

**AGENDA OF 5<sup>th</sup> COC MEETING OF SUNSHINE INFRABUILD CORPORATION LIMITED**

Agenda No.	Agenda Item
<b>A. List of matters to be discussed/noted</b>	
1	Mr. Pawan Kumar Goyal, the Resolution Professional (“RP”), to chair the COC meeting of Sunshine Infrabuild Corporation Limited.
2	To take roll call of participants including those attending through video conferencing or other audio and visuals means, if required.
3	To ascertain the quorum of the meeting in accordance with Regulation 22 of the CIRP Regulations
4	To approve the minutes of Fourth COC Meeting held on 29.07.2020.
5	<ul style="list-style-type: none"><li>To take note of the amendment in COC constituted by the RP, if any, and respective voting share.</li></ul>
6	<ul style="list-style-type: none"><li>To take note of the actions taken by the RP under Code.</li><li>To take note of the exclusion/extension of CIRP period by the Hon’ble A.A.</li></ul>
7.	To discuss future course of action – <ul style="list-style-type: none"><li>To invite fresh EOI and modify eligibility criteria or to discuss other course of option available for maximization of value of assets of the CD .</li><li>To discuss contribution in CIRP cost &amp; estimation.</li></ul>
8.	To note and discuss the methodology of voting.
<b><u>B. List of issues to be voted upon after discussions in the meeting</u></b>	
9.	To ratify the expenses incurred by RP during CIRP.
10.	To Ratify the fees of Valuers.
11.	Further Resolutions for future course of action in accordance to agenda.
C.	Any other matter with the permission of chair/ permission of CoC as per Regulation
D.	Vote of Thanks.

**Notes to the Agenda & format of Authority Letter (As per Annexure - A) appended here to are an integral part of this Notice.**

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**Pawan Kumar Goyal**  
(RP of Sunshine Infrabuild Corporation Limited)  
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**304, D. R. Chamber 12/56, D. B. Gupta,**  
**Karol Bagh, New Delhi-110005**

**Date: 07.09.2020**

**Place: New Delhi**

## NOTES

**It is an integral part of NOTICE OF FIFTH MEETING OF COMMITTEE OF CREDITORS OF SUNSHINE INFRABUILD CORPORATION LIMITED under regulation 21 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons, Regulations 2016) and under provision of section 21 of Insolvency & Bankruptcy Code,2016.**

**Scheduled to be held on 12.09.2020 at 3:30 P.M onwards at venue as mentioned in herein above**

*In terms of Regulation 13 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016 (“IBBI Regulations”) the list of creditors is available for inspection with prior notice.*

1. As per Regulation 21 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (“CIRP Regulations”), the authorized representative of the respective Creditors to whom notice has been sent on registered e-mail Id, may attend / participate and vote (as applicable) in the aforementioned meeting. **One AR only for one FC can participate and vote.**
2. Those Participants who would desire to depute authorised representative shall inform the Insolvency Professional at least 48 hours in advance of the Meeting of the identity of the authorized representative who will attend and vote at the meeting on its behalf. The Authorized Representative is requested to carry proof of Identity for verification purpose. The authorized representatives are requested to carry an authority letter as per the format attached as **Annexure A.**
3. As per Regulation 13 (2) of CIRP regulations the list of creditors is available for inspection at the venue of the meeting i.e. as shown above.
4. A participant being a Financial Creditor and member of COC shall only be entitled to vote at the meeting or on voting by electronic means. The Director of the Corporate Debtor and representative of the Operational Creditor(s), if any attending the meeting shall not have any right to vote at the meeting and shall not form part of the quorum. A financial creditor being a related party of a corporate debtor shall not have any right of representation participation or voting in the meeting.
5. The Participants may also attend the aforementioned meeting through video conferencing or other audio and visual means. If any participant desires to attend the aforementioned Meeting through such means, may kindly inform the undersigned at least 48 hours (**excluding holidays**) before the time fixed for the meeting at his E-mail: [cirpsicl@gmail.com](mailto:cirpsicl@gmail.com), to enable RP to make necessary arrangements for participation and communication to all participants the process for participation through video conferencing or other audio and visual means.
6. It is to be noted that the participants attending the aforementioned Meeting through video conferencing would also be considered as part of quorum for the aforementioned meeting and a roll call will be carried out as per Regulation 24 (2) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations,2016 for such Participants.
7. In case where all members are not present then as per regulation 25 (3) of IBBI ( CIRP) Regulation, the resolution professional shall take a vote of the members of the committee present in the meeting, on any item listed for voting after discussion on the same and as per regulation 25(5)(b) seek a vote of the members who did not vote at the meeting on the matters listed for voting, by electronic voting system in accordance with regulation 26 where the voting shall be kept open for at least twenty-four hours from the circulation of the minutes. However AR of the financial creditors in a class will vote only after taking mandate from creditors in class
8. At the conclusion of voting at the meeting, the decision taken on each of the items along with the names of the members of the CoC who votes for or against the decision, or abstained from

voting will be announced.

## **Brief Notes on Agenda points for the Meeting**

### **Agenda Item no 5**

#### **New claims received by the RP**

- As discussed in 4<sup>th</sup> COC, RP has verified the new claims on the basis of available details/supporting submitted by the claimant and has accepted the claims on provisional basis. The updated claims list as on 6.8.2020 is already circulated and is available in RP office for inspection.

### **Agenda Item no 6**

#### **• Actions taken by the RP under Code**

1. RP has received copy of statement of five bank accounts maintained by CD with HDFC Bank Preeti Vihar branch. All the accounts are closed before 31<sup>st</sup> March 2014, but on the basis of available details RP is trying to find out the property/investment details of CD. RP has sent letters to the some of the parties where the complete details are available and is waiting for their response/following up for more details from them.
2. RP has received letter from Registrar of Companies with copy of complaint filed by some investors of the CD before the PMO office. On the basis of same RP has informed the complainant to file their claims in Form CA. Copy of the letter is placed in the meeting.
3. In response to application under section 60(5) of Insolvency and Bankruptcy Code, 2016 (“IBC, 2016”) before The Hon’ble Adjudicating Authority, Securities & Exchange Board of India vide its letter dated 2.9.2020 has handed over the photocopy of various documents available in their records and the same are under verification for further action . The Hon’ble Adjudicating Authority on hearing through video conferencing has further directed SEBI for not to dispose of any property of CD and not to take any coercive action against CD. The Hon’ble Adjudicating Authority has also directed RP for not to dispose of CD assets. The order is yet to be uploaded on NCLT website.
4. RP has filed application under section 19(2) of the Insolvency and Bankruptcy Code, 2016 read with rule 11 of the NCLT rules, 2016 for seeking appropriate directions against directors of the CD and The Hon’ble Adjudicating Authority vide order dated 31.8.2020 has issued non bailable warrants against all the 3 directors of the CD.
5. As authorised by the CoC in 4<sup>th</sup> meeting, RP filed application before the Hon’ble Adjudicating Authority for exclusion of Covid 19 period and extension of CIRP period for 90 days. The Hon’ble Adjudicating Authority vide order dated 04.09.2020 has allowed the exclusion of Covid 19 period from 25.3.2020 to 31.7.2020 and further extension of 90 days of CIRP period. The order is yet to be uploaded on NCLT website.

- **To take note of EOI/request received in response to Form G and to discuss fresh issue of form G for inviting EOI and Criteria for prospective Resolution applicants.**

As approved by the COC in 4<sup>th</sup> meeting, RP issued form G on 7.8.2020 inviting EOI. In response to EOI, 9 requests are received to provide for detailed EOI criteria. By the last date for submission of EOI only one EOI was received and another request was received on whatsapp to extend the last date for submission of EOI. On verification EOI received same was found to be ineligible as not fulfilling the conditions as laid down in EOI invitation.

COC to discuss for reissue of EOI invitation and to approve draft form G and decide Criteria for prospective resolution applicants u/s 25(2)(h) of I & B Code, 2016.

### **Agenda Item no 7**

- **To discuss contribution in CIRP cost & estimation.**

The COC in its first & Fourth meeting approved the fee of the IRP/RP and other expenses incurred by IRP/RP. However no funds are available with RP to meet out the day to day expenses and therefore it is necessary for COC members to contribute to meet out the expenses.

### **Agenda Item no 9**

#### **To ratify the expenses incurred by IRP and fee of IRP**

During the process of CIRP, RP has incurred some expenses and will put the details for expenses for ratification before COC for approval. As the AR will vote only after mandate from creditors in a class, the RP will put the details of all expenses in meeting.

### **Agenda Item no 10**

- **To Ratify the fees of Valuers**

As discussed in 4th CoC, the RP has made appointment of following valuers.

1. Mr. Deepak Bansal for land & building at fee of Rs 10000/- for each land & Building for which valuation is done + applicable Taxes and out of pocket expenses on actual basis.
2. Mr. Anil Kumar Saxena for land & Building at fee of Rs 10000/- for each land & Building for which valuation is done + applicable Taxes and out of pocket expenses on actual basis.
3. Mr Kamlesh Kumar Gupta for SFA at fee is Rs. 20000/-+ applicable Taxes and out of pocket expenses on actual basis.
4. Mr Prateek Chhapparwal for SFA at fee is Rs. 20000/-+ applicable Taxes and Government statutory fee will be on actual basis

COC to ratify the agreed fee.

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**Pawan Kumar Goyal**

**(RP of Sunshine Infrabuild Corporation Limited**

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**Communication address:-**

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**Date: 07.09.2020**

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