

Nabard Circular for

Filing Of Security Interest Relating To Immovable (Other Than Equitable Mortgage), Movable And Intangible Assets In CERSAI

EC No. 84 /DoS - 18/2020 30 March 2020
Ref. No. NB. DoS. Pol. HO/3838/J-1/2019-20

The Managing Director / Chief Executive Officer
All State Cooperative Banks / District Central Cooperative Banks

Dear Sir / Madam

Filing of Security Interest relating to Immovable (other than equitable mortgage), Movable and Intangible Assets in CERSAI

We invite your attention to RBI Circular DBR. Leg. No. BC. 15 / 09.08.020/2018-19 (RBI/2018-19/96) dated 27 December 2018 addressed to all Banks/Financial Institutions (including Cooperative Banks) on the above subject. Banks/Financial Institutions were advised therein to complete the filing of charges pertaining to subsisting transactions by 31 March 2019. The banks were also advised to file the charges relating to all current transactions with CERSAI on an ongoing basis.

2. It is observed that most of the StCBs and DCCBs are yet to register with CERSAI and those who have registered have not completed the filing of charges on the CERSAI platform.

3. The Government of India vide their Notification No.4133 dated 26 December 2019 has notified Section 17 to 19 of the Enforcement of Security Interest and Recovery of Debts laws and Miscellaneous Provisions (Amendment) Act, 2016 which has come into force from 24 January 2020. The Sections 17 to 19 of the Amendment Act are corresponding to Sections 23, 26 and 27 of the SARFAESI Act, 2002. With the amendment coming into force, secured creditors will not be entitled to exercise the rights of enforcement of securities under SARFAESI Act, 2002 unless the security interest is registered with CERSAI.

4. We therefore advise you to register with CERSAI immediately and expeditiously complete the filing of charges on CERSAI Platform. It may also be noted that the charges relating to all current transactions are also to be filed with CERSAI on an ongoing basis. The compliance in this regard may be furnished to our Regional Office concerned in Annexure I by 30th April 2020.

5. Please acknowledge receipt of this circular to our Regional Office in your State/U.T.

Yours faithfully
(K. S. Raghupathi)
Chief General Manager
Encl: -as above

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