

26 October, 2018

Important Notice Pertaining to Representation of Home Buyers

We have received numerous representations from the allottees of Jaypee Infratech Limited (hereinafter, "JIL") distancing themselves from association(s) of allottees or their office bearers or any law firm/lawyers representing the cause of the entire class of allottees before any court/tribunal of law, including the Hon'ble National Company Law Tribunal, Allahabad Bench or otherwise. It has also been represented that the Authorized Representative of allottees appointed under the Insolvency and Bankruptcy Code, 2016 (hereinafter, "Code") is entertaining requests from such associations and their office bearers as the view of the entire class of home buyers without such associations and their office bearers having any authority to represent the entire class of allottees. In addition, some allottees have also sought clarification from the Interim Resolution Professional (hereinafter, "IRP") in respect of appointment of the Authorized Representative.

In this regard, it is clarified as follows:

The appointment of the Authorized Representative of allottees was made in accordance with the provisions of the Code and the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter, "CIRP Regulations").

As required by the Code, the IRP identified two classes of creditors viz. allottees of real estate and fixed deposit holders. The IRP thereafter, identified three experience insolvency professionals (hereinafter, "IP") in each class for being offered to the members of the two classes, for selection by voting. The credentials of the IPs and their place of location was also disclosed on the website of JIL. Out of the three IPs, Mr. Kuldeep Verma is located out of Kolkata and others out of Delhi. The Code does not discriminate appointment of the Authorized Representative based on domicile / location. Mr. Verma was selected by allottees over the IPs based in Delhi.

Out of the three IPs, Mr. Kuldeep Verma received the maximum votes of allottees and was selected as Authorized Representative of allottees in accordance with regulation 16A(1) of the CIRP Regulations. The IRP filed an application being C.A.No. 206/2018 for appointment of Mr. Kuldeep Verma, who scored maximum votes from the class of allottees before the Hon'ble NCLT, for his appointment in accordance with regulations 16(2) of the CIRP Regulations. Hon'ble NCLT allowed the said application and an order appointing Mr. Kuldeep Verma as the authorized representative for the class of allottees was passed on 05.09.2018. Therefore, the appointment of Mr. Kuldeep Verma, as Authorized Representative of allottees, has been made by the Hon'ble NCLT. After the appointment, Mr. Kuldeep Verma has represented and espoused the interest of the class of allottees in the meetings of committee of creditors held on 12 September 2018 and 17 October 2018.

The allottees are free to approach the Authorized Representative directly. They are not obliged to approach or route their queries or make representation to the Authorized Representative, through any third person or body.

You may also kindly take note that under the Code each creditor in the class of creditors has a right to vote directly and make its own independent decision. Participation in discussion with the Authorised Representative through any association or its office bearer is completely voluntary and the RP or Authorised Representative do not receive any special attention or treatment.

The allottees are free to notify the Authorized Representative if they are being represented directly or through any association or lawyers or other representatives, as may be permissible by the Code.

Further, even office bearers of such associations are advised to make complete disclosure to the Authorised Representative, with evidence in support, of the allottees who have authorized them in writing to espouse their cause before the Authorized representative / IRP / RP / IBBI / Hon`ble NCLT / Hon`ble NCLAT / Hon`ble Supreme Court. We would also like to highlight that, as per the information received from Authorised Representative of allottees, 9A and its lawyers are representing 2,850 home buyers only (subject to receipt of written confirmation from respective home buyers) and is not representing the class of all allottees i.e. over 28,000 allottees.

It is also pertinent to mention that in terms of section 25A of the Code, the Authorised Representative is mandated to act in accordance with the prior instructions of each individual creditor of the class he/she represent and therefore any views or suggestions of any association of allottees may not be of any consequence as far as the decision making is concerned.

Handwritten signature

Anuj Jain

Interim Resolution Professional – Jaypee Infratech Ltd.

IP Registration no. IBBI/IPA-001/IP-P00142/2017-18/10306

(Jaypee Infratech 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. Anuj Jain, appointed by the National Company Law Tribunal by order dated 9th August, 2017 under the provisions of the Code read with order dated 09th August 2018 passed by Hon`ble Supreme Court in Writ Petition (Civil) No. 744/2017.)



Company under Corporate insolvency resolution
process by NCLT Order, dated August 9, 2017