

## **THE TERMS AND CONDITIONS OF E-AUCTION SALE: -**

1. That any deposit made by the borrower in the loan account after issuance of demand notice shall stand automatically adjusted in the loan account and the final figure of closure of loan account shall include the deposited amount.
2. **Bid increase amount of Property will be Rs. 50,000.00 (Rupees Fifty Thousand only)**
3. The e-auction sale of Secured Asset is on “as is where is” basis, “as is what is” basis, “whatever there is” basis and “no recourse” basis for and on behalf of the Secured Creditor viz. NAINITAL BANK. Bank has no knowledge of encumbrance which exists on the said property.
4. Reasonable care has been taken to include adequate particulars of the secured assets in the schedule hereinabove. Neither The Authorized Officer nor the Secured Creditor shall be answerable for any error, misstatement or omission in this proclamation.
5. The intending bidders are advised to go through the portal <https://sarfaesi.auctiontiger.net> for detailed terms and conditions for E-auction sale before submitting their bids and taking part in the E-auction sale proceedings and are advised to contact Bank’s Service Provider e-Procurement Technologies Ltd. Mr. Ram Prasad, Contact Number 8000023297 and e-mail of [ramprasad@auctiontiger.net](mailto:ramprasad@auctiontiger.net) the Authorized Officer **Smt Ruchi Singh Contact no. +91-9870398867.**
6. Bid document containing general terms and conditions of sale can be obtained from <https://sarfaesi.auctiontiger.net> .
7. The interested bidder/s shall submit their Bid on or before 4: 00 PM on 29-06-2023, the interested bidder may submit EMD through NEFT or RTGS, in which case it should reach the EMD collection account having Account No. **114420920000025** Nainital Bank **Branch: Dilshad Garden** IFCS Code: **NTBL0DEL114** Or through Demand Draft to be deposited with Bank’s **Dilshad Garden Branch** latest by 29-06-2023 uo to 4.00 PM Once the bid is submitted the same cannot be withdrawn. Further any EMD submitted by bidder will be required to send the UTR/Ref number of the RTGS/NEFT with a copy of cancelled cheque on the following email IDs i.e. [dilshadgarden@nainitalbank.co.in](mailto:dilshadgarden@nainitalbank.co.in)
8. The interested bidder/s who has deposited the EMD should submit the following on or before 29-06-2023 to Nainital Bank Branch Dilshad Garden.
  - a. ***Proof of EMD deposit.***
  - b. ***Self-attested true copy of Identify card containing Photograph and Residential address.***
  - c. ***PAN card of intending bidder issued by the Income Tax Department.***
  - d. ***Mobile/contact no. of bidder and E-mail address.***
  - e. ***Intending bidders Bank account details for the purpose of refund of EMD.***
9. The EMD will not carry any interest.
10. Interested Bidder can create their login ID and password on the portal of <https://sarfaesi.auctiontiger.net>. If the interested bidder requires any assistance on creating login ID and Password, supporting Bid, training on E-bid process etc. then the bidder may contact **M/s. e-Procurement Technologies Ltd.; Mr. Ram Prasad Contact number: 8000023297 / 079-61200559. email id : [ramprasad@auctiontiger.net](mailto:ramprasad@auctiontiger.net) , [support@auctiontiger.net](mailto:support@auctiontiger.net).**
11. Only those bidders holding valid user ID and Password and confirmed payment of EMD through NEFT /RTGS shall be permitted to participate in the online e-auction. The Authorized Officer reserves the right to accept or reject any or all bids. Further, the Authorized Officer reserves the right to postpone or cancel or adjourn or discontinue the Auction or vary the terms of the Auction at any time before conclusion of the Auction process, without assigning any reason whatsoever and the decision of Authorized Officer in this regard shall be final and binding.
12. The Secured Asset shall be kept open for inspection on 28.06.2023 between 10:00 AM to 3:00 PM and the bidders with prior appointment of concerned Officer identified for this purpose or Branch Manager or Authorized Officer may visit and satisfy themselves about the nature and condition of the said secured assets. Statutory/Government dues if any like property taxes, sales tax, excise dues and other dues such as electricity dues, maintenance charges, etc. if any should be ascertained by the bidders in their diligence.

13. The Bank has no knowledge of any encumbrance on secured asset mentioned hereinabove. The Authorized Officer or the Bank shall not be responsible for any charge, lien, encumbrances, or any other dues to the government or anyone else (in respect of properties E-Auctioned) the intending Bidder is advised to make their own independent inquiries regarding the encumbrances on the property including statutory liabilities arrears of property tax, electricity dues etc.
14. The bidders may participate in the e-auction from their own office/place of their choice. Internet connectivity shall have to be arranged by each bidder himself/itself. The Authorized Officer of Nainital Bank and/or the service provider shall not be held responsible for the internet connectivity, network problems, system crash down, power failure etc.
15. The Secured Asset shall not be sold below the Reserve Price. Auction shall commence at one increment above the Reserve Price and bidders shall be free to bid among themselves by improving their offer with minimum incremental amount stated hereinabove.
16. The secured assets shall be sold by the undersigned by way of **Electronic mode on 30-06-2023** by Secured Creditor viz. **Nainital Bank** through e-Auction Agency **M/s. e-Procurement Technologies Ltd. (Auction Tiger)** at their website/portal i.e. <https://sarfaesi.auctiontiger.net> **between 11:00 AM to 1:00 PM** with auto extension clause, i.e. the end time of e-Auction will be extended by 5 minutes each time if bid is made before close of e-Auction.
17. The bidder will be required to submit the bid either at or above the reserve price in the prescribed manner as mentioned in Annexure II along with the EMD amount. In case the bidder fails to submit the bid online, then the bid amount submitted in annexure II shall be treated as final bid from the respective bidder.
18. The successful Bidder will be required to deposit 25% of the sale price (including the EMD already deposited) on the same day or not later than next working day of the acceptance of Bid. The balance amount of the sale price is to be paid within 15 days of the confirmation of the sale. In case of failure to deposit the balance amount within the prescribed period, the amount of EMD and/or deposited amount shall stand forfeited and no claim shall be entertained against NAINITAL BANK in respect thereof. In default of payment, the property shall be resold and the defaulting purchaser shall not have any claim whatsoever.
19. Mere deposit of 25% of Sale Price shall not entitle the successful bidder to get the sale confirmed in his/her favor. Sale shall be subject to confirmation by the secured creditor.
20. The EMD (without interest) of the unsuccessful bidder will be returned to them without any interest through RTGS/NEFT in the Bank Account mentioned for this purpose in Annexure-II.
21. **If the dues of the Bank together with all costs, charges and expenses incurred by the Bank are tendered by/on behalf of the borrowers or guarantors, in full before date of sale, no sale will be conducted.**
22. The secured asset mentioned above is presently in the constructive/physical possession of the Authorized Officer of Nainital Bank. On conclusion of the e-auction sale and on receipt of the entire sale consideration, the possession of the Secured Assets shall be arranged to be handed over to the successful bidder by the Authorized Officer of Nainital Bank.
23. The property is sold in "AS IS WHERE IS" BASIS, "AS IS WHAT IS" BASIS, "WHATEVER THERE IS" BASIS AND "NO RECOURSE" BASIS and the intending bidders should make discreet enquiries as regards any claim, charges of any authority on the property, besides the Bank's charges and should satisfy themselves about the title, extent, quality and quantity of the property before submitting their bid. No claim of whatsoever nature regarding the property put for sale, charges / encumbrances over the property or on any other matter, etc., will be entertained after submission of the online bid.
24. All statutory dues/attendant charges/other dues including registration charges, stamp duty, taxes etc. costs relating to sale and transfer of Secured Assets shall have to be borne by the purchaser.
25. The Sale Certificate shall be issued in the same name in which the Bid is submitted.

26. Authorized officer reserves the absolute right and discretion to accept or reject any or all Bids or adjourn/postpone/cancel the auction sale/modify any terms and conditions of the sale without prior notice and/or without assigning any reasons in respect thereof. The decision of the Authorized officer in this regard shall be final and binding.
27. The Secured Asset mentioned in the Bid Document is based on the mortgages created by the Borrower/Guarantor in favor of Secured Creditor. Interested parties are requested to verify details of the Secured Asset themselves.
28. Bank may bid any one or more properties if it deem fit.
29. Bank has no knowledge of statutory liabilities relating to the Secured Assets. If any such statutory liabilities are discovered at a subsequent stage, the same shall be solely dealt with by the Successful Bidder at his/it's own costs and expenses.
30. In case Final Bid amount / Sale consideration of asset under auction is Rs.50.00 lac or above, the successful purchaser shall deduct 1% of the sale price as TDS in the name of the owner of the property and remit the same to Income tax Department as per section 194-IA of the Income Tax and only 99% of the sale amount has to be remitted to the Bank within stipulated time. PAN number of borrower / mortgagor as deductee can be obtained from Branch Manager / Authorized Officer after completion of bidding.
31. In terms of section 194-IA of Income Tax Act, in case where Sale consideration of asset (immovable property) under auction is Rs. 50.00 Lac or above, the successful bidder / purchaser, on payment of entire sale consideration as above (net of TDS) and on completion of sale formalities, shall be issued a Sale Certificate for the subject property as per format prescribed under SARFAESI Act & Rules 2002 only upon receipt of Challan-cum-Statement in form No. 26QB having remitted the TDS. The Certificate for TDS in form 16B to be submitted to the Bank subsequently.
32. The sale of the Secured Asset is subject to the terms and conditions prescribed in the SARFAESI Act and Security Interest (Enforcement) Rules, 2002 and the conditions mentioned hereinabove. Hence the bidders are advised to carefully go through the said terms and conditions before submitting their bids.
33. This is also a mandatory notice of **30 days** as per the provisions of the SARFAESI Act, 2002 and Security Interest Rules for sale, to the Borrowers /Guarantors / Mortgagors (as the case may be) of above accounts informing them about holding of sale/auction on aforesaid dates and to redeem the assets, if so desire by them, by paying the secured debt mentioned hereinabove along with cost before the scheduled auction.
34. The Borrower/Mortgagor is hereby given a last and final opportunity to discharge the liability in full as stated above before the date of Auction. and redeem the mortgage over the Secured Asset failing which the Secured Asset will be sold as per the terms and conditions mentioned above. Accordingly, the attention of Borrower/s/Guarantor/Mortgagor's attention is invited to provisions of sub-section (8) of section 13 of the SARFAESI Act, 2002, in respect of time available, to redeem the secured assets.
35. In case there is a discrepancy between the publications of sale notice in English and Vernacular Newspaper, then in such case the English newspaper will supersede the vernacular newspaper and it shall be considered as the final copy, thus removing the ambiguity.

**Date: 27-05-2023**

**Place: Dilshad Garden**

**For NAINITAL BANK**

**Authorized Officer**