

BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI

PRINCIPAL BENCH

Case No. (IB)- 192(PB)/ 2019

In the matter of under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 4 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016

M/s Edelweiss Asset Reconstruction Company Limited

.....Applicant  
(Financial Creditor)

And

M/s Bhisham Infrastructure Private Limited

..... Corporate Debtor

**List of Creditors under Regulation 13(2)(d) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by Mr. Udayraj Patwardhan, Resolution Professional under the Insolvency and Bankruptcy Code, 2016**

1. The application for Corporate Insolvency Resolution Process filed by M/s Edelweiss Asset Reconstruction Company Limited (Financial Creditor) under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("Code") read with Rule 4 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 was admitted by Hon'ble NCLT, New Delhi, Principal Bench vide order no.(IB)172(PB)/2019 dated February 11, 2020 ( Date of receipt of order by Interim Resolution Professional February 19, 2020) wherein Mr. Udayraj Patwardhan, the undersigned was appointed as Interim Resolution Professional ("IRP") in the matter of Bhisham Infrastructure Private Limited.
2. As per Regulation 13(1) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation 2016 ("CIRP Regulations"), IRP has verified every claim as on the insolvency commencement date i.e. February 19, 2020 for claims received up to March 04, 2020 and thereupon maintained List of Creditors containing names of creditors along with the amount claimed by them, the amount of their claims admitted and the security interest, if any, in respect of such claims. As the last date of submission of claims as per Public Announcement was March 04, 2020.
3. The Committee of Creditors at its Second meeting held on April 20, 2020 resolved vide E-voting to continue the appointment of Interim Resolution Professional as Resolution Professional.



4. As per Regulation 13(1) of the CIRP Regulations, the list of creditors containing names of creditors along with the amount claimed by them, the amount of their claims admitted and the security interest, if any, in respect of such claims, has been maintained and was last updated upto March 04, 2020 and is further updated for claims received and verified and/or on receipt of additional information warranting revision of list of creditors up to October 10, 2020.
5. The verification of the claims has been based on the basis of documents submitted to substantiate the amount of claims and information provided by the Corporate Debtor and to the extent available with the Resolution Professional. The said claims have been admitted on the basis of our best estimate in accordance with Regulation 14 of the CIRP Regulations.

Further, as the case maybe the undersigned shall revise the amount of claims admitted, including the estimates of claims made, as soon as may be practicable, when he comes across additional information warranting such revision in accordance with Regulations 14 of the CIRP Regulations.

6. In-compliance with Regulation 13(2) (d) of CIRP Regulations, a list of creditors along with amount claimed, claims admitted, security interest in respect of claims if any received and verified and admitted up to October 10,2020 is enclosed as Annexure A.

#### **RESOLUTION PROFESSIONAL**

In the matter of Bhisham Infrastructure Private Limited



**Udayraj Patwardhan**

Registration Number: **IBBI/IPA-001/IP-P00024/2016-17/10057**

**Address registered with IBBI and project specific address**

Sumedha Management Solutions Pvt. Ltd.,

C-703, Marathon Innova, off. G.K. Marg,

Lower Parel West, Mumbai-400 013

**E-mail Id as per IBBI registration-** [udayraj\\_patwardan@sumedhamanagement.com](mailto:udayraj_patwardan@sumedhamanagement.com)

**Project specific e-mail ID-** [bhisham@sumedhamanagement.com](mailto:bhisham@sumedhamanagement.com)



**Date:** October 19, 2020

**Place:** Mumbai

**ANNEXURE - A**

**LIST OF CREDITORS OF BHISHAM INFRASTRUCTURE PRIVATE LIMITED**

**Summary - List of Creditors for claims as on February 19, 2019**

**Drawn for claims received up to October 10, 2020**

(IN RUPEES)

SR. NO.	PARTICULARS	NO. OF PARTIES	AMOUNT CLAIMED BY CREDITORS	AMOUNT ADMITTED
<b>I</b>	<b>FINANCIAL CREDITORS - FORM C</b>			
(A)	FINANCIAL CREDITORS (CLAIMED IN FORM C)	1	9,60,71,98,007.11	5,32,48,88,390.00
	<b>TOTAL I</b>	<b>1</b>	<b>9,60,71,98,007.11</b>	<b>5,32,48,88,390.00</b>
<b>II</b>	<b>OPERATIONAL CREDITORS - FORM B</b>			
(A)	SUPPLIERS/RM SUPPLIERS/ OTHER SUPPLIERS/CONSULTANTS (CLAIMED IN FORM B)	0	-	-
<b>III</b>	<b>WORKMEN/EMPLOYEES -FORM D</b>			
(A)	EMPLOYEES (CLAIMED IN FORM D)	0	-	-
(B)	WORKMEN (CLAIMED IN FORM D)		-	-
<b>IV</b>	<b>AUTHORITATIVE REPRESENTATIVE OF WORKMEN AND/OR EMPLOYEES-FORM E</b>	0	-	-
	<b>TOTAL II</b>	<b>0</b>	<b>-</b>	<b>-</b>
<b>V</b>	<b>OTHER STAKEHOLDERS (FORM F)</b>	0	-	-
	<b>TOTAL III</b>	<b>0</b>	<b>-</b>	<b>-</b>
	<b>GRAND TOTAL (I+II+III+IV+V)</b>	<b>1</b>	<b>9,60,71,98,007.11</b>	<b>5,32,48,88,390.00</b>

\* **Notes:**

- 1 The claims received has been verified as on Insolvency Commencement Date of Bhisham Infrastructure Private Limited ("Corporate Debtor") i.e. February 19, 2020
- 2 All the claims submitted has been verified and admitted on the basis of information provided by the creditors and information to the extent available with the IRP, on the basis of **our best estimate** in-accordance with Regulation 14 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process of Corporate Person) Regulations, 2016.
- 3 As per Regulation 14 of Insolvency & Bankruptcy Board of India (Insolvency Regulation Process for Corporate Persons) Regulations, 2016, the Resolution Professional, as the case may be, shall revise the amounts of claims admitted, including the estimates of claims made, as soon as may be practicable, when he comes across additional information warranting such revision.



I **FINANCIAL CREDITORS - FORM C**

The Public Announcement called for submission of proof of claims from Financial Creditors in Form C as stipulated in Regulation B, Till 10.10.2020 the undersigned Resolution Professional has received claims from the following Financial Creditors:

**(A) FINANCIAL CREDITORS - FORM C RECEIVED**

								(In Rupees)
Sr. no.	Name	Amount claimed	Amount Admitted	Amount rejected	Amount under verification	Voting Share (%) in CoC	Security Interest	Date of receipt of Claim
<b>A. Financial Creditors</b>								
1	Edelweiss Asset Reconstruction Company Ltd.	5,32,48,88,390.00	5,32,48,88,390.00	-	-	100.00%	As per Annexure	04-02-2020
2	Bank of India	1,31,60,36,696.11	-	-	1,31,60,36,696.11	-	-	-
3	Suraksha Asset Reconstruction Ltd	2,96,62,72,921.00	-	-	2,96,62,72,921.00	-	-	-
<b>TOTAL (A)</b>		<b>9,60,71,98,007.11</b>	<b>5,32,48,88,390.00</b>	<b>-</b>	<b>4,28,23,09,617.11</b>	<b>100.00%</b>		
<b>B. Financial Creditor-Related Party</b>								
<b>TOTAL (B)</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		
<b>TOTAL (C) = (A) + (B)</b>		<b>9,60,71,98,007.11</b>	<b>5,32,48,88,390.00</b>	<b>-</b>	<b>4,28,23,09,617.11</b>	<b>100.00%</b>		

**\* Note:**

- All the claims are admitted on the basis of Honable NCLAT Principle Bench, New Delhi dated 20th September, 2019 and Honable NCLT Principle Bench New Delhi dated 1st November, 2019.
- The claim of Bank of India is purported to be towards term Loan facility given to Era Infrastructure India Ltd (related party to the corporate debtor) secured by mortgage of the property and corporate guarantee of the corporate debtor. The said claim is under verification pending legal opinion in view of the judgement of the Hon'ble NCLAT in the matter of Piramal Enterprises vs Vishu Kumar Agarwal and pursuant to the supreme court judgement dated February 26, 2020 in the matter of Jaypee Infratech Ltd.
- The claim of Suraksha Asset Reconstruction Ltd. is purported to be towards term Loan facility given to Era Infrastructure India Ltd (related party to the corporate debtor) secured by mortgage of the property and corporate guarantee of the corporate debtor. The said claim is under verification pending legal opinion in view of the judgement of the Hon'ble NCLAT in the matter of Piramal Enterprises vs Vishu Kumar Agarwal and pursuant to the supreme court judgement dated February 26, 2020 in the matter of Jaypee Infratech Ltd.



- II (A) **OPERATIONAL CREDITORS - FORM B**  
**OPERATIONAL CREDITORS-Contractors/ Suppliers/Consultants - FORM B Received**
- The Public Announcement called for submission of proof of claims from Operational Creditors in FORM B as stipulated in Regulation 7. Till 10.10.2020 the undersigned Resolution Professional has not received any claims from the Operational Creditors:
- III (B) **Workmen / Employees - FORM D Received**  
**Employee- Form D**
- The Public Announcement called for submission of proof of claims from Employees in FORM D as stipulated in Regulation 9. Till 10.10.2020 the undersigned Resolution Professional has not received any proof of claim from the Employees of the Corporate Debtor.
- IV (C) **Workmen- Form D**
- The Public Announcement called for submission of proof of claims from Workmen in FORM D as stipulated in Regulation 9. Till 10.10.2020 the undersigned Resolution Professional has not received any claim from the Workmen of the Corporate Debtor.
- V (D) **Authorised Representative of Workmen and/or Employees - FORM E Received**
- The Public Announcement called for submission proof of claims from Authoritative Representative of Workmen and/or Employee in FORM E as stipulated in Regulation 9. Till 10.10.2020 the undersigned Resolution Professional has not received any claims from the Authorised Representative of Workmen and/or Employees.
- VI (E) **Claims by creditors other than Operational, Financial and Employee/Workman - FORM F Received**
- The Public Announcement called for submission of proof of claims from a person claiming to be a creditor, other than Financial Creditor, Operational Creditor or Workmen or Employee in FORM F as stipulated in Regulation 9A. Till 10.10.2020 the undersigned Resolution Professional has received claims from following persons.



**Annexure - Security Interest of Edelweiss Asset Reconstruction Company Ltd.**

<b>Details of any security held, the value of the security, and the date it was given</b>
<b>Mortgaged Property/ies shall collectively mean:</b>
<b>a. the land admeasuring 23176.83 Square Yards situate at Jaipur, in the state of Rajasthan together with all the buildings and structure standing/constructed to be constructed thereon ("First Mortgaged Property")</b>
<b>b. land, as mentioned hereunder, together with building and structures contracted or to be constructed thereon:</b>

Property Name*	Area (in Acre) (Approx.)	First Charge holder
Village Alahpur at Sec. 5 Palwal, Haryana	10.25	IFCI
Sec 9 Palwal, Haryana	71.5	IFCI
Sec 3, Bahadurgarh, Haryana	11.69	IFCI
Sec 3 B, Bahadurgarh, Haryana	1.61	IFCI
Block-D, Sector B, Noida	1.011 acre	SICOM
Bahadurgarh, Hujjar,	5 acre 85 kanal	SICOM

Relevant Particulars		
Haryana	60 marla	
Palwal, Faridabad,	140 kanal	
Haryana	3.5 marla	SFCO

Land admeasuring 4095 sqmtrs located at industrial plot no. 8 Block D sector 8 NOIDA.

Land admeasuring 11 kanal 4 marla revenue estate Sanjhol tehsil Bahadurgarh District Hujjar, in the State of Haryana;

Land admeasuring 132 Kanal 14 Marla, situated at Mouza Palwal, Tehsil and Distt Palwal, Haryana together with all building and erections;

constructed or to be constructed thereon. Land admeasuring 86 kanal 13 Marla acres Village Kasar, Tehsil Bahadurgarh Distt. Hujjar Haryana;

Land admeasuring 78 kanal Village Kasar, Tehsil Bahadurgarh Distt. Hujjar Haryana and 27 Kanal 2 marla village Kheria Mussalman Tehsil Bahadurgarh Distt. Hujjar Haryana;

Land admeasuring 49 Kanal 1 Marla, Village Alahpur, tehsil Palwal & Distt Faridabad. In the State of Haryana;

Land admeasuring 12 kanal 18 marla revenue estate at Sanjhol tehsil Bahadurgarh District Hujjar, in the State of Haryana;

Land admeasuring 140 Kanal 3 Marla Village Aalpur, Palwal, Faridabad. State of Haryana Land admeasuring 30 Kanal 3 marla revenue estate at Sanjhol tehsil Bahadurgarh District Hujjar;

Land admeasuring 121 Kanal 108 Marla-Mouza Palwal, McPalwal and district Palwal Faridabad, Haryana;

Land Admeasuring 32 Kanal 19 Marla situated at Village Alahpur, Tehsil, Palwal, Distt Faridabad, In the State of Haryana and Land admeasuring 16 Kanal 14 Marla situated at Mouza Palwal, and Distt- Palwal, Haryana together with all building and erections constructed or to be constructed thereon.

Land admeasuring 155 Kanal 3 situated at Mouza Palwal and Distt Palwal, Haryana together with all building and erections constructed or to be constructed thereon;

Land admeasuring 52 Kanal, Mouza Palwal and Distt- Palwal, Haryana together with all building and erections constructed or to be constructed thereon;

Lease hold land admeasuring 23176.83 sq. yards situated Khara No. 320, 321, 322 village Sodawala, Khara No. 313 m/n. viii. Sushipura, khara no. 47 viii. Birajalpur, Janpath Sham Nagar Tehsil & Distt. Jaipur;

**PART A**

a. A1; that pieces and parcels of land covered by following Killa Nos. and described as under:

Village:	Mustafil No./Rect. No.	Killa Nos.	Area	
			Kanal	Marla
<b>Relevant Particulars</b>				
Badshahpur No	133	19-Feb	0	4
Tehsil:		22	7	16
Gurgaon	138	2	7	16
District:		3	7	16
Gurgaon		04-Mar	2	4
(In the State of Haryana)		5	7	16
		6	8	0
		7	8	0
		8	8	0
		Total	57	12

together with all buildings and structures constructed/to be constructed thereon and anything attached to the earth or permanently fastened to anything attached to the earth, fixtures and fittings erected/installed or to be erected/installed thereon and every part thereof.

b. 2/3 shares in land admeasuring 23 Kanal 12 Marlas (i.e. 15 Kanal 15 Marla)

Village:	Mustafil No./Rect. No.	Killa Nos.	Area	
			Kanal	Marla
Badshahpur				
Tehsil:				
Gurgaon	133	21	8	0
District:				
Gurgaon	137	5	7	16
(In the State of Haryana)	138	1	7	16
Total			23	12

together with all buildings and structures constructed/to be constructed thereon and all the fixture and fittings attached to the earth or permanently fastened to anything attached to the earth erected/installed or to be erected/installed and every part thereof.

1/3 share in land admeasuring 23 Kanal 12 Marlas (7 Kanal 17.3 Marlas) described as under:

Village:	Mustafil No.	Killa No s.	Area	
			Kanal	Marla
Badshahpur				
Tehsil: Gurgaon	133	21	8	0
District:				
Gurgaon	137	5	7	16
(In the State of Haryana)	138	1	7	16
Total			23	12

