

DEVENDRA SINGH

INSOLVENCY PROFESSIONAL

IBBI/ IPA-002/ IP-N00001/ 2016-17/ 10001

Mob: 9810339416, 9810331877

16.03.2021

FREQUENTLY ASKED QUESTIONS (FAQS) "HOME BUYERS
IN THE MATTER OF
SIDHARTHA BUILDHOME PRIVATE LIMITED
(UNDERGOING CORPORATE INSOLVENCY RESOLUTION PROCESS)

These FAQs have been prepared by the Interim Resolution Professional (IRP) to provide answer to the questions being commonly asked by flat buyers on emails/phone and in person. The FAQs will be updated from timeto time. Please note the answer to FAQs is not a legal advice by IRP.

Q1. How to submit claim and what documents to be attached with the claim?

The claim is to be submitted by Financial Creditor in a class (Homebuyers) in specified Form which is mentioned under Regulation 8A of the insolvency and bankruptcy (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 in **Form CA**. The claim form to be submitted alongwith copy of Builder Buyer Agreement (BBA), payment receipts, KYC documents and computation sheet of your claim. The claim is to be filed through electronic means only at cirp.sbpl@gmail.com

Not required to send claim through by post/ by hand.

Q2. How to calculate the claim amount?

The claim amount will majorly consist of the principal amount, interest and delay compensation as per the BBA.

- The principal amount consist of the amount paid by the Homebuyer under BBA to the Corporate Debtor.
- The interest will be calculated from the date of payment of respective installments till the Insolvency Commencement Date i.e. 04.03.2021 at the rate specified in the BBA. If not mentioned in BBA then interest will be calculated @ 8% per annum (simple interest) as per Regulation 16A(7) of the insolvency and bankruptcy (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
- Interest paid by the home buyers on account of delay in payment/installment shall not be considered for computing the claim amount.
- The delay compensation, if any, will have to be calculated as per the BBA and the same is to be calculated from the committed date of handover of possession.

Computation sheet of your claim is required to be attached alongwith your Form CA. Please also note that this interest computation has limited applicability of calculating the voting percentage of each homebuyer.

DEVENDRA SINGH

INSOLVENCY PROFESSIONAL

IBBI/ IPA-002/ IP-N00001/2016-17/10001

Mob: 9810339416, 9810331877

Q3. What is the meaning of submission of claim amount for home buyers? Am I entitled to refund of this amount as soon as I submit the claim?

In accordance with the provisions of Insolvency and Bankruptcy Code, 2016 and regulation made thereunder, the creditors have to submit their claims in specified form. The claim amount consist of due from the company as on the Insolvency commencement date. The claims are then verified by the interim resolution professional and then drive the resolution proceedings as per insolvency resolution process. Merely the submission of claims does not mean that the home buyer shall receive refund of the claim amount.

Q4. Who are eligible Home buyers for the purpose of constituting Committee of Creditors (CoC) in the Insolvency Resolution Proceedings?

- The home buyers who are active and own unit as on 04.03.2021 and have not been given offer of possession.
- The home buyers who owned unit but cancelled and not been refunded in full.
- In cases of cancellation by the home buyers where the home buyer have been part refunded and part refund is pending to be paid by the Corporate Debtor, the refund amount pending as on 04.03.2021 shall be the claim amount.
- Please note that the home buyers who have been offered possession and the home buyer have taken the possession after getting the Unit Registered in their name are not required to file the claim and they will not be the part of Committee of Creditors (CoC).
- The home buyers who have been offered possession and the home buyer have taken the possession but the unit is not yet Registered in their name due to not availability of Occupancy Certificate (OC) are required to file the claim and they will be the part of Committee of Creditors (CoC).

Q5. I am an eligible home buyer for the purpose of CoC. What will be my role in the Insolvency proceedings?

As per the explanation added to Section 5(8)(f) of IBC, 2016, homebuyers have been classified as Financial Creditors and thus will be the part of CoC.

As per the regulation 16A(7) of the Insolvency and Bankruptcy (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. "The voting share of a creditor in a class shall be in proportion to the financial debt which includes an interest at the rate of eight per cent per annum unless a different rate has been agreed to between the parties". Accordingly, for the purpose of voting share, the interest will be computed @8% per annum for home buyers unless a higher rate of interest has been agreed for delay in possession or cancellation as the case may be. The home buyers shall be carrying the voting rights throughout the CIRP and shall be required to exercise their vote as and when CoC meetings are convened.

DEVENDRA SINGH

INSOLVENCY PROFESSIONAL

IBBI/ IPA-002/ IP-N00001/ 2016-17/ 10001

Mob: 9810339416, 9810331877

Also, as per Regulation 16A(1) of the Insolvency and Bankruptcy (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, The IRP shall select the IP, who is the choice of highest number of FC in a class in Form CA received under Regulation 12(1), to act as the authorized representative of the creditor of the respective class (Homebuyer). All important and vital issues shall be decided and approved by your concurrence and voting. Inter alia important and vital issues may be such as:-

- Extension in CIRP period
- Forensic Audit
- Determination of eligibility criteria for Prospective Resolution Applicant.
- Determination of Evaluation Matrix
- Approval of Resolution Plan
- Approval of CIRP expenses
- Decision on Resolution / Liquidation of the Corporate Debtor.

Q6. How will my voting share be calculated?

- The voting share of a home buyer shall be in proportion to financial debt of the home buyer as percentage of total financial debt of the company. For the purpose of calculating financial debt of home buyer, the principal amount (including taxes, if any) paid till 04.03.2021 and interest/delay compensation etc. till 04.03.2021 shall be considered.
- Interest paid by the home buyers on account of delay in payment/installment shall not be considered for computing the voting share.

Q7. How do I view my claim details?

Please go to the website of Corporate Debtor (<https://sidharthagroup.com/news>) and “List of Financial Creditor in a class (Home Buyer)” shall be uploaded and can be viewed on the above link after 31.03.2021. The last date for submission of claim is 24.03.2021 and as per the provisions under IBC, 2016, claim to be verified within 7 days from the last date for submission. Please file your claim in Form CA along with proofs as per the public announcement made by IRP dated 11.03.2021 in Times of India as well as Navbharat Times.

Q8. My e-mail id / phone number / address is changed and current contact details not updated in the record of Corporate Debtor. How do I get it updated?

Please send the latest contact detail such as email id, phone number, address for necessary updation in the record of the Corporate Debtor at:-

crm@sidharthagroup.com

DEVENDRA SINGH

INSOLVENCY PROFESSIONAL

IBBI/ IPA-002/ IP-N00001/2016-17/10001

Mob: 9810339416, 9810331877

You may also confirm the updation in the record, if required by you, by calling the contact person Mr. Ravi Kumar Singh, 8527899825.

Please note that the contact details updation form is not to be sent to the IRP.

Q9. How to choose the name of Authorized Representative as required under Public Announcement dated 11.03.2021?

In the public announcement in Form A dated 11.03.2021 which was published in Times of India & Nav Bharat Times, the option of three names were given by the IRP. Homebuyers are requested to chose one name and fill the same in Point No. 11 of Form CA. The brief profile of all three Insolvency Professionals shall be uploaded on the website of the Corporate Debtor which can be viewed on (<https://sidharthagroup.com/news>) link. You may go through the profile of these three Insolvency Professionals for evaluation of their experience and decide accordingly.

The Interim Resolution Professional shall select the insolvency professional, who is the choice of highest number of financial creditors in the class in Form CA received under sub-regulation (1) of regulation 12, to act as the authorized representative of the financial creditors in a class:

Thanking you



DEVENDRA SINGH

INTERIM RESOLUTION PROFESSIONAL

IN THE MATTER OF SIDHARTHA BUILDHOME PRIVATE LIMITED

(UNDERGOING CORPORATE INSOLVENCY RESOLUTION PROCESS)

REGN. NO.: IBBI/ IPA-002/ IP-N00001/2016-17/10001

REGD. ADD: ATS Greens Paradiso, Flat No: 02054, Tower - 2,

Plot No: GH-03, Sector-CHI-04, Greater Noida, Uttar Pradesh – 201308

COMMUNICATION ADDRESS: D-54, 1st Floor, Defence Colony, New Delhi - 110024

EMAIL ID: dev_singh2006@yahoo.com , cirp.sbpl@gmail.com

MOB.: 9810331877, 9810339416