**FORM D**

**PROOF OF CLAIM BY FINANCIAL CREDITORS**

(Under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation

Process) Regulations, 2016)

[Date]

To

The Liquidator

[Name of the Liquidator]

[Address as set out in the public announcement]

From

[Name and address of the registered office and principal office of the financial creditor]

**Subject:** Submission of proof of claim in respect of the liquidation of [name of corporate debtor] under the Insolvency and Bankruptcy Code, 2016.

Madam/Sir,

[Name of the financial creditor] hereby submits this proof of claim in respect of the liquidation of [name of corporate debtor]. The details for the same are set out below:

|  |  |  |
| --- | --- | --- |
| 1.  | NAME OF FINANCIAL CREDITOR  (IF AN INCORPORATED BODY PROVIDE IDENTIFICATION NUMBER AND PROOF OF INCORPORATION, IF A PARTNERSHIP OR INDIVIDUAL PROVIDE IDENTIFICATION RECORDS\* OF ALL THE PARTNERS OR THE INDIVIDUAL)   |   |
| 2.  | ADDRESS AND EMAIL OF FINANCIAL CREDITOR FOR CORRESPONDENCE.   |   |  |
| 3.  | TOTAL AMOUNT OF CLAIM, INCLUDING ANY INTEREST, AS AT THE LIQUIDATION COMMENCEMENT DATE AND DETAILS OF NATURE OF CLAIM (WHETHER TERM LOAN, SECURED, UNSECURED)  | PRINCIPAL INTEREST TOTAL CLAIM ;;   | : :  |
| 4.  | DETAILS OF DOCUMENTS BY REFERENCE TO WHICH THE DEBT CAN BE SUBSTANTIATED  |   |  |
| 5.  | DETAILS OF ANY ORDER OF A COURT OF TRIBUNAL THAT HAS ADJUDICATED ON THE NON-PAYMENT OF DEBT   |   |  |
| 6.  | DETAILS OF HOW AND WHEN DEBT INCURRED  |   |  |
| 7.  | DETAILS OF ANY MUTUAL CREDIT, MUTUAL DEBTS, OR OTHER MUTUAL DEALINGS BETWEEN THE CORPORATE DEBTOR AND THE FINANCIAL CREDITOR WHICH MAY BE SET-OFF AGAINST THE CLAIM  |   |  |
| 8.  | DETAILS OF ANY SECURITY HELD, THE VALUE OF THE SECURITY, AND THE DATE IT WAS GIVEN   |   |  |
| 9.  | DETAILS OF ANY ASSIGNMENT OR TRANSFER OF DEBT IN HIS FAVOUR   |   |  |
| 10.  | DETAILS OF THE BANK ACCOUNT TO WHICH THE FINANCIAL CREDITOR’S SHARE OF THE PROCEEDS OF LIQUIDATION CAN BE TRANSFERRED   |   |  |
| 11.  | LIST OUT AND ATTACH THE DOCUMENTS RELIED ON IN SUPPORT OF THE CLAIM.  |  (i)  (ii)  (iii)  |  |

|  |
| --- |
| Signature of financial creditor or person authorised to act on his behalf (please enclose the authority if this is being submitted on behalf a financial creditor)   |
|  Name in BLOCK LETTERS  |
|  Position with or in relation to creditor   |
|  Address of person signing   |

\*PAN, Passport, AADHAAR Card or the identity card issued by the Election Commission of India.

# **AFFIDAVIT**

I, [name of deponent], currently residing at [address of deponent], do solemnly affirm and state as follows:

1. The above named corporate debtor was, at the liquidation commencement date, that is, the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_ and still is, justly and truly indebted to me [or to me and [insert name of co-partners], my co-partners in trade, or, as the case may be] in the sum of Rs. \_\_\_\_\_\_\_\_\_\_ for [please state consideration].

1. In respect of my claim of the said sum or any part thereof, I have relied on the documents specified below:

 [Please list the documents relied on as evidence of debt and of non-payment.]

1. The said documents are true, valid and genuine to the best of my knowledge, information and belief.

1. In respect of the said sum or any part thereof, I have not, nor have my partners or any of them, nor has any person, by my/our order, to my/our knowledge or belief, for my/ our use, had or received any manner of satisfaction or security whatsoever, save and except the following:

[Please state details of any mutual credit, mutual debts, or other mutual dealings between the corporate debtor and the financial creditor which may be set-off against the claim.]

Solemnly, affirmed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day, the \_\_\_\_\_\_\_\_\_\_day of\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_

Before me,

Notary / Oath Commissioner.

Deponent's signature.

# **VERIFICATION**

I, the Deponent hereinabove, do hereby verify and affirm that the contents of para \_\_\_ to \_\_of this affidavit are true and correct to my knowledge and belief. Nothing is false and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_ 201\_\_\_.

 Deponent's signature.