



# BANKING FRAUDS IN ADVANCES

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## Abstract:

The Banking Sector is very sensitive sector as it has the responsibility for the developments of Economy of the Country. The people of Country have faith on this sector that's why they are keeping their hard money with Banks and it is the responsibility of Bank to pay back the money as and when required by Depositors. Apart from deposit it is the responsibility of Bank to Lend in various sector for the development of the Economy i.e., Agriculture, MSME, Service Sector and Corporate.

Now the Banking Fraud which are increasing day by day are of various types, frauds in advances, Deposits, Fraud through Technology i.e., Plastic money, through Online and fraud through hacking of system etc. In this Paper we will discuss about the Fraud in Loans and Advances which is asset side of Balance sheet.

**Keywords:** RBI, Banking, Economy, Frauds, Agriculture, MSME, Service Sector, Corporate Sector, Technology, Balance Sheet, NPA, Courts, DRT, NCLT.

## INTRODUCTION

Fraud in Advances which is the asset side of Balance Sheet, it adversely affects the Balance Sheet of the Bank at the Top Line and also at bottom line. The Advances/ Loans fraud which taking place Banks have to make Provisions out of their Profit to meet out the Losses which happened due to these Frauds. Banks have to return the Depositor's money in time to fulfil their commitments. The Hard Money which was seeded in the Economic developments of the Country have been lend from the Depositor's money which have been put at stake and Bank is not in position to recover the money from the Customer due to Fraudulent Acts.

## Definition

Bank have to declare these accounts Non-Performing Asset (NPA) as per Reserve Bank of India guide lines and have to make provisions for these accounts. The Banks are losing in two ways:

1. In such accounts which have been classified as NPA, banks will not be recognizing any Income.
2. Banks have to make provisions in NPA accounts from the Income earned from other sources.

The recovery position in other sector is also not much encouraging and if any account become NPA banks have to make provision for these accounts. Due to Political wishes Debt Relief in Agriculture is always discouraging to pay back the agriculture dues, whereas there should be incentives for those farmers who have paid well in time so it will inculcate good habits of paying dues in time. But in case of genuine farmers who are not in position to repay money even after receiving Insurance Claims if amount remains outstanding then the benefits of Debt Relief should pass on to them.

## Discussion

The MSME and Corporates sectors are having their own problems, they are getting various subsidies and other benefits but if we see it always have various issues. This have also adversely affected the health of Banks along with Agriculture. Many court cases are pending in Civil Courts, CBI Courts, DRT and NCLT etc.

So, a detailed study is required to be done to check the health of Banks and Reasons of NPA, since huge number of NPA accounts have been write off in decades which have shaken the roots of Banks and recent merger is live example of Good/ Bad Banks.

One of the major issues in the last one decade that accounts have been declared as Fraud Accounts as per RBI guidelines without considering that whether the account is one, two or ten years old, but banks immediately declare account as Fraud Account and it have been handover to Central Bureau of Investigation for investigating the reasons why/how customers have cheated the Bank. After reporting to RBI and the Forensic Audit is also carried over by various agencies, banks get rid of recovering the amount from borrower on the pretext that matter reported to CBI. Banks even forget that CBI is law enforcement agency not recovery agency. If we see the big Corporates Accounts which have been write-off and if we hand over to CBI lots many issues will come on surface. So, either all accounts which have been write-off should be hand over to CBI or it should the periodicity of account reported to CBI as per the age of accounts. If Customer have been maintaining the accounts properly and serving the interest/ instalments well in time for more than five years or a decade and facilities have been reviewed/renewed during this period then how it is treated a Fraud Account. It shows that the Fraud reporting policy of RBI needs to revisit otherwise any good account/ customer can be classified as Fraud Account which will adversely impact the image of Customer, his reputation has also been lost due to wrong exercise of classification as Fraud account. There may be various reasons for classifying account as NPA as prescribed by RBI but accounts need proper application of thoughts/circumstances/reasons by which the account to be classified as Fraud account by Team headed by GMs/CGMs/ED/MD or Board as the case maybe.

The account when is reported to CBI as fraud account as per RBI guidelines then CBI start investigation against the bankers even without interrogating Borrowers: -

- Why the Loan Sanctioned?
- What was the consideration?

- Why the cheques passed/cleared on daily basis?
- Why the sanctioned not adhered?
- Why Adhoc /TOD allowed?
- Was the factory/ business running properly?
- Why the end use of fund and also the payment of cheques issued by borrower not ensured on daily basis?
- Why borrower have transferred their money from CC a/c to CA in self/sister concern / associate firm accounts.
- Was the inspection of the Factory/Office/Shop done?
- Whether account have been renewed/reviewed properly and genuineness of Balance sheet/IT returns have been verified?

Above are few examples of questions framed by CBI in their investigations which not only spoil the career but the life of the Bankers who have been performing their duties with dedication and honesty. It is the basic definition of Banking, to take Deposit and lend, which boost the development of Economy. If Bank will not lend then how they will pay interest to the depositors. The procedure of CBI investigation takes years and by that time the borrowers enjoy the Money which they have availed from the Banks. They never repay that amount during the pendency of the case and even Bank stops following up for recovery as matter is with CBI/Courts and Bank bear loss on interest on that amount and also have to make provisions for NPA as per RBI guidelines.

So, first of all the tenure of loan period should be made a criteria for declaring the account as Fraud Account and handing over to the CBI, CBI first should investigate the borrower if they really have done fraud with Bank/s then immediately amount which can be recovered should pass on to Bank/s.

CBI should question the borrower: -

- What they have done with Bank's Money?
- Where they have invested the Bank's money?
- Which project/ Business they have established from Bank's money?
- Where are various registration etc.?
- Why they have not routed their sales/purchases through Bank's as per Bank's sanctioned terms and conditions?
- Why they have routed through sister concern/ associate firm etc. have they sought permission or intimated Bank about such transactions?
- Why/Where they have diverted the Bank's/Business Money?
- When they will pay back Bank's Money?

If the borrower found doing fraudulent activities, then CBI can take actions or ask Banks to take immediate action so that borrowers cannot fly abroad. The Law enforcement agencies i.e., CBI, ED, Police etc. should also take prompt action so that case may be filed with Hon'ble courts for speedy recovery and action should be taken for cheating the Banks. It will help to recover the loan amount and control the siphoning of money from business.

As per Reserve Bank of India Circular No. RBI/DBS/2016-17/28 Dated July 01,2016 (updated as on July 03,2017) “Master Directions on Frauds - Classification and Reporting by commercial banks and select FIs”, RBI directed Banks for the continuous monitoring of an account through the tracking of EWS (Early Warning Signals), so Banks generate various alerts and Bankers have to pay proper attention to those alerts so that the account can be reviewed and genuine problems can be resolved. Alerts generated by tracking of various transactions in accounts which give signals if there is any problem in account and these signals are known as Early Warning signals (EWS, few examples of EWS are as follows:

- Not Routing of sales process through bank.
- Delay in submission of stock statement
- Average utilization of FBWC limits
- Number of consecutive months with decline in credit-debit summation.
- Depletion in value of security (primary)
- Critical issues highlighted in the stock audit report
- Invoices devoid of TAN and other details
- Non-submission of Original Bills.
- Funds coming from other banks to liquidate the outstanding loan amount.

There was a time when Bankers used to discuss with the customers and try to resolve their issues because there are many genuine reasons which are affecting the business. However, if there are genuine reasons and customer is banking since long so the question of reporting Fraud is not justifiable, if the customer is new or may be old have intentionally siphoned the money then it has to report as Fraud account. Banking is backbone of the Economy and frauds in the Banking sector shows that that the money kept in Banks are not safe. Customers will loss trust on such Noble Organizations which are involved in the Nation building/Developments.

The Banking Fraud which are taking place anytime and anywhere due to increase of use of Technology required training/guidance to the customer so that they should not get catch into grip of fraudulent person. The users are not well aware of precautions to be taken while using various methods of technology but the fraudulent are well aware of all these things and always try to enter in the system or break the security wall so that they can syphon the money as well as data. When the fraudulent commit any type of activity this sound more, if the fraud took place and money have been syphoned then it will not only badly affecting the Economy but also giving bad name to the sector.

The Role of CBI to enquire from the Banker regarding the details of financing to Customer, passing of various cheques, transactions in the account, activities of customers and about various transactions and business of the customers as Banker himself was handling the Borrower's business. They even forget that the Bankers also have to perform their daily-to-daily business activities and follow the statutory requirements. In case of any deviation found in the accounts CBI immediately frame charges against the bankers that they have taken bribe that's why they have done or allowed these deviations, without knowing the facts and credit worthiness of customers to the bank. It has been also observed in CBI cases that initially they never enquire from the customer so that damage if any can be controlled immediately, on the contrary CBI enquire from the bankers and it takes years together to complete the inquiry by



that time customer enjoy the money financed by the bank and it is difficult to receive interest on the assets which banker should recover but principal is also remaining at the stake. On the other side the Customer enjoy at the cost of bank/s and also fight legal cases against Bank/s and fulfilling other obligations. The Bank after financing the Hard Money of depositors ~~with bank money~~ ~~and Law Enforcement~~ to recover the money, which should be the priority of all agencies.

There are lot of many big frauds are taking place since last one decade. If we see the Banking history, we will realize that the frauds are taking place in big way where huge amount of Banking Sector is stuck up which is adversely affecting not only the Banking Sector but also the Economy of the Country. We must always keep in mind that this money belongs to Public who have kept their hard money in the Banks and if such type of frauds will continue in days to come then there will be threat to Banking sector which are already in the process of sinking/consolidation because huge money has been siphoned by the Big Clients, which has adversely affected the Health of Banks. The banks are paying interest on the depositor's amount and if they want to withdraw their money Banks are paying bank entire amount along with interest. If we see the other side of it banks are unable to get back their principal amount what to say about interest, on the above of it they have to make provision for their principal amount it means that the profit earned on healthy assets will be kept for unhealthy assets.

There should be mechanism to recover /control the defaulter's property immediately. There should be fast track court so that amount can be recovered in shortest possible time. The Role of CBI /Law enforcement agencies should be that they should immediately catch hold the defaulters who have cheated the Bank's, instead of wasting time (years together) in enquiring from the Bankers that why they have financed to the borrowers, passed the cheques or deviated the terms & conditions without analyzing the situations and need of hours. The inquiry can be simultaneously. The Property charged or uncharged should be taken possession immediately and it should also ensure that the running business should not stop so that it should affect the various stake holders. The most important part is always remain (a) Balance Sheet & Profit & Loss accounts and Projected balance sheet prepared by Chartered Accountant (b) Valuation of Property by approved valuers (c) Legal Opinion (d) Pre inspection reports are main pillars on which Bankers depends to take decision on any credit proposal and later on (a) Stock Inspection by CAs / Branch Officials (b) Concurrent Audit (d) Statutory Audit (e) Inspection by Internal Inspection Dept etc. keep track on account and as per RBI guidelines the health of accounts are regularly monitored by bank/s and other approved agencies even then account become NPA it shows the root cause of becoming account NPA must studied by a team comprising group of Bankers, RBI, CAs, Advocates, CBI and other Law enforcement agencies so that study can be carried out from all angles to arrive on conclusion that why Big Corporates accounts are turning into NPA.

## References:

Here are the few Legal cases for references: -

### 1. **Bikram Chatterji vs. Union of India**

This case is a landmark judgment given by the Supreme Court of India in concern with real estate industry of India in light of various difficulties faced by the homebuyers across the country. A Writ petition was filed by the homebuyers who were aggrieved by the CIRP i.e. Corporate Insolvency Resolution Process being initiated in National Company Law Tribunal by the Bank of Baroda against the Amrapali Silicon Private Limited. The Apex court heard the homebuyers in the light of allegations of siphoning of funds being made by the Amrapali Group and the court ordered to conduct the Forensic Audit of all the entities of

Amrapali Group but this was challenged by the Noida and Greater Noida Authorities.

The Apex Court after hearing all the parties in this case i.e. Homebuyers, Bank and Authorities and all their contentions and the report of Financial Auditors wherein the reports confirmed that siphoning of the fund took place by the Amrapali Group. The Supreme Court held that RERA registration of Amrapali group shall stand cancelled as it violated the provisions, the various deeds granted to Amrapali group shall also stand cancelled and the right shall now be vested in Court receiver i.e. Senior Advocate Shri R Venkataramani. The authorities and bank have no right to sell off the flats of homebuyers for realization of their dues and their dues can be recovered after selling the attached properties of Amrapali Group. The flats and their possession to be handed over to the homebuyers as they are the real owners of the flat.

In the Supreme court of India Civil Original Jurisdictions IA no. 168186 of 2018, 109882 of 2020 etc. in writ petition (Civil) No. 940 of 2017 Website "<https://main.sci.gov.in>"

## **2.State Bank of India (SBI) v. Jah Developers Private Limited**

A loan borrower was to be declared as willful defaulter as per the 2013 Circular of Reserve Bank of India in contention with Willful default as borrower failed to pay the dues and installment on time. The circular states that a person who makes willful default in repaying the loan by siphoning or diversion of the funds and was to be declared as willful defaulter is to be given two opportunities to present his case. One, when the committee informs the borrower about the proposal to classify him as a willful defaulter and borrower will be given 15 days' time to make his defense before the committee. Second, an opportunity before the Grievance Redressal Committee to hear before declaring a willful defaulter and that person will not be provided with a right to be presented by a lawyer before the in-house committee procedure and personal hearing. The aggrieved person made a petition to Delhi High Court in relation to right to be presented by the lawyer of his choice before the committee, the court held that person has the right to be presented by lawyer as fundamental right under the Article 19 (1) (g) of Indian Constitution. The Apex Court held that in-house committee in the bank is neither a Tribunal nor it is vested with any judicial powers, the powers of committee is administrative in nature. The duty of such in-house committee is to only gather the facts and information and then arrive at a result, hence no lawyer is required at such hearings of the committee as no complicated questions of law were to be raised before the in-house committee as to carry out a fast track in-house proceeding initiated by the bank and financial institutions to declare a person as a willful defaulter.

Website "<https://www.casemine.com>" State Bank of India Vs Jah Developers Private Limited

## **3.Kingfisher Airlines Limited Vs Union of India & Ors.**

The petitioner challenged the declaration of willful defaulter made by the United Bank of India by the order of Grievance Redressal Committee of United Bank of India dated 1 September, 2014. The writ petitioners also seek to declare that the master circular of Reserve Bank of India regarding willful defaulters be declared as invalid and ultra vires. The advocate for writ petitioner referred to the judgment dated 10 July, 2014 and submitted that the court on the writ petition of writ petitioners regarding declaring the writ petitioners as willful defaulters gave few directions. The direction was the date of hearing was fixed before just 72 hours on advance notice. After hearing the contentions were rejected and writ petition was dismissed by the court ~~and the writ petitioners were not allowed to seek interim protection pending for the adjudication of the writ petition.~~ He also submitted that the bank acted in expeditiously that result into the breach of principle of natural justice. He raised that his clients were not in a condition to afford 72 hours' notice in terms of the order dated 10 July, 2014. The Court held that the petitioner does not have the right to be ~~represented~~ by a lawyer and, that the principles of natural justice will not be violated if the petitioner is heard without representation a lawyer. In the particular circumstances and circumstances of the individual case and to avoid further delays, we authorize the petitioner to appoint a lawyer to represent him, provided the applicant undertakes to conduct the hearing on

the case closed on one day. As a result, we ask the State Bank of India to inform and coordinate with the ~~police~~ and to decide on the hearing date as soon as possible. The petitioner has agreed in principle that the hearing will end in one day, with this the petition stand dismissed.

Website “<https://main.sci.gov.in>” FLP(CR) No. 010314 of 2018

#### **4.Diamond Power Infrastructure Limited Vs Central Bureau of Investigation**

The company Diamond Power Infrastructure Limited situated at Vadodara has received loans from various Indian banks, although the company was on the Reserve Bank of India (R.B.I.) list of defaulters. The was alleged by the prosecution that the company's actual sales and turnover were well below expected sales and that false statements and false documents were created to take advantage of the increased pulling power of the cash credit facilities of banks. The letter of credit was issued by the company to the sister company by violating the norms of Reserve Bank of India. It was also alleged that the company has opened the bank account outside the consortium without the permission of the bank and amount received which was to be used to repay the loan amount was diverted into those accounts. The Joint Lenders' Forum insisted and investigated forensic audit to be carried out in the affairs of the company and the Banks which are part of the consortium, appointed one T.R. Chhadha & Co. for carrying out the forensic audit of the company. The company defaulted in making payment of consortium loans of around 2600 crore given by 9 Indian banks. An application was made for the recovery of money the company and after hearing all the parties the asset of company and of Mr. Bhatnagar got attached by the order of National company law tribunal and investigation is also being going on for the act of money laundering and where the siphoning of money and diversion took place or not. At present the directors of the company are out on bail as granted by the High Court of Gujarat and charge-sheet has been filed by the CBI team and the matter is under investigation.

NCLT Website “<https://nclat.nic.in>” dated 08/04/2021 company appeal (AT) (INS) no. 1029 of 2020

#### **5.Union of India Vs Gitanjali Gems Limited**

The Punjab National Bank Fraud Case is related to fraudulent letters of undertaking worth ₹11,356.84 crore was issued by the Punjab National Bank through its Brady House branch in





Mumbai. Nirav Modi the owner of Gitanjali Gems Limited, was a well-known business tycoon in the country having the business of importing and exporting diamonds, the company used to pay for the amount of diamonds, through letter of credit to the overseas suppliers. The company used to get the letters of credit from Punjab National Bank, the bank official issued the letter of credit to the company without taking any guarantee as to secure the amount of letter of credit allowed or granted to the Gitanjali limited for making the timely payment overseas. The Investigation revealed that Punjab National Bank issued 60143 Letters of Undertakings and 225 Foreign Letters of Credit which amounted to Rs 4,886.72 crore, to three of Mehul Choksi companies between the time period of March and May 2017, the three companies to whom the Letter of Undertakings and Foreign Letters of Credit were issued were namely as Gitanjali Gems, Gili India and Nakshatra. On 29 January 2018, Punjab National Bank filed an application of complaint to CBI regarding the offence of cheating against Punjab National Bank committed which caused a wrongful loss to bank of many crores. The PNB official in the complaint informed the CBI about 2 bank officials who at the Bank's branch office issued Letters of Undertakings to Hong Kong based creditors of company in a fraudulently manner for three firms associated with Nirav Modi and the Gitanjali Group, the scam expanded to ₹14,356.84 crore in May, 2018 the CBI approached the Interpol to issue a Red Corner Notice against the Nirav Modi and other related persons in connection with the probe carried out into the Punjab National Bank fraud. The CBI made a request to the Interpol to issue a Red Corner Notice against Nirav Modi who was in London, UK. Before the scam could have been detected the Nirav Modi fled the country with family and never came back to India. After charge-sheets were submitted in the court and later Mr. Modi was declared as willful defaulter and all the property were seized and attached by the court and proceedings for Insolvency was initiated by the National Company Law Tribunal to realize the Asset of Gitanjali Gems Limited. The court also issued summon to Nirav Modi to present before the court to file the written statement but Mr. Modi over looked the summon and made contempt of court, in 2018 the Government also passed the Fugitive Economic Offender Bill to declare a person absconder, who is absconding the law and is out of country, the bill emphasized on declaring a person absconder and seizing all the asset and no write to make representation before the court can be allowed later on.

NCLT judgement prior to 31/05/2021 Website <https://nclat.nic.in> judgement And Supreme court website <https://main.sci.gov.in> appeal no. 7604 of 2019

## **6. Rotomac Global Private Limited Vs Deputy Director Directorate of Enforcement**

Rotomac Global Private Limited fooled the bank consortium of 36.95 billion rupees i.e. 3695 crore rupees, including the interest by siphoning off loans amount granted to the company for the purchase of wheat and other intended goods for export. The CBI has registered a case after the Bank of Baroda filed a complaint against Rotomac Global Private Limited, based in Kanpur, whose director Vikram Kothari, his wife Sadhana Kothari, his son Rahul Kothari and unidentified bank employees. The alleged fraud was originally estimated of Rs 800 crore, but after the CBI began examining the company's accounts, it was found out that the company had borrowed from the Bank of India, The Bank of Maharashtra, Indian Overseas Bank, Union Bank of India, Allahabad Bank and Oriental Bank of Commerce were acquired. The



CBI alleged that the defendant cheated a seven-bank consortium by withdrawing bank loans of 29.19 billion rupees. Corporate Insolvency Resolution Process was initiated” In the absence of a viable settlement plan, the contracting authority ordered the liquidation of the “debtor company”. As part of the investigation under the 2002 Money Laundering Act, it was found that people accused of misappropriating bank’s money have breached trust and laundered money laundered. The Enforcement Department has temporarily issued an attachment order based on the evidence and records and the exercise of the powers conferred on Section 5 (f) of the 2002 Anti-Money Laundering Act.NCLT Allahabad IA no.150/2018 in CP no. (IB) 70/ALD 2017 and Website <https://IBBI.gov.in>.

## 7.ABG Shipyard Case

Once India’s largest private shipyard company ABG Shipyard is in headlines now as CBI has booked the Company, its former chairman and managing director Rishi Kamlesh Agarwal and others for defrauding 28 banks of Rs 22,842 crore (i.e. the company owes Rs 7,089 crore to ICICI Bank, Rs 3,634 crore to IDBI Bank, Rs 2,925 crore to SBI, Rs 1,614 crore to Bank of Baroda, Rs 1,228 crore to Indian Overseas Bank, Rs 1,244 to PNB and crores more to other 22banks, which is Rs. 12000 Crore more than the amount involved in the matter of diamond traderNirav Modi and Mehul Choksi. As per the information the company has done the construction of over 165 vessels in the past 16 years, including newsprint carriers, self-discharging and loading bulk cement carriers, floating cranes, etc. The company is known for its building quality and later on attained the approval of international classification societies like AmericanBureau of Shipping, Lloyds, Bureau Veritas, IRS and DNV.

After 2012, the company witnessed the fall in its financial stability. As per the reports of India Today, a forensic audit was done by Ernst & Young LLP for the period April 2012 to July 2017, and it was clearly mentioned that the ‘accused’ colluded and committed illegal activities,that includes the diversion of funds, misappropriation and criminal breach of trust and for purposes other than for the purpose for which the funds are released by the bank. Adequate indications were there that loans taken from banks by ABG Shipyard Company were diverted to its other subsidiary companies. During the time ABG Shipyard has subscribed to ABG Singapore Company’s preference shares amounting to \$43.5 million. Financial statements of ABG Singapore for 2010 and 2011 showed loans obtained from ABG Shipyard and foreign investment made by ABG Singapore. It is suspected that the payments made to ABG Singapore by ABG Shipyard was to divert the bank funds to own subsidiaries, preferential transactions. Currently the matter is under investigation by the CBI. Website “<https://main.sci.gov.in>” Civil appeal no. 7667 of 2021

## Conclusion:

Law Enforcement agencies should take prompt action so that borrower could not fly from the country to avoid legal complications. If they feel that the Bankers are also involve, their passport should also be seized. Bank should continue the recovery process while the case is in the process of inquiry by the Law Enforcement agencies. Early recovery process will stop the further losses to the Banks otherwise Borrower will keep on enjoying Bank’s money without paying principal/ interest during the pendency of case which is ultimately loss to the Nation.

Now time has come to Stop the Fraudulent Cases the Officers above the rank of Inspector should be made the member of Loan Sanction Committee and higher Officer above rank of

spend their Hard Money even after Retirement. “PREVENTION IS BETTER THAN CURE.”

## Literature review:

• **Reserve Bank of India Master circular on Willful Default** – The circular was issued by Reserve Bank of India in 2015 and earlier only the concept was updated from time to time. This circular prescribes the requirement of find the willful default and other categorization of steps to be carried out to keep a tab on the willful default, it also defines the process and other related information regarding the Willful default in banking sector. This is the sole circular which defines the willful default and sets perimeters of it.

Master Circular No. DBR.No.CID.BC.57/20.16.003/2014-15 dated July1,2014

• **The Insolvency and Bankruptcy Code, 2016** – This handbook is about the various sections which deals with the procedure of declaring a person as defaulter through the National Company Law Tribunal and various other legal remedies available. It comprises the steps from initiating the process of insolvency resolution by the creditors, recovery of defaulted loan and to declare a defaulter as insolvent or bankrupt by following the legal perimeters. The National Company Law Tribunal deals with the loan default of corporate entities.

Website “<http://www.ibbi.gov.in>” for govt. notification on IBC-2016

• **Guide to SARFAESI Act 2002 & Recovery of Debts and Bankruptcy Act 1993** – This handbook is published by Taxmann Publications (P) Ltd. which enumerates the various section of law regarding the process of making the application to the tribunal, attachment of accounts, seizing them and debit freeze the account and it's all balances and property of an individual defaulter by the order of recovery officer of debt recovery tribunal.

• **Jennifer A. Giaimo and Kevin Rapp “Bankruptcy and Bankruptcy Fraud” (2018)** – in this article the author has described how corporate class and entities involved in the willful default in banking field, process of declaring a defaulter as willful defaulter as per the Master circular of RBI, reporting to the RBI and criminal action against the willful defaulter.



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