



ORIENTAL BANK OF COMMERCE

(A Govt. of India Undertaking)

Circle Office – Shimla

3rd Floor, Modern ISBT, Tutikandi, Shimla - 171004

Phone- 0177-2802202-05

Email: Law.sml@obc.co.in, co.sml@obc.co.in

TERMS & CONDITIONS FOR E-AUCTION UNDER THE SARFAESI ACT, 2002

The E-Auction Sale shall be subject to the Terms & Conditions as prescribed in the Security Interest (Enforcement) Rules 2002 and also to the following further conditions:

- I. The E-Auction is being held on “AS IS WHERE IS” and “AS IS WHAT IS” and “WHATEVER THERE IS BASIS” on 28.02.2020 BETWEEN 11:00 A.M. TO 01:00 P.M. through E-Auction platform provided at the Website <https://www.ibapi.in>, <https://www.mstcecommerce.com/auctionhome/ibapi/index.jsp>.
- II. The intending Bidders/ Purchasers are requested to register on portal <https://www.mstcecommerce.com/auctionhome/ibapi/index.jsp> using their mobile number and email-id. Further, they are requested to upload requisite KYC documents. Once the KYC documents are verified by E-Auction service provider (may take 2 working days), the intending Bidders/ Purchasers has to transfer the EMD amount using online mode in his Global EMD Wallet before the E-Auction Date and time in the portal. The registration, verification of KYC documents and transfer of EMD in wallet must be completed well in advance, before auction.
- III. The intending participants of E-Auction may download free of cost, copies of the Sale Notice, Terms & Conditions of E-Auction, Help Manual on operational part of E-Auction related to this E-Auction from e-बक्य – IBAPI portal (<https://www.ibapi.in>, <https://www.mstcecommerce.com/auctionhome/ibapi/index.jsp>). It is the responsibility of intending Bidder(s) to properly read the Sale Notice, Terms & conditions of E-Auction.
- IV. The Earnest Money Deposit (EMD) amount as mentioned in Sale Notice shall be paid online through NEFT/Cash/Transfer (After generation of Challan from www.mstcecommerce.com) in bidders Global EMD Wallet. NEFT/RTGS transfer can be done from any Scheduled Commercial Bank, however for Cash/ Transfer the bidder has to visit Oriental Bank of Commerce Branch. Payment of EMD by any other mode such as Cheques will not be accepted. Bidders, not depositing the required EMD online, will not be allowed to participate in the E-Auction. Bidder's Global Wallet should have sufficient balance (\geq EMD amount) at the time of bidding.
- V. During the E-Auction bidders will be allowed to offer higher bid in inter-se bidding over and above the last bid quoted and the minimum increase in the bid amount must be of Rs. 10,000/- to the last higher bid of the bidders. Ten minutes time will be allowed to bidders to quote successive higher bid and if no higher bid is offered by any bidder after the expiry of ten minutes to the last highest bid, the E-Auction shall be closed.
- VI. The Earnest Money Deposit (EMD) of the successful bidder shall be retained towards sale consideration and the EMD of unsuccessful bidders shall be refunded. The Earnest Money Deposit shall not bear any interest. The successful bidder shall have to deposit 25% of the total sale price adjusting EMD, immediately after the acceptance of bid price by the Authorised Officer and the balance 75% of the sale price on or before 15th day of sale or within such extended period as agreed upon in writing by and solely at the discretion of the Authorised Officer as per rules laid down in the act. In case of default in payment by the successful bidder, the amount already deposited by the offer shall be liable to be forfeited and property shall be put to Re-Auction and the defaulting borrower shall have no claim right in respect of property/ amount.
- VII. The properties are being sold with all the existing and future encumbrances whether known or unknown to Authorised Officer and the Authorised Officer shall not be

Authorised Officer/Circle Manager
अधिकृत अधिकारी / मुख्य प्रबंधक
For Oriental Bank of Commerce



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responsible in any way for any third party claims / rights / dues. The intending bidders should make their own independent inquiries regarding the encumbrances, lien, dues, charge, title of property/ies & to inspect & satisfy themselves prior to submitting their bid.

- VIII. Property can be inspected 10.02.2020 to 26.02.2020 between 11:00 a.m. to 4:00 p.m. on any working day with prior appointment with the Authorised Officer.
- IX. The interested bidders are informed that the Bank shall not pay any cost, damages, compensation etc on any amount deposited by the bidders, if any, in the event if any court/tribunal/forum grant stays of the auction proceedings.
- X. The bank shall also not be liable in any manner in handing over the vacant possession of the property, which may be caused due to any delay in handing over the vacant possession or which may be caused due to stay/any other restrained order of any court tribunal/forum.
- XI. The Authorised Officer is not bound to accept the highest offer and the Authorised Officer has the absolute right to accept or reject any or all offer(s) or adjourn/postpone/ cancel the E-Auction without assigning any reason thereof.
- XII. Payment of sale consideration by the successful bidder to the bank will be subject to TDS under Section 194- 1A of Income Tax Act 1961 and TDS is to be made by the successful bidder only at the time of deposit of remaining 75 % of the bid amount.
- XIII. Platform (<https://www.mstcecommerce.com>) for E-Auction will be provided by e Auction service provider M/S MSTC Limited having its Registered office at 225-C, A.J.C. Bose Road, Kolkata-700020 (contact Phone & Toll free Numbers 079-41072412/ 411/ 413 or 1800-103-5342). The intending Bidders/ Purchasers are required to participate in the E-Auction process at E-Auction Service Provider's website <https://www.mstcecommerce.com>. This Service Provider will also provide online demonstration/ training on E-Auction on the portal.
- XIV. The bidder should ensure proper internet connectivity, power back-up etc. The Bank shall not be liable for any disruption due to internet failure, power failure or technical reasons or reasons/contingencies affecting the E-Auctions.
- XV. The purchaser shall bear the applicable stamp duties/ additional stamp duty/ transfer charges, fee etc. and also all the statutory/ non-statutory dues, taxes, rates, assessment charges, fees etc. owing to anybody.
- XVI. The Purchaser/ Applicants shall abide by The Himachal Pradesh Tenancy and Land Reforms Act' 1972 and other Local Laws, Rules & Regulation of Himachal Pradesh Government.
- XVII. GST shall be charged on Sale of Movable Property as per applicable rates.
- XVIII. On confirmation of sale by the Bank and if the terms of payment have been complied with, the Authorised Officer exercising the power of sale shall issue Sale Certificate for immovable properties/ Movable Properties in favour of the successful purchasers as per forms given in the Security Interest (Enforcement) Rules, 2002.

For Oriental Bank of Commerce
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Authorised Officer/Chief Manager
अधिकृत अधिकारी / मुख्य प्रबन्धिक
मण्डल कार्यालय शिमला / Circle Office Shimla

Sudesh Chaudhary

Authorized Officer

Oriental Bank of Commerce

Date: 08.02.2020

Place: Shimla