

**CONSTITUTION OF COMMITTEE OF CREDITORS  
M/S. GOENKA DIAMOND AND JEWELS LIMITED  
CORPORATE DEBTOR**

**C.P.(IB) NO. 114/7/JPR/2019 ORDER DATED 09.12.2022**

**REVISED CONSTITUTION OF COMMITTEE OF CREDITORS BY INTERIM RESOLUTION PROFESSIONAL UNDER SECTION 21 (1) OF INSOLVENCY AND BANKRUPTCY CODE 2016 READ WITH REGULATION 17 (1) OF IBBI (INSOLVENCY RESOLUTION PROCESS FOR CORPORATE PERSONS) REGULATIONS, 2016.**

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Constitution of Committee of Creditors (hereinafter referred to as "CoC") under Section 21 (1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "Code") read with Regulation 17(1) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter referred to as "Regulations").

2. On receipt of certified copy of order on 12.12.2022, through mail from the Registrar of Hon'ble NCLT, Jaipur, the undersigned had caused the Public Announcement in terms of Regulation 6 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 in Form-A on 14.12.2022 in four newspapers viz.,

- (i) Free Press Journal (English)-Mumbai Edition (Maharashtra) : Where Corporate Office is located
- (ii) Navshakti ( Marathi)- Mumbai Edition (Maharashtra): Where Corporate Office is located
- (iii) Times of India ( English) – Jaipur Edition (Rajasthan) : Where Registered Office is located
- (iv) Dainik Navjyothi ( Hindi) – Jaipur Edition (Rajasthan) : Where Registered Office is located.

The last date for receipt of claims from all stakeholders has been mentioned as 26.12.2022 in terms of Regulation 6 (2) (c) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

3. The Orders dated 09.12.2022 passed by this Hon'ble Adjudicating Authority and the public announcement dated 14.12.2022 for uploading on the website of Insolvency & Bankruptcy Board of India (herein after referred to as "Board") i.e. <http://www.ibbi.gov.in/public-announcement.html>, were mailed to the Board at their notified Email Id: "[public.ann@ibbi.gov.in](mailto:public.ann@ibbi.gov.in)". The said public announcements have been duly uploaded/ shown on the website of the Board. Signed copy uploaded in IBBI website.

4. The said Public Announcement on Form A has also been uploaded in the website of the Corporate Debtor.

5. Pursuant to the Public Announcement dated 14.12.2022, claims from the Financial Creditors have been received. The claims have been verified examined and clarification / additional documents have been sought for, where so ever warranted, for verification of their claims. Pending receipt of some additional documents in proof of debt, claims of the said Financial Creditors have been provisionally admitted as on the date of submission of this Application before the Hon'ble NCLT.

6. On the basis of verification and admission of claim, the Committee of Creditors (CoC) has been constituted on 02.01.2023 comprising of above financial creditors. The details of the financial creditors forming part of CoC as on 02.01.2023, their respective claim amount, provisionally admitted claim amount, voting share and security interest is appended hereunder : (Amount in Rupees)

<b>S.No</b>	<b>Financial Creditor</b>	<b>Amount Claimed</b>	<b>Claim Admitted provisionally as on 02.01.2023</b>	<b>Voting Share as on 02.01.2023</b>
1	Punjab & Sind Bank	189,78,32,113.88	189,78,32,113.88	35.15
2	Alchemist Asset Reconstruction Company Limited	179,57,85,976.00	179,57,85,976.00	33.26
3	Punjab National Bank	103,88,88,226.89	103,88,88,226.89	19.24
4	Union Bank of India (E-Corporation Bank)	66,68,96,540.46	66,68,96,540.46	12.35
	<b>Total</b>	<b>539,94,02,857.23</b>	<b>539,94,02,857.23</b>	<b>100.00</b>

During the First meeting of Committee of Creditors held on 10.01.2023, the IRP informed the members of CoC that pending receipt of certain documents and clarifications from FCs as enumerated above and to meet the timelines specified by the provisions of Section 21 (1) of IBC, 2016 and Regulation 17 (1) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 to form the Committee of Creditors and to report to the Hon'ble NCLT of Constitution of Committee of Creditors and also to convene the First Meeting of CoC within 30 days from the date of commencement of CIRP, the claims submitted the Financial Creditors were "Provisionally" admitted for the full amount of claim, subject to receipt of the remaining documents and clarifications.

While agreeing to the fact that some of the FCs have not submitted full compliment of documents and other clarifications as advised by the IRP through mail and personal visits to the offices of the FCs, they were of the considered opinion that the provisions of IBC do not allow the admission of claims on “Provisional” basis.

The members of CoC also expressed apprehension that in view of Provisional admission of claims, the members of CoC may not be able to exercise voting rights on any resolutions proposed by the Interim Resolution Professional/ Resolution Professional, as the case may be including ratification of his appointment as IRP (earlier appointed by the erstwhile Corporation Bank) or to appoint the Resolution Professional or to replace the interim resolution professional by another resolution professional as the case may be in the First Meeting of CoC as required by the provisions of Section 22 (2) of IBC.

The members of CoC, they were unanimous in their opinion that any Resolution proposed by the Interim Resolution Professional in the CoC Meeting cannot be voted upon during the First Meeting of CoC unless the claims are duly “admitted” without any precondition, as per the provisions of the Code and Regulations made there under.

The CoC has, therefore, advised the IRP to admit the “Principal” amount in full and mention the “Normal Interest/Penal Interest/Other Expenses” under a separate column of “Claims under Verification” and arrive at the Voting Share of the Financial Creditors to take the process forward. In deference to the advise of the CoC, the IRP has recast the Voting Share of the CoC as under :

<b>Name of the Financial Creditor</b>	<b>Amount of claim submitted as on CIRP commencement date</b>	<b>Amount of claim Partially admitted (Principal Amount)</b>	<b>Amount of Claim under verification</b>	<b>Voting Share in %age</b>
<b>Alchemist ARC Limited</b>	<b>179,57,85,976.00</b>	<b>64,04,08,950.00</b>	<b>115,53,77,026.00</b>	<b>39.69</b>
<b>Punjab National Bank</b>	<b>103,88,88,226.89</b>	<b>44,77,75,427.59</b>	<b>59,11,12,799.30</b>	<b>27.75</b>
<b>Punjab &amp; Sind Bank</b>	<b>189,78,32,113.88</b>	<b>29,20,96,289.45</b>	<b>160,57,35,824.43</b>	<b>18.11</b>
<b>Union Bank of India</b>	<b>66,68,96,540.46</b>	<b>23,31,81,830.05</b>	<b>43,37,14,710.41</b>	<b>14.45</b>
<b>Total</b>	<b>539,94,02,857.23</b>	<b>161,34,62,497.09</b>	<b>378,59,40,360.14</b>	<b>100.00</b>

## **Security Interest :**

### **1. Punjab & Sind Bank :**

(a) A First charge, by way of hypothecation charge over entire stocks viz. Rough Diamond, Cut & Polished Diamonds, Jewellery lying at Company's workshop/showroom as well as outside on job order, book debts & other current assets of the company, both present & future, on pari passu basis with other Consortium member Banks.

(b) DA/DP Bills accompanied by relative export documents evidencing the shipment of cut and polished diamonds for export.

(c) First charge on pari passu basis along with consortium member banks with mortgaged Flat NO.4, 1st Floor, Mount Unique, Plot NO.62-A, Dr.G.D Marg. Peddar Road, Mumbai owned by M/s Goenka Export Pvt Ltd.(Presently known as M/s Goenka Diamond and Jewels Ltd)

(d) First charge on pari passu basis along with consortium member banks with mortgaged Plot No. 255/A Survey No.333(P) Surat SEZ, Sachin, GIDC, Taluka Choryasi Surat, Owned by M/s Goenka Export Pvt Ltd.(Presently known as M/s Goenka Diamond and Jewels Ltd.)

(e) First charge on pari passu basis along with consortium member banks with mortgaged property 1305, Pancharatana Opera House. Mumbai own by M/s. Goenka Diamond and Jewels Ltd

### **2.Alchemist Asset Reconstruction Company Limited**

**Primary :** Hypothecation charge over entire stocks of rough diamonds, cut and polished diamonds, jewellery lying at company's workshops, showroom as well as outside on job order, book debts and other current assets of the company, both present and future.

### **Collateral :**

(a) Equitable Mortgage of property located at Goenka House, Plot C-114 admeasuring 666.66 sq.yards and structure with ground floor along with a tin shed.

(b) Office No. 1305, 13<sup>th</sup> floor, Pancharatna Coop Housing Society, Mama Parmanand Marg, Opera House, Mumbai 400004. Cadastral No.1/1487 and 2/1487 admeasuring 842 sq.ft in the name of Goenka Diamond and Jewels Limited

(c) Open Land bearing S. No.34, Hissa No. 4 A,Village Ambashiv Badruk Badlapur (W) , Taluka Ambernath, District Thane 421503

(d) Leasehold property of land and buildings owned by borrower admeasuring about 1440 sq. mts located at plot no. 255/A, survey no. 333/P, Surat SEZ, Sachin GIDC Taluka Choryasi, Surat District.

(e) First pari passu charge on Ground plus three storied commercial building located at plot No.13, Municipal Corporation House No.14, Ward No.30,Khasra No.86,Street No.161,City Survey No.223, Market Area Block, Near Agrasen Square, CA Road, Nagpur, admeasuring about 8,359 sq.ft

### **3. Punjab National Bank**

No details of security provided in the claim form

### **4. Union Bank of India (Erstwhile Corporation Bank)**

#### **Primary :**

Pari Passu charge on hypothecation of stock and book debts

#### **Collateral :**

(a) Immovable property ground plus 3 storied commercial building located at 32 Market Area Block, Central Avenue Road, Nagpur owned by Goenka Diamond and Jewels Limited.

(b) Flat NO.4, 1st Floor, Mount Unique, Plot NO.62-A, Dr.G.D Marg. Peddar Road, Mumbai owned by M/s Goenka Export Pvt Ltd. (Presently known as M/s Goenka Diamond and Jewels Ltd)

(c) Plot No. 255/A Survey No.333(P) Surat SEZ, Sachin, GIDC, Taluka Coryasi Surat, Owned by M/s Goenka Export Pvt Ltd. (Presently known as M/s Goenka Diamond and Jewels Ltd.)

(d) Office No. 1305, Pancharatana Opera House. Mumbai own by M/s. Goenka Diamond and Jewels Ltd.



**Place: Mumbai**

**Date : 12.01.2023**

**Vishal Bidawatjika**  
**Interim Resolution Professional**  
**Goenka Diamond & Jewels Ltd**  
**Regn. No.: IBBI/IPA-001/P00125/**  
**2017- 18/10267**