

# INFORMATION MEMORANDUM

CA DHIREN S SHAH

# Information Memorandum

- Definition 5(10)

"information memorandum" means a memorandum prepared by resolution professional under sub-section (1) of section 29;

- Section 25(g) Duties of Resolution Professional

prepare the information memorandum in accordance with section 29;

- Section 29(1) Preparation of Information Memorandum

The resolution professional shall prepare an information memorandum in such form and manner containing such relevant information as may be specified by the Board for formulating a resolution plan.

- Section 30(1) Submission of Resolution plan

A resolution applicant may submit a resolution plan to the resolution professional prepared on the basis of the information memorandum.

# Information Memorandum

- **Regulation 36 (1)**

Subject to sub-regulation (4), the resolution professional shall submit the information memorandum in electronic form to-

- (a) each member of the committee within two weeks of his appointment as resolution professional; and
- (b) to each prospective resolution applicant latest by the date of invitation of resolution plan under clause (h) of sub-section (2) of section 25 of the Code.

- **Regulation 36 (4)**

The resolution professional shall share the information memorandum after receiving an undertaking from a member of the committee or a prospective resolution applicant to the effect that such member or resolution applicant 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 sub-section (2) of section 29.

# **INFORMATION MEMORANDUM OF ABC PRIVATE LIMITED**

**RESOLUTION PROFESSIONAL: CA DHIREN S SHAH**

**Address:**

**Email:**

**Contact no.:**

**Registration no.:**

# REGULATION 36(2) (a)

- assets and liabilities with such description, as on the insolvency commencement date, as are generally necessary for ascertaining their values.
- Explanation: 'Description' includes the details such as date of acquisition, cost of acquisition, remaining useful life, identification number, depreciation charged, book value, and any other relevant details.
- OLD 36(2) (a)  
assets and liabilities, as on the insolvency commencement date, classified into appropriate categories for easy identification, with estimated values assigned to each category

# **REGULATION 36(2) (a)**

- **PARTICULARS**
- **DATE OF ACQUISITION**
- **COST OF ACQUISITION**
- **REMAINING USEFUL LIFE**
- **DEPRECIATION**
- **BOOK VALUE**
- **LOCATION\*\***

# REGULATION 36(2) (a)

Particulars		Note	Amount
<b>ASSETS</b>			
<b>Non-current assets</b>			
	<b>Property, plant and equipment</b>		
	<b>Capital work-in-progress</b>		
	<b>Other Intangible assets</b>		
	<b>Financial assets</b>		
	<b>(i) Investments</b>		
	<b>(ii) Loans</b>		
	<b>(iii) Others</b>		
	<b>Deferred Tax Assets (Net)</b>		
	<b>Other non-current assets</b>		
	<b>Non Current Tax Assets</b>		

# REGULATION 36(2) (a)

Particulars		Note	Amount
<b>ASSETS</b>			
<b>Current assets</b>			
	<b>Inventories</b>		
	<b>Financial assets</b>		
	(i) Investments		
	(ii) Trade receivables		
	(iii) Cash and cash equivalents		
	(iv) Other bank balances		
	(iv) Loans		
	(v) Others		
	<b>Current tax assets (Net)</b>		
	<b>Other current assets</b>		
	<b>TOTAL ASSETS</b>		

# REGULATION 36(2) (a)

Particulars		Note	Amount
<b>EQUITY AND LIABILITIES</b>			
<b>Equity</b>			
	<b>Equity share capital</b>		
	<b>Other Equity</b>		
<b>LIABILITIES</b>			
<b>Non-current liabilities</b>			
	<b>Financial liabilities</b>		
	<b>(i) Borrowings</b>		
	<b>(ii) Other financial liabilities</b>		
	<b>Provisions</b>		
	<b>Deferred tax liabilities (Net)</b>		
	<b>Other non current liabilities</b>		

# REGULATION 36(2) (a)

Particulars		Note	Amount
<b>Current liabilities</b>			
	<b>Financial liabilities</b>		
	(i) Borrowings		
	(ii) Trade Payables		
	(iii) Other financial liabilities		
	<b>Government Grant</b>		
	<b>Provisions</b>		
	<b>Other current liabilities</b>		
	<b>Total Equity and Liabilities</b>		

# **REGULATION 36(2) (b) & (c )**

- **Latest Annual Financial Statement**
- **Audited Financial statements of the Corporate Debtor for last two financial years.**
- **Provisional financial statement for the current year made up to a date not earlier than fourteen days from the date of the application.**

# **REGULATION 36(2) (d)**

- **a list of creditors containing the names of creditors, the amounts claimed by them, the amount of their claims admitted and the security interest, if any, in respect of such claims;**
- **Creditors include,**
  - 1. Financial Creditor**
  - 2. Operational Creditor**
  - 3. A Workman or an Employee**
  - 4. Other Creditor except above**

# FINANCIAL CREDITOR

SR NO.	Name Of Financial Creditor	Amount Claimed	Amount Of Claim Admitted	% of Voting right based on claim admitted	Securities Held
--------	----------------------------	----------------	--------------------------	---	-----------------

- **Notes:**

1. **Claims received and admitted till date are included in the list.**
2. **List may change on subsequent verification / clarification.**
3. **Foreign Currency loans are converted into Rupees as per Regulation 15.**
4. **Amount verified and admitted on the basis of bank statement, backed by certificate under the Banker's book evidence Act, 1891 (as applicable), Consortium documents and corporate debtor's books of account as available.**
5. **Relevant documentation / clarification sought from Financial Creditors and the same are awaited.**

# Operational Creditor

SR No.	Name of the Creditor	Amount of claim without Interest	Interest claimed	Total Claim	Claim Admitted	Difference	Remarks
--------	----------------------	----------------------------------	------------------	-------------	----------------	------------	---------

## Notes:

- 1. Claims which are subject to dispute with various authorities and in such cases the amount as per the books of Corporate Debtor is considered as admitted claim subject to outcome of the dispute.**
- 2. Statutory claims which have been confirmed by Corporate Debtor are admitted.**
- 3. In Statutory claims, refund if any is not considered and net off is not done.**

# Regulation 36(2) (e) & (f)

- **particulars of a debt due from or to the corporate debtor with respect to related parties;**

Sr. No.	Name and Address of Related Party	Nature of Relationship	Detail of Transaction	Amount of Debt Involved	Amount of Interest (if any)	Total amount of Debt	Amount Due to / Due from Corporate Debtor
---------	-----------------------------------	------------------------	-----------------------	-------------------------	-----------------------------	----------------------	---

- **details of guarantees that have been given in relation to the debts of the corporate debtor by other persons, specifying which of the guarantors is a related party;**

Sr. No.	Name of the Financial Creditor to whom Guarantee has been issued	Nature and detail relating to transaction of the debt in respect of which guarantee has been given	Name of the Party extending the guarantee	Amount guaranteed by the party
---------	--	--	---	--------------------------------

# Regulation 36(2) (g) & (h)

- the names and addresses of the members or partners holding at least one per cent stake in the corporate debtor along with the size of stake;

Sr. No.	Name of the Member / Partner	Address of the Member / Partner	Number of shares held	Amount of Share Capital held in (Rs.)	Percentage of shareholding (%)
---------	------------------------------	---------------------------------	-----------------------	---------------------------------------	--------------------------------

- details of all material litigation and an ongoing investigation or proceeding initiated by Government and statutory authorities;

Sr. No.	Name of Government or Statutory authority which has initiated the material litigation / investigation / proceedings	Period Involved	Amount Involved	Penalty	Interest	Total	Details of material litigation/ investigation / proceedings
---------	---	-----------------	-----------------	---------	----------	-------	---

# Regulation 36(2) (i), (j), (k) & (l)

- the number of workers and employees and liabilities of the corporate debtor towards them;

Sr. No.	Name of the Worker / Employee	Designation	Address	Amount of dues	Amount admitted
---------	-------------------------------	-------------	---------	----------------	-----------------

- (j) & (k) are omitted w.e.f 31-12-2017.
- other information, which the resolution professional deems relevant to the committee.

# **OTHER INFORMATION**

- 1. Incorporation details**
- 2. Details of business activities of the Corporate Debtor**
- 3. Details of past performance and recent developments**
- 4. Details of offices / branches / and factories along with the name, address and contact details**
- 5. Details of Board of Directors and Key Managerial Persons**
- 6. Details of products / services and their competitiveness**
- 7. Details of Parent Company and Subsidiaries of Corporate Debtor (if any)**
- 8. Order book position of the Company**
- 9. Interim finance (if any) raised**

# **OTHER INFORMATION**

- 10. Corporate Guarantees given by Corporate Debtor for others including related parties.**
- 11. Litigations against and by Corporate Debtor other than those initiated against by Government and Statutory authorities**
- 12. Default in payment and return filing of Statutory Liabilities.**
- 13. Status of secretarial compliances**
- 14. Details of licenses if applicable and their renewals.**
- 15. Details of Insurance coverages and the status of the same**
- 16. Details of related parties/ their relation/ % of holding (if any)**
- 17. Contingent Liabilities not shown in claims (if any)**

• **Thank you**