

ANNEXURE -II

**FORMAT FOR EXPRESSION OF INTEREST FOR ACQUISITION OF SALE
ASSETS OF NICCO CORPORATION LIMITED – IN LIQUIDATION**

(On the letter head of the Applicant)

Date: _____

To,
Mr. Vinod Kumar Kothari,
Liquidator
NICCO Corporation Limited – in Liquidation

Sub: **Expression of Interest (“EOI”) for Acquisition of Assets of NICCO Corporation Limited – in Liquidation**

Dear Sir,

In response to your public notice in [Insert the names of the newspaper and/or website] on [Insert date of the advertisement] inviting EOIs for acquisition of the assets of Nicco Corporation Limited (“the Company”), we hereby submit our EOI for the following Sale Assets of the Company –

- (i) _____
- (ii) _____
- (iii) _____

We have attached necessary information and documents as per the prescribed formats, without any deviations, conditions and without any assumptions or notes, published on the website at <http://vinodkothari.com/nicco-liquidation/>. Based on this information we understand you would be able to evaluate our preliminary proposal in order to qualify for the auction.

We understand that the selection of the applicant is the sole discretion of the Liquidator and that we shall not be entitled to question the selection, selection criteria, nor shall we be entitled to seek details of the manner of selection.

The details of the contact person for the purposes of this EoI are provided below:

Name:
Designation:
Address:
Phone Nos:
E-mail address:

Sincerely yours,

On behalf of the firm/company/organization:

Signature: _____
Name of signatory:

Designation:
Company Seal/stamp

Enclosures: (Annexures)

SUPPORTING DOCUMENTS TO BE ATTACHED WITH EOI

[Please write "NA" where the clause is Not Applicable]

1) Profile of the Applicant:

- a) General Profile: Provide a summary of the business, history and current status of the Applicant;
- b) Financial Profile (consolidated/standalone as applicable) – In case of companies, financial statements of the last 2 years, and in case of individuals, statement of assets and liabilities, and statement of income for the last 2 years.
- c) History, if any, of the Applicant or affiliates being declared a ‘willful defaulter’, non-cooperative borrower’, ‘impaired asset’ or ‘non-performing asset’ (Self- Declaration);
- d) Any other relevant details which would be useful for the Liquidator to evaluate the proposal and help to shortlist for the next stage in the process.

2) Legal Documents: Copies of Certificate of Registration and/ or Constitutional Documents of the Applicant;

3) Turnover: Last audited financial results of the Applicant(s) as per the qualification criteria;

4) Net worth/ assets under management (last 3 years);

5) Power of Attorney/ Authorisation/ Board Resolution;

6) Undertaking by the Applicant (*Format is provided below as Annexure- A*);

7) Declaration (*Format is provided below as Annexure B*); and

8) Proof of payment of Non-Refundable Fee

ANNEXURE- A

UNDERTAKING

We, _____, authorised person for [Name of the Applicant] (“**Applicant**”), undertake that the information furnished by the Applicant in the EOI for acquisition of the assets of NICCO Corporation Limited (“the Company”) and the Annexures are true, correct, complete, and accurate. Further, the Applicant undertakes, agrees and acknowledges that:

- (a) Applicant shall keep all information set out in the Information Sheet and/or furnished pursuant to the same as confidential;
- (b) Applicant shall not use any such information to cause an undue gain or undue loss to the Company or any other person;
- (c) Applicant shall protect the intellectual property rights of the Company in relation to all such information;
- (d) Applicant shall not share any such information with any third party including any representatives, without first ensuring that our obligations under this undertaking is complied with;
- (e) The Expression of Interest will be evaluated by the Liquidator of the Company based on the information provided in the Annexure to determine whether we qualify to submit a proposal for the proposed transaction;
- (f) The Liquidator reserves the right to determine at their sole discretion, whether or not we qualify for the submission of the proposal and may reject the Expression of Interest submitted by us without assigning any reason whatsoever;
- (g) The Liquidator reserves the right to request for additional information or clarification from us for the purposes of the Expression of Interest and we shall promptly comply with such requirements. Failure to satisfy the queries of the Liquidator may lead to rejection of our submission pursuant to Expression of Interest; and
- (h) Submission of Expression of Interest alone does not automatically entitle us to participate in the next stage of the bid process.

Date:

Place:

Signature:

ANNEXURE- B

DECLARATION

(To be provided by way of affidavit)

I, _____, S/o _____, residing at _____ do hereby declare that:

1. I have been authorised to submit the Expression of Interest for Acquisition of Assets of NICCO Corporation Limited-in Liquidation (“the Company”) on behalf of _____ vide Board Resolution dated _____, 2018, copy of which is enclosed;
2. I have read and understood all the terms and conditions relating to the formulation of the Expression of Interest and hereby express my interest in acquiring the Sale Assets of the Company on “AS IS WHERE IS AND WHATEVER THERE IS” basis;
3. The Applicant complies with the eligibility criteria as required for submission of Expression of Interest vide advertisement dated -----;
4. there are no proceedings pending or threatened, and there has been no penalty or fine imposed, by the Securities and Exchange Board of India, against the Applicant or the promoters or the directors of the Applicant;
5. there are no criminal proceedings pending or decreed against the Applicant;
6. there has been no action against the Applicant or promoters or directors of the Applicant by a regulatory or governmental authority;
7. neither the Applicant nor a subsidiary, affiliate, or holding company of, or any other person related to the Applicant is an existing promoter or belongs to the existing promoter group;
8. the Applicant is not acting on behalf of or, or at the behest of, or for the benefit of, any other person (hereinafter referred to as “the Beneficiary”), or has or proposes to have any agreement or understanding with the Beneficiary in relation to the asset(s) proposed to be acquired in terms of the EOI; [OR in case the Applicant has any Beneficiary, then give particulars of such Beneficiary]; and
9. the Applicant is ‘fit and proper’ person not under any legal disability or barred under Section 29A of the Insolvency and Bankruptcy Code, 2016 or any other provisions of any other law for the time being in force.

Date:

Place:

Signature: