

~~Amrinder B~~

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 21 OF 2014
IN
COMPANY PETITION NO. 853 OF 2000

Bank of Baroda ... Applicant
IN THE MATTER BETWEEN :
The Small Industries Development Bank of India ... Petitioner
Versus
The Official Liquidator of
M/s Alpic Finance Ltd (In Liqn) ... Respondent

Mr. Amit Jamsandekar alongwith Ms. Gaurangi Pujara i/b Little & Co for
the Applicant.
Mr. C.J. Joy for the R.D. and R.O.C.
Mr. S. Ramakantha, OL, present.

CORAM : S. J. PATHAWALLA J.
DATE : 7TH NOVEMBER, 2014

PC. :

1. Heard, the Learned Counsel for the Applicant and the Official Liquidator. The Learned Counsel for the Applicant has invited my attention to the earlier orders passed in the present Company Application.
2. In compliance of the orders passed in the Application, the Learned Counsel has tendered drafts of the advertisements and notices to be published, inviting claims of the Bonds/Debenture holders who have subscribed to different series of Bonds issued by M/s Alpic Finance Ltd (In Liqn). The draft advertisements have been prepared in joint consultation with the office of Official Liquidator as directed by the Court, which are taken on record and marked 'X' and 'X-1' for identification. It is also necessary to publish the final notice in newspapers having all India circulation. However, the cost factor to

publish such notice also needs be considered. Therefore, it would suffice and it would also be effective if the notice is published in the newspapers giving only the relevant information and informing the readers that the details of the requirements of the documents and the procedure to be followed by the Bonds / Debenture holders will be made available on the official websites of the Bombay High Court, the Official Liquidator, Bombay Stock Exchange, National Stock Exchange and SEBI.

3. In view thereof, the following order is passed :

- a) Within a period of nine weeks from today, the Applicant shall make available a sum of Rs.10 lacs to the Official Liquidator towards the publication of the advertisements in the newspapers from the amount recovered by the Applicant in the proceedings adopted in its capacity as trustee against Alpic Finance Ltd. (in Liqn.)
- b) The Official Liquidator shall publish a notice within a period of twelve weeks from today in all the editions of the Times of India (English) & Navbharat Times (Hindi) inviting claims within a period of 15 days from the date of publication of the Notice. In the notice to be published in the newspapers, the reference of this order, the last date for submission of the claims and details of the websites on which the detailed information shall be made available in respect of the documents to be filed along with the claims etc. shall be provided. The notice shall state that it is a final notice to the Bond / Debenture holders. In view of the fact that all the relevant information shall be made available on the websites, the publication of the notice in the newspapers shall set out only the relevant information as submitted and marked 'X' for identification.
- c) All the details and the documents to be submitted by the Bond / Debenture holders along with the claims including the indemnity bond, affidavits as required by the office of the Official Liquidation shall be

made available on the website of the Bombay High Court, Ministry of Corporate Affairs, Registrar of Companies, Bombay Stock Exchange, National Stock Exchange, SEBI and the Official Liquidator from the date of publication or the notice in accordance with clause (b) above for a period of three weeks giving prominent and effective publication on the websites, in the form submitted and marked 'X-1' for identification.

d) The Registrar of the Bombay High Court, Ministry of Corporate Affairs, Registrar of Companies, the Bombay Stock Exchange, National Stock Exchange, SEBI, the Official Liquidator and the IT Departments are ordered and directed to give prominent and effective publication of notice in the form as marked 'X1' for identification on their respective official websites in terms of clause (c) above. A copy of the present order shall also be made available along with the notice on the websites.

4. The Official Liquidator shall not accept any claims after the last date on which the claims are to be submitted by the Bond/Debenture holders as specified in the notice, without the leave of the Court.

5. In view thereof, the present application is disposed off. Liberty is granted to the Applicant to file a fresh application in respect of further reliefs including reliefs in terms of prayer clauses (b) to (j) sought in the Application after the process of lodging the claims as required by the notice to be published by the official Liquidator is complete.

6. No order as to cost.

(S.J. KATHAWALLA, J)

**FINAL NOTICE TO DEBENTURE HOLDERS/BOND HOLDERS ISSUED BY
M/S. ALPIC FINANCE LIMITED TO PROVE THEIR CLAIMS**

Final Notice is hereby given pursuant to the order dated 7th November 2014 passed by the Hon'ble High Court, Bombay in Company Application No. 21 of 2014 in Company Petition No. 834 of 2001 to the Debenture Holders/Bond Holders of the following series of Bond/Debentures, issued by **M/s. Alpic Finance Limited (In Liq.)** (hereinafter referred to as "**Company**")

- 1) Alpic Infrastructure Bonds – Series I (Trust Deed dated 24.7.1998)
- 2) Alpic Infrastructure Bonds – Series II (Trust Deed dated 11.9.1999)
- 3) Alpic Secured Bonds – Series I (Trust Deed dated 23.9.1999)
- 4) Alpic Secured Bonds – Series II (Trust Deed dated 10.4.2000)
- 5) Alpic Festive Bonds (Trust Deed dated 31.7.2000)

The Debenture/ Bond Holders are required to submit their claims to the Official Liquidator, High Court Bombay by filing an Affidavit of Proof of Debt in prescribed form No. 66 of the Companies (Court) Rules, 1959 along with the following documents on or before 30.11.15....(format of the said Affidavit of Proof of Debt is attached herewith).

- i) The original debentures/bonds certificates and original letter of allotment/ receipt if any issued by the company by giving details of Bonds/Debentures issued;
- ii) If the original debenture/bonds certificates are submitted to the Company for redemption then the original memo of acknowledgement in prescribed format issued by the Company or receipt in original issued by the Company affixing thereon "Original Rubber Stamps" of the Company;

- iii) If the above originals are not available then the self attested photocopies of the documents along with an affidavit stating the reasons as to why the original certificates/receipts cannot be submitted along with an indemnity (format of the said Indemnity is attached herewith); If the original documents are lost or destroyed then a copy of the Police complaint or the details of other steps taken by the Bond/Debenture holders in respect of the documents.
- iv) In case of death of Debenture holder, notarized certified copy of the death certificate is to be submitted along with an Affidavit/NOC of the Legal Heir and indemnity (format of the said Indemnity is attached herewith).

The claims, along with the above documents should be delivered at the office of the Official Liquidator, High Court Bombay on or before 30/11/15 or be send by post so as to reach him not later than 30/11/15.

Any document received after shall not be considered and claims received thereafter shall be excluded from the benefit of any distribution of divided and no objections shall be entertained.

The Debenture/Certificate Holders who have already filed/lodged their claims in the prescribed form and manner then the same need not be filed again.

Dated this day of _____ 2015.

Official Liquidator (~~in Charge~~)
High Court, Bombay
5th Floor, Bank of India Building,
Mahatma Gandhi Road,
Fort, Mumbai 400 023
Tele 2267 0024 , 2267 5008

Court Fee Stamp of Rs.5/-
to be affixed

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO. 21 OF 2014

IN

COMPANY PETITION NO. 853 OF 2000

*In the matter of the Companies
Act-1 of 1956*

And

*In the matter of M/s. Alpic
Finance Ltd. (in Liquidation)*

AFFIDAVIT OF PROOF OF DEBT

I, _____ of _____ solemnly
affirm/make oath and state as follows:-

1. That the name of the creditor of the abovenamed Company is _____ and the address is _____.
2. That the abovenamed company was at the date of the order of winding-up the same viz the _____ day of _____ 2014 and still is justify and truly debted to me/us in the sum of Rs. _____ (Rupees _____) for _____ and the full particulars of the said claim are annexed hereto and marked Exhibit "A".
3. In respect of the said sum or any part thereof, I/We have not nor have my/our partners or any of them, nor has any person or persons by my/our order, to my/our knowledge or belief, for my/our used, had or received any manner of satisfaction or security whatsoever, save and except the following:-

IN THE WITNESS WHEREOF, I _____ have signed, sealed and delivered this
bond on the day, month and year as mentioned.

Solemnly affirmed at Bombay)

Dated this day of 2014)

Interpreted explained and identified)

By me)

On the Non Judicial Stamp paper of Rs. 200/- duly notarized with the Notary Registrar,
Entry number to be shown with the Notary.

INDEMNITY BOND (As Applicable)

This Indemnity Bond executed by _____ on ___ day of _____ 2014 age, _____, adult,
Indian inhabitant, presently residing at _____ (or This Indemnity Bond
executed by _____, the legal heir of _____, the Original Debenture Holder on _____
day of _____ 2014 age, _____, adult, Indian inhabitant, presently residing at
_____) age hereinafter called, "Indemnifier" (which expression shall mean
and include my heirs, successors and legal representatives).

AND WHEREAS I am debenture holder (or the legal heir) of M/s Alpic Finance Ltd. (in
liquidation) and have filed my claim and registered the same with the office of the Official
Liquidator, High Court, Bombay having their office at 5th floor, Bank of India Building, M.G.
Road, Fort, Mumbai 400 023, and the said company was ordered to be wound up in
Company Petition No. 853 of 2000 by an order dated 21.6.2007, passed by the Hon'ble
High Court, Bombay and the Official Liquidator, High Court, Bombay was appointed as a
Liquidator under the usual powers of Companies Act, 1956 read with Company's (Court)
Rules, 1959.

NOW THIS DEED WITNESSES that in pursuance of the aforesaid agreement and in
consideration the Official Liquidator paying the amount of Rs. _____ to me I hereby agree
with the office of the Official Liquidator that I will at all times indemnify and keep harmless
the said office of the Official Liquidator from all claims and demands made and all actions
and proceedings taken against the said office of the Official Liquidator by any person in
respect of the said amount of Rs. _____ or any part thereof received by me.

4. I/We claim that my/our above claim be classified as _____
Solemnly affirmed.

Before me:

At _____ this _____ day

Of December 2014

Associate/ Magistrate