

Frequently Asked Questions (FAQs)

These FAQs have been prepared by the Resolution Professional (RP) to provide answer to the questions being commonly asked by claimants on emails/phone and in person. The FAQs will be updated from time to time. Please note the answer to FAQs is not a legal advice by RP and where necessary claimants may seek expert advice.

1. What is the status of my claim? Am I entitled to refund of this amount as soon as I submit the claim?

As per the provisions of the Code and regulations framed thereunder, the creditors of the Corporate Debtor submit their claim as on the insolvency commencement date and the same is verified by the Resolution Professional. It is pertinent to note that upon verifying the claims submitted by the creditors of the Corporate Debtor, the Resolution Professional admits or rejects the claim as per the provisions of the Code and regulations framed thereunder.

In accordance with the provisions of the Code, the Resolution Professional has verified the claims received from the creditors of the Corporate Debtor and the same has been updated on the website from time to time. The status of the claims are available on the website of the Corporate Debtor and on the official website of Insolvency and Bankruptcy Board of India (“IBBI”) which can be accessed by the creditors who have filed their claim in the CIRP of the Corporate Debtor.

It is to be noted that, as the Corporate Debtor is undergoing CIRP as per the provisions of the Code, there is an attempt to resolve the financial stress of the Corporate Debtor and accordingly, resolution plans are invited for revival of the Corporate Debtor. In this regard, upon receiving resolution plans, the same are put before the CoC for its approval and upon a resolution plan receiving approval from the requisite vote of 66% from the CoC, the Resolution Professional puts forward the plan for approval before the Hon’ble NCLT. Thereafter, upon the Hon’ble NCLT being satisfied that the resolution plans approved by the CoC are compliant of the provisions of the Code, the same receives approval from the Hon’ble NCLT.

It is imperative to mention that the Resolution Applicant while submitting the resolution plan shall deal with the claims received by the Resolution Professional and the Resolution Applicant shall deal with the same in accordance with the provisions of the Code and rules framed thereunder. It is pertinent to note that as per the provisions of the Code, the operational creditors are entitled to receive the amount as mentioned in the resolution plan in priority to the financial creditors. Accordingly, the creditors of the Corporate Debtor shall be paid in accordance with terms of the resolution plan approved by the Hon'ble NCLT.

2. How are shareholders going to be treated?

Upon a resolution plan being approved by the Hon'ble NCLT, the same is binding on all the stakeholders of the Corporate Debtor including the shareholders of the Corporate Debtor. In this regard, the shareholders shall be treated as per the treatment given in the resolution plan approved by the Hon'ble NCLT.

3. Where can I find the claim forms template to fill and file?

Relevant claim forms can be downloaded using the below link

[Insolvency and Bankruptcy Board of India \(ibbi.gov.in\)](http://ibbi.gov.in)

4. What documents are required to be submitted to substantiate the debt?

It is to be noted that all the creditors of the Corporate Debtor are required to proof and substantiate their debt against the Corporate Debtor basis some documents and merely stating a claim in the claim form is not sufficient for admission of the claim.

For operational creditors, as per Regulation 7(2) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (“**CIRP Regulations**”) the existence of debt may be proved on the basis of:

“(a) the records available with an information utility, if any; or

(b) other relevant documents, including –

(i) a contract for the supply of goods and services with corporate debtor;

(ii) an invoice demanding payment for the goods and services supplied to the corporate debtor;

(iii) an order of a court or tribunal that has adjudicated upon the non-payment of a debt, if any; or

(iv) financial accounts.”

For financial creditors, as per Regulation 8(2) of CIRP Regulations the existence of debt may be proved on the basis of:

(a) the records available with an information utility, if any; or

(b) other relevant documents, including –

(i) a financial contract supported by financial statements as evidence of the debt;

(ii) a record evidencing that the amounts committed by the financial creditor to the corporate debtor under a facility has been drawn by the corporate debtor;

(iii) financial statements showing that the debt has not been 36[paid]; or

(iv) an order of a court or tribunal that has adjudicated upon the non-payment of a debt, if any.

Accordingly, all the creditors are bound to substantiate their debt with documentary evidence for their claim to be accepted by the Resolution Professional.

5. How will the interest amount in the claim filed by me as an operational creditor be treated?

As stated above, the creditors of the Corporate Debtor will have to substantiate their debt with certain documentary evidence. In this regard, for claiming interest component by the creditor, the creditor will have to ensure that there are specific clauses in the agreement or in the invoices for which delayed interest is being claimed. Accordingly, the interest amount in the claim shall be admitted or rejected by the Resolution Professional.