the orders of the Government under sub-rule (1), the competent authority may examine the complainant and such examination shall be reduced in writing.

(3) The competent authority shall have power to examine any person who, in his opinion, will be able to give any information about the financial establishment, and no oath shall be administered to such person.

(4) The ad-interim orders passed by the Government under sub-rule (1) could be enforced by taking recourse to the measures under the Goa Land Revenue Code, 1968 (9 of 1969), police protection and under the Code of Civil Procedure, 1908 (V of 1908) as well as under the Code of Criminal Procedure, 1973 (2 of 1974).

3. The competent authority's right to require information. - The competent authority shall have power to require any financial establishment or its officers or any officer or authority of the Government or a local authority or any other person to furnish such information as may be required and such financial establishment or officer or authority of the Government or local authority or person shall furnish such information to the competent authority.

4. Powers relating to absconding persons.- Where the competent authority satisfied or has reasons to believe that a person in respect of whom action under the Act has absconded or is concealing himself, the competent authority shall make a report in writing to the Special Court.

5. Power to freeze or seize property.- (1) Where the competent authority is satisfied or has reason to believe that any property which is liable to be attached under the Act is likely to be concealed, transferred or dealt with in any manner which will result in defeating the purpose of the Act, it may make an order seizing such property or where it is not

practicable to, seize such property, make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the Special Court.

(2) The competent authority may take the assistance of any subordinate Officer of the Government to take possession of the property in respect of which an order of seizure or freezing has been made under sub-rule (1).

(3) Any officer in charge of the Police Station, when required by the competent authority, shall take all step, including inquiry, investigation or survey in respect of any person, place property, documents, book accounts etc., for the purpose of tracing and identifying the properties.

⁵[Provided that, if, from information received or otherwise, such officer in charge of a Police Station has reason to suspect the commission of an offence under this Act, he shall forthwith send a report of the same to the Special Court empowered to take cognizance of such offence and shall proceed in person, or shall depute one of his subordinate officers not being such rank of Police Sub-Inspector, to proceed to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender as per the provisions of the Code of Criminal Procedure, 1973.]

(4) The competent authority shall maintain a record of all income received and expenditure incurred of the property received, managed, and disposed and furnished the same to the Special Court.

⁶[**6A. Procedure for attachment and sale of property.**— (1) The Competent Authority shall keep in custody all money or other property attached, and shall arrange for the safe keeping of any records, books of accounts, papers and documents found in the premises of attached property.

(2) The Competent Authority shall maintain a record of all the income received and expenditure incurred in relation to the attachment, management and disposal of money or other property attached and shall furnish the same to the Special Court as required.]

6. When an order is made attaching the money or other property, transfers void.- When an ad- interim order attaching the money or other property of a financial establishment is made by the Government under section 3 of the Act, such money or property referred to in the order shall not be transferred to any other persons by any mode whatsoever and if any such transfer is made, it shall be null and void.

7. Competent Authority to assist Special Public Prosecutor:-The competent authority shall render such assistance to the Special Public Prosecutor in conducting the cases in the Special Court, as may be required.

By order and in the name of the Governor of Goa.

Yvonne Cunha Under Secretary (Fin-Exp.)

Panaji, 11th May, 2000.

1. *Re-numbered by the First Amendment Rules 2018*
2. *Clause d to f inserted by the First Amendment Rules, 2018*
3. *Sub-Rule (2) inserted by the First Amendment Rules, 2018*
4. *Rule 2-A to 2-C inserted by the First Amendment Rules, 2018*
5. *Proviso inserted by the First Amendment Rules 2018*
6. *Rule 6-A inserted by the First Amendment Rules 2018*