

RAJASTHAN FINANCIAL CORPORATION

Udyog Bhawan, Tilak Marg, Jaipur -302 005
(RRM DIVISION)

Ref. No. RFC/23FR/HO/Policy-28/ 1349

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02

CIRCULAR (FR - 689)

Reg : Recovery Strategy & Risk Management Policy : 2012-13

It is easier to arrest the slippages rather than up-gradation of an NPA. While the detailed modalities of FR activities have been jotted down in the P&G and also in the circulars/ instructions issued from time to time, it would be appreciated if all the BMs function in a systematic manner adhering to the norms laid, it is not difficult to achieve the targets assigned.

Accordingly, in order to achieve the object of quality recovery, reduction in NPA and regularizing the already slipped accounts and prevention of slippage we need to make strategic efforts in a planned manner by regular monitoring and close follow-up of assisted units which is the key for maintaining the assets quality. In this direction, as a part of recovery strategy for the FY : 2012-13, all concerned are advised to take the following actions :-

1. REVIEW & DECIDE LINE OF ACTION IN EACH AND EVERY CASE OF DEFAULT:

The Branch Manager should review each and every case irrespective of the loan being small or big. This exercise should be completed by the Branch Manager latest by 31.05.2011 and it should be ensured that line of action is decided in each and every case and regular follow-up action is taken during the year as per the line of action decided.

2. PREVENTION OF SLIPPAGE:

Prevention is better than cure. As per the new monitoring mechanism contained in Circular no. P&G-1224 (FR-515) dated 29.04.08 all the assisted units in the jurisdiction of the BO have been allotted to the Officers at BO who are acting as "Supervisory Officers" and also performing their duties as a DM/AM(FR) and are responsible for dealing / processing the FR files. If close and regular monitoring is done then slippages can be avoided. It is possible only when the person, to whom a particular unit has been allotted keeps himself associated with the promoters of the unit. Before the next due date is reached, he should send intimation in advance about the amount of instalment of interest / principal sum and get the same deposited.

However, there may be cases in which there is default hence, following action should be taken:-

- (i) It may be ensured that in following cases legal action followed by action u/s 29 of SFCs Act may immediately be taken if there is default of more than two consecutive instalments of principal or interest:

- a) CRE Sector cases
 - b) Cases sanctioned under Financing Against Assets Scheme
 - c) Sanctions made from 1st April, 2000 and onwards
 - d) Deferred sale cases
 - e) Rescheduled cases
 - f) Hotel and restaurants
 - g) Hospitals and Nursing Homes
 - h) TUF Scheme
- (ii) In Standard accounts, action for recovery of dues should be initiated on the very first default. This may include a letter of warning and pre-intimation of interest falling due in the near future. The list of such defaulting units should be sent by BOs to GM(D) by 8th of every month without fail.
- (iii) In the cases under 'Good Borrower' Scheme, no default should be allowed. Default of even one instalment should draw attention of Branch Manager immediately. In case of inaction, Branch Manager will be held personally responsible.
- (iv) All cases need to be reviewed to ensure that those accounts should remain in Standard category where possession of the assets was handed over back to the original loanee.

3. UPGADATION FROM LOWER TO HIGHER HEALTH CODE CATEGORY:

While we have to prevent the slippages in health code, we are also required to upgrade the NPAs to standard category. The key tools for up-gradation are as follows :-

- (i) Clearance of entire overdues by persuasion or by resorting to legal action for recovery.
- (ii) Where it is found that the unit is not in a position to clear entire overdues then action for reschedulement may be taken as per norms after getting cleared entire interest overdues.

It should be ensured that the NPA level is brought down as per the "Vision Plan for Reduction of NPAs" (Circular no. FR-605 dated 14.05.2010).

4. PREFERENTIAL TREATMENT TO PAYERS :

Corporation has been treating all cases at par so far. It is made incumbent that coercive action i.e. u/s 29 be quickly taken in those cases where the borrower even did not pay interest fallen due in the year 2011-12 and in others who paid amounts in the last year may be treated liberally in case of default of principal amounts.

5. SETTLEMENT OF LOAN ACCOUNTS UNDER VARIOUS SETTLEMENT SCHEMES:

Like earlier years, the Corporation may come-up with various OTS Schemes for the FY 2012-13 for settlement of age old sticky accounts in order to reduce NPA

level. The BMs should make wide publicity of these schemes and ensure that each and every loanee / guarantor is contacted personally by the officials to whom such units have been allotted and they should explain the benefits under the OTS Schemes and get the eligible cases registered.

6. VISIT / VERIFICATION OF COLLATERAL SECURITIES AND CALCULATION OF MRV:

Instructions already exist that MRV of prime assets as well as collateral security of all standard and NPA accounts having sanctioned amount above Rs.1.00 lakh will be calculated on yearly basis in the first quarter of the FY. A separate Assets register is also to be maintained (FR-684 dated 29.02.2012).

Besides this, visit / verification of collateral securities is required to be done quarterly so as to ascertain whether the assets are intact or have been diluted. This system should be complied with strictly.

BM's are accordingly advised to send the MRV calculations as per the prescribed procedure in all standard and NPA accounts having sanctioned amount above Rs. 1.00 lakh by 30.06.2011 positively to the GM(D) and the register as prescribed vide circular No.FR-684 dated 29.02.2012 should be updated.

7. RECOVERY FROM DEFICIT / DECREE TAL & WRITE OFF CASES :

Deficit is such a sector where we cannot expect recovery simply by persuasions. We need to adopt an investigative approach for identification of properties, business or profession in which such promoters / guarantors are engaged and also adopt other measures of beating drums and distribution of pamphlets etc. so as to compel them to pay the dues or come to the settlement table. This is the sector in which the officials are expected to make extra ordinary efforts. Pro-active efforts are required to locate the properties of the promoters as well as guarantors. For this, efforts are required to study files and generate information regarding whereabouts of the promoters and guarantors and their properties and all information relating to promoters / guarantors / legal heirs / relatives / sister concerns / bankers etc. should be collected. Wherever required use of RTI Act for identification of properties / correct whereabouts of defaulters/guarantors/legal heirs may be made (FR-635 dated 28.09.2010). The officers of Branch Office should show their performance by maintaining good liaison with the Revenue Authorities at Distt. level so as to bring desired results.

The decreetal cases may also be reviewed by Branch Manager on monthly basis. Cases where application for execution has not yet been filed, property of promoters / guarantors should be identified promptly and execution application be filed by 30.06.12. The cases where execution application has been filed before the Hon'ble Court after identifying properties of promoters / guarantors, earnest efforts should be made in consultation with concerned Advocate to garner recovery from decreed cases. BM should also monitor this activity personally and send case-wise position with all details to the DGMs (Operation) by 30.06.12.

8. REVIEW OF THE CASES PENDING WITH THE REVENUE AUTHORITIES :

Merely filing RODs cannot yield results. It requires continuous follow-up and persuasion by the BO with the concerned Revenue Authorities. The Branch

Manager should review each and every case in which ROD has been sent to the Revenue Authorities and ascertain the stage of action (i.e. issuance of notice under LR Act, attachment of the properties and conducting auction of the same) and ensure to follow-up regularly. Monthly meetings of the Revenue Officers conducted by the District Collector should invariably be attended by the Branch Manager himself alongwith a Tehsil-wise list of cases pending with the Revenue Authorities. It should be ensured that details of properties of the defaulters are made available to the Revenue Authorities.

9. DISPOSAL OF UNITS UNDER POSSESSION:

If assets taken into possession are not sold promptly, it delays the recovery and also causes an additional loss to the Corporation for maintaining them. Assets in possession of Corporation should be disposed off in a timely manner. Pro-active efforts are required to be made for locating suitable buyers for units under possession so as to ensure their quick disposal at the competitive prices. No assets should remain indisposed off after six months of taking into possession until and unless there are specific reasons and those reasons should be reported to the DGMs (Operation) as well as to DGM (RRM).

Visits and detailed periodical inspections of the units under possession should be carried-out in order to ensure effective watch and ward.

It should be ensured that assets sold through auction are handed over to the purchaser party within 30 days from the date of issue of sale letter after completion of requisite formalities. In case assets are not handed over within the stipulated period on account of failure on the part of the purchaser party and BM is of the opinion that no further time should be allowed, sale may be cancelled after giving 15 days time through registered AD letter. The entire amount deposited by purchaser party may be forfeited and unit be put to re-auction by following the prescribed guidelines. Where BM feels that extension in time is required considering problems of the purchaser party, he should immediately seek approval from HO.

BM's should review all the cases where sale letters were issued upto 31st March 2012 but required formalities are not completed as yet owing to which possession could not be handed over to purchaser party. This is important for the reason that in good number of cases field offices have failed to forfeit the amount deposited by purchaser party and also did not re-auction the unit even after lapse of one year. No case should remain pending after this period.

10. STAY CASES:

It has been observed that the cases in which there are stay orders against recovery by different courts are not being closely monitored as a result, stay orders continue for years together. It will be the personal responsibility of the BM and the In-charge (Legal Cell) at BO level as well as OIC to get the stay vacated and send progress to HO.

It has been decided that henceforth all the cases in which the process of recovery is stalled due to stay being in operation for more than three months will be

reviewed by the GM(D) on fortnightly / monthly basis with Dy.Gen.Manager (Law), concerned DGMs (Operation) and concerned OIC.

11. CASES SETTLED UNDER OTS SCHEMES:

If there is default of two consecutive instalments of settlement package, settlement may be withdrawn and action may be taken to revert back to the original repayment schedule. BO will report such cases immediately to the concerned DGM (Operation). In all such cases, immediate legal action followed by action u/s 29/32G of SFCs Act, 1951 should be taken.

Note : Branch Manager should prepare a list of such cases by 15.05.12 where there is default of two consecutive instalments of settlement package and ensure that legal course of action as mentioned above is taken by 31.05.11. A list of all these cases should be sent to the concerned DGM (Operation) by 20.05.12 positively, who will send the compiled position to GM(D).

12. PDCs SHOULD INVARIABLY BE TAKEN IN THE FOLLOWING CIRCUMSTANCES

- (i) At the time of reschedulement of loan
- (ii) At the time of withdrawal of legal notice.
- (iii) At the time of handing over possession to the original loanee.
- (iv) In deferred sale cases
- (v) In the cases where settlement amount is accepted in instalments

13. TIMELY PRESENTATION OF CHEQUES AND TREATMENT OF DISHONOURD CHEQUES:

Directions already exists and also reiterated vide circular No.FR-683 dated 23.02.2012 to present all the cheques on due dates. All BMs are advised to ensure the compliance strictly.

The dishonoured cheques invite criminal actions against the party. The tendency of bouncing of cheques is increasing, which needs to be curbed. Timely action u/s 138(b) of the Negotiable Instruments Act has deterrent effect. To curb the increasing tendency of bouncing of cheques, the BOs are advised to take the following actions :-

1. The BMs / Supervisory Officers / Cashier should adopt a pro-active approach and inform the borrower one week before the due date that the PDC shall be submitted on due date so that they should ensure that sufficient funds are available in their account and the cheque is cleared on due date.
2. If not daily, weekly reconciliation with bank statement is must.
3. In case any cheque is dishonoured then immediate action to issue notice / initiating criminal action under Negotiable Instruments Act i.e. filing complaint within the stipulated time frame in the competent court should be taken in terms of Circular no. O&M/428 dated 02.07.1997, O&M/640 dated 27.12.05, O&M/650 dated 24.07.06, O&M/656 dated 04.12.06 and No.683 dated 23.02.2012.

4. In the cases where the party is facing genuine problem, the cheques would be presented on due date. However, for taking further action the BM would send the matter along with his recommendations to the concerned DGMs (Operation) and action for lodging complaint u/s 138(b) of N.I. Act would be initiated only after decision from HO (Circular No. FR-583 dated 23.2.2012).

For any laxity on part of the concerned Branch Manager/Supervisory Officer/Cashier, disciplinary action will be initiated.

Branch Managers should initiate immediate action u/s 138(b) of the NI Action such cases and also u/s 29 of SFCs Act for prime security as per norms. Any failure on the part of Branch Manager shall attract disciplinary action.

14. CASES FILED U/S 31(1)(aa):

Guidelines have been issued vide FR Circular No. 332 dated 18.02.05 that Section 31(1) (aa) should be applied as a last resort where there is no chance of recovery by initiation of recovery action u/s 29 /30 and 32(G). Cases where action u/s 31(1)(aa) has already been initiated and application filed in the court should be reviewed and if recovery can be effected by taking over the possession and sale of security, then application be moved in the court for withdrawal of case filed u/s 31(1)(aa) reserving the right to file the case again, if required and action for recovery be shifted to Section 30/2932G. These guidelines should be complied with strictly.

15. CASES HAVING PRIMARY SECURITY BUT LEGAL ACTION HAS BEEN INITIATED U/S 32(G) :

Legal action u/s 29 is the most effective enforcement right available under SFCs Act. It has been observed that in some cases action u/s 32(G) has been initiated even against primary security. The Branch Manager should review such cases and may consider to shift the action from 32(G) to 29 unless there are convincing reasons to continue u/s 32(G).

16. HOLDING DEFAULT REVIEW COMMITTEE:

The meetings of Default Review Committees (DRCs) should be regularly conducted as per the prescribed mechanism (FR-687 dated 02.04.2012) and cases should be reviewed in reference to the line of action decided and subsequent follow-up should be ensured to effect the recoveries.

17. MONITORING & INSPECTION :

- a) Branch officials should visit assigned units on regular basis as prescribed in the Circular No. PG 1221 (FR-498) dated 13/19.02.08 and maintain records in the prescribed register.
- b) Mere allotment of units to officials of BO is not sufficient. The visit reports submitted by these officials should be critically examined by the BM and line of action should be decided in order to effect the recoveries and NPA reduction.

- c) DGMs (Operation) may ensure that branch officials are visiting the assigned unit and also submitting reports. During their visit, they may review the progress and also check and countersign the Inspection Register being maintained.

18. ISSUE OF NO DUES CERTIFICATE AND RELEASE OF CHARGE :

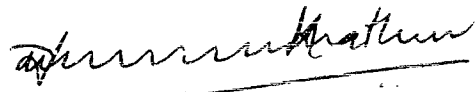
The Branch Managers must ensure that the action for issue of No Dues Certificates and / or release of original documents / charge is completed within 15 days of closure of loan account. List of cases which remain pending after 15 days must reach Head Office by the 3rd of the following month. Needless to mention that any laxity on this account would be viewed adversely and attract serious consequences as per circular no. FR-295 dated 22 / 29 January, 2004.

19. INSURANCE OF ASSETS:

Provision/instructions exist in PG (Chapter FR-8) for insurance of assisted units are to be strictly complied.

Last to add the acts of omissions and errors shall be looked into discreetly and where prima-facie it is found that the error committed is with malafide, due action shall be taken. It will particularly be true where the matter will relate to financial loss to the Corporation or accounting error.

All concerned are advised to make the compliance of above guidelines.



CHAIRMAN & MANAGING DIRECTOR

Copy to:

1. All BOs/SOs
2. A&I, Ajmer/Jodhpur
3. All DGM (Operations)
4. Standard circulation at HO.