

AN APPEAL BEFORE DRAT CHALLENGING THE INTERIM ORDER OF THE DRT

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL, _____
MISC. APPEAL NO. _____ OF 20____
IN
MISC. APPLICATION NO. _____ OF 20____
IN
ORIGINAL APPLICATION NO. _____ OF 20____

(Memorandum of Appeal under Section 20 of the Recovery of Debt due to Bank and Financial Institutions Act, 1993)

_____,)
A company incorporated under the)
Companies Act, 1956/2013 and)
having its registered office at _____)
_____)
_____)...Appellant
(Original Defendant No.1)

Vs.

1. _____,)
Constituted under the provisions)
of the Banking Companies)
(Acquisition & Transfer of)
Undertaking) Act,1970 and)
having its Regional Officer at _____,)
_____,)
_____and Head Office at)

_____)
_____)

2. _____,)
A company registered under the)
Companies Act, 1956 and having)
its registered address at)

_____)
_____)

3. _____,)
(Debenture Trustees) a company)
incorporated under the Companies)
Act, 1956/2013 and licensed as a)
Bank under the Banking Regulation)
Act, 1949 and having its registered)
office at _____)

_____)
having its corporate office)
_____)
_____)

)... Respondents
(Respondent No. 1 is the Original
Applicant to Original Application
and Respondent Nos. 2 and 3 are
Defendant Nos. 2 and 3 to Original
Application)

MEMORANDUM OF APPEAL**1. PARTICULARS OF THE APPELLANT:**

- (i) Name of the Appellant :
- (ii) Address of the Appellant : same as above.
- (iii) Address for the service : same as above.

2. PARTICULARS OF RESPONDENTS:

- (i) Name of the Respondent No.1 :
- (ii) Address of Respondent No.1 : same as above.
- (iii) Address of the service : same as above.
- (iv) Name of the Respondent No.2 :
- (v) Address of Respondent No.2 : same as above.
- (vi) Address of the service : same as above.
- (vii) Name of Respondent No.3 :
- (viii) Address of Respondent No.3 : same as above.
- (ix) Address of the service : same as above.

3. JURISDICTION:

The subject matter of the present Miscellaneous Appeal falls within the jurisdiction of this Hon'ble Tribunal. The Presiding Officer, DRT - _____, _____ has passed the impugned order on _____ and, therefore, this Hon'ble Tribunal has jurisdiction to try and entertain this Miscellaneous Appeal.

4. LIMITATION:

The present Appeal is within the limitation prescribed *u/s 20(3) of the Recovery of Debt due to banks and Financial Institutions Act, 1993 (hereinafter referred as “the said Act”)* The impugned order is dated _____, a copy of the same has been applied by the Appellant on _____ and the same is provided on _____ and the Appeal is, therefore, within time.

5. FACTS OF THE CASE:

- (a) The Appellant herein are Defendant No. 1 to the Original Application. The present Appeal is filed against the order dated _____ passed by the Hon’ble Presiding Officer, DRT - _____, _____ in Original Application No. _____ of _____ whereby the Learned Presiding Officer has allowed the Interim Reliefs as prayed by Respondent No.1 and issued impugned order as set out more particularly therein. Copies of the Original Application No. _____ of _____ (without exhibits), and interim application of the Applicant are annexed as **Exhibits “A” and “B”** hereto. The Appellant craves leave to refer to and rely upon the papers and proceedings in the Original Application No. _____ of _____ when produced.
- (b) Respondent No. 1 has filed the Original Application No. _____ of _____ against the Appellant and others for recovery of its dues in respect of the alleged undertaking given by Appellant in

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