

Frequently Asked Questions (FAQs) for “Home Buyers”

These FAQs have been prepared by the Interim Resolution Professional (IRP) to provide answer to the common questions posed by the allottees of flats and plots in various real estate projects of Adel Landmarks Limited (ALL), the corporate debtor, to the IRP or the members of his team, on emails/phone and in person, in respect of the corporate insolvency resolution process of ALL under the Insolvency and Bankruptcy Code, 2016 (Code).

The FAQs will be updated from time to time, when considered necessary without it being obligatory on the part of the IRP.

Please note the FAQs and the answers are not in the nature of any legal advice or guidance by IRP or members of his team, and the allottees may seek expert advice.

Please note that for the purpose of FAQs, allottees mean and include persons to whom allotment of flat, unit, plot has been made by ALL under any of its real estate projects.

I. General FAQs

Q. What does corporate insolvency resolution process (CIRP) mean?

A. The CIRP is a process to explore measures to resolve the insolvency of corporate debtor by its business, operational and financial restructuring by following the process provided under the Code? The IRP, who is an independent insolvency professional, invites interested persons to submit a resolution plan for corporate debtor. The resolution plan of eligible resolution applicants is placed before CoC for voting. The plan approved by members of CoC having 66% voting rights is presented to the NCLT. The person whose plan is approved by NCLT will take over the corporate debtor.

Q. Is insolvency different from liquidation?

A. Yes. CIRP proceedings are for exploring restructuring of corporate debtor. Only if restructuring attempt fails and no resolution plan is approved by CoC/NCLT that the corporate debtor goes into liquidation. CIRP is not liquidation proceeding.

Q. What happens to the promoters and board of directors of ALL

A. On commencement of CIRP, the powers of board of directors of corporate debtor are suspended and vest in IRP/RP. The management of the corporate debtor also reports to the IRP/RP. The promoters have no control on the corporate debtor.

II. Claim related FAOs

Q. Which allottees can submit claim in Form CA and what is the time frame for filing claim?

A. The following allottees can submit their claim in Form CA:

- I. The allottees who have been issued allotment letter for a unit/flat/plot in any project of ALL (previously known as “Era Landmarks Limited”).
- II. The allottees who have been issued letter offering possession by ALL.
- III. The allottees who have not been offered possession.
- IV. The allottees whose allotment was cancelled but the payment made by them to ALL has not been refunded in full.

- In cases of cancellation by the home buyers where the home buyers have been part refunded and part refund is pending to be paid by the ALL, the refund amount pending as on 05.12.2018 shall be considered for computing the voting share of such home buyers.

Please note that the home buyers who have been offered possession or taken possession or whose units have been transferred prior to 05.12.2018 shall not be included in the CoC.

Q. What to do if principal outstanding amount of an allottee is not matching with the collection amount uploaded on the website?

- Please check with the Statement of Account as well as previously conducted reconciliation exercise. If it is still different, please submit additional evidence for verification.

Q. What if interest calculation of any allottee is not matching with the computation uploaded on the website?

- The interest is computed on the instalments made towards principal amount (including taxes if any) by the home buyers. The interest is computed from the date of each instalment (principal) received by the Company till 05.12.2017 (insolvency commencement date) at 8% p.a. simple interest unless a different rate has been agreed to between the parties. In some cases where there have been changes in payment plan, change of unit number and other similar adjustment, the interest calculations may not match. We are in the process of recalculating the interest in such cases and the revised interest shall be uploaded soon on the website. Please also note that this interest computation has limited applicability of calculating the voting percentage of each home buyer.

III. Attending CoC meetings and voting share

Q. Who does Committee of Creditors (CoC) comprise of?

A. The CoC comprises of all the financial creditors of the corporate debtor. Allottees under a real estate project are considered as financial creditors.

Q. Whether allottees of flats/plots/units are eligible to become members of Committee of Creditors (CoC)?

A.. The allottees under real estate projects of ALL who submit claim in Form CA pursuant to public announcement dated December 07,2018 issued by IRP, within the time prescribed in the CIRP Regulations are eligible to become members of CoC if their claim is admitted by the IRP or RP.

Q. Can allottees attend meetings of CoC?

A. The allottees are represented in CoC through Authorised Representative (AR). The Hon'ble Adjudicating Authority, NCLT, Principal Bench has vide order dated 07.01.2019 appointed Mr. Inder Paul Singh Oberoi as the AR of allottees in accordance with the provisions of the Code.

IV. Voting in CoC meetings

Q. Can AR vote on behalf of allottee in CoC meetings?

The AR represents the class of creditors i.e. allottees and is required to act in accordance with the prior instructions received from each allottee. The AR is required to cast vote for each allottee in accordance with instructions received from such allottee to the extent of voting share of such allottee.

In case, where, any allottee do not issue any prior instructions through physical or electronic means, the AR is required to abstain from casting any vote for such allottee.

Q. How is the voting share of allottees determined?

A. As per the regulation 16A(7) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter, "CIRP Regulations"), "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 shall 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.

Q. Can voting preference be changed after casting vote?

Yes, voting preference can be changed anytime while the voting window is open. Voting preference cannot be changed after time for voting is over.

Q. If allottees have more than 1 unit, do do they need to cast a vote separately for each unit?

Yes, votes need to be cast separately for each Unit ID.

Q. What if e-mail id / phone number of any allottee is missing / not matching / not updated as per the records uploaded on the website. How to get it updated?

A. Please fill the requisite contact details updation form along with attested PAN Card copy and address proof (in case of address updation) and submit the same with the IRP over e-mail.

Q. What to do if an allottee has not received my login details for the purpose of voting for Authorized Representative?

A. In cases where e-mail id is missing / not updated, the allottee shall not be able to receive the login details. Also, in cases of refund, the login details are not available yet but shall be provided soon. Please update the e-mail id with the IRP/AR at the earliest so that the home buyer could participate in the voting process throughout the CIRP proceedings. In cases where login credentials have not been received by the home buyer despite e-mail id of a particular home buyer is active and correct in the record of the Company as on date, he /she shall write to aradel@sumedhamanagement.com with subject "Adel Landmarks Ltd. E-Voting" mentioning the issues with regard to E-Voting.

Q. What is the procedure for voting by allottees?

A. Please carefully read the general instructions for voting below.

1. Kindly click on the link provided below:

For Home Buyers><http://www.adelcirk.com>

2. For Home buyers, Please click [HERE](#) to download the instructions for e-voting process
3. For Home Buyers, the user id shall be 6 digit Alpha-numeric number.
4. The password shall be generated through OTP and sent on your email ID mentioned in Form CA and or the email id from which form CA is submitted to the IRP. Please check the spam folder of your email if you do not receive the OTP.
5. In case you have any queries related to non-inclusion in voting process, please email on aradel@sumedhamanagement.com or contact on the following Helpline No. (0120-4145299, 4145296)

Q. What if an allottee has not received the Email for voting.

It could be due to the following reasons-

- The email ID submitted in Form CA is not updated or correct.
- Voting mail may have gone into the spam folder. Please check the spam folder of your email and also mark it "Not Spam" so that you can get the mail in inbox from next time.
- If your registered e-mail id is your company's e-mail id and not personal e-mail id, then such mails may not deliver due to the internal security policies of your company. In such case, kindly use the voting instructions provided on www.adelcirk.com and login.

- In case you have already participated in the pre-CoC voting, then you cannot vote post-CoC meeting and accordingly, you will not receive the mail for e-voting.
- You may not be part of latest constituted CoC.

Q. What if the voting portal, user ID is showing invalid.

A. It can be due to the following reasons:-

1. Login ID is not entered correctly.
— If any special character (-, ., @, !, .) are entered, it will not show as valid
2. In case you have already participated in the pre-CoC voting, then you cannot vote post-CoC meeting and accordingly, you will not receive the mail for e-voting and your user id will show invalid.
3. You may not be part of latest constituted CoC.

Q. What if you do not receive the OTP while logging in

A. It could be due to the following reasons:-

- The email ID submitted in Form CA is not updated or correct.
- OTP may have gone into the spam folder of e-mail. Please check the spam folder of your email and also mark it "Not Spam" so that you can get the OTP in inbox from next time.
- If your registered e-mail id is your company's e-mail id and not personal e-mail id, then auto-generated OTP mails may not deliver due to the internal security policies of your company.
- The server could be busy. Try logging in again after 15 minutes.

Q. What if you received the voting email earlier but have not received the same this time

- A. In case you have already participated in the pre-CoC voting, then you cannot vote post-CoC meeting and accordingly, you will not receive the mail for e-voting and your user id will show invalid. You may not be part of latest constituted CoC.

V. Why it is important that allottees vote. Every vote counts.

A. Resolutions placed in CoC require voting by financial creditors with 66% or 51% voting share, depending on the nature of resolution. If you do not vote, the resolutions will get passed. This will lead to deadlock and delay the resolution **process and thus a possible solution to completion of the projects. Please vote every time you are called upon to vote.**