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INSOLVENCY PROFESSIONAL
IBBI/IPA-002/IP-N01149/2021-2022/13806

INSOLVENCY RESOLUTION PROCESS OF MR SANJAY RAJKUMAR CHHABRIA

FREQUENTLY ASKED QUESTIONS

ON

SUBMISSION OF CLAIMS DURING INSOLVENCY RESOLUTION PROCESS

Disclaimer: The following FAQs are provided by the resolution professional solely for the purpose of providing guidance to potential claimants; they do not constitute legal or professional advice to any claimant.

1. I am a creditor of Person A, who is undergoing the Insolvency Resolution Process under Insolvency and Bankruptcy Code, 2016 (“IBC”); in order to file my claim, which form should I use?

All the creditors of the person undergoing the insolvency resolution process will have to file **Form-B along with declaration and verification** provided in the IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 and submit it to the Resolution Professional.

2. How to file claim with the Resolution Professional?

The creditors can file their claims with the resolution professional by sending details of the claims through email (on rp.sanjaychhabria@gmail.com) or through courier, speed post, by hand or registered post.

3. What are the requirements that must be considered for the claim to be considered complete?

The following are the requirements that must be considered before filing claim with Resolution Professional:

- The claimant shall fill all the necessary details as mentioned in the claim form.
- The declaration and verification must be duly signed and if the claim form is signed by the authorized representative of any entity, then the proof of authorization must be attached with the claim form.
- Copies of the documents/agreements in relation to the proof of claim/debt must be attached.
- There is no need for any notarization of the claim form.
- The claim must be submitted only with respect to the debt due as on the Resolution Process Commencement Date.

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- If any payment is received by the claimant, then the proof of payments with respect to the same must be attached.
- The calculation sheets that were utilised to arrive at the claim amount must be submitted along with the claim form.

4. Is it mandatory to submit the claim on a stamp paper?

No.

5. If I am the Secured Creditor of the Personal Guarantor, how do I opt in Entry No. 13 of the claim form?

To begin, all secured creditors must provide the security information as indicated in Entry No. 12 of the claim form, and Entry No. 13 deals with whether or not the secured creditors agree to forgo their right to enforce their security during the repayment plan period. In simpler words, the repayment plan period means the implementation period of the repayment plan, which was approved by the Adjudicating Authority.

According to Section 110 of the Insolvency and Bankruptcy Code, Secured Creditors who attend creditors' meetings and vote on the repayment plan shall relinquish their right to enforce the security during the period of the Repayment Plan. As a result, secured creditors who do not waive their right to enforce security will be denied the opportunity to vote at creditors' meetings. However, even if a secured creditor does not forfeit the right to enforce the security, the secured creditor may participate in voting matters if the secured creditor submits an affidavit to the resolution professional stating that the secured creditor's voting right is exercised only to the extent of the unsecured part of the debt and also the estimated value of the unsecured part of the debt.

Keeping the above in mind, the secured creditors may decide their choice in Entry No. 13.

6. Information to be furnished in the claim form with respect to the CIRP of the Corporate Debtor?

It is well known that the Personal Insolvency Resolution Process was only notified to the extent of the Personal Guarantors to the Corporate Debtor; therefore, since it is the Insolvency Resolution Process of the Personal Guarantor to the Corporate Debtor, the information pertaining to the principal borrower, i.e. the Corporate Debtor, is also relevant. As a result, Entry No. 14 of the claim form discusses the same; claimant must provide details on whether she/he has claimed any amount in the CIRP of the Corporate Debtor, and if so, what amount of the claim has been admitted by the Resolution Professional of the Corporate Debtor, and finally, whether they have received any amount/allotted as a claimant in the CIRP of the Corporate Debtor.

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- 7. The Claim Form also includes information about mutual credit, mutual debts, or other mutual dealings between the Claimant and the person undergoing the Insolvency Resolution Process, which may be set-off against the Claimant's claim. Could you elaborate the same?**

There may be cases where the claimant also owes money to the person undergoing insolvency. Such debts may be referred to as mutual debts/credits between that person and the claimant, and they may be set-off against the claimant's debt/claim. In such a circumstance, the claimant must include the details of the mutual debt in the space provided in the corresponding Form for filing proof of claim.

- 8. Being a Creditor, how to prove my claim in the Insolvency Resolution Process?**

Every claim form must be accompanied by proper supporting documentary evidence for proof of claim, such as agreements, financial statements evidencing the debt due, information available with Information utility, court order, contracts, invoices, bill of supply of goods/services, and any other relevant documents to substantiate the claim.