

SCHEDULE II
FORM D
PROOF OF CLAIM BY FINANCIAL CREDITORS

(Under Regulation 18 of the Insolvency and Bankruptcy Board of India
(Liquidation Process) Regulations, 2016)

21-12-2023

To:

Shri. Anil Kumar Dubey,
13 Crooked Lane, Ajit Sen Bhawan,
4th Floor, Kolkata – 700 069.
Liquidator of Hindustan Controls and Equipment Private Limited
CIN NO: U51109WB2000PTC091319

From:

Small Industries Development Bank of India
Head Office at SIDBI Tower,
15, Ashok Marg,
Lucknow – 226 001.

Specialised Asset Recovery Branch Office at
756 – L, Overseas Tower, Anna Salai,
Opp. TVS, Chennai – 600 002.

Subject: Submission of proof of claim in respect of the liquidation of Hindustan Controls and Equipment Private Limited under the Insolvency and Bankruptcy Code, 2016.

Madam/Sir,

Small Industries Development Bank of India (SIDBI) hereby submits this proof of claim in respect of the liquidation of Hindustan Controls and Equipment Private Limited. The details for the same are set out below:



बैंक हिन्दी में पत्राचार का स्वागत करता है।

भारतीय लघु उद्योग विकास बैंक

चेन्नै क्षेत्रीय कार्यालय : ओवरसीज टॉवर्स, 756 एल, अण्णा सालै (टी.वी.एस. के सामने), चेन्नै - 600 002. दूरभाष : +91 44 - 6663 6057, फैक्स : +91 44 - 2852 0692

SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA

Chennai Regional Office : Overseas Towers, 756 L, Anna Salai (Opp. TVS), Chennai - 600 002. Tel. : 044 - 6663 6057, Fax : 044 - 2852 0692

Toll Free No. : 1800 22 6753

www.sidbi.in | www.sidbistartupmitra.in | www.udyamimitra.in

 @sidbiofficial  SIDBIOfficial

1.	<p>NAME OF FINANCIAL CREDITOR</p> <p>(IF AN INCORPORATED BODY PROVIDE IDENTIFICATION NUMBER AND PROOF OF INCORPORATION, IF A PARTNERSHIP OR INDIVIDUAL PROVIDE IDENTIFICATION RECORDS OF ALL THE PARTNERS OR THE INDIVIDUAL)</p>	<p>Small Industries Development Bank of India (SIDBI)</p> <p>(A Body Corporate constituted under the Small Industries Development Bank of India Act, 1989 (39 of 1989))</p>
2.	<p>ADDRESS AND EMAIL OF FINANCIAL CREDITOR FOR CORRESPONDENCE.</p>	<p>Head Office at SIDBI Tower, 15, Ashok Marg, Lucknow – 226 001.</p> <p>Specialised Asset Recovery Branch Office at 756 – L, Overseas Tower, Anna Salai, Opp. TVS, Chennai – 600 002.</p> <p>Email: sarb_chennai@sidbi.in.</p>
3.	<p>TOTAL AMOUNT OF CLAIM, INCLUDING ANY INTEREST, AS AT THE LIQUIDATION COMMENCEMENT DATE AND DETAILS OF NATURE OF CLAIM (WHETHER TERM LOAN, SECURED, UNSECURED)</p>	<p>Liquidation commencement date: 21st November, 2023</p> <p>TOTAL CLAIM: Rs. 1,52,15,081.00/- (Including cost and charges of Rs.9,29,056.00/-)</p> <p>PRINCIPAL : 35,78,983.00/- INTEREST : 1,07,07,042.00/- Cost and Charges : 9,29,056.00/-</p> <p>TOTAL CLAIM : Rs.1,52,15,081.00/- (Rupees One Crore Fifty-Two Lakhs Fifteen Thousand and Eighty-One Only) as on 21.11.2023</p> <p>Secured - Working Capital under SIDBI-IDBI Working Capital Arrangement Scheme</p>



4.	DETAILS OF DOCUMENTS BY REFERENCE TO WHICH THE DEBT CAN BE SUBSTANTIATED	<table border="1"> <thead> <tr> <th data-bbox="885 222 973 426">Doc. Serial No.</th> <th data-bbox="973 222 1252 426">Description of document</th> <th data-bbox="1252 222 1444 426">Date of execution of document</th> </tr> </thead> <tbody> <tr> <td data-bbox="885 426 973 630">1.</td> <td data-bbox="973 426 1252 630">Accepted Letter of Intent (LOI) of HCE Foods and Beverages Private Limited</td> <td data-bbox="1252 426 1444 630">07/05/2012</td> </tr> <tr> <td data-bbox="885 630 973 737">2.</td> <td data-bbox="973 630 1252 737">Board Resolution of the Corporate Debtor</td> <td data-bbox="1252 630 1444 737">07.05.2012</td> </tr> <tr> <td data-bbox="885 737 973 941">3.</td> <td data-bbox="973 737 1252 941">Hypothecation Agreement of HCE Foods and Beverages Private Limited</td> <td data-bbox="1252 737 1444 941">10/05/2012</td> </tr> <tr> <td data-bbox="885 941 973 1145">4.</td> <td data-bbox="973 941 1252 1145">Letter of Guarantee along with Deed of Guarantee of the Corporate Debtor</td> <td data-bbox="1252 941 1444 1145">10/05/2012</td> </tr> <tr> <td data-bbox="885 1145 973 1304">5.</td> <td data-bbox="973 1145 1252 1304">Declaration and Undertaking (Equitable Mortgage)</td> <td data-bbox="1252 1145 1444 1304">10/05/2012</td> </tr> <tr> <td data-bbox="885 1304 973 1406">6.</td> <td data-bbox="973 1304 1252 1406">Memorandum of Entry vide No. 345</td> <td data-bbox="1252 1304 1444 1406">Recorded on 11.05.2012</td> </tr> <tr> <td data-bbox="885 1406 973 1469">7.</td> <td data-bbox="973 1406 1252 1469">Revised Recall Notice</td> <td data-bbox="1252 1406 1444 1469">24.02.2017</td> </tr> <tr> <td data-bbox="885 1469 973 1576">8.</td> <td data-bbox="973 1469 1252 1576">Invocation of Corporate Guarantee</td> <td data-bbox="1252 1469 1444 1576">25/04/2017</td> </tr> <tr> <td data-bbox="885 1576 973 1639">9.</td> <td data-bbox="973 1576 1252 1639">Statement of Accounts</td> <td data-bbox="1252 1576 1444 1639">21/11/2023</td> </tr> </tbody> </table>	Doc. Serial No.	Description of document	Date of execution of document	1.	Accepted Letter of Intent (LOI) of HCE Foods and Beverages Private Limited	07/05/2012	2.	Board Resolution of the Corporate Debtor	07.05.2012	3.	Hypothecation Agreement of HCE Foods and Beverages Private Limited	10/05/2012	4.	Letter of Guarantee along with Deed of Guarantee of the Corporate Debtor	10/05/2012	5.	Declaration and Undertaking (Equitable Mortgage)	10/05/2012	6.	Memorandum of Entry vide No. 345	Recorded on 11.05.2012	7.	Revised Recall Notice	24.02.2017	8.	Invocation of Corporate Guarantee	25/04/2017	9.	Statement of Accounts	21/11/2023
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5.	DETAILS OF ANY ORDER OF A COURT OR TRIBUNAL THAT HAS ADJUDICATED ON THE NON-PAYMENT OF DEBT	Not Available																														



6.	DETAILS OF HOW AND WHEN DEBT INCURRED	HCE Foods and Beverages Private Limited (Borrower) has completely stopped making payment towards the interest and principal repayment and the loan account of the Borrower became NPA on 27/03/2013. The Corporate Debtor, Hindustan Controls & Equipment Private Limited has given a Corporate Guarantee for the working capital limit availed by the Borrower herein to SIDBI and has also mortgaged two of its immovable properties as mentioned in sl. no. 8 for the Working Capital limit availed by the Borrower herein to SIDBI. SIDBI invoked the Corporate Guarantee of the Corporate Debtor herein on 25/04/2017.
7.	DETAILS OF ANY MUTUAL CREDIT, MUTUAL DEBTS, OR OTHER MUTUAL DEALINGS BETWEEN THE CORPORATE DEBTOR AND THE FINANCIAL CREDITOR WHICH MAY BE SET-OFF AGAINST THE CLAIM	Not Applicable
8.	DETAILS OF ANY SECURITY HELD, THE VALUE OF THE SECURITY, AND THE DATE IT WAS GIVEN	<p>i) First charge by way of mortgage of all those piece and parcel of land immovable property admeasuring 33 Satak situated at Mouza Orgram, LR Khatian No. 4757, Dag No. 5050/5088, JL No. 11, PO & Vill. Orgram, PS Bhatar, District Burdwan, West Bengal together with all building and structures thereon and plant and machinery attached to earth or permanently fastened to anything attached to earth.</p> <p>ii) First charge by way of mortgage of all those piece and parcel of land immovable property admeasuring 90.75 Satak situated at Mouza Orgram, JL No.11, R. S. Khatian No. 4792, Plot</p>



		No. 5050/5088, LR Khatian No. 1455 within the Jurisdiction of the Orgram Gram Panchayat, PS Bhatar, District Burdwan, West Bengal together with all building and structures thereon and plant and machinery attached to earth or permanently fastened to anything attached to earth.
8A.	WHETHER SECURITY INTEREST RELINQUISHED	NOT RELINQUISHED
9.	DETAILS OF ANY ASSIGNMENT OR TRANSFER OF DEBT IN HIS FAVOUR	NA
10.	DETAILS OF THE BANK ACCOUNT TO WHICH THE FINANCIAL CREDITOR'S SHARE OF THE PROCEEDS OF LIQUIDATION CAN BE TRANSFERRED	Beneficiary Name: Small Industries Development Bank of India (SIDBI) Beneficiary A/c no.: 37812235926 Beneficiary Bank Name: State Bank of India Beneficiary's Bank Branch: SME Anna Salai, Chennai IFSC Code: SBIN0070644
11.	LIST OUT AND ATTACH THE DOCUMENTS RELIED ON IN SUPPORT OF THE CLAIM.	As mentioned in Sl. No. 4.

Signature of financial creditor or person authorized to act on his behalf.


कृते भारतीय लघु उद्योग विकास बैंक
For SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA

सहायक महाप्रबंधक / Asst. General Manager

(Pravin Kumar)

ASSISTANT GENERAL MANAGER, SPECIALISED ASSET RECOVERY BRANCH (SARB),
756 – L, OVERSEAS TOWERS, ANNA SALAI, OPP.TVS, CHENNAI – 600 002.




P. JAYARAMAN, B.A., B.L.,
ADVOCATE & NOTARY PUBLIC
EGMORE COURT ADVOCATES
ASSOCIATION, CH-600 008.
Cell: 94440 11605

AFFIDAVIT

I, Pravin Kumar, Asst. General Manager, Specialised Asset Recovery Branch (SARB), SIDBI, 756-L, Overseas Towers, Anna Salai, Opp to TVS, Chennai-600002, do solemnly affirm and state as follows:

1. The above-named corporate debtor was, at the liquidation commencement date, that is, the 21st day of November 2023 and still is, justly and truly indebted to SIDBI in the sum of **Rs.1,52,15,081.00/-**.
2. In respect of the claim of the said sum or any part thereof, SIDBI has relied on the documents specified below:
As mentioned in Sl. No.4.
3. The said documents are true, valid, and genuine to the best of my knowledge, information and belief.
4. In respect of the said sum or any part thereof, I have not, nor have my partners or any of them, nor has any person, by my/our order, to my/our knowledge or belief, for my/our use, had or received any manner of satisfaction or security whatsoever, save and except the following:
- NOT APPLICABLE

Solemnly, affirmed at Chennai,

On the 21st day of December 2023

Before me

कृते भारतीय लघु उद्योग विकास बैंक
For SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA
सहायक महाप्रबंधक / Asst. General Manager

Deponent's signature.

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/ Oath Commissioner.

P. Jayaraman
21/12/2023
**P. JAYARAMAN, B.A., B.L.,
ADVOCATE & NOTARY PUBLIC.
EGMORE COURT ADVOCATES
ASSOCIATION, CH-600 008.
Call: 94440 11605.**

VERIFICATION

I, the Deponent hereinabove, do hereby verify and affirm that the contents of para 1 to 4 of this affidavit are true and correct to my knowledge and belief. Nothing is false and nothing material has been concealed therefrom.

Verified at Chennai on this 21st day of December 2023.



P. Jayaraman
21/12/2023

**P. JAYARAMAN, B.A., B.L.,
ADVOCATE & NOTARY PUBLIC
EGMORE COURT ADVOCATES
ASSOCIATION, CH-600 008.
Cell: 94440 11605**

कृते भारतीय लघु उद्योग विकास बैंक
For SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA
सहायक महाप्रबंधक / Asst. General Manager

Deponent's signature.

FORM 8

Particulars for creation or modification of charge (other than those related to debentures) including particulars of modification of charge by asset reconstruction companies in terms of Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFASI)

[Pursuant to sections 125, 127, 130, 132 and 135 and Pursuant to section 600 read with 125, 127, 130, 132 and 135 of the Companies Act, 1956]

Form Language English ihndi

Note - All fields marked in * are to be mandatorily filled.

1.(a) * Corporate identity number (CIN) or foreign company registration number of the company

(b) Global location number (GLN) of company

2.(a) Name of the company

(b) Address of the registered office or of the principal place of business in India of the company

(c) e-mail ID of the company

3. * This form is for Creation of charge Modification of charge

4. Charge identification (ID) number of the charge to be modified

Note : In case of modification of charge, the details to be provided in fields below should be in accordance with the status of the charge after the modification. Refer instruction kit for details.

5. (a) Whether charge is modified in favour of asset reconstruction company (ARC) or assignee Yes No

(b) Whether charge holder is authorised to assign the charge as per the charge agreement Yes No

6. (a) * Type of charge

A charge on:

- | | |
|--|---|
| <input type="checkbox"/> Uncalled share capital | <input type="checkbox"/> Calls made but not paid |
| <input checked="" type="checkbox"/> Immovable property | <input type="checkbox"/> Ship |
| <input type="checkbox"/> Any interest in immovable property | <input type="checkbox"/> Goodwill |
| <input type="checkbox"/> Book debts | <input type="checkbox"/> Patent, license under a patent |
| <input type="checkbox"/> Movable property (not being pledge) | <input type="checkbox"/> Trademark |
| <input type="checkbox"/> Floating charge | <input type="checkbox"/> Copyright or license under a copyright |
| <input type="checkbox"/> Others | |

(b) If others, specify

7.(a) *Whether consortium finance is involved Yes No

(b) *Whether joint charge involved Yes No

(c) *Number of charge holder(s)

Note : If more than one charge holder involved, name of charge holders, details of extent of charge particulars of property charged, amount secured to be provided in attachment.

8. Particulars of the charge holder (In case charge is modified in favour of ARC or assignee, enter particulars of ARC or assignee)

Category

If others, specify

CIN, in case charge holder or ARC or assignee is a company

Pre-fill

* Name

* Address Line I

Line II

* City

* State

* ISO country code

Country

* Pin code

* e-mail ID

9. * Nature, description and brief particulars of the instrument(s) creating or modifying the charge

10. * Date of the instrument creating or modifying the charge (DD/MM/YYYY)

11.(a) * Whether charge created or modified outside India Yes No

(b) In case of charge created or modified outside India on the property situated outside India, the date of receipt of the instrument(s) in india (DD/MM/YYYY)

12.(a) * Amount secured by the charge
(In case the amount is in foreign currency, rupee equivalent to be stated) (in Rs.)

(In case of modification of charge, enter the amount secured by the charge after such modification)

(b) Amount secured by the charge in words

(c) In case amount secured by the charge is in foreign currency, mention details

13. Brief particulars of the principal terms and conditions and extent and operation of the charge

(a) * Rate of interest

(b) *Terms of repayment

ON DEMAND

(c) *Margin

STOCKS 30%
BOOK DEBT 40%

(d) *Extent and operation of the charge

The charge operates as a first charge / extension of first charge on the movable and immovable properties of the company to secure the due repayment and discharge by the company to SIDBI of its Term Loan Limit of Rs.35 lakh, in addition to the existing term loans / loan limits aggregating Rs.165 lakh (Total Amount secured being Rs.200.00 lakh) together with all dues payable as per terms of sanction, as amended or to be amended or modified from time to time.

(e) Others

Extension of lien on FDR of Rs 10.00 lakh.
Demand Promissory Note (DPN) for Rs 35. 00 lakh

14. In case of acquisition of property, subjected to charge, furnish the details relating to the existing charge on the property so acquired

(a) Date of instrument creating or evidencing the charge (DD/MM/YYYY)

(b) Description of the instrument creating or evidencing the charge

(c) Date of acquisition of the property (DD/MM/YYYY)

(d) Amount of the charge (in Rs.)

(e) Particulars of the property charged

--

15. * Short particulars of the property or asset(s) charged (including complete address and location of the property)

(i) immovable properties admeasuring 33 satak situated at Mouja Orgram, LR Khatian No 4757, Dag No 5050/5088JL No.11, PO & Vill. Orgram. PS Bhatar. District Burdwan, West Bengal

(ii) immovable properties admeasuring 90.75 satak situate at Mouza Orgram, JL No 11.R S.Khatian No 4792,Plot No.5050/5088. LR Khatian No.1455 within the jurisdiction of the Ongram Gram Panchayat, PS Bhatar

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

(ix)

(x)

16. (a) * Whether any of the property or interest therein under reference is not registered in the name of the company

Yes No

(b) If yes, in whose name it is registered

17. Date of last modification prior to the present modification (DD/MM/YYYY)

18. Particulars of the present modification

(Please ensure that correct particulars are entered as the same shall be displayed in the certificate of modification of charge)

Attachments

List of attachments

1. * Instrument(s) of creation or modification of charge

Attach

Declaration HINDUSTAN CONTROLS.pdf
Letter of Intent0001.pdf

2. Instrument(s) evidencing creation or modification of charge in case of acquisition of property which is already subject to charge

Attach

3. Particulars of all joint charge holder

Attach

4. Optional attachment(s) - if any

Attach

Remove attachment

Verification

I confirm that all the information and particulars mentioned above are true and correct as per the company's record and as per the attached charge instrument(s) or document(s). A copy of the attached charge instrument(s) or document(s) is/ are available at the registered office or principal place of business in India of the company.

I have been authorised by the Board of directors' resolution number dated (DD/MM/YYYY) to sign and submit this form.

To be digitally signed by

Managing Director or director or manager or secretary (In case of an Indian company) or an authorised representative (In case of a foreign company)



Designation

Director identification number of the director or Managing Director; or Income-tax permanent account number (income-tax PAN) of the manager or authorised representative; or

Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

Verification

I/ we confirm that the attached charge instrument(s) or document(s) is/ are true copies of the original which is/are available with the charge holder and/ or assignee and all the information and particulars mentioned above are derived there from are concisely and corredted stated.

I/ we am/ are duly authorised to sign this form.

To be digitally signed by

* Designation

Charge holder 

To be digitally signed by

Designation

ARC or assignee


Certificate

It is hereby certified that I have verified the above particulars (including attachment(s)) from the records of

and found them to be true and correct. I further certify that all the required attachment(s) have been completely attached to this form.

Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or

Company secretary (in whole-time practice)



* Whether associate or fellow Associate Fellow

* Membership number or certificate of practice number

This eForm has been taken on file maintained by the registrar of companies through electronic mode and on the basis of statement of correctness given by the filing company.