

CORRIGENDUM - II

This is to be read with detailed invitation to submit the Expression of Interest (**EoI**) for Pratibha Industries Limited (In Liquidation) (**PIL**) uploaded on 10 June 2021 and revised version of the same uploaded on 21 June 2021 on the website of PIL.

The above mentioned invitation solicited EoIs on a common basis for the following Options/Processes: -

1. Scheme of Compromise or Arrangement under Regulation 2B of IBBI (Liquidation Process) Regulations, 2016 read with Section 230 of the Companies Act, 2013 against the PIL (referred to as **Scheme**);
2. E-Auction Process for sale of the PIL or its business as a 'Going Concern' under the provisions of the Insolvency and Bankruptcy Code, 2016 read with the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 (referred to as **E-Auction**)

In this regard it is pertinent to note that the Hon'ble National Company Law Appellate Tribunal (**NCLAT**) in the judgment and order dated 27.02.2019 passed in Y. Shivram Prasad Vs. S. Dhanapal & Ors [Company Appeal (AT) (Insolvency) No. 224 of 2018] has laid down the following law:

"13. Therefore, it is clear that during the liquidation process, step required to be taken for its revival and continuance of the 'Corporate Debtor' by protecting the 'Corporate Debtor' from its management and from a death by liquidation. Thus, the steps which are required to be taken are as follows:

- i. By compromise or arrangement with the creditors, or class of creditors or members or class of members in terms of Section 230 of the Companies Act, 2013.*
- ii. On failure, the liquidator is required to take step to sell the business of the 'Corporate Debtor' as going concern in its totality along with the employees."*

Keeping in view the aforesaid position of law and the fact that some EOI applicants have shown interest to submit a Scheme, the undersigned as Liquidator is obliged to first explore the possibility of the Scheme. Therefore, E-Auction Process would be taken up only after exploring the Scheme option.

We shall issue the concerned documents of both the Processes to the shortlisted applicants. However, the Reserve Price and Timelines under E-Auction Process, shall be intimated at a later date to concerned shortlisted applicants only in case Scheme Process fails.

Therefore, we request all the EoI applicants to intimate us, whether they would be interested to submit a Scheme for the Corporate Debtor in which case they will need to deposit an additional EMD of Rs 10 lacs. In case no confirmation is received from the EOI applicants by 02 July 2021, it would be assumed that they are interested to participate in the E-auction Process only.

Anil Mehta
Reg. No: **IBBI/IPA-001/IP-P00749/2017-2018/11282**
Liquidator of Pratibha Industries Limited
(In Liquidation)
Date: 29 June 2021
Place: Mumbai