

**DETAILED INVITATION FOR EXPRESSION OF INTEREST FOR
SUBMISSION OF RESOLUTION PLAN IN CASE OF M/s SOLO METAL
PRIVATE LIMITED (Under Corporate Insolvency Resolution Process)**

(Pursuant to Form G published on 09.10.2020)

M/s SOLO METAL PRIVATE LIMITED. (“Corporate Debtor”) was engaged in manufacturing of steel billets. Pursuant to the order of Hon’ble National Company Law Tribunal, Principal Bench New Delhi Bench (“NCLT”) dated 17-12-2019, corporate insolvency resolution process has been initiated with regard to the said corporate debtor under the provisions of the Insolvency and Bankruptcy Code, 2016 (“IBC”) and Mr Tarun Jaggi was appointed as Interim Resolution Professional and further Mr. Navjit Singh was appointed as New Interim Resolution Professional (IRP) as per Hon’ble NCLT Principal Bench order dated 16.03.2020 The Committee of Creditors (“CoC”) in exercise of its power under section 22(3) of the IBC, in 2nd meeting of CoC, held on 18-04-2020 approved the appointment of Mr. Ashok Kumar Dewan as the Resolution Professional (“RP”) of the corporate Debtor. Thereupon an application was filed by the CoC, before Hon’ble NCLT, for the appointment of undersigned as Resolution Professional in the captioned matter. Thereupon, on 20-05-2020 Hon’ble NCLT has allowed the application and appointed the undersigned as the Resolution Professional in this matter.

Resolution Plan is invited under section 25(2)(h) of the IBC and Regulation 36 A of the IBBI (Insolvency Resolution Process for corporate Persons) Regulations, 2016, from the prospective investors, lenders and other persons for M/s SOLO METAL PRIVATE LIMITED considering it an investment/business opportunity.

A. Brief about the Company

SOLO METAL PRIVATE LIMITED is a Private limited company incorporated under the Companies Act 1956 (bearing CIN: U74899DL1995PTC067306}, having registered office at PU-108 PITAMPURA, DELHI-110034, INDIA.

"SOLO METAL PRIVATE LIMITED" was engaged in the manufacturing of steel billets. The major raw materials required for manufacturing steel billet are mild steel scrap, sponge iron and chemicals / alloy metals. Since the promoters were in steel scrap trading, they leverage their contacts for raw material procurement and get cheaper rates than most other competitors. The major suppliers of scrap are local scrap traders and importers. Scrap is mainly imported from Middle East, USA, European Countries etc. The procurement time is less than a week. The sponge iron is mainly be procured from steel mills of Chhattisgarh and Bellary such as Monet Ispat, Raipur; Sunwick, Mahindra Iron and Sponge, Indian Power and Ispat, and Hare Krishna Metals. Alloy chemicals are available through the local Traders. The location of the unit offers advantage with respect to procurement of raw material due to proximity to Mumbai and Nava Sheva ports.

The management constitutes of a Board of Directors, details of which are as follows (powers of board of director’s suspended w.e.f. 17-12-2019 upon the initiation of Corporate Insolvency Resolution Process on admission of the insolvency petition by Hon’ble NCLT, New Delhi vide its order dated 17-12-2019)

The Company has two Directors on the Board:

Name	Designation	Date of appointment	DIN
Mr. Jawahar Singh Saroha	Director	29/05/2006	00671541
Mr. Saket Saroha	Director	26/10/2007	01816090

Project Profile

The Company has their registered office at PU 108, Pitampura, New Delhi-110034 and Corporate & administrative office at Office No. 509, 5th floor, Avior, Nirmal Galaxy, L B S Marg, Mulund West, Mumbai 400080. The factory admeasuring about approx. 2 acres (9000 sq. mtrs) is set up at S. No. 6 / 10, H. No. 8 (P), S No. 6 / 9, H No. 7, S. No. 6, H No. (9) 7 (pt), 6 / 1, S No. 46, H No. 2 (pt), Village Vasuri khurd, Bharat Fertilizer Road, Taluka Wada, District Palghar.

They are engaged in manufacturing of steel Billets and has a production capacity of approx.180 tons of steel billets per day. The Company has purchases raw material both locally and imported. Its sales are majorly domestic. There are 8-10 customers constituting Rolling Mills and Traders. There are around 25-30 suppliers of Raw Material.

- The revenues & profit (losses) for last 3 years is as follows:

Amount in Rs. Lakhs				
S. No	Particulars	31 st March 2017	31 st March 2018	31 st March 2019
I.	Revenue from operations	23,325.05	20,153.74	14,863.77
II.	Other Income	8.51	-	1.83
	Total Revenue	23,333.56	20,153.74	14,865.60
	Profit/(Loss) before tax for the year	57.39	20.24	(3,803.90)

- The claims of the financial creditors as admitted are for Rs. 24,92,06,867

B. Eligibility Criteria as approved by the Committee of creditors (CoC) u/s 25(2)(h) of the Code

Minimum Eligibility Criteria for resolution applicants (Singly, Jointly or in consortium) to approach the Resolution Professional (“RP”) with Resolution Plan is: -

For Body Corporates and Other Persons:

- Minimum Net worth of INR 2 crores as on 31.3.2019 supported by Documentary Evidence.

For Funds/PE Investors/Financial Institutions:

- Minimum Assets under Management or Funds Deployed or Committed funds available for investment of INR 100 crores as on 31.03.2019.

The Prospective Resolution Applicants (PRAs) must submit the following undertakings/ documents in this regard

- The complete documents evidencing the above eligibility criteria. The documents must include the latest audited financial statements (Balance sheet & Profit & loss account), CA certified net worth statement accompanied by the proof of ownership of the properties / assets & liabilities mentioned therein along-with the relevant valuation report from registered valuer.
- An undertaking that it meets the eligibility criteria set by the CoC.
- The documents should be emailed to insolvency@arck.in or sent by the speed post / registered post or in person to the corporate office of the undersigned.

C. Ineligibility norms u/s 29A of the Insolvency Bankruptcy Code,2016

The PRAs eligibility will be subject to the provisions of Insolvency Bankruptcy Code, 2016 and also to any upcoming judgements or amendments Insolvency Bankruptcy Code, 2016. The PRAs can refer *Annexure 1 given below* for the ineligibility norms u/s 29A of the IBC, 2016. The PRAs must submit the following undertakings/ documents in this regard-

- i. An undertaking that it does not suffer from any ineligibility under Sec 29A of the Insolvency Bankruptcy Code, 2016.
- ii. An undertaking that it shall intimate the Resolution Professional forthwith if it becomes ineligible at any time during the corporate insolvency resolution process.
- iii. Relevant information and records to enable an assessment of ineligibility as mentioned below. The documents must include the KYCs of all the PRAs & their connected parties, KYCs of all partner / director / Key managerial persons of the PRAs / connected parties, Complete details of subsidiaries / associates / affiliates companies or firms or any other business concern, details of the companies or firms or any other business interest outside India, the passports, if any, besides the Indian passport etc. The PRAs must also submit the detailed family tree of each of the member / director/ partner. The directors, if any, must disclose the companies in which they are directors / have been directors in last two years or hold beneficial interest / controlling interest in any company / firm / trust / any other business interest in India or outside India. The Resolution Professional / CoC reserves the right to call for any information documents pertaining to PRAs which it may deem necessary.

D. Timelines

- Date of publication of form G is 09-10-2020
- Date of issue of this detailed invitation for expression of interest is 09-10-2020.
- The Last date for submission of EOI is 26-10-2020.
- Date of issue of provisional list of prospective resolution applicants is 29-10-2020.
- Last date for submission of objections to provisional list is 02-11-2020
- Date of issue of final list of prospective resolution applicants is 05-11-2020
- Date of issue of information memorandum, evaluation matrix and request for resolution plans to prospective resolution applicants is 02-11-2020
- Last Date for submission of Resolution Plan is 02-12-2020

Please note that the expression of interests (EOIs) shall reach the undersigned latest by 26-10-2020. The EOIs received after the stipulated time would not be considered.

Earnest Money Deposit (EMD)

All PRA's shall provide an interest free refundable Earnest Money Deposit ("EMD") of INR 25,00,000/- (Rupees Twenty-Five Lakh Only) in the form of a direct deposit in the designated bank account **along with their Resolution Plan**. The EMD of Successful Applicant shall be adjusted as part of Applicant Contribution / resolution plan consideration while the EMD of other PRAs would be returned within a reasonable time.

E. Other documents / undertaking

The PRAs must also submit the following documents / undertakings along with the EOI:

- i. An undertaking that every information and records provided in the expression of interest is true and correct and discovery of any false information or record at any time will render the applicant ineligible to submit resolution plan, forfeit any refundable deposit, and attract penal action under the Insolvency Bankruptcy Code, 2016.
- ii. An undertaking to the effect that it shall maintain confidentiality of the information and shall not use such information to cause an undue gain or undue loss to itself or any other person and comply with the requirements under section 29(2) of Insolvency Bankruptcy Code, 2016.

Please find attached the format of the undertakings in the Annexure 2 of this document.

F. Other Terms

- i. The EOIs must be unconditional. The conditional EOIs will not be considered.
- ii. The Resolution professional reserves the right to call for any clarification or additional information or document from the PRAs for conducting the due diligence. The Resolution may avail the services of the professional agencies for conducting the due diligence and the PRAs must cooperate with them for the same.
- iii. The Resolution Professional (RP) may extend the last date for submission of EOIs and the decision of the RP in this regard will be final and binding on all.
- iv. Post closure of the window for submission of the EOIs, the Resolution professional shall issue a provisional list of eligible PRAs within ten days of the last date of the submission of the EOIs to the committee of creditors and to all PRAs who submitted the EOI.
- v. Any objection to inclusion or exclusion of a PRA in the provisional list may be made with supporting documents within five days from date of issue of provisional list.
- vi. On considering the objections received as above, the Resolution Professional shall issue the final list of PRAs within ten days of the last date of receipt of objections, to the CoC.
- vii. Post issue of the final list, a request for Resolution plan will be issued along with the Information Memorandum and Evaluation Matrix.

Note: 180 days of the ongoing CIRP of M/s Solo Metals Pvt Ltd are concluding on 20th November 2020. The dates beyond the said closure date are subject to extension from the Hon'ble NCLT.

Any developments/updates pertaining to process including Evaluation Matrix will be updated on the website i.e. www.arck.in

For submitting Resolution Plan or for any clarification with regard to inspection, terms and conditions and other details, please write to-

Ashok Kumar Dewan, Resolution Professional- M/s SOLO METAL PRIVATE LIMITED.
IP Reg No. IBBI/IPA-001/IP-P00603/2017-18/11054

Registered Detail with IBBI:

Add: B1/D2. IInd Floor, Mohan Cooperative Industrial Estate, New Delhi – 110044
E-mail: akdewan1001@gmail.com

For Correspondence:

Add: 409, 4th Floor, Ansal Bhawan, 16 K G Marg, Connaught Place, New Delhi 110001.
Tel: 011-45101111
E Mail Id: insolvency@arck.in

ANNEXURE 1- SECTION 29A OF INSOLVENCY & BANKRUPTCY, 2016

A person shall not be eligible to submit a resolution plan, if such person, or any other person acting jointly or in concert with such person—

(a) is an undischarged insolvent;

(b) is a wilful defaulter in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949 (10 of 1949);

(c) [at the time of submission of the resolution plan has an account,] or an account of a corporate debtor under the management or control of such person or of whom such person is a promoter, classified as non-performing asset in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949 (10 of 1949) [or the guidelines of a financial sector regulator issued under any other law for the time being in force,] and at least a period of one year has lapsed from the date of such classification till the date of commencement of the corporate insolvency resolution process of the corporate debtor:

Provided that the person shall be eligible to submit a resolution plan if such person makes payment of all overdue amounts with interest thereon and charges relating to non-performing asset accounts before submission of resolution plan:

[Provided further that nothing in this clause shall apply to a resolution applicant where such applicant is a financial entity and is not a related party to the corporate debtor.

Explanation I.- For the purposes of this proviso, the expression "related party" shall not include a financial entity, regulated by a financial sector regulator, if it is a financial creditor of the corporate debtor and is a related party of the corporate debtor solely on account of conversion or substitution of debt into equity shares or instruments convertible into equity shares 5[or completion of such transactions as may be prescribed], prior to the insolvency commencement date.

Explanation II.— For the purposes of this clause, where a resolution applicant has an account, or an account of a corporate debtor under the management or control of such person or of whom such person is a promoter, classified as non-performing asset and such account was acquired pursuant to a prior resolution plan approved under this Code, then, the provisions of this clause shall not apply to such resolution applicant for a period of three years from the date of approval of such resolution plan by the Adjudicating Authority under this Code;]

(d) has been convicted for any offence punishable with imprisonment –

(i) for two years or more under any Act specified under the Twelfth Schedule; or

(ii) for seven years or more under any law for the time being in force:

Provided that this clause shall not apply to a person after the expiry of a period of two years from the date of his release from imprisonment:

Provided further that this clause shall not apply in relation to a connected person referred to in clause(iii) of Explanation I];

(e) is disqualified to act as a director under the Companies Act, 2013 (18 of 2013):

[Provided that this clause shall not apply in relation to a connected person referred to in clause (iii) of Explanation I;]

(f) is prohibited by the Securities and Exchange Board of India from trading in securities or accessing the securities markets;

(g) has been a promoter or in the management or control of a corporate debtor in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and in respect of which an order has been made by the Adjudicating Authority under this Code:

[Provided that this clause shall not apply if a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place prior to the acquisition of the corporate debtor by the resolution applicant pursuant to a resolution plan approved under this Code or pursuant to a scheme or plan approved by a financial sector regulator or a court, and such resolution applicant has not otherwise contributed to the preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction;]

(h) has executed 4[a guarantee] in favour of a creditor in respect of a corporate debtor against which an application for insolvency resolution made by such creditor has been admitted under this Code 5[and such guarantee has been invoked by the creditor and remains unpaid in full or part];

(i) [is] subject to any disability, corresponding to clauses (a) to (h), under any law in a jurisdiction outside India; or

(j) has a connected person not eligible under clauses (a) to (i).

Explanation[I]. — For the purposes of this clause, the expression "connected person" means—

(i) any person who is the promoter or in the management or control of the resolution applicant; or

(ii) any person who shall be the promoter or in management or control of the business of the corporate debtor during the implementation of the resolution plan; or

(iii) the holding company, subsidiary company, associate company or related party of a person referred to in clauses (i) and (ii):

[Provided that nothing in clause (iii) of Explanation I shall apply to a resolution applicant where such applicant is a financial entity and is not a related party of the corporate debtor:

Provided further that the expression "related party" shall not include a financial entity, regulated by a financial sector regulator, if it is a financial creditor of the corporate debtor and is a related party of the corporate debtor solely on account of conversion or substitution of debt into equity shares or instruments convertible into equity shares [or completion of such transactions as may be prescribed], prior to the insolvency commencement date;]

[Explanation II—For the purposes of this section, "financial entity" shall mean the following entities which meet such criteria or conditions as the Central Government may, in consultation with the financial sector regulator, notify in this behalf, namely:—

(a) a scheduled bank;

(b) any entity regulated by a foreign central bank or a securities market regulator or other financial sector regulator of a jurisdiction outside India which jurisdiction is compliant with the Financial Action Task Force Standards and is a signatory to the International Organisation of Securities Commissions Multilateral

Memorandum of Understanding;

(c) any investment vehicle, registered foreign institutional investor, registered foreign portfolio investor or a foreign venture capital investor, where the terms shall have the meaning assigned to them in regulation 2 of the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2017 made under the Foreign Exchange Management Act, 1999 (42 of 1999);

(d) an asset reconstruction company register with the Reserve Bank of India under section 3 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);

(e) an Alternate Investment Fund registered with Securities and Exchange Board of India;

(f) such categories of persons as may be notified by the Central Government.]

ANNEXURE 2- UNDERTAKINGS

(On the letterhead of the PRA)

CONFIDENTIALITY UNDERTAKING

Under regulation 36(4) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016

Dated

To,
Mr. Ashok Kumar Dewan
Resolution Professional- Solo Metals Private Limited

This confidentiality undertaking has been signed by _____, a prospective resolution applicant (PRA), having its office at _____ acting through Mr./Ms. _____, the authorized signatory/authorized representative in favour of Mr. Ashok Kumar Dewan, an Insolvency Professional having registration no. . IBBI/IPA-001/IP-P00603/2017-18/11054 on _____ day of _____, 2020.

WHEREAS Solo Metals Private Limited, a company registered under Companies, Act, 1956 (hereafter referred as "*corporate debtor*") is under Corporate Insolvency Resolution Process *vide* order passed by the Hon'ble NCLT, Principal Bench, New Delhi dated 17th December 2019 appointed Mr Tarun Jaggi as Interim Resolution Professional and further *vide* Hon'ble NCLT New Delhi order dated 16.03.2019 appointed Mr. Navjit Singh having registration no. IBBI/IPA-001/IP-N00314/2017-2018/10578 as New Interim Resolution Professional and subsequently on 20.05.2020 Hon'ble NCLT discharged Mr. Navjit Singh and appointed Mr. Ashok Kumar Dewan as Resolution Professional under Section 22 of the Insolvency and Bankruptcy Code, 2016 ("**Code**").

WHEREAS the RP has prepared information memorandum as per Section 29 (1) of the Code and Regulation 36 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 in respect of the corporate debtor ("Information Memorandum").

WHEREAS the RP is required to share the information memorandum after receiving an undertaking from prospective resolution applicant to the effect that such applicant shall maintain confidentiality of the information contained in the Information Memorandum and shall not use such information to cause an undue gain or undue loss to itself or any other person and comply with the requirements under Section 29(2) of the Code.

THEREFORE, the Prospective Resolution Applicant, _____ hereby declares and undertakes as follows:

1. that it will not divulge any part of the relevant information contained in the Information Memorandum of corporate debtor, prepared as per Section 29 (1) of the Code and Regulation 36 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and any other relevant information, as defined under Section 29(2) of the Code, through oral or written communication or through any mode to anyone and the same shall constitute “**Confidential Information**”.
2. That it unconditionally and irrevocably undertakes and declares that
 - a) the Confidential Information shall be kept confidential and shall be used solely as allowed under the Code;
 - b) he/she/it shall not use the Confidential Information to cause any undue gain or undue loss to itself or any other person;
 - c) he/she/it shall comply with all provisions of law (applicable to it) for the time being in force relating to confidentiality and insider trading in relation to such Confidential Information;
 - d) he/she/it shall protect any intellectual property of the corporate debtor which it may have access to which is provided or made available by the RP; and
3. Notwithstanding anything to the contrary contained herein, the following information shall however not be construed as Confidential Information
 - a) information which, at the time of disclosure to the resolution applicant, was already in the public domain;
 - b) information which, after disclosure to the resolution applicant, becomes publicly available without any breach of this confidentiality undertaking;
 - c) information which was in the possession of the resolution applicant prior to its disclosure, as evidenced by the records of the resolution applicant;
 - d) information that is received by the resolution applicant from a third party which is not in breach of its confidentiality obligations hereunder; and
 - e) information that is required to be disclosed by the resolution applicant (and to the extent required to be disclosed) pursuant to the requirements of applicable laws, or order of a judicial, regulatory or administrative authority or the guidelines of regulatory/administrative authority or stock exchange.
4. Nothing in this confidentiality undertaking shall have the effect of limiting or restricting any liability arising as a result of fraud or wilful default.
5. The resolution applicant hereby represents and warrants that it has the requisite power and authority to execute, deliver and perform its obligations under this confidentiality undertaking.

6. This confidentiality undertaking and any dispute, claim or obligation arising out of or in connection with it shall be governed by and construed in accordance with Indian laws and the courts at New Delhi shall have exclusive jurisdiction over matters arising out of or relating to this confidentiality undertaking.

Signed on behalf of

by Mr _____

(Name and Designation)

Authorised Signatory

(On the letterhead of the PRA)

To,

Mr. Ashok Kumar Dewan

Resolution Professional: Solo Metals Private Limited

Re.: Disclosure of eligibility criteria approved by CoC under section 25(2)(h) of the Insolvency and Bankruptcy Code, 2016

Dear Sir,

I hereby submit this declaration for **SOLO METALS PRIVATE LIMITED** under 36A(7)(a) Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Person) Regulations, 2016. We hereby undertake that:

- a) It meets the criteria specified by the COC under the clause (h) of sub-section (2) of section 25 of provisions of the Insolvency and Bankruptcy Code, 2016 and as mentioned in the detailed invitation to submit expression of interest of the Corporate Debtor dated October 9th 2020;
- b) It shall intimate the Resolution Professional forthwith if it becomes ineligible at any time during the Corporate Insolvency Resolution Process;
- c) Every information and records provided in the expression of interest is true and correct and discovery of any false information or record at any time will render the applicant ineligible to submit the resolution plan, forfeit any refundable deposit and attract penal action under the Insolvency and Bankruptcy Code, 2016.

SIGNED BY/ON BEHALF OF

(Name and Designation)

Authorized Signatory

UNDERTAKING UNDER REGULATION 36A (7)(C)

Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons)

Regulations 2016

[in case of a consortium, to be submitted by each member]

Dated

To,
Mr. Ashok Kumar Dewan
Resolution Professional: Solo Metals Private Limited

I,.....son of/ daughter of....., aged about years, currently residing at..... and having Aadhaar / Passport number....., on behalf of..... having registered office at (“**Applicant**”), pursuant to authorization of the Board of Directors of the Applicant dated (as enclosed herewith) undertake that

1. That I am duly authorized and competent to make the undertaking for and on behalf of the Applicant in terms of resolution of its board of directors/ power of attorney dated The said document is true, valid and genuine to the best of my knowledge, information and belief.
2. That the Applicant or any person acting jointly with the Applicant or in concert with Applicant or any person who is a ‘connected person’ (as defined under the Insolvency and Bankruptcy Code, 2016 (“**Code**”))
 - i. is not an undischarged insolvent;
 - ii. is not a willful defaulter in accordance with the guidelines of Reserve Bank of India (“**RBI**”) issued under the Banking Regulation Act, 1949 (the “**BR Act**”);
 - iii. at the time of submission of the resolution plan does not: (i) have an account which has been classified as non-performing asset in accordance with the guidelines of the RBI under the BR Act or the guidelines of a financial sector regulator issued under any other law for the time being in force, and (ii) controls or manages or is the promoter of a corporate debtor whose account has been, classified as non-performing asset in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949 or the guidelines of a financial sector regulator issued under any other law for the time being in force; and such classification has continued for a period of one year or more from the date of such classification till the date of commencement of the corporate insolvency resolution process of the Corporate Debtor⁶;
 - iv. has not been convicted for any offence punishable with imprisonment:
 - a. for 2 (two) years or more under any act specified under the twelfth schedule of Code;
 - b. for seven years or more under any law for the time being in force.⁷
 - v. has not been disqualified to act as a director under the Companies Act, 2013;
 - vi. has not been prohibited by Securities and Exchange Board of India from trading in securities or accessing the securities markets;

- vii. has not been a promoter or in the management or control of a corporate debtor (as per the Code) in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and in respect of which an order has been made by the National Company Law Tribunal or any other bench of the National Company Law Tribunal under the provisions of the Code;
 - viii. has not executed a guarantee in favour of creditor(s), in respect of a corporate debtor (as per the Code) which is under insolvency resolution process or liquidation under the Code and such guarantee has been invoked by the creditor and remains unpaid in full or part;
 - ix. has not been subject to any disability, corresponding to clauses (i) to (viii) above, under any law in a jurisdiction outside India.
 - x. Does not has a connected person who is not eligible under clause (i) to (ix)
3. That the Applicant unconditionally and irrevocably agrees and undertakes that it shall make full disclosure in respect of itself and all its connected persons as per the provisions of the Code and the rules and regulations framed thereunder to submit a resolution plan and that it shall provide all documents, representations and information as may be required by the RP or the CoC to substantiate to the satisfaction of the RP and the CoC that the Applicant is eligible under the Code and the rules and regulations thereunder to submit a resolution plan in respect of the Corporate Debtor.
 4. That the Applicant unconditionally and irrevocably undertakes that it shall provide all data, documents and information as may be required to verify the statements made under this undertaking.
 5. That the Applicant agrees that the RP is entitled to rely on the statements and affirmations made in this undertaking for the purposes of determining the eligibility of the Applicant.
 6. That in the event any of the above statements are found to be untrue or incorrect, then the Applicant unconditionally agrees to indemnify and hold harmless the RP against any losses, claims or damages incurred by the RP on account of such ineligibility of the Applicant.
 7. That the Applicant agrees and undertakes to disclose/inform forthwith, to the RP, if the Applicant becomes aware of any change in factual information in relation to it or its connected person (as defined under the Code) which would make it ineligible under any of the provisions of Section 29A of the Code at any stage of the corporate insolvency resolution process of the Corporate Debtor, after the submission of this undertaking.
 9. That if, at any time after the submission of this undertaking and before the approval of the Applicant's resolution plan by the Hon'ble Adjudicating Authority under the Code, the Applicant becomes ineligible to be a resolution applicant as per the provisions of the Code (and in particular Section 29A of the Code), the fact of such ineligibility shall be forthwith brought to the attention of the RP and the CoC.
 10. That this undertaking shall be governed in accordance with the laws of India and the courts of Delhi shall have the exclusive jurisdiction over any dispute arising under this undertaking.

DEPONENT