

(On the letter head of the Applicant)

**EXPRESSION OF INTEREST FOR ACQUISITION OF SALE ASSET(S) OF
NICCO CORPORATION LIMITED – IN LIQUIDATION**

Date: _____

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

Sub: Expression of Interest for acquisition of Assets of NICCO Corporation Limited – in Liquidation

Dear Sir,

In response to your Invitation, vide 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 Expression of Interest [“**EOI**”] for the following Sale Assets of the Company –

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

[Add rows, if required]

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: As follows

SUPPORTING DOCUMENTS TO BE ATTACHED WITH EOI

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

1) General Details:

- a) Identity proof of the Applicant/legal documents: Aadhar Card/Pan Card/Voter Card/Passport, etc., copies of certificate of registration, constitutional documents, (as may be applicable);
- b) Power of attorney/ authorisation/ board resolution in favour of the person submitting the EOI on behalf of the Applicant;
- c) General profile of the Applicant, e.g., summary of the business, history and current status of the Applicant;
- d) Financial profile of the Applicant (consolidated/standalone as applicable) – In case of companies, audited 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.

2) **Affidavit** confirming eligibility under section 29A of the Code [*Refer Annexure-I*]

3) **Declaration/Undertaking** by the Applicant [*Refer Annexure – II*];

4) **Proof of payment of Non-Refundable Fee, where applicable**

ANNEXURE- I

[To be furnished in a stamp paper of appropriate value]

AFFIDAVIT STATING ELIGIBILITY U/S 29A

(Pursuant to Section 30(1) read with Section 35(1)(f) and Section 29A of the Insolvency and Bankruptcy Code, 2016)

[Use one of the below, according to suitability]

1) In case Applicant is an Individual:

I, Son/ Daughter/ Wife (strike-off, whichever is not applicable) of Shri aged years do hereby solemnly affirm and declare as follows:

- A. That I am an individual, residing at (Permanent Residential Address), PAN No. and Aadhar No., is competent to enter into contracts as per applicable laws.
- B. That I do hereby confirm and undertake that I am not ineligible as per Section 29A of the Insolvency and Bankruptcy Code, 2016, or any other applicable law, nor am I acting jointly or in concert with any ineligible person, in relation to the Sale Assets being acquired.
- C. That I further confirm that in case of any failure in complying with the undertaking mentioned in the preceding paragraph the Liquidator shall have the right to disallow participation in e-auction and also to take any legal action.
- D. That I further affirm to supply or make available to the Liquidator, such other or further information, undertaking or evidence as may be required by the Liquidator, from time to time.
- E. That the contents of the foregoing paragraphs of this Affidavit are true to my knowledge and belief.

.....Deponent

Witness:

- 1.
- 2.

OR

2) In case Applicant is a Company:

I,, Son/ Daughter/ Wife (strike-off, whichever is not applicable) of Shri....., aged.....years do hereby solemnly affirm and declare as follows:

- A. That I am one of the Director/ Managing Director of (Name of Company), having its Registered office at (Registered Office Address of the Company), hereinafter referred to as “**Applicant**”, which expression shall include its successors in interest and permitted assigns;
- B. That I have been duly authorized by the Applicant to submit the EOI on behalf of the Applicant and affirm the Affidavit, *vide* Board Resolution dated _____, 2018, copy of which is enclosed and thus, competent to do so;
- C. That I do hereby undertake, on behalf of the Applicant, that the Applicant is not ineligible as per Section 29A of the Insolvency and Bankruptcy Code, 2016, or any other applicable law, nor is it acting jointly or in concert with any ineligible person, in relation to the Sale Assets being acquired;
- D. That I further confirm that in case of any failure in complying with the undertaking mentioned in the preceding paragraph the Liquidator shall have the right to disallow participation in e-auction and also to take any legal action;
- E. That I further affirm to supply or make available to the Liquidator, such other or further information, undertaking or evidence as may be required by the Liquidator, from time to time;
- F. That the contents of the foregoing paragraphs of this Affidavit are true to my knowledge and belief.

.....Deponent

Witness:

- 1.
- 2.

OR

3) In case Applicant is a Partnership Firm/ LLP:

I,, Son/ Daughter/ Wife (strike-off, whichever is not applicable) of Shri....., aged.....years do hereby solemnly affirm and declare as follows:

- A. That I am one of the Partner/ Managing Partner of M/s..... (Name of Firm), a Partnership Firm/ LLP having its Head Office at (Address of Firm), hereinafter referred to as “**Applicant**”, which expression shall include its successors in interest and permitted assigns;
- B. That I have been duly authorized by the Applicant to submit the EOI on behalf of the Applicant and affirm the Affidavit, and thus competent to do so;
- C. That I do hereby undertake, on behalf of the Applicant, that the Applicant is not ineligible as per Section 29A of the Insolvency and Bankruptcy Code, 2016, or any other applicable law, nor is it acting jointly or in concert with any ineligible person, in relation to the Sale Assets being acquired;
- D. That I further confirm that in case of any failure in complying with the undertaking mentioned in the preceding paragraph the Liquidator shall have the right to disallow participation in e-auction and also to take any legal action;
- E. That I further affirm to supply or make available to the Liquidator, such other or further information, undertaking or evidence as may be required by the Liquidator, from time to time;
- F. That the contents of the foregoing paragraphs of this Affidavit are true to my knowledge and belief.

.....Deponent

Witness:

1.

2.

ANNEXURE- II

DECLARATION/UNDERTAKING

I/We, _____, authorised person for [Name of the Applicant] (“**Applicant**”), on behalf of the Applicant, undertake and declare that the information furnished by the Applicant in the EOI for acquisition of the assets of Nicco Corporation Limited – in liquidation (“**Company**”) is true, correct, complete, and accurate.

Further, the Applicant agrees, acknowledges, undertakes, and declares that:

1. all the terms and conditions of the Invitation has been read and understood by the Applicant, and the Applicant hereby expresses interest in acquiring the Sale Assets of the Company on “AS IS WHERE IS AND WHATEVER THERE IS” and “NO RECOURSE” basis;
2. 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;
3. there are no criminal proceedings pending or decreed against the Applicant;
4. there has been no action against the Applicant or promoters or directors of the Applicant by a regulatory or governmental authority;
5. 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;
6. 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];
7. the Applicant is ‘fit and proper’ person not under any legal disability or barred under Section 29A of the Code or any other provisions of any other law for the time being in force;
8. the Applicant shall keep all information set out in the Information Sheet and/or furnished pursuant to the same as confidential;
9. the Applicant shall not use any such information to cause an undue gain or undue loss to the Company or any other person;
10. the Applicant shall protect the intellectual property rights of the Company in relation to all such information;
11. the Applicant shall not share any such information with any third party including any representatives, without first ensuring that the obligations under this undertaking are complied with;

12. The EOI will be evaluated by the Liquidator of the Company based on the information provided by the Applicant to determine whether the Applicant qualifies for the proposed auction;
13. The Liquidator reserves the right to determine at their sole discretion, whether or not the Applicant qualifies for the proposed auction, and may reject the EOI submitted by the Applicant without assigning any reason whatsoever;
14. The Liquidator reserves the right to request for additional information or clarification from the Applicant for the purposes of the EOI and the Applicant shall promptly comply with such requirements. Failure to satisfy the queries of the Liquidator may lead to rejection of the EOI submitted by the Applicant; and
15. Submission of EOI alone does not automatically entitle the Applicant to participate in the next stage of the proposed sale.

Date:

Place:

Signature, with Seal: