

Frequently Asked Questions for (FAQs) “Home Buyers”

These FAQs have been prepared by the Resolution Professional (RP) to provide answer to the questions being commonly asked by flat buyers on emails/phone and in person. The FAQs will be updated from time to time. Please note the answer to FAQs is not a legal advice by RP and where necessary flat buyers may seek expert advice.

Q1. Who are eligible Home buyers for the purpose of constituting Committee of Creditors (CoC) in the Insolvency Resolution Proceedings?

- The home buyers who are active and own unit/plot in the JIL as on 09.08.2017 and have not been given offer of possession till date.
- The home buyers who owned unit/plot in the JIL but cancelled and not been refunded in full.
- In cases of cancellation by the home buyers where the home buyer have been part refunded and part refund is pending to be paid by the JIL, the refund amount pending as on 14 August, 2018 have been considered for computing the voting share of such home buyers.

Please note that the home buyers who have taken possession (execution of Sub lease deed), whose units have been transferred after 09 August, 2017 from JIL to another developer subsequent to MoU between JIL and Supertech, Investor Clinic, home buyers and duly approved by the CoC of JIL, are not part of CoC.

Q2. I am an eligible home buyer for the purpose of CoC. What will be my role in the Insolvency proceedings?

By amendment made in the Insolvency and Bankruptcy Code, 2016 (“IBC”) by way of Insolvency and Bankruptcy (Amendment) Ordinance, 2018 issued on 06 June 2018, home buyers are to be considered financial creditors of the corporate debtor if they fall within the scope of amendment. As directed by the order of Hon’ble Supreme court, the Committee of Creditors (“CoC”) of JIL shall be reconstituted afresh in accordance with the provisions of the Insolvency and Bankruptcy (Amendment) Ordinance, 2018 whereby home buyers shall constitute a part of CoC.

As per the regulation 16A(7) of the IBBI dated 3rd July 2018, “The voting share of a creditor in a class shall be in proportion to the financial debt which includes an interest at the rate of eight per cent per annum unless a different rate has been agreed to between the parties”. Accordingly, for the purpose of voting share, the interest has been computed @8% per annum for home buyers unless a higher rate

of interest has been agreed for delay in possession or cancellation as the case may be. The home buyers shall be carrying the voting rights through-out the CIRP and shall be required to exercise their vote as and when CoC meetings are convened.

Q3. What is the meaning of submission of claim amount for home buyers? Am I entitled to refund of this amount as soon as I submit the claim?

In accordance with the Insolvency resolution process, the creditors have to submit the claims i.e. amount due from the company as on the commencement of the insolvency proceedings date. The claims are then verified by the resolution professional and then drive the resolution proceedings as per insolvency resolution process. Merely the submission of claims does not mean that the home buyer shall receive refund of the claim amount immediately.

Q4. Whether amount paid by home buyer during the period 9th August 2017 till 9th August 2018 considered under claims?

- The principal amount (including taxes if any) paid by the home buyers during the period 9th August 2017 till 9th August 2018 has been considered under claims.
- The interest is computed till 09th Aug 2017 @ 8% p.a unless a different rate has been agreed to between the parties. Please note that this interest computation has limited applicability for the purpose of calculating voting share.

Q5. How will my voting share be calculated?

- The voting share of a home buyer shall be in proportion to financial debt of the home buyer as % of total financial debt of the company. For the purpose of calculating financial debt of home buyer, the principal amount (including taxes, if any) paid till 09.08.2018 and interest on the principal amount till 09.08.2017 is considered.
- Non-Cash credits have not been considered for computing the voting share.
- Interest paid by the home buyers on account of delay in payment has not been considered for computing the voting share.

Q6. I am not able to view my claim details on the website as my unit id and customer id is showing wrong credentials. What are the reasons and how should I view my claim details?

- In some cases where the unit is cancelled and customer has claimed refund, the claim details are separately uploaded on the website so that those customers could verify the same.
- In cases where home buyers have already been offered possession or taken possession, such home buyers shall not constitute part of Committee of Creditors for Insolvency Resolution process.
- For the remaining cases, please write to the IRP so that the same could be enabled.

Q7. I submitted the claim earlier. Do I need to file the claim again?

All home buyers are requested to verify their claims uploaded on company website. This is based on the claim reconciliation exercise undertaken previously. In case of any difference with the admitted amount of claim, the creditors may submit their claims with proof in Form CA on or before 28th August 2018.

Q8. My principal outstanding amount is not matching with the collection amount uploaded on the website. What should I do?

Please check with the Statement of Account as well as previously conducted reconciliation exercise. If it is still different, please file your claim in Form CA along with proofs as per the public announcement made by IRP dated 17th Aug 2018 in Times of India as well as Navbharat Times.

Q9. My interest calculation is not matching with the computation uploaded on the website? What should I do?

The interest is computed on the instalments made towards principal amount (including taxes if any) by the home buyers. The interest is computed from the date of each instalment (principal) received by the Company till 09.08.2017 at 8% p.a. simple interest unless a different rate has been agreed to between the parties.

In some cases where there have been changes in payment plan, change of unit number and other similar adjustment, the interest calculations may not match. We are in the process of recalculating the interest in such cases and the revised interest shall be uploaded soon on the website.

Please also note that this interest computation has limited applicability of calculating the voting percentage of each homebuyer.

**Q10. My e-mail id / phone number is missing / not matching / not updated..
How do I get it updated?**

Please fill the requisite contact details updation form along with attested PAN Card copy and address proof (in case of address updation) and submit the same with the appropriate CRC over mail. Please note that the contact details updation form is not to be sent to the IRP.

Q11. How is interest computed in case of transfer of funds/unit from one project under Jaiprakash Associates Limited (JAL) to another project under Jaypee Infratech Limited(JIL)?

In case of transfer of funds/unit from JAL to JIL, interest is calculated on the total consolidated amount of collection received from JAL by the Company on a particular date and from that date only till 09.08.2017. Interest on any subsequent instalments made to the JIL will be computed on such instalments from the date of receiving such instalments till 09.08.2017.

Q12. I had applied for refund with the Supreme Court amicus curiae under the directions of the Hon'ble Supreme Court of India. Will I be part of CoC?

Yes. If a home buyer has not been paid refund in full, he/she shall be part of CoC.