



cyril amarchand mangaldas

Ref :9642

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
BENCH AT MUMBAI

MISCELLANEOUS APPLICATION NO. OF 2019

IN

COMPANY PETITION NO. IB- 2640/I&B/MB/2019

Mr. Alok Kumar Agarwal.

... Interim Resolution Professional/Applicant

In the matter of:

Rattan India Finance Private Limited

... Financial Creditor

V.

M/s Cox & Kings Limited

... Corporate Debtor

To,
The Registrar,
National Company Law Tribunal,
Mumbai.

Sir,

BE PLEASED to take on file the accompanying Miscellaneous Application on behalf of the Applicant above named in the captioned matter.

Dated this 14th day of November 2019.

Yours faithfully
Cyril Amarchand Mangaldas

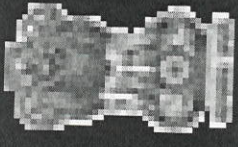
A.S. Mathkar.
Advocates for the Applicant



cyril amarchand mangaldas

advocates & solicitors

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Government of India Receipt Portal

RECEIPT

Transaction Ref.No. 1411190001916

Dated: Nov 14 2019 12:37PM

Received from MS./MRS. SHUBHI GAUR with Transaction Ref.No.
1411190001916

Dated Nov 14 2019 12:37PM the sum of INR 1000 (One Thousand Only)
through Internet based Online payment in the account of

OGMS, , Cost of petition CP(IB)2640/INB/MB/2019 ORDER DATED 22.10.19.

Disclaimer:- This is a system generated electronic receipt, hence no physical signature is required for the purpose of authentication

Printed On: 14-11-2019 12:39:17

Courtesy :- Controller General of Accounts

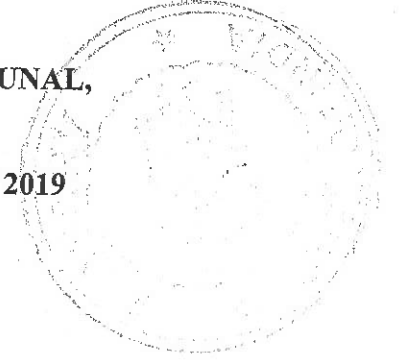
BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

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Company Petition No. IB- 2640/I&B/MB/2019



Mr. Alok Kumar Agarwal

...Interim Resolution Professional/Applicant

In the matter of:

Rattan India Finance Private Limited

... Financial Creditor

Vs.

M/s Cox & Kings Limited

... Corporate Debtor

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THROUGH

Cyril Amarchand Mangaldas

Advocates for the Applicant

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1

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

BENCH AT MUMBAI

MISCELLANEOUS APPLICATION NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

In the matter of the Insolvency and Bankruptcy
Code, 2016

AND

In the matter of M/s Cox & Kings Limited (a
company under corporate insolvency resolution
process), having its registered office at 1st Floor,
Turner Morrison Building, 16 Bank Street, Mumbai
– 400023, Maharashtra, India

Mr. Alok Kumar Agarwal, the Interim Resolution
Professional for M/s Cox & Kings Limited, a
company incorporated in India and validly existing
under the Companies Act, 2013 having its
registered office at 1st Floor, Turner Morrison
Building, 16 Bank Street, Mumbai – 400023,
Maharashtra, India.

**...Interim Resolution
Professional/ Applicant**

In the matter of:

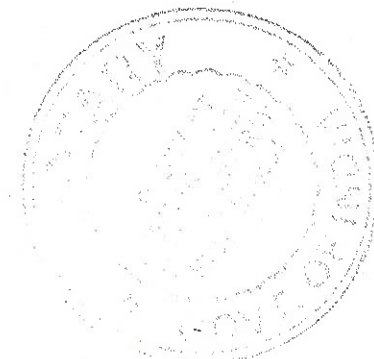
Rattan India Finance Private Limited

... Financial Creditor

Vs.

M/s Cox & Kings Limited

... Corporate Debtor



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2

APPLICATION OF THE APPLICANT ABOVE NAMED UNDER SECTION 21(1) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016 READ WITH REGULATION 17(1) OF THE INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (INSOLVENCY RESOLUTION PROCESS FOR CORPORATE PERSONS) REGULATIONS, 2016

1. The present Application is being filed by the Interim Resolution Professional of Cox & Kings Limited, under section 21(1) of the Insolvency and Bankruptcy Code, 2016 (“IBC”) read with regulation 17(1) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (“CIRP Regulations”) to place on record the report certifying constitution of the committee of creditors.

FACTS

2. Cox & Kings Limited (“Corporate Debtor”) is a company incorporated in India and validly existing under the Companies Act, 2013, having its registered office at 1st Floor, Turner Morrison Building, 16 Bank Street, Mumbai – 400023, Maharashtra, India.
3. Rattan India Finance Private Limited (“Financial Creditor”) had filed C.P. (IB) No. 2640/I&B/MB/2019 (“Insolvency Petition”) under Section 7 of the IBC for initiation of corporate insolvency resolution process (“CIRP”) of the Corporate Debtor before this Hon’ble Tribunal in view of outstanding debt due and payable by the Corporate Debtor towards the financial debt advanced by the Financial Creditor.
4. This Hon’ble Tribunal was pleased to admit the Insolvency Petition vide order dated October 22, 2019 (“Order”). The Hon’ble Tribunal, *inter alia*, appointed Mr. Alok Kumar Agarwal as the interim resolution professional for the Corporate Debtor (“IRP”) and issued moratorium under Section 14 of the IBC was made

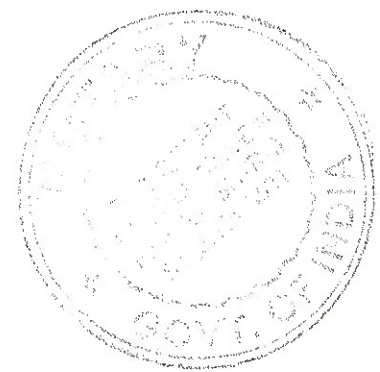


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effective. Hereto annexed as Exhibit-1 is a copy of the Admission Order dated October 22, 2019 passed by this Hon'ble Tribunal.

- 5. Pursuant to the admission of the Insolvency Petition, the IRP took over the management and business affairs of the Corporate Debtor on a going concern basis to carry out the functions as mentioned in the IBC and the rules and regulations made thereunder.
- 6. The public announcement as required under Regulation 6 of the CIRP Regulations was made by the IRP on 26th October, 2019 in several newspapers. The public announcement was also published the same on IBBI's website for the purpose of inviting claims as provided under the IBC. Hereto annexed as Exhibit-2 is the copy of the public announcement issued by the IRP. Hereto annexed as Exhibit-3 is a list of newspaper publications by the IRP.
- 7. In accordance with Section 21(1) of IBC and Regulation 17(1) of CIRP Regulations, the Committee of Creditors ("CoC") has been constituted by the IRP as on 13th November, 2019 on the basis of collation of all claims received against the Corporate Debtor and determination of financial position of the Corporate Debtor, pursuant to the public announcement dated 26th October, 2019.
- 8. The Applicant hereby submits the report certifying constitution of the CoC in accordance with Section 21(1) of IBC read with Regulation 17(1) of CIRP Regulations. Hereto annexed as Exhibit-4 is the report certifying constitution of the Committee of Creditors.
- 9. The Applicant hereby submits that the list of financial creditors constituting the CoC is based on proof of claims received and is subject to update, modification and variations based on the on-going verification.

PRAYERS



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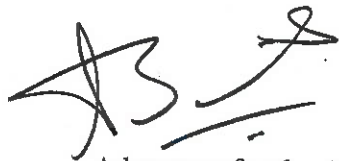
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In the circumstances aforesaid, the Applicant prays for the following reliefs, each of which are without prejudice to the other:

- (a) That this Hon'ble Tribunal may be pleased to take on record the report certifying the constitution of the committee of creditors;
- (b) That this Hon'ble Tribunal be pleased to pass such order that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice without prejudice to each other.

Dated this 14th day of November, 2019

Cyril Amarchand Mangaldas



Advocates for the Applicant

Before me.



Alok Kumar Agarwal
(Insolvency Professional)
Reg. No.: IBB/PA-001/IP-P00059/2017-2018/10137
E-mail Id: alok@insolvencyservices.in

VERIFICATION

I, Alok Kumar Agarwal, son of B R Agarwal, aged 50 years old, the Interim Resolution Professional for M/s Cox & Kings Limited, do hereby solemnly declare that what is stated in the miscellaneous application is as per my personal knowledge and based on records available with the Corporate Debtor and I believe the same to be true and correct.

Solemnly affirmed at Mumbai }

this 14th day of November 2019 }

Cyril Amarchand Mangaldas

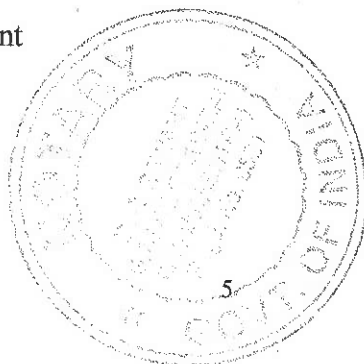


Advocates for the Applicant

Before me.



Alok Kumar Agarwal
(Insolvency Professional)
Reg. No.: IBB/PA-001/IP-P00059/2017-2018/10137
E-mail Id: alok@insolvencyservices.in





महाराष्ट्र MAHARASHTRA

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प्रधान मुद्रांक कार्यालय, मुंबई
प.नं. दि.क. ८००००२०
- 1 NOV 2019
सक्षम अधिकारी

श्री राजाराम म. परब

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

BENCH AT MUMBAI

MISCELLANEOUS APPLICATION NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

Mr. Alok Kumar Agarwal

...Interim Resolution Professional/Applicant

In the matter of:

Rattan India Finance Private Limited

... Financial Creditor

Vs.

M/s Cox & Kings Limited

... Corporate Debtor



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बोडपत्र - 9 Annexure 1

फर्मस प्रतिलिपिसाठी Only for Affidavit

गुप्तता विकसित केनाऱ्याचे बंधन

Alok Kumar

गुप्तता विकसित केनाऱ्याचे रहिवासी असा

MUMBAI

गुप्तता विकसित केनाऱ्याचे नोंद यही 3 म्यु. 1 म्यु. 1 म्यु. 1

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दिनांक

14 NOV 2018

(Ayerwya)

गुप्तता विकसित केनाऱ्याचे बंधन

वरिष्ठ अधिकारी गुप्तता विकसित केनाऱ्याची जबाबदारी

परवाना क्रमांक : 600000000

गुप्तता विकसित केनाऱ्याचे दिनांक/पत्र

गुप्तता विकसित केनाऱ्याचे दिनांक/पत्र

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गुप्तता विकसित केनाऱ्याचे दिनांक/पत्र

14 NOV 2018

पुनम जगन्नाथ भायकवाड

6

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

BENCH AT MUMBAI

MISCELLANEOUS APPLICATION NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

In the matter of the Insolvency and Bankruptcy
Code, 2016

AND

In the matter of M/s Cox & Kings Limited (a
company under corporate insolvency resolution
process), having its registered office at 1st Floor,
Turner Morrison Building, 16 Bank Street, Mumbai
– 400023, Maharashtra, India

Mr. Alok Kumar Agarwal, the Interim Resolution
Professional for M/s Cox & Kings Limited, a company
incorporated in India and validly existing under the
Companies Act, 2013 having its registered office at 1st
Floor, Turner Morrison Building, 16 Bank Street,
Mumbai – 400023, Maharashtra, India.

In the matter of:

Rattan India Finance Private Limited

Vs.

M/s Cox & Kings Limited

**...Interim Resolution
Professional/ Applicant**

... Financial Creditor

... Corporate Debtor

AFFIDAVIT IN SUPPORT OF THE APPLICATION

I, Mr. Alok Kumar Agarwal, s/o B R Agarwal, aged about 50 years, having my office at
Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka,
Andheri(East), Mumbai-400072, do hereby solemnly affirm and declare as under:



②

- 7
1. That I am the Interim Resolution Professional of Cox & Kings Limited ("Corporate Debtor") in the above matter and am duly authorized to depose this affidavit. I am well aware of the facts and circumstances of the present case, based on my knowledge while acting as the Interim Resolution Professional of the Corporate Debtor and as derived from the records and information of the Corporate Debtor.
 2. That I have read and understood the contents of the accompanying Application and I state that the contents of the same are true and correct to the best of my knowledge and belief, derived from the records of the Corporate Debtor.
 3. That the documents annexed with the accompanying Application are true copies of their originals.
 4. I hereby verify that the contents of the Application are based on the records of the Applicant, and contents are believe to be true on legal advice, and that I have not suppressed any material facts.

Solemnly affirmed

Alok

Alok Kumar Agarwal
 (Insolvency Professional)
 Reg. No.: IBB/PA-001/IP-P00059/2017-2018/10137
 E-mail Id: alok@insolvencyservices.in

VERIFICATION

I, Mr. Alok Kumar Agarwal, s/o B R Agarwal, aged about 50 years, Interim Resolution Professional of Cox & Kings Limited, the abovenamed Deponent, do hereby verify that all facts stated in the above paragraphs are true to my knowledge and that no part thereof is false and that nothing material has been concealed therefrom.

Verified at Mumbai on this 14 day of November, 2018.

Alok



BEFORE ME
[Signature]
 14/11/2018
D. R. SAWANT
 M.COM.LL.B.
 ADVOCATE HIGH COURT
 NOTARY GOVT. OF INDIA
 14, SHREEJI, SHIRIN APT. BLDG. NO. 5,
 OPP. GANGA JAMUNA CINEMA,
 TARDEO, MUMBAI-400007.

DEPONENT

Alok Kumar Agarwal
 (Insolvency Professional)
 Reg. No.: IBB/PA-001/IP-P00059/2017-2018/10137
 E-mail Id: alok@insolvencyservices.in

This document is noted at
 Sr. No. 250/18 in the
 Notarial Register
 19 NOV 2018
 800 No. 4250/18

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Exhibit "1"

8

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

CP (IB) - 2640/I&B/MB/2019
Under Section 7 of the I&B Code, 2016

In the matter of

Rattan India Finance Pvt. Ltd.
5th Floor, Tower-B, Worldmark 1, Aerocity,
New Delhi- 110 037

.... Petitioner

Vs.

M/s Cox & Kings Ltd.
1st Floor, Turner Morrison Building, 16
Bank Street, Mumbai-400 023

....Corporate Debtor

Order delivered on: 22.10.2019

Coram:

Hon'ble Shri Bhaskara Pantula Mohan, Member (J)
Hon'ble Shri Shyam Babu Gautam, Member (T)

For the Petitioner: Shyam Kapadia, Vinod Kothari, Priyanka Shah,
Reshmi Nair, Advocates

For the Corporate Debtor:, Kazi Khalid, Advocate i/b C. K. Legal

Per: Shri Shyam Babu Gautam, Member (T)

ORDER

1. This is an application filed under Section 7 of the Insolvency and Bankruptcy (I&B) Code, 2016 by Rattan India Finance Pvt. Limited (hereinafter called the 'Petitioner') seeking the Corporate Insolvency Resolution Process of M/s Cox & Kings Limited (hereinafter called the 'Corporate Debtor') on the ground that the Corporate Debtor committed breach by making default in repayment of the loan agreement and credit facilities entered into both the parties.

2. The Petitioner is a finance company incorporated on 27/07/1995 bearing Company Identification Number U65100DL1995PTC071198 and has filed this petition through its authorised person named Mr. Krishna Bubna.

3. The Corporate Debtor is a company incorporated on 24/05/1980 bearing CIN U74999MH1980PLC022661, having

(A)



Authorised Capital of Rs. 1,10,00,00,000/- and a Paid-Up Share Capital of Rs. 88,28,24,450/-.

4. The counsel for the petitioner submits that for the purpose of augmenting the resources and for general corporate purpose, the Corporate Debtor in the month of May, 2019 approached the petitioner to avail loan facility of amount Rs. 30 Crores and Rs. 40 Crores by executing two loan agreements dated 24/05/2019 and 26/06/2019 respectively, totalling to Rs.70 Crores. Accordingly, an amount of Rs. 20,00,00,000/- (Rupees Twenty Crores Only) was disbursed to the Corporate Debtor by the Petitioner vide loan agreement dated 24/05/2019. Another Loan Agreement for the amount of Rs. 40,00,00,000/- dated 26/06/2019 was also entered into between the parties and an amount of Rs.10,00,00,000/- (Rupees Ten Crores) was disbursed by the petitioner. An interest @13.5% p.a. was also agreed upon the principal amount which is reflected in Article 1.1.40 of Loan Agreement. The maturity date of the loan amount was 31/08/2019 as is mentioned under Article 1.1.47 of the said Loan Agreement.
5. The counsel for the petitioner further mentioned that the Corporate Debtor executed a Demand Promissory Note dated 24/05/2019 in favour of the petitioner promising to repay on demand a sum of Rs. 30,00,00,000/- together with interest on the said amount at the rate of 13.5% per annum payable towards repayment of the term loan facility granted in accordance with Loan Agreement dated 24/05/2019.
6. There were Deeds of Guarantee entered into by the Corporate Debtor in favour of the petitioner which are made available as Annexure G of the copy of petition.
7. The petitioner also mentioned that the Corporate Debtor committed the first default by failing to pay the principal amount under Facility II of Rs. 2,50,00,000/- which was due and payable on 28/06/2019 and further the failed to pay the interest amount of Rs. 17,75,343/- which was due and payable under the Loan Agreement.
8. On account of the default committed by the Corporate Debtor, the petitioner recalled the Loan Facilities and requested the

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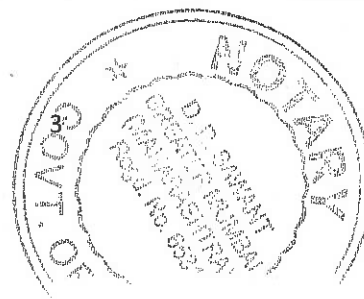
Corporate Debtor to pay the entire outstanding amount under both the loan facility agreements, together with all other monies due and payable amounting to Rs. 30,21,45,206/- [Rs. 20,17,75,343 (1st Loan Agreement) and Rs. 10,03,69,863/- (2nd Loan Agreement)] being the total outstanding amount of the loan together with interest and other dues as on that date, together with further interest, until realization in full, under the Loan Agreement vide a letter dated 01/07/2019 which is annexed at Annexure B. Despite the loan recall notice, the Corporate Debtor did not make the payment.

9. The counsel for the petitioner mentioned that on 03/07/2019, despite having the loan recall notice, the Corporate Debtor did not make the payment and hence preferred this petition.

10. The counsel for the petitioner further mentioned that the contentions made by the Corporate Debtor in its reply are neither supported by any document nor is maintainable under law and therefore, the same is liable to be rejected.

11. The Corporate Debtor stated in his reply the R.B.I. Circular dated 07/06/2019 bearing reference RBI/2018-19/203 and DBR.No.BP.BC.45/21.04.048/2018-19 with heading "Prudential Framework for Resolution of Stressed Assets" wherein it is mentioned that *"The ICA (Inter-Creditor Agreement) shall provide that any decision agreed by lenders representing 75% by value of total outstanding credit facilities (fund based as well non fund based) and 60% of lenders by number shall be binding upon all lender"*. It is further mentioned in the reply filed by the Corporate Debtor that they have signed the ICA with the State Bank of India as the Lead Banker. The Corporate Debtor mentioned that he may produce the copy of the ICA if the same is provided by the Lead Banker to the Corporate Debtor. Reliance is placed on the minutes of the meeting dated 15/07/2019 and 23/07/2019 between majority of lenders and representatives of the Corporate Debtor.

12. The Corporate Debtor stated that the ICA has been signed by 70% of the lenders of the Corporate Debtor who together hold over 90% value of the total debt of the Corporate Debtor and that the Corporate Debtor is pursuing with the other Lenders in respect of they too signing the ICA. He mentioned that the execution of the ICA is



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further evident and highlighted from the email dated 19/08/2019 addressed by the Lead Banker to Corporate Debtor.

13. The Corporate Debtor further stated that in accordance with the disclosure requirements of Securities Exchange Board of India (S.E.B.I.) the Corporate Debtor has on 12/08/2019 intimated the Bombay Stock Exchange Ltd. and the National Stock Exchange of India Ltd. about the signing of the ICA and that the Corporate Debtor has achieved stand still in respect of over 90% value of its total debts held by over 70% of its lenders for a period of 180 days as per the ICA.

14. But later, on 14/10/2019 i.e. on the last date of hearing, the Corporate Debtor was willing to settle the matter amicably, but the petitioner denied this request made by the Corporate Debtor and in consequence, the corporate debtor accepted the liability as well as default. Therefore, this court is pleased to pass the following order:

ORDER

15. We have heard both the parties at length, taken all their submissions into account and perused the documents and evidences placed on record by them. It has become very clear that there was an express Loan Agreement entered between both the parties which is also admitted by both of them. A total amount of Rs. 30,00,00,000/- was disbursed by the petitioner in favour of the corporate debtor vide two Loan Agreements dated 24/05/2019 and 26/06/2019. Therefore, both the parties shared a relationship of creditor and debtor.

16. Further, the amount payable to the financial creditor amounts to Rs. 30,24,98,023/- including the interest at the rate of 13.5% p.a. as was agreed by both the parties and payable by the corporate debtor.

17. After perusing all the documents on record and hearing both the parties, we have come to the conclusion that there is a default on the part of the corporate debtor in making the payment towards the liability to the Petitioner. Despite repeated requests and



(A)

reminders in form of notices, the Corporate Debtor failed to repay the dues.

18. The Corporate Debtor in his reply had placed on record their communication with the BSE Ltd. and the National Stock Exchange of India Ltd. and relied upon the RBI Circulation dated 07/06/2019. But later, on the date of final hearing i.e. on 14/10/2019, the counsel appearing on behalf of the corporate debtor has himself admitted the liability as well as default.

19. Also, it is to be noted that this petition fulfils all the requisite conditions to admit a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 and therefore, the petition deserves to be admitted.

20. This Adjudicating Authority, on perusal of the documents filed by the Creditor, is of the view that the Corporate Debtor defaulted in repaying the loan availed. In the light of above facts and circumstances, the existence of debt and default is reasonably established by the Financial Creditor as a major constituent for admission of a petition under section 7 of the I&B Code. Therefore, the Application under sub-section (2) of Section 7 is taken as complete, accordingly this Bench hereby admits this Petition prohibiting all of the following of item-I, namely:

- (I) (a) the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;
- (c) any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act);
- (d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.



- (II) That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- (III) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- (IV) That the order of moratorium shall have effect from 22.10.2019 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be.
- (V) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- (VI) That this Bench hereby appoints, Mr. Alok Kumar Agarwal, having office at 605, Suncity Business Tower, Golf Course Toad, Sector 54, Gurugram, Haryana - 122 002 and having Registration No. IBBI/IPA-001/IP-P00059/2017-18/10137 as Interim Resolution Professional to carry the functions as mentioned under Insolvency & Bankruptcy Code.

21. Accordingly, this Petition is admitted.

22. The Registry is hereby directed to communicate this order to both the parties and the Interim Resolution Professional immediately.

Sd/-
Shyam Babu Gautam
Member (Technical)

Sd/-
Bhaskara Pantula Mohan
Member (Judicial)

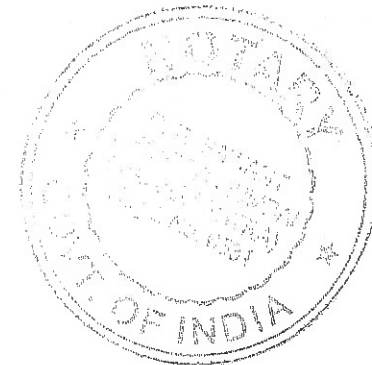


Exhibit "2"

19

FORM A
PUBLIC ANNOUNCEMENT
 (Under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016)
FOR THE ATTENTION OF THE CREDITORS OF COX & KINGS LIMITED

RELEVANT PARTICULARS		
1.	Name of corporate debtor	COX & KINGS LIMITED
2.	Date of incorporation of corporate debtor	07/06/1939
3.	Authority under which corporate debtor is incorporated / registered	RoC-Mumbai
4.	Corporate Identity No. / Limited Liability Identification No. of corporate debtor	L63040MH1939PLC011352
5.	Address of the registered office and principal office (if any) of corporate debtor	1st Floor Turner Morrison Building, 16 Bank Street, Mumbai-400023
6.	Insolvency commencement date in respect of corporate debtor	22 nd October, 2019 (Order received on 24th October, 2019)
7.	Estimated date of closure of insolvency resolution process	18 th April, 2020 (180 days from 22nd October, 2019)
8.	Name and registration number of the insolvency professional acting as interim resolution professional	Mr. Alok Kumar Agarwal Reg No: IBBI/PA-001/IP-P00059/2017-2018/10137
9.	Address and e-mail of the interim resolution professional, as registered with the Board	Not for Communication purpose: Address: 605, Suncity Business Tower, Golf Course Road, Sector-54, Gurugram, Haryana-122002 Email: alok@insolvencyservices.in
10.	Address and e-mail to be used for correspondence with the interim resolution professional	For Correspondence purpose: Address: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka, Andheri (East), Mumbai-400072. Claims can be filed on: Email: cox.cirp@insolvencyservices.in
11.	Last date for submission of claims	06 th November, 2019 (14 days from date of receipt of order)
12.	Classes of creditors, if any, under clause (b) of sub-section (6A) of section 21, ascertained by the interim resolution professional	No class has been ascertained till date
13.	Names of Insolvency Professionals identified to act as Authorized Representative of creditors in a class (Three names for each class)	NA
14.	(a) Relevant Forms and (b) Details of authorized representatives are available at:	Relevant Forms: Mentioned at Point 4 below;

1. Notice is hereby given that the National Company Law Tribunal has ordered the commencement of a corporate insolvency resolution process of Cox & Kings Limited on 22nd October, 2019.
2. The creditors of M/s Cox & Kings Limited, are hereby called upon to submit their claims with proof on or before 06th November, 2019 to the interim resolution professional at the address mentioned against entry No. 10.
3. The financial creditors shall submit their claims with proof by electronic means only. All other creditors may submit the claims with proof in person, by post or by electronic means.
4. The claims may be submitted in their specified forms. Form B – Operational Creditor (Other than Workmen/Employee); Form C – Financial Creditor; Form CA – Financial Creditors in a class; Form D – Workmen/Employee; Form E – Authorized Representative of Workmen/Employee; and Form F – Other Creditors. Copy of the above Forms can be downloaded from <https://ibbi.gov.in/home/downloads>
5. Submission of false or misleading proofs of claim shall attract penalties.

Date: October 25, 2019
Place: Mumbai



(Signature)

Alok Kumar Agarwal
Insolvency Professional
IBBI/PA-001/IP-P00059/2017-2018/10137

Alok Kumar Agarwal
(Insolvency Professional)
Reg. No.: IBBI/PA-001/IP-P00059/2017-2018/10137
E-mail id: alok@insolvencyservices.in
Ph. No.: 0124-4245110/111
Address: 605, Suncity Business Tower, Golf Course Road
Sec.54, Gurgaon, Haryana-122002

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Exhibit "3"

Alok Kumar Agarwal

(Insolvency Professional)

IBBI Registration No. IBBI/IPA-001/IP-P00059/2017-2018/10137

Office: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kuria Road, Saki Naka,
Andheri (East), Mumbai-400072.

Email- alok@insolvencyservices.in

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S No	Newspaper	Date of Publication	Location	Language
1	Economic Times	26.10.2019	All India- All Editions	English
2	Puniya Nagri	26.10.2019	Maharashtra- All Editions	Marathi
3	Jansatta	26.10.2019	Delhi/NCR, Chandigarh, Lucknow, Kolkatta	Hindi
4	Makal Kural	26.10.2019	Chennai Edition	Tamil
5	Vartha Bharati	26.10.2019	Bangalore Edition	Kannada
6	Aaj Kaal	27.10.2019	Kolkatta Edition	Bengali
7	Financial Express	26.10.2019	Ahmedabad Edition	Gujrati
8	Bharindu	26.10.2019	Goa Edition	Kokandi
9	Rastra Doot	26.10.2019	Jaipur Edition	Hindi
10	Chandrika	27.10.2019	Kochi Edition	Malyalam
11	Andhra Bhoomi	27.10.2019	Hyderabad Edition	Telugu



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Exhibit "4" 16

Alok Kumar Agarwal

(Insolvency Professional)

IBBI Registration No. IBBI/IPA-001/IP-P00059/2017-2018/10137

Office: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka, Andheri (East),
Mumbai-400072.

Email- alok@insolvencyservices.in;

To

14th November, 2019

The Adjudicating Authority

National Company Law Tribunal
Mumbai Bench
M G Road, Fort,
Mumbai, Maharashtra 400001

Dear Sir

Subject: Report on formation of committee of creditors of Cox & Kings Limited ("Corporate Debtor") (undergoing Corporate Insolvency Resolution Process) in the matter of Rattan India Finance Private Limited v/s. Cox & Kings Limited [CP. No. (IB) 2640/I&B/MB/2019] vide order dated October 22, 2019 passed by this Hon'ble Adjudicating Authority

In accordance with section 21(1) of the Insolvency and Bankruptcy Code, 2016 ("Code") and Regulation 17(1) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 ("CIRP Regulations"), I hereby certify that Committee of Creditors ("CoC") is constituted as on 13th November, 2019 on the basis of collation of all claims received against the Corporate Debtor and determination of financial position of the Corporate Debtor, pursuant to public announcement dated 26th October, 2019. The undersigned in accordance with section 21(1) of the Code read with Regulation 17(1) of the CIRP Regulations has constituted a CoC after collation of all claims received and determination of the financial position of the Corporate Debtor and had filed this report on 14th November, 2019 before this Hon'ble Authority.

Further, IBBI has issued a circular no IBBI/CIRP/018/2018 dated 14.09.2018 which states that "The Code read with regulations provide for the manner of collection and verification of claims. The Interim Resolution Professional constitutes the CoC comprising financial creditors, whose claims have been admitted, as members. The voting power of a member in the



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Alok Kumar Agarwal

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(Insolvency Professional)

IBBI Registration No. IBBI/IPA-001/IP-P00059/2017-2018/10137

Office: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka, Andheri (East),
Mumbai-400072.

Email- alok@insolvencyservices.in;

CoC is based on the amount of admitted claim in respect of the financial debt. A financial creditor, whose claim has not been admitted, is included in the CoC as member, as and when its claim is admitted"

Accordingly, in compliance with the above circular, the undersigned has constituted the CoC as at 13th November, 2019 comprising of financial creditors who have actually filed claims since 26th October, 2019 until 06th November, 2019 and whose claims have been admitted by the undersigned which is as follows:

S.No	Financial Creditors	Count	Principal Amount	Interest Amount for the purpose of Voting Share Calculation	Total Amount	Voting Share (In Percentage)
1	Yes Bank Limited	1	20,64,78,22,478	62,19,31,069	21,26,97,53,547	38.49%
2	Axis Bank Limited	1	8,93,73,46,016	-	8,93,73,46,016	16.17%
3	State Bank of India	1	6,35,49,92,432	-	6,35,49,92,432	11.50%
4	IndusInd Bank Limited	1	2,70,04,43,421	-	2,70,04,43,421	4.89%
5	Abu Dhabi Commercial Bank PJSC (Abhu Dhabi)	1	2,11,55,08,620	7,05,22,219	2,18,60,30,839	3.96%
6	Bank of Baroda	1	1,74,99,99,823	13,25,19,647	1,88,25,19,470	3.41%
7	Central Bank of India	1	1,50,00,00,000	7,97,13,699	1,57,97,13,699	2.86%
8	Kotak Mahindra Bank Limited	1	1,40,12,32,859	8,35,36,449	1,48,47,69,309	2.69%
9	UTI Trustee Company Private Limited	1	1,28,26,71,233	-	1,28,26,71,233	2.32%
10	Tourism Finance	1	1,10,48,00,000	5,22,85,993	1,15,70,85,993	2.09%



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Alok Kumar Agarwal

(Insolvency Professional)

18

IBBI Registration No. IBBI/IPA-001/IP-P00059/2017-2018/10137

Office: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka, Andheri (East),
Mumbai-400072.

Email- alok@insolvencyservices.in;

S.No	Financial Creditors	Count	Principal Amount	Interest Amount for the purpose of Voting Share Calculation	Total Amount	Voting Share (In Percentage)
	Corporation of India Limited					
11	Andhra Bank	1	1,00,00,00,000	3,45,97,260	1,03,45,97,260	1.87%
12	SBI Credit Card	1	89,65,49,743	12,62,56,346	1,02,28,06,089	1.85%
13	Deutsche Bank	1	70,93,00,000	2,39,26,498	73,32,26,498	1.33%
14	Varanium Dynamic Trust	1	60,04,13,000	-	60,04,13,000	1.09%
15	Abu Dhabi Commercial Bank PJS (India)	1	53,00,00,000	1,71,98,664	54,71,98,664	0.99%
16	Allahabad Bank	1	51,54,02,649	-	51,54,02,649	0.93%
17	HDFC Bank Limited	1	51,07,34,821	-	51,07,34,821	0.92%
18	Lakshmi Vilas Bank Limited	1	35,00,00,000	1,29,01,090	36,29,01,090	0.66%
19	Indian Bank	1	30,00,00,000	41,01,842	30,41,01,842	0.55%
20	Rattan India Finance Pvt Limited	1	30,00,00,000	24,98,023	30,24,98,023	0.55%
21	IDFC Bank Limited	1	27,38,72,603	22,01,130	27,60,73,733	0.50%
22	Kurlon Enterprise Limited	1	20,00,00,000	1,39,05,200	21,39,05,200	0.39%
Total					55,25,91,84,828	100%

The list of financial creditors is based on proof of claims received and is subject to update, modification and variations based on on-going verification. We have received and collated over 217 claim forms received over emails and hard copies and the reconciliation of claims is

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Alok Kumar Agarwal

19

(Insolvency Professional)

IBBI Registration No. IBBI/IPA-001/IP-P00059/2017-2018/10137
Office: Sagar Tech Plaza, B-Wing, Office No. 605, Andheri Kurla Road, Saki Naka, Andheri (East),
Mumbai-400072.

Email- alok@insolvencyservices.in;

ongoing. While every effort has been made to screen the proof of claims received and collate the list of creditors out of the number of claims received, this list may change or get updated.

For any queries you may reach out at our email cox.cirp@insolvencyservices.in

Thanking You,

Yours truly,

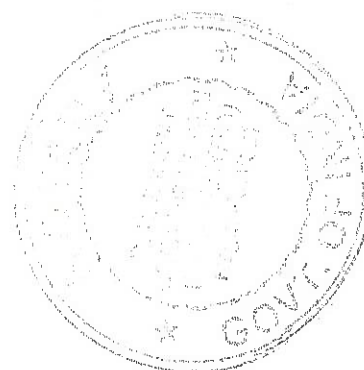
For Cox & Kings Limited

Alok Kumar Agarwal

Interim Resolution Professional

IP Registration no. IBBI/IPA-001/IP-P00059/2017-2018/10137

(Cox & Kings Limited is under Corporate Insolvency Resolution Process of the Insolvency and Bankruptcy Code 2016. Its affairs, business and assets are being managed by the Interim Resolution Professional, Mr. Alok Kumar Agarwal, appointed by the National Company Law Tribunal by order dated 22.10.2019 under the provisions of the Code)



A handwritten signature or mark, possibly a stylized 'A' or a similar character, located at the bottom left of the page.

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
BENCH AT MUMBAI

20

MISCELLANEOUS APPLICATION NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

In the matter of the Insolvency and
Bankruptcy Code, 2016

AND

In the matter of M/s Cox & Kings Limited (a
company under corporate insolvency
resolution process), having its registered
office at 1st Floor, Turner Morrison Building,
16 Bank Street, Mumbai - 400023,
Maharashtra, India

Mr. Alok Kumar Agarwal, the Interim
Resolution Professional for M/s Cox & Kings
Limited, a company incorporated in India and
validly existing under the Companies Act, 2013
having its registered office at 1st Floor, Turner
Morrison Building, 16 Bank Street, Mumbai -
400023, Maharashtra, India.

**...Interim Resolution
Professional/ Applicant**

To
The Registrar,
National Company Law Tribunal,
Mumbai

Sir,

I, Alok Kumar Agarwal, the Interim Resolution Professional for M/s Cox & Kings
Limited do hereby appoint Cyril Amarchand Mangaldas, Advocates and Solicitors,
having their office at Peninsula Chambers, Peninsula Corporate Park, Ganpatrao
Kadam Marg, Lower Parel, Mumbai 400013, to act, appear and plead for us in the
above matter.



Q

In Witness Whereof, we have set and subscribed our hands to this writing at
Mumbai.

Dated this 14th day of November, 2019

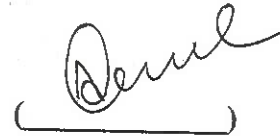
Accepted:

Cyril Amarchand Mangaldas

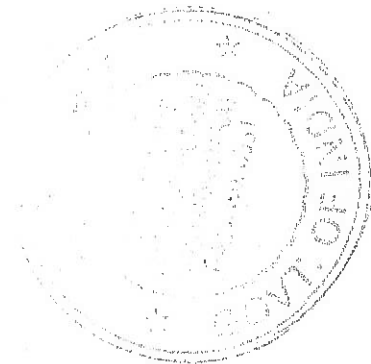


(Partner)
Advocate for the Interim resolution
Professional

For Alok Kumar Agarwal, the Interim
Resolution Professional for M/s Cox
& Kings Limited



Alok Kumar Agarwal
(Insolvency Professional)
Reg. No.: IBBI/PA-001/IP-P00059/2017-2018/10137
E-mail Id: alok@insolvencyservices.in



BEFORE THE NATIONAL COMPANY LAW
TRIBUNAL, MUMBAI BENCH

MISCELLANEOUS APPLICATION
NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

In the matter of the Insolvency and
Bankruptcy Code, 2016;

And

In the matter of M/s Cox & Kings
Limited (a company under corporate
insolvency resolution process),
having its registered office at 1st
Floor, Turner Morrison Building, 16
Bank Street, Mumbai – 400023,
Maharashtra, India

Mr. Alok Kumar Agarwal, the Interim Resolution
Professional for M/s Cox & Kings Limited
... Applicant/ Interim Resolution professional

In the matter of:

Rattan India Finance Private Limited

... Financial Creditor

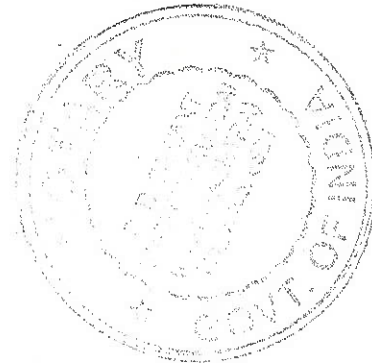
Vs.

M/s Cox & Kings Limited

... Corporate Debtor

**MISCELLANEOUS APPLICATION OF THE
APPLICANT ABOVENAMED**

Dated this th 14 Day of November, 2019



Cyril Amarchand Mangaldas
Advocates for the Applicant
Peninsula Chambers, Peninsula Corporate Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai – 400013.

Q

BEFORE THE NATIONAL COMPANY LAW
TRIBUNAL, MUMBAI BENCH

MISCELLANEOUS APPLICATION

NO. OF 2019

IN

Company Petition No. IB- 2640/I&B/MB/2019

In the matter of the Insolvency and
Bankruptcy Code, 2016;

And

In the matter of M/s Cox & Kings
Limited (a company under corporate
insolvency resolution process),
having its registered office at 1st
Floor, Turner Morrison Building, 16
Bank Street, Mumbai -- 400023,
Maharashtra, India

Mr. Alok Kumar Agarwal, the Interim Resolution
Professional for M/s Cox & Kings Limited

... Applicant/ Interim Resolution professional

In the matter of:

Rattan India Finance Private Limited

... Financial Creditor

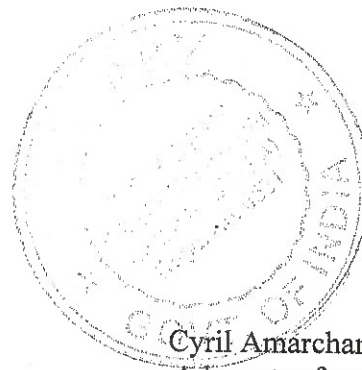
Vs.

M/s Cox & Kings Limited

... Corporate Debtor

VAKALATNAMA

Dated this 14th Day of November, 2019



Cyril Amarchand Mangaldas
Advocates for the Applicant
Peninsula Chambers, Peninsula Corporate Park,
Ganpatrao Kadam Marg, Lower Parel,
Mumbai – 400013.

A