



**SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA**

**NOTIFICATION**

**Lucknow, February 16, 2023**

**“Small Industries Development Bank of India  
(Access to Records) Regulations, 2021”**

**F. No. RIMV-148/Regulations.** - In exercise of the powers conferred by Sub-Section (1) and Clause (d) of Sub-Section (2) of Section 52 read with section 42 of the Small Industries Development Bank of India Act, 1989, (39 of 1989), the Board of Directors of the Small Industries Development Bank of India hereby makes the following Regulations, namely:—

**1. Short title and commencement**

- (1) These regulations may be called the Small Industries Development Bank of India (Access to Records) Regulations, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) These Regulations shall apply to,—
  - (a) any borrowing institution which seeks to avail or has availed any credit facilities from the Small Industries Bank;
  - (b) any person who seeks to avail or has availed of any credit facilities from such borrowing institution at clause (a).

**2. Definitions.**

- (1) In these Regulations, unless the context otherwise requires,—
  - (a) “Act” means the Small Industries Development Bank of India Act, 1989 (39 of 1989);

- (b) "Board" means the Board of Directors of the Small Industries Bank constituted under the Act;
- (c) "Borrowing Institution" means any State Financial Corporation, State Industrial Development Corporation, State Small Industries Corporation, National Small Industries Corporation, Scheduled Bank, State Cooperative Bank, any other bank or such other financial institutions, approved by the Board for granting of loans or advances by Small Industries Bank and which seeks to avail or has availed any credit facilities from Small Industries Bank;
- (d) "IBC" means the Insolvency and Bankruptcy Code, 2016 (31 of 2016);
- (e) "Information" means the information as defined in clause (h) of sub-regulation (1) of regulation 2 of the Insolvency and Bankruptcy Board of India (Information Utilities) Regulations, 2017;
- (f) "Information Utilities Regulations" means Insolvency and Bankruptcy Board of India (Information Utilities) Regulations, 2017;
- (g) "Information Utility" means an Information Utility as defined in clause (21) of section 3 of the Insolvency and Bankruptcy Code, 2016;
- (h) "Records" means documents, manuscript, data, information and files kept in writing or stored in electronic form in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device that provide evidence of or summarise business transactions including, —
- (i) invoices, receipts, subsidiary ledgers, the general ledger, the trial balance, income statement, balance sheet, statement of cash flows and any other information or document deemed necessary by Small Industries Bank;
  - (ii) details of credit facilities sought or availed by any person from the borrowing institution and the securities held or which may be held by such

borrowing institution, on account of any transaction in respect of which accommodation has been granted by the Small Industries Bank;

(iii) information as defined in clause (e);

(i) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934);

(j) "Small Industries Bank" means Small Industries Development Bank of India established under the Act;

(2) Words and expressions used and not defined in these regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Access to Records.**

(1) The records, of the borrowing institution or any person who seeks to avail or has availed of any credit facilities from such borrowing institution, referred to under sub-section (1) of section 42 of the Act, may be freely accessed by the Small Industries Bank by:

(a) causing inspection of such records;

(b) directing by way of notice for furnishing of such records to Small Industries Bank;

(c) accessing the information submitted to any of the Information Utilities in accordance with the provisions of section 215 of the IBC, and the circulars and instructions of the Reserve Bank, as issued in this regard from time to time.

(2) Small Industries Bank may, by one or more of its officers, cause an inspection, under clause (a) of sub-regulation (1) and the borrowing institution shall produce to such officer, all the records deemed necessary by such officer.

(3) The requisition by Small Industries Bank for furnishing records, under clause (b) of sub-regulation (1), shall be binding on such borrowing institution

or person, and such borrowing institution or person shall furnish the same, in such form and manner as desired by Small Industries Bank, within fifteen days from the date of receipt of such requisition or within such further period as may be granted by Small Industries Bank.

(4) Copies of the records furnished under sub-regulation (2) shall be verified and signed by the authorised person.

#### **4. Submission of Information with Information Utility.**

(1) The borrowing institution shall submit to the Small Industries Bank, the information in relation to credit facilities granted by the borrowing institution to any person on account of any transaction, in respect of which accommodation has been granted by the Small Industries Bank, through an Information Utility in the form and manner as prescribed in section 215 of the IBC and the Information Utilities Regulations thereunder.

(2) Small Industries Bank shall have free access to the information, pertaining to the borrowing institution or any person who seeks to avail or has availed of any credit facilities from the borrowing institution, available with any Information Utility, whether submitted by the borrowing institution or by any other person.

#### **5. Default in furnishing information.**

Where a borrowing institution is required to furnish information under regulation 3 and 4, fails to do so in the manner and within period specified, such failure shall be treated as a breach of terms and conditions of the refinancing agreement and other security documents, enabling Small Industries Bank to take such action as it may deem fit.

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