

## **Important notice for suppliers of goods & services**

**DISCLAIMER:** The following questions and answers are intended to be provided for general information in relation to the Corporate Insolvency Resolution Process (“**CIRP**”) of Aircel Limited (“**AL**”), Aircel Cellular Limited (“**ACL**”) and Dishnet Wireless Limited (“**DWL**”) and may be updated from time to time. These may not be completely accurate in every circumstance, do not constitute or purport to constitute legal advice, and are not intended to be binding, in any manner, on any stakeholder, including the interim resolution professional (“**IRP**”). The IRP is neither making any representation through answers to these FAQs, nor takes any responsibility with respect to their accuracy, correctness or reliability. Any concern in relation to these FAQs, or otherwise relating to the provisions of Insolvency and Bankruptcy Code, 2016 along with rules & regulations framed there under (“**Code**”) and/ or your legal rights and obligations should be addressed to a lawyer and independent decision on the course of action, as may be appropriate, should be taken in consultation with your legal advisor. The contents of this note are based on the assumption that the claims to be made by the suppliers of goods and services shall be in the nature of operational debts (other than for workmen / employee dues) and debts which are neither operational nor financial debts:

<b>Corporate Debtor(s)</b>	<b>AL</b>	<b>DWL</b>	<b>ACL</b>
<b>Insolvency Commencement Date (“ICD”)</b>	12 March 2018 <sup>1</sup>	19 March 2018 <sup>2</sup>	19 March 2018 <sup>3</sup>
<b>Public Announcement(s) dated</b>	16 March 2018	30 March 2018	30 March 2018
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<b>Registration Number of IRP:</b>	IBBI/IPA-001/IP-P00261 /2017-18/10490		

### **FREQUENTLY ASKED QUESTIONS (FAQs) FOR SUPPLIERS OF GOODS & SERVICES:**

#### **1. What is process of filing claims? What documents need to be submitted?**

Please refer to the below mentioned guidelines as per the Insolvency and Bankruptcy Board of India for the submission of your claim.

The forms for submission of proof of claims can be downloaded from the website <http://www.ibbi.gov.in/downloadform.html> (Forms under the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016) and also at below links:

- **Form B** – proof of claim by operational creditors (if claim is with respect to provision of goods or services or a debt in respect of repayment of dues arising under any prevalent law, except workmen and employees)
- **Form F** – proof of claim by creditors (Other than financial creditors and operational creditors).

Please note that the forms submitted from April 1, 2018 onwards should be in the formats prescribed under the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2018.

<sup>1</sup> Order issued on NCLT website on 14 March 2018

<sup>2</sup> Order issued on NCLT website on 28 March 2018

<sup>3</sup> Order issued on NCLT website on 28 March 2018

You are requested to submit your proof of claim in the applicable form, dependant on the basis of the nature of claim, along with below list of illustrative documents which may be submitted to prove the existence of claim:

**Operational Creditor –**

- Authorized contract / purchase order for the supply of goods and/or services;
- Proof of delivery/ work completion certificate;
- Invoices demanding payment for the goods and services supplied;
- Ledger statement of Corporate Debtor in your books indicating outstanding receivables/financial accounts;
- Order of a court or tribunal that has adjudicated upon the non-payment of a debt, if any.

**Other Creditors:**

- Documentary evidence demanding satisfaction of the claim;
- Bank statements of the creditor showing non-satisfaction of the claim;
- Order of a court or tribunal that has adjudicated upon the non-satisfaction of claim, if any.

You are requested to submit proofs of your claim to the Interim Resolution Professional (“IRP”) for the applicable Corporate Debtor at the communication address given above in person, by post or by electronic means.

The proof of claims is to be submitted by way of specified forms, along with affidavit/declaration (witnessed by a notary or oath commissioner) (as the case may be) and relevant documentary proof in support of the claim, as prescribed under Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

**2. What is the value of the stamp paper on which the affidavit/declaration is to be prepared?**

Please use a stamp paper of appropriate value as in accordance with the applicable Stamp Act in the state of execution.

**3. Should the affidavit/declaration be notarised by us?**

Please get the affidavit/declaration notarised by a registered notary public.

**4. We have sent legal notice to the Corporate Debtor for non-payment of dues. Do we need to file a proof of claim?**

By virtue of the provisions of Section 13 read with Section 14 of the Code, a moratorium period has been declared vide the Order *inter alia* prohibiting the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgement, decree or order in any court of law, tribunal, arbitration panel or other authority.

The moratorium shall be effective till the date of the completion of the CIRP or the approval of liquidation of the Corporate Debtor by the NCLT, as the case may be.

For any claims against the Corporate Debtor for the period prior to the insolvency commencement date, you are requested to submit your proof of claim in accordance with the contents of the public announcements.

**5. Can more time beyond the last date mentioned in public announcement be given so that we can submit our claims in proper format?**

If a creditor fails to submit proof of claim by the last date as mentioned in the public announcement, such creditor may submit such proof of claim to IRP/ RP before a resolution plan is approved by the Committee of Creditors for the Corporate Debtor.

**6. When will be the claims be settled?**

The claims will be settled in accordance with the terms of the resolution plan, including any modifications thereof, as approved by the Committee of Creditors of the respective Corporate Debtor and by NCLT, and all payments shall be dealt with in accordance with the provisions of the Code. It is clarified that the role of RP is not to prepare the resolution plan, but to invite resolution plans from potential resolution applicants and present the compliant resolution plans before the committee of creditors for their approval. In the case that the corporate debtor is liquidated, then it shall be paid in accordance with the terms of Section 53 of the Code. Kindly note however that mere submission of the claims does not by itself guarantee the payment.

**7. Do we need to submit claims for different entities of Aircel Group separately?**

Yes, the creditors are advised to submit their proof of claims for each entity of the Aircel Group admitted into CIRP separately in line with public announcements.