**ANNEXURE 2**

**BID APPLICATION FORM**

(Please fill up separate Bid application forms for each Asset)

Date:

To,

Mr. Avil Menezes

The Liquidator of

Sunil Hitech Engineers Limited (in Liquidation)

416, Crystal Paradise Co-op Soc. Ltd.

Dattaji Salvi Marg, Above Pizza Express,

Off Veera Desai Road,

Andheri West, Mumbai – 400053.

**REF. ADVERTISEMENT ISSUED IN BUSINESS STANDARD (ENGLISH) ,NAVSHAKTI (MARATHI) IN MUMBAI EDITION AND TIMES OF INDIA (ENGLISH), LOKSATTA (MARATHI) IN NAGPUR EDITION ON JULY 4th 2020 & HOSTED ON THE WEBSITE** [**HTTPS://NCLTAUCTION.AUCTIONTIGER.NET**](HTTPS://NCLTAUCTION.AUCTIONTIGER.NET) **FOR SALE OF ASSETS OWNED BY SUNIL HITECH ENGINEERS LIMITED** **(IN LIQUIDATION)**

I/We/ M/s am desirous in participating in the E-Auction of assets of Sunil Hitech Engineers Limited (In Liquidation) announced by you in the newspaper publication dated ……………………………. In ………………………………………… (name of media journal).

|  |  |
| --- | --- |
| **BID for:** | **Sr No-**  **Asset-** |

I/We /M/s., the Bidder/s, do hereby state that, I/we/M/s. have read the Bid Document and the terms and conditions of the Bid and the above advertisement and understood them fully. I/We/M/s. hereby unconditionally agree to conform with and to be bound by the said conditions. My/Our offer for purchase of the Asset as appearing in the Bid document is as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1 | (a) | Full Name of the Bidder with Telephone Nos.  Mobile Nos.  E-mail ID. | | |  |
| (b)  (c) | Address of the Bidder along with the address proof | | | |
| (I) | Office | |  |
| (II) | Residence | |  |
| (III) | Identity Proof (Self-attested) | |  |
| (i) | Pan Card\* |  |
| (ii) | Aadhaar Card\* |  |
| (iii) | Passport $ |  |
| (iv) | Voter ID Card |  |
| (v) | Driving License |  |
| \* | Compulsory for Indians |  |
| $ | Compulsory for NRIs |  |
|  |  |  |  | (Provide Authority letter in case of Firm or Company) |  |
| 2. | Constitution  (Sole Proprietary/Partnership/Company)  (in case of company/firm, also give names of  Directors / partners with contact numbers) | | | |  |

1. I/We/M/s. do hereby state that, I/We/M/s. have read the entire terms and conditions governing the auction of Assets of Sunil Hitech Engineers Limited (In Liquidation), as specified in the E-Auction Process Memorandum dated4th July 2020 and have understood them fully. I/We hereby unconditionally agree to confirm with and to be bound by the said terms and conditions and agree to take part in the E-Auction process.
2. I/We/M/s. further declare that I/We/M/s. intend to purchase the above referred Asset from the Liquidator for my/our own use / business and that the information revealed by me/us in this **Bid Form** is true and correct to the best of my/our knowledge and belief.
3. I/We/M/s. certify that I/We/M/s. am/are eligible to purchase the assets of the Company, under Sec.29A read with Sec.35(f) of IBC 2016, Affidavit cum Undertaking (Annexure 4) for same is enclosed herewith.
4. I/We/M/s. also enclose copies of the required KYC documents. I/We request you to kindly verify the same and arrange with the auction portals for issue of an ID and password for us to enable us to take part in the E-Auction.
5. I/We/M/s. agree if any of the statement / information revealed by me/us is found incorrect, my/our Bid document is liable to be cancelled and, in such case, the Earnest Money Deposit paid by me/us is liable to be forfeited by the Liquidator and the Liquidator is at liberty to annul the offer made to me/us at any point of time.
6. I/We /M/s. also agree that after my/our offer given in my/our bid for purchase of an asset(s) is accepted by the Liquidator. If I/We/M/s. fail to accept the terms and conditions of the Offer letter & Process memorandum or am/are not able to complete the transaction within the time limit specified in the Process Memorandum for any reason whatsoever and / or fail to fulfil any/all the terms and conditions of the Process Memorandum, the Earnest Money Deposit paid by me/us along with the Bid document is liable to be forfeited by the Liquidator and that the Liquidator has also a right to proceed against me / us for specific performance of the contract.
7. I/We/M/s. will not claim any interest from the date of submission of offer in case the process of sale is delayed for any reason.
8. I/ We understand that the Earnest Money of all Bidders shall be retained by the Liquidator and returned only after the conclusion of the auction process as per the timelines mentioned. I/We state that I/We have fully understood the terms and conditions therein and agree to be bound by the same.
9. The general terms and conditions of sale are received, read and acceptable to me / us.

**NOTE: Each page of this form shall be duly signed by bidder.**

Place:

Date:

**Signature of the Bidder**

**(M/s.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**[Rubber stamp of the proprietor/company/firm]**

**Name**

**Designation**

**Enclosures:**

* 1. Address Proof given under point 1(B)(I) and 1(B)(II)
  2. Self-attested copy of Identity Proof given under point 1(C)(III).
  3. Authority Letter of the authorized representative bidding in case of any bidder other than proprietorship firm. given under point 1(C)(III).
  4. Affidavit under section 29A (Annexure 4).

**ANNEXURE -3**

**BID Declaration Form**

To,

Mr. Avil Menezes

The Liquidator of

Sunil Hitech Engineers Limited (in Liquidation)

416, Crystal Paradise Co-op Soc. Ltd.

Dattaji Salvi Marg, Above Pizza Express,

Off Veera Desai Road,

Andheri West, Mumbai – 400053.

Dear Sir,

1. I/We, *(insert name and address of the Bidder)* aforesaid do hereby state that, I/We have read the entire terms and conditions for the sale of the assets of the Company and have understood them fully. I/We, hereby unconditionally agree to confirm with and to be bound by the said terms and conditions.
2. I/We confirm that our participation in the e-auction process, submission of bid or acquisition of the company/assets pursuant to the provisions of the E - Auction Process Document will not conflict with, or result in a breach of, or constitute a default under (i) our constitutional documents; or (ii) any applicable laws applicable to me/us; or (iii) any authorisation or approval of any government agency or body applicable to me/us; or (iv) any judgement, order, injunction, decree, or ruling of any court or governmental authority, domestic or foreign binding on me/us; or (v) any agreement to which I am / we are a party or by which I am / we are bound.
3. That the Liquidator reserves the right to request for additional information or clarification from us in relation to our proposal and we shall promptly comply with such requirements. Failure to satisfy the queries of the Liquidator within the given timelines may lead to rejection of our proposal.
4. That submission of our proposal alone does not automatically entitle us to participate in the next stage of the bid process. The decision taken by the Liquidator with respect to the selection of the Eligible Bidder and communicated to us shall be binding on me/us. We acknowledge that the Liquidator reserve the right to determine at his/her sole discretion, whether or not we qualify for the submission of the proposal and may reject our proposal without assigning any reason whatsoever.
5. I/We hereby confirm that I/we are not ineligible to purchase the company or its assets under Section 29A of the Insolvency and Bankruptcy Code, 2016.

(Signature with SEAL)

Name:

Address:

Email:

Contact Number:

**Enclosures:**

1. Self-attested copy of Identity Proof of the Bidder
2. Address Proof of the Bidder – Office and Residence
3. Documents evidencing the identity and address proof of the Proprietorship / Partnership firm / Limited Liability Partnership / Company

**ANNEXURE 4**

**AFFIDAVIT CUM UNDERTAKING BY THE BIDDER**

(to be duly filled, signed and notarized by the notary office by the Bidder along with Bid form)

*[On the letter head of the Bidder (by each member of the consortium if applicable)]*

**To,**

**Avil Menezes,**

**Liquidator of Sunil Hitech Engineers Limited (In Liquidation).**

416, Crystal Paradise Co-op Soc. Ltd.

Dattaji Salvi Marg, Above Pizza Express,

Off Veera Desai Road,

Andheri West, Mumbai – 400053.

Dear Sir,

**Sub: Affidavit cum Undertaking under the Insolvency and Bankruptcy Code 2016**

I [Insert name of the authorized person of the Bidder], son of/ daughter of [●], aged about [●] years, currently residing at [Address to be inserted] and having Aadhaar / Passport number [●], an authorised officer of [name of the Bidder] having [registered] office at [\_\_\_\_\_\_\_] (“**Bidder**”, a term which also includes any person acting jointly with the Bidder), on behalf of the Bidder, do solemnly affirm and state to Mr. Avil Menezes, the Liquidator of Sunil Hitech Engineers Limited (“**Company/Corporate Debtor**”) as follows:

1. That none of the Bidder or any person acting jointly or in concert with the Bidder:

is not in-eligible to participate for the E-Auction pursuant to Section 29A of the Insolvency and Bankruptcy Code, 2016 (“**Code**” or “**IBC**”);

(a) is an undischarged insolvent;

(b) is a wilful defaulter in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949;

(c) at the time of submission of the bid, has an account, or an account of a corporate debtor under the management or control of such person or of whom such person is a promoter, classified as non-performing asset in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949 or the guidelines of a financial sector regulator issued under any other law for the time being in force, and at least a period of one year has lapsed from the date of such classification till the date of commencement of the corporate insolvency resolution process of the corporate debtor;

(d) has been convicted for any offence punishable with imprisonment –

(i) for two years or more under any Act specified under the Twelfth Schedule; or

(ii) for seven years or more under any law for the time being in force:

Provided that this clause shall not apply to a person after the expiry of a period of two years from the date of his release from imprisonment:

Provided further that this clause shall not apply in relation to a connected person referred to in clause(iii) of Explanation I;

(e) is disqualified to act as a director under the Companies Act, 2013:

Provided that this clause shall not apply in relation to a connected person referred to in clause (iii) of Explanation I;

(f) is prohibited by the Securities and Exchange Board of India from trading in securities or accessing the securities markets

(g) has been a promoter or in the management or control of a corporate debtor in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and in respect of which an order has been made by the Adjudicating Authority under this Code:

Provided that this clause shall not apply if a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place prior to the acquisition of the corporate debtor by the resolution applicant pursuant to a resolution plan approved under this Code or pursuant to a scheme or plan approved by a financial sector regulator or a court, and such resolution applicant has not otherwise contributed to the preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction;

(h) has executed a guarantee in favour of a creditor in respect of a corporate debtor against which an application for insolvency resolution made by such creditor has been admitted under this Code and such guarantee has been invoked by the creditor and remains unpaid in full or part;

(i) is subject to any disability, corresponding to clauses (a) to (h), under any law in a jurisdiction outside India; or

(j) has a connected person not eligible under clauses (a) to (i).

Explanation I — For the purposes of this clause, the expression "connected person" means—

(i) any person who is the promoter or in the management or control of the Auction Participant; or

(ii) any person who shall be the promoter or in management or control of the business of the corporate debtor during the implementation of the resolution plan; or

(iii) the holding company, subsidiary company, associate company or related party of a person referred to in clauses (i) and (ii):

Provided that nothing in clause (iii) of Explanation I shall apply to an Auction Participant where such applicant is a financial entity and is not a related party of the corporate debtor:

Provided further that the expression "related party" shall not include a financial entity, regulated by a financial sector regulator, if it is a financial creditor of the corporate debtor and is a related party of the corporate debtor solely on account of conversion or substitution of debt into equity shares or instruments convertible into equity shares, prior to the insolvency commencement date;

Explanation II—For the purposes of this section, "financial entity" shall mean the following entities which meet such criteria or conditions as the Central Government may, in consultation with the financial sector regulator, notify in this behalf, namely:—

(a) a scheduled bank;

(b) any entity regulated by a foreign central bank or a securities market regulator or other financial sector regulator of a jurisdiction outside India which jurisdiction is compliant with the Financial Action Task Force Standards and is a signatory to the International Organisation of Securities Commissions Multilateral Memorandum of Understanding;

(c) any investment vehicle, registered foreign institutional investor, registered foreign portfolio investor or a foreign venture capital investor, where the terms shall have the meaning assigned to them in regulation 2 of the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2017 made under the Foreign Exchange Management Act, 1999 (42 of 1999);

(d) an asset reconstruction company register with the Reserve Bank of India under section 3 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);

(e) an Alternate Investment Fund registered with Securities and Exchange Board of India;

(f) such categories of persons as may be notified by the Central Government.

1. That the Auction Participant unconditionally and irrevocably undertakes that it shall provide all data, documents and information as may be required to verify the statements made under this Affidavit.
2. That in the event any of the above statements are found to be untrue, incomplete or incorrect, then the Bidder unconditionally agrees to indemnify and hold harmless the Liquidator against any losses, claims or damages incurred by the Liquidator on account of such ineligibility of the Bidder.
3. That the list of the connected persons of the Bidder set out in hereto is exhaustive and complete in all respects and the names of all the connected persons of the Bidder have been set out thereunder without any omission whatsoever.
4. I/We declare and undertake that in case the Bidder or the person acting jointly with it or any of the connected person(s)] becomes ineligible at any stage during the Liquidation Process, it would inform the Liquidator forthwith on becoming ineligible.
5. I/We also undertake that in case the Bidder or the person acting jointly with it or any of the connected person(s)] becomes ineligible at any time during the auction/bid process for sale of assets of the Company including after submission of Earnest Money Deposit (“EMD”) towards bid, then the EMD would be forfeited and the same would be deposited in the account of Sunil Hitech Engineers Limited – in liquidation.
6. I/We also further undertake that my/our Bid amount will remain binding unless rejected by the Liquidator.

1. I/We confirm that the said Affidavit and disclosure is true and correct and I/We agree to compensate the Liquidator for any cost incurred in relation to ascertaining the veracity of this Affidavit.
2. I/We am/are duly authorized to submit this Affidavit by virtue of [●]. The said document is true, valid and genuine to the best of my/our knowledge, information and belief.

Capitalized terms used herein but not defined otherwise shall have meaning prescribed to them under Process Memorandum.

Yours Sincerely

Signature and name of Bidder/Authorised Signatory

Designation

**ON RS.600/- STAMP PAPER**

(to be Notarised by a Notary Public)

**AFFIDAVIT**

I ,[name of the deponent], being the [Director/partner/proprietor/Authorised Signatory] of [insert name of the Bidder] currently residing at (insert address), do solemnly state on oath, declare and affirm that all that is stated in paragraphs \_\_\_\_ - \_\_\_\_\_\_ of the Affidavit dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is true, correct and complete to my/our personal knowledge and belief and nothing stated above is false or misinterpretation or misleading.

Solemnly, affirmed at (Insert Place) on --------------day, the ……………. day of ……….2020

Before me

Notary/Oath Commissioner Deponent’s Signature

**ANNEXURE 5**

**EARNEST MONEY DEPOSIT FORM**

(Please fill up separate forms for each Asset)

Date:

To,

Mr. Avil Menezes

The Liquidator of

Sunil Hitech Engineers Limited (in Liquidation)

416, Crystal Paradise Co-op Soc. Ltd.

Dattaji Salvi Marg, Above Pizza Express,

Off Veera Desai Road,

Andheri West, Mumbai – 400053.

**REF. ADVERTISEMENT ISSUED IN BUSINESS STANDARD (ENGLISH) ,NAVSHAKTI (MARATHI) IN MUMBAI EDITION AND TIMES OF INDIA (ENGLISH), LOKSATTA (MARATHI) IN NAGPUR EDITION ON 4th JULY 2020 & HOSTED ON THE WEBSITE** [**HTTPS://NCLTAUCTION.AUCTIONTIGER.NET**](HTTPS://NCLTAUCTION.AUCTIONTIGER.NET) **FOR SALE OF ASSETS OWNED BY SUNIL HITECH ENGINEERS LIMITED** **(IN LIQUIDATION)**

I/We/ M/s am desirous in participating in the E-Auction of assets of Sunil Hitech Engineers Limited (In Liquidation) announced by you in the newspaper publication dated ……………………………. In ………………………………………… (name of media journal).

|  |  |
| --- | --- |
| **BID for:** | **Sr No-**  **Asset-** |

I/We /M/s., the Bidder/s, do hereby state that, I/we/M/s. have read the Bid Document and the terms and conditions of the Bid and the above advertisement and understood them fully. I/We/M/s. hereby unconditionally agree to conform with and to be bound by the said conditions. My/Our offer for purchase of the Asset as appearing in the Bid document is as under:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1 | (a) | Full Name of the Bidder with Telephone Nos.  Mobile Nos.  E-mail ID. | | |  |
| (b)  ( | Address of the Bidder along with the address proof | | | |
| (I) | | Office |  |
| (II) | | Residence |  |
| 2 | **Details of EMD** | | | | |
| (i) | | Mode of Payment | | DD/RTGS/NEFT |
| (ii) | | DD No./UTR No. in case of RTGS/NEFT | |  |
| (iii) | | Date | |  |
| (iv) | | Bank & Branch Name | |  |
| (v) | | Amount deposited | |  |

1. I/We request you to kindly verify the same and arrange with the auction portals for issue of an ID and password for us to enable us to take part in the E-Auction.
2. I/We/M/s. agree if any of the statement / information revealed by me/us is found incorrect, my/our Bid document is liable to be cancelled and, in such case, the Earnest Money Deposit paid by me/us is liable to be forfeited by the Liquidator and the Liquidator is at liberty to annul the offer made to me/us at any point of time.
3. I/We /M/s. also agree that after my/our offer given in my/our bid for purchase of an asset(s) is accepted by the Liquidator. If I/We/M/s. fail to accept the terms and conditions of the Offer letter & Process memorandum or am/are not able to complete the transaction within the time limit specified in the Process Memorandum for any reason whatsoever and / or fail to fulfil any/all the terms and conditions of the Process Memorandum, the Earnest Money Deposit paid by me/us along with the Bid document is liable to be forfeited by the Liquidator and that the Liquidator has also a right to proceed against me / us for specific performance of the contract.
4. I/We/M/s. will not claim any interest from the date of submission of offer in case the process of sale is delayed for any reason.
5. I/ We understand that the Earnest Money of all Bidders shall be retained by the Liquidator and returned only after the conclusion of the auction process as per the timelines mentioned. I/We state that I/We have fully understood the terms and conditions therein and agree to be bound by the same.

The general terms and conditions of sale are received, read and acceptable to me / us. **NOTE: Each page of this form shall be duly signed by bidder.**

Place:

Date:

**Signature of the Bidder**

**(M/s.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**[Rubber stamp of the proprietor/company/firm]**

**Name**

**Designation**