



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 45]

CHENNAI, WEDNESDAY, NOVEMBER 15, 2023
Aippasi 29, Sobakiruthu, Thiruvalluvar Aandu-2054

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT (Police-XIX)

Tamil Nadu Banning of Unregulated Deposit Schemes Rules, 2023.

[G.O. Ms. No. 544, Home (Police-XIX), 18th October 2023, ஐப்பசி 1, சோபகிருது, திருவள்ளூர் ஆண்டு-2054.]

No. SRO A-36/2023.—In exercise of the powers conferred by section 38 of the Banning of Unregulated Deposit Schemes Act, 2019 (Central Act 21 of 2019), the Governor of Tamil Nadu, in consultation with the Central Government, hereby makes the following rules, namely:-

RULES

1. **Short title and extent.**-(1) These rules may be called the Tamil Nadu Banning of Unregulated Deposit Schemes Rules, 2023.

(2) It extends to the whole of the State of Tamil Nadu.

2. **Definitions.**- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Banning of Unregulated Deposit Schemes Act, 2019 (Central Act 21 of 2019);

(b) "Competent Authority" means an authority appointed by the State Government under sub-section (1) of section 7 of the Act;

(c) "Designated Court" means a designated court constituted by the State Government under section 8 of the Act;

(d) "Officer" means an officer appointed by the State Government under sub-section (2) of section 7 of the Act;

(e) "Police officer" means an officer of and above the rank of Inspector of Police, Economic Offences Wing;

(f) "Perishable item or asset" means any item or asset which is subject to speedy, natural, rapid decay, quick deterioration, spoilage.

(2) The words and expressions used herein and not defined but defined in the Act or the Indian Penal Code (Central Act XLV of 1860) or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall have the same meaning assigned to them in the Act or in the said Codes, as the case may be.

3. **Manner of provisional attachment of property.**- (1) The competent authority may in writing, provisionally attach the property of the deposit taker on considering the information and particulars mentioned in rule 3 of the Banning of Unregulated Deposit Schemes Rules, 2020 or upon receipt of information and particulars from a police officer, through the Additional Director General of Police, Economic Offences Wing.

(2) A copy of the order of provisional attachment shall be served on the owner of the property or any person who claims to be in possession of the property or any other person who has an interest in the said property.

(3) The order of provisional attachment shall be published in a leading newspaper, both in vernacular and in English, having wide circulation in the area or jurisdiction in which the deposit taker is located.

(4) Where the competent authorities not able to serve the order of provisional attachment to a person specified in sub-rule (2), then such person shall be deemed to have been served the order by the publication of the order in the manner provided under sub-rule (3).

4. **Assistance of the Officer.**- On the instructions of the competent authority, the officer concerned shall assist in discharging the following functions, namely:-

(i) taking either physical or constructive possession of the immovable property by affixing the order of provisional attachment at a conspicuous place of such immovable property;

(ii) taking actual physical possession of such property and retaining it in his custody or in the custody of any other officer appointed to assist him where the property to be attached is a movable property;

(iii) maintaining of a record of the property provisionally attached which shall include details of any expenditure incurred or any cost of management of the property and of any income received from the property;

- (iv) assessing the assets and the liabilities of the deposit taker and prepare a complete record of depositors from whom the deposit taker has collected deposits pursuant to an unregulated deposit scheme;
- (v) appointing a Valuer for the purpose of assessing the assets and liabilities of the deposit taker under clause (iv);
- (vi) immediate selling of perishable items or assets;
- (vii) maintaining of a separate record of the details and proceeds of the sale effected under clause (vi);
- (viii) opening of an account in any scheduled commercial bank for crediting and depositing the money realised by sale effected under clause (vi);
- (ix) filing of application under section 14 of the Act;
- (x) impounding and custody of records under sub-section (8) of section 7 of the Act read with rule 5 of the Banning of Unregulated Deposit Schemes Rules, 2020.

5. Ceiling on periodical payment made by self help groups.—Any periodical payment made by the members of the self help groups up to a sum of rupees ten lakhs per annum shall not form part of 'deposit', as defined in clause (4) of section 2 of the Act.

6. Powers relating to absconding persons.— Where the competent authority or the officers appointed to assist the competent authority is satisfied or has reasons to believe that a person in respect of whom action is contemplated under the Act has absconded or is concealing himself, the competent authority or the officers appointed to assist the competent authority shall make a report in writing to the Designated Court for further course of action.

7. Power to appoint legal practitioner and others.— The competent Authority or an officer appointed to assist the competent authority shall be entitled to use the services of the Department of Prosecution, legal practitioner or chartered accountants or any other person whose services are necessary for taking possession and realisation of the assets which are attached under the Act.

8. Power of Government to empanel agencies for forensic or digital audit, valuation or sale of assets.—

(1) The Government shall empanel and notify the list of, -

- (a) Agencies for valuation of assets and for assisting in selling of assets to prospective buyers; and
- (b) Forensic auditors and digital auditors for audit of money trail.

(2) The competent authority or an officer appointed to assist the competent authority may utilize the services of such agencies and auditors for valuation of assets, for selling of assets and for forensic and digital audit of money trail.

(3) The competent authority or an officer appointed to assist the competent authority may utilize the services of Forensic Auditors or Digital Auditors empanelled by the Indian Banks Association for audit of money trail till the State empanels such agencies, wherever felt required.

9. Valuation reports to be obtained while releasing properties attached.—The Designated Court while according permission to deposit the fair value of the property in lieu of the attachment under sub-section (1) of section 17 of the Act may obtain valuation reports from at least two empanelled Valuers while releasing the properties attached.

HOME DEPARTMENT
(Transport-V)

Draft Amendment to the Tamil Nadu Motor Vehicles Rules.

[G.O. Ms. No. 551, Home (Transport-V), 20th October 2023, ஐப்பசி 3, சோபகிருது, திருவள்ளூர் ஆண்டு-2054.]

No. SRO A-37/2023.—The following draft amendment to the Tamil Nadu Motor Vehicles Rules, 1989, which is proposed to be made in exercise of the powers conferred by section 65 of the Motor Vehicles Act, 1988, (Central Act 59 of 1988), is hereby published for the information of all persons likely to be affected thereby, as required under sub-section (1) of section 212 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration on or after the expiry of thirty days from the date of publication of this Notification in the *Tamil Nadu Government Gazette*, and that any objection or suggestion, which may be received from any person with respect thereto before the date of expiry of the aforesaid period will be considered by the Government of Tamil Nadu.

3. Objection or suggestion, if any, should be addressed in duplicate to the Principal Secretary to Government, Home, Prohibition and excise Department, Secretariat, Chennai-600 009.

DRAFT AMENDMENT.

In the said Rules, in rule 132, in the Table, for the entries in column (2) and (3) against serial number 8 in column (1) thereof, the following entries shall, respectively, be substituted, namely;-

"For issue of Certificate of test to measure the standard of smoke or the levels of other pollutants or both.

- | | | |
|-------|---|-----------|
| (i) | For motor Cycle or Light motor Vehicles (three wheeler). | Rs. 70/- |
| (ii) | For light Motor Vehicles (four Wheeler). | Rs. 100/- |
| (iii) | For medium goods vehicles, medium passenger motor vehicles, heavy goods vehicle or heavy passenger motor vehicle. | Rs.150/-" |

P. AMUDHA,
Principal Secretary to Government.