ಬ್ಯಾಂಕ್ ಆಫ್ ಮಹಾರಾಷ್ಟ್ರ

वैंक ऑफ महाराष्ट्र
Bank of Maharashtra

एक परिवार एक बैंक

ವಲಯ ಕಾರ್ಯಾಲಯ अंचल कार्यालय Zonal Office

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ई-मेल/e-mail: dzmhubballi@mahabank.co.in

ಪ್ರ ಕ: 1501 ಲೋಕಮಂಗಲ ಶಿವಾಜಿನಗರ ಪುಣೆ-5 **प्र. का:** लोकमंगल, 1501, शिवाजीनगर, पुणे5 **H.O:** LOKMANGAL,1501,SHIVAJINAGAR,PUNE-5

Terms and Conditions for sale of assets of through online e-auction on under SARFAESI Act

Date of E- Auction: 06.09.2024 between 1.00 p.m. to 5.00 p.m with auto extension for 10 minutes in case bid is placed within last 5 minutes

Last date & time for submission of Bid/Deposit of EMD and Proof: 05.09.2024 upto 5.00 pm.

Date & Time of inspection of property on:05.08.2024-09.08.2024 **between 11.00 am to 05.00 p.m.**

Sl	Branch & Phone No.	Name of Borrowers/Guarantors & Address	Amount Due	description of the property	Possession Type	Reserve Price / Earnest Money Deposit	Last date of bid submission with EMD (DD/MM/YYYY)
1	Mangalore(9567820262)	**Mrs Aysha Himna** , residing at D.No 1-404, fathima Manzil, Arabana Gudde, Thumbe post ,Bantwal taluk-574143 **Mr. Abdul Latheef**	Rs 17,48,042/- as on 07.12.2019 plus further interest, all costs, penalty, charges and expenses or other incidental	All that piece and parcel of residential Apartment no 403, Door No 2-813/2 admeasuring 1118Sq.ft on the 4th floor of building called Bawa Apartment along with 6.20 % undivided interest in the non agricultural immovable property held on warg right situated at thumbe village of bantwal taluk, thumbe Gram panchayath within sub registration district of Bantwal DK and comprised in RS no 78/1A1Ap48(5cents) and Rs No 78/1A1Ap1(05 Cents) and 6.20% undivided	Physical	Reserve Price Rs 24,10,000/- EMD-Rs 2,41,000	05.09.2024

		residing at D.No 1-404, fathima Manzil, Arabana Gudde, Thumbe post ,Bantwal taluk-574143	charges thereof	interest in common area & facilities of Bawa apartment. Boundaries North- road South –Portion of same Sy.Number East: portion of same sub division line West: portion of same Sy.Number Encumbrances- Nil			

1. **Nature and Object of Online Sale:**
   a. The online e-auction sale is with the object of Free and Fair Sale, Transparency and for achieving best-possible recovery of public money.
   b. The sale is governed by the Provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and Security Interest (Enforcement) Rules, 2002 and the following specific terms and conditions.

2. The auction sale will be On-line E-Auction / Bidding through website https://ebkray.in/eauction-psb on 06.09.2024 for mentioned property between 1.00p m to 5.00 p.m., with unlimited extension of 10 minutes time in case of receipt of bid in last 5 minutes. Bidders shall improve their offers in multiple of Rs 25,000/- during online bidding of the property.

3. Platform https://ebkray.in/eauction-psb for e-auction will be provided by e auction service provider M/s PSB Alliance Private Limited having its Registered office as at unit 1, 3rd Floor, VIOS Commercial tower, Near Wadala truck terminal , Wadala East, Mumbai- 400037, phone-022-69029800(ext-119): +91-9892219848. The intending Bidders/Purchasers are required to participate in the e-auction process at e-auction service provider's website https://ebkray.in/eauction-psb This Service Provide will also provide online demonstration/training on e-Auction on the portal.

4. The intending participants of e-auction may download free of cost, copies of Sale Notice, Terms and Conditions of e-auction, Help Manual on operational part of e-Auction from e-Bikray portal https://ebkray.in/eauction-psb

5. The intending Bidders / Purchasers are requested to register on portal https://ebkray.in/eauction-psb using their mobile number and email id. Further, they will upload the requisite KYC documents. Once the KYC documents are verified by e-auction service provider (may take 2-3 working days), the intending Bidders/Purchasers has to transfer the EMD amount using online mode in his Global Wallet. Only after having sufficient EMD in his Wallet, the interested bidder will be able to bid on the date of e-auction.

6. Earnest Money Deposit (EMD) amount as mentioned above shall be paid online through only one mode i.e. NEFT (After generation of Challan from https://ebkray.in/eauction-psb in bidders Global EMD Wallet. NEFT transfer can be done from any Scheduled Bank. Payment of EMD by any other mode such as Cheque will not be accepted. Bidders not depositing the required EMD online, will not be accepted. Bidders, not depositing the required EMD online, will not be allowed to participate in the e-auction. The Earnest Money Deposited shall not bear any interest.

7. Bidders may give offers either for one or for all the properties, as the case may be. In case of offers for more than one property, bidders will have to deposit the EMD for each property. Bidder's Global Wallet should have sufficient balance (>=EMD amount) at the time of bidding.

8. It is the responsibility of intending Bidder(s) to properly read the Sale Notice, Terms and Conditions of e-auction, Help Manual on operational part of e-auction and follow them strictly.

9. In case of any difficulty or need of assistance before or during the e-auction process may contact authorized representative of our e-auction service provider https://ebkray.in/eauction-psb , support.ebkray@psballiance.com, Ph. No.: 8291220220, Details of which are available on the e-auction portal.

10. After finalization of e-auction by the Authorised Officer, only successful bidder will be informed by our above referred service provider through SMS/email. (On mobile no/email address given by them/registered with the service provider).

11. The secured asset will not be sold below reserve price.

12. The successful bidder shall have to deposit 25% (twenty five percent) of the bid amount, less EMD amount deposited on the **same day or not later than the next working day and the remaining amount shall be paid within 15 days from the date of auction in** the account of the The Authorised Officer, Bank of Maharashtra, through RTGS/NEFT in the in the Account No., 60274325735 Account Name: HUBBALI ZONE EMD ACCOUNT, IFSC Code MAHB0000013. **In case of failure to deposit the amounts as per above within the stipulated time, the amount deposited by successful bidder will be forfeited to the Bank and Authorised Officer shall have the liberty to conduct fresh auction/sale of the property & the defaulting bidder shall not have claim over the forfeited amount and property**.

13. **Caution to bidders:**
    a. Property is sold on "**AS IS WHERE IS", "AS IS WHAT IS" AND "WHATEVER THERE IS**" basis after taking **Physical Possession** of the properties.

    b. To the best of knowledge and information of the Authorised Officers, there are no encumbrances on the properties. However, the intending bidders should make their own independent inquiries regarding the encumbrances, title of property put on auction, physical area of property, and claims / rights / dues / affecting the property, prior to submitting their bid. Further the bidder/purchaser should make their own inquiries regarding any statutory liabilities, arrears of tax, claims etc. by themselves before making the bid. The e-Auction advertisement does not constitute and will not be deemed to constitute any commitment or any representation on the part of the bank. The property is being sold with all the existing and future encumbrances whether known or unknown to the bank. The Authorised Officer / Secured Creditor shall not be responsible in any way for any claims / rights / dues.

    c. The Bank does not undertake any responsibility to procure any permission/license, NOC, etc. in respect of the property offered for sale or for any dues like outstanding water/service charges, transfer fees, electricity dues, dues to the Municipal Corporation/local authority/Co-operative Housing Society or any other dues, taxes, levies, fees, transfer fees if any in respect of and/or in relation to the sale of the said property. Successful Bidder has to comply with the provisions of Income Tax regarding purchase of property & to pay the tax to the authorities as per applicable rates.

d. Bidders are advised / cautioned to verify the concerned Revenue Records/ other Statutory authorities such as Sales Tax/Excise/Income Tax etc. and shall satisfy themselves regarding the nature, description, condition, encumbrance, lien, charge, statutory dues, etc over the property before submitting their bids.

e. Bidders are advised to go through all the terms and conditions of sale and also in the corresponding public sale notice in the details before submitting the bid and participating in the online bidding/auction.

f. Statutory dues/liabilities etc., due to the Government/Local Body, if any, shown in the sale notice/tender document shall be borne by the purchaser(s).

g. The notice for sale is also being published in vernacular. The English version shall be final if any question of interpretation arises.

14. Inspection of Property/Immovable Assets:

a. Property/Assets can be inspected on the date(s) given in the public sale notice, and on any other at the discretion of Authorised Officer. For prior appointment please contact Mr. Mahesh M Nair (9567820262)

b. Bidders shall inspect the property/Assets and satisfy themselves regarding the physical nature, condition, extent, etc of the property/Assets.

c. Bidders are bound by the principle of caveat emptor (Buyer Beware).

15. Inspection of Title Deeds:

Bidder/s may inspect and verify the title deeds and other documents relating to the property available with the Bank.

16. Submission of bid forms:

a. Bids shall be submitted online only, within time and on or before the last date and time given in the sale notice.

b. Bidders may give offers either for one or for all the properties. In case of offers for more than one property bidders will have to deposit the EMD for each property.

c. Intending bidder should hold a valid e-mail id. All the correspondences will be done through E-mail. Interested bidders should have their own arrangements for internet service. Internet connectivity and other paraphernalia requirements shall have to be ensured by the bidders themselves.

d. Bids form shall be duly filled in with all the relevant details. The bidders should upload scanned copies of PAN card and proof of residential address, while submitting e- tender/bid form. The bidders other than individuals should also upload proper mandate for e bidding.

e. Bidders staying abroad/NRIs/PIOs/Bidders holding dual citizenship must submit photo page of his/her valid Indian Passport.

f. Incomplete/unsigned bids without EMD remittance details will be summarily rejected. NRI Bidders must necessarily enclose a copy of Photo page of his/her Passport.

g. Only copy of PAN Card, Passport, Voter's ID, Valid Driving License or Photo Identity Card issued by Govt. and PSU will be accepted as the identity document and should be submitted along with the bid form.
h. Original Identity Document copy of which is submitted along with the bid form must be produced on demand.

17. Bid Multiplier:

The bidders shall increase their bids in multiplies of the amount specified in the public sale notice/Terms and condition of Sale.

18. Duration of Auction sale:

a. Online auction sale will start automatically on and at the time given in the public sale notice/Tender Document.
b. Auction/Bidding time will initially be for specified period and if bidding continues, the bidding process will get automatically extended five minutes duration of each and kept open till the auction-sale concludes.
c. If any market-leading bid (bid higher than the highest at the point in time) is received within the last five minutes of closing time, the bidding time will be extended automatically by five minutes and if no bid higher than last quoted highest bid is received within the said extended five minutes, the auction sale will automatically get closed at the expiry of the extended five minute. There will thus be an extension of bidding-time, each of five minutes duration, till auction is concluded.
d. Bidders are advised to enter their bid accordingly keeping in mind the five minutes duration.
e. No complaint on time-factor or paucity of time for bidding will be entertained.

19. Online Bidding:

a. Auction/ bidding will be only online bidding through the portal provided by the service provider.
b. In case of sole bidder, the sale may be accepted or deferred and property be brought for resale or otherwise sale will be deferred or cancelled.
c. Bidders are cautioned to be careful while entering their bid amount and to check for alteration, if any, before confirming the same.
d. No request/complaint of wrong bidding will be entertained for canceling the sale and in such case, the EMD amount will be forfeited.

20. Declaration of successful bidder:

a. Highest bidder will be declared the successful bidder and sale will be confirmed in his favour in consultation of Secured Creditor. Intimation to this effect will be given through e-mail by service provider/Bank.
b. Highest bid will be provisionally accepted on "subject to approval" basis and the highest bidder shall not have any right/title over the property until the sale is confirmed by the Authorized Officer.

c. All intimations to bidder/auction purchaser will be primarily through e-mail by the service provider/Bank. Date of sending e-mail will be considered as date of intimation. If no intimation reaches, bidders are expected to take efforts to find out status from the Bank. Non-receipt of intimation should not be an excuse for default/non-payment.

21. Deposit of purchase price:

a. The bidder declared successful, shall pay, immediately on the same day after such declaration, a deposit of 25% (less EMD already paid) on the amount of his purchase money.

b. In case of the auction-sale proceeding and concluding beyond the banking transaction hours, the deposit of 25% of purchase price (less EMD already paid) shall be remitted before 5.00 p.m. of the next working day.

c. The balance amount of purchase money shall be paid on or before the fifteenth day from the date of the sale or within such period as may be extended, for the reason to be recorded, by the Authorised Officer.

d. It shall be the responsibility of the successful bidder to remit the TDS @ 1% as applicable u/s 194 1-A if the aggregate of the sums credited or paid for such consideration is Rs. 50 lakhs or more. TDS should be filed online by filling form 26QB & TDS certificate to be issued in form 16 B. The purchaser has to produce the proof of having deposited the income tax into the government account.

22. Default of Payment:

a. Default of payment of 25% of bid amount (less EMD) on the same day or the next working day as stated in para 21 above and 75% of balance bid amount within the stipulated time shall render automatic cancellation of sale without any notice and Bank will be entitled to resale the property.

b. The EMD and any other monies paid by the successful bidder shall be forfeited by the Authorised Officer of the Bank.

23. Sale Certificate / Payment of Stamp Duty:

a. On confirmation of the sale by the Bank and compliance of the terms of payment, the Authorized Officer shall issue a certificate of sale of the said property in favour of the successful bidder/purchaser in the form given in Appendix V to Enforcement of Security Interest Rules. The sale certificate shall be issued only in the same name in which the tender /bid is submitted.

b. No request for inclusion/substitution of names, other than those mentioned in the bid, in the sale certificate will be entertained.

c. Sale Confirmation/Sale Certificate shall be collected in person or through an authorized person.

d. The successful bidder would bear all the charges/fees payable for conveyance such as stamp duty, registration fee or any other cost as applicable as per law. All statutory/non stator dues, taxes, rates, assessments, charges fees etc. will be responsibility of the successful bidder only.

e. The Sale Certificate will not be issued pending operation of any stay/ injunction/ restraint order passed by the DRT/DRAT/High Court or any other court against the issue of Sale Certificate. Further no interest will be paid on the amount deposited.

f. The deposit made by the successful-bidder, pending execution of Sale Certificate, will be kept in non-interest bearing deposit account.

g. No request for return of deposit either in part or full/cancellation of sale will be entertained.

24. Return of EMD:

a. EMD of unsuccessful bidder/s will be returned by the Service Provider to the bank account details provided by him/her/them at the time of submission of bid.
b. Unsuccessful bidders shall ensure return of their EMD and if not, immediately to contact the Authorised Officer of the Bank

25. Stay/Cancellation of Sale:

In case of stay of further proceedings by DRT/DRAT/High Court or any other Court, the auction may either be deferred or cancelled and persons participating in the sale shall have no right to claim damages, compensation or cost for such postponement or cancellation.

26. Delivery of Title Deeds:

The title deeds and other documents related to the property and deposited with the Bank for creation of Equitable Mortgage shall be delivered to the Successful bidder/Auction Purchaser, on execution of the Sale Certificate.

27. Delivery of possession:

All expenses and incidental charges there-to shall be borne by the auction purchaser.

28. Other Conditions:

a. The Authorised Officer will be at liberty to amend/ modify/ delete any of the conditions as may be deemed necessary in the light of facts and circumstances of each case.
b. The Bank has the absolute right and discretion to accept or reject any bid or adjourn/postpone/cancel the sale/modify any terms and conditions of the sale without any prior notice and assigning any reason.
c. The Authorised Officer reserves the right to accept or reject all or any bid or bids without assigning any reason and to postpone or cancel the sale without assigning any reason.
d. Bidders shall be deemed to have read and understood all the conditions of sale and are bound by the same.
e. No counter-offer/conditional offer/conditions by the bidder and/or successful-bidder will be entertained.
f. The Borrowers attention is invited to the provisions of sub-section 8 of section 13 of the Act in respect of time available, to redeem the secured asset.
g. Particulars specified in respect of the property in the public notice have been stated to the best of the information of the Authorized Officer/Bank and Bank would not entertain any claim or representation in that regard from the bidders.
h. This publication is also thirty days' notice/15 days' notice required under SARFAESI Act to the above borrower/guarantor.
i. Disputes, if any, shall be within the jurisdiction of Karnataka Courts only.
j. Words and expressions used herein above shall have the same meaning as assigned to them in SARFAESI Act, 2002, and the Rules framed thereunder.

Place:Hubballi
Date 30.07.2024

Authorised Officer
Bank of Maharashtra