**Form 6**

(See sub-rule(1) of rule 7)

APPLICATION BY CORPORATE APPLICANT TO INITIATE CORPORATE INSOLVENCY RESOLUTION PROCESS UNDER THE CODE.

(*Under rule* 7 *of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016*)

[*Date*]

To,

The National Company Law Tribunal

[*Address*]

From,

[*Name and address for correspondence of the corporate applicant*]

In the matter of [*name of the corporate debtor*]

**Subject**: Application to initiate corporate insolvency resolution process in respect of [*name of the corporate debtor*]under the Code.

Madam/Sir,

We, hereby submit this application to initiate a corporate insolvency resolution process in respect of [*name of corporate* *debtor*]. The details for the purpose of this application are set out below:

**Part-I**

|  |  |  |
| --- | --- | --- |
| **PARTICULARS OF THE CORPORATE APPLICANT** | | |
| 1 | Name address, email address, identification number and address for communication of the corporate applicant |  |
| 2 | Name address, email address, dentification Number and address of the registered office of corporate debtor |  |
| 3 | Names and addresses of all directors, promoters, designated partners of the corporate debtor (as applicable) |  |
| 4 | Date of incorporation of corporate debtor |  |
| 5 | Nominal share capital and the paid-up share capital of the corporate debtor and/or details of guarantee clause as per memorandum of association (as applicable) |  |
| 6 | Name, address and authority of person submitting application on behalf of corporate applicant (enclose authorisation) |  |
| 7 | Name and address of person resident in india authorised to accept the service of process on its behalf (enclose authorisation) |  |
| 8 | Documentation to show that the corporate applicant is authorised to initiate the corporate insolvency resolution process |  |

**Part - II**

|  |  |  |
| --- | --- | --- |
| **PARTICULARS OF PROPOSED INTERIM RESOLUTION PROFESSIONAL** | | |
| 1 | Name, address, email address and the registration number of the proposed interim resolution professional |  |

**Part - III**

|  |  |  |
| --- | --- | --- |
| **PARTICULARS OF FINANCIAL / OPERATIONAL DEBT [CREDITOR WISE, AS APPLICABLE]** | | |
| 1 | Name(s) of financial / operational creditor(s) |  |
| 2 | Address of correspondence of the financial /operational creditor(s) |  |
| 3 | Total debt raised and amount in default |  |
| 4 | Date when the financial / operational debt was incurred |  |
| 5 | Particulars of security held, if any, the date of its creation, its estimated value as per the creditor.  Attach a copy of a certificate of registration of charge issued by the registrar of companies (if the corporate debtor is a company) |  |
| 6 | Details of retention of title arrangements (if any) in respect of goods to which the operational debt refers |  |
| 7 | Record of default with the information utility, if any |  |
| 8 | List of documents attached to this application in order to prove the existence of financial / operational debt and the amount in default |  |

I, certify that, to the best of my knowledge, [*name of proposed insolvency professional*], is fully qualified and permitted to act as an insolvency professional in accordance with the Code and the associated rules and regulations.

[*Name of the corporate applicant*] has paid the requisite fee for this application through [*state means of payment*] on [*date*].

Yours sincerely,

|  |
| --- |
| Signature of person authorised to act on behalf of the corporate applicant |
| Name in block letters |
| Position with or in relation to the corporate applicant |
| Address of person signing |

Instructions

Please attach the following to this application:

|  |  |  |  |
| --- | --- | --- | --- |
| Annex I | In case of financial debt, record of default obtained through the information utility or all documents | | |
|  | listed in serial number 8 of part –III of this application. | |  |
| Annex II | In case of operational debt, (i) copy of invoice / demand notice served by an operational creditor on the | | |
|  | corporate debtor and (ii) record of default obtained through the information utility or all documents | | |
|  | Listed in serial number 8 of part-III of this application. | |  |
| Annex III | Written communication by the proposed interim resolution professional as set out in Form 2 of the | | |
|  | Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016. | | |
| Annex IV | Copy of the relevant books of accounts of the corporate debtor evidencing the default to creditors. | | |
| Annex V | Copies of audited financial statements of the corporate debtor for the last two financial years and the | | |
|  | provisional financial statements for the current financial year made upto a date not earlier than fourteen | | |
|  | days from the date of the application. | |  |
| Annex VI | A statement of affairs made up to a date not earlier than fourteen days from the date of application | | |
|  | including the following document, namely:- | |  |
|  | (a) | a list of the corporate debtor’s assets and liabilities, divided into such categories as are | |
|  |  | appropriate for easy identification, with estimated values assigned to each category; | |
|  | (b) | in the case of any property on which a claim against the corporate debtor is wholly or partly | |
|  |  | secured, particulars of the claim and its amount, and of how and when the security was | |
|  |  | created; |  |
|  | (c) | the names and addresses of the financial creditors and operational creditors of the corporate | |
|  |  | debtor, with the amounts due to each of them; |  |
|  | (d) | particulars of any debts owed by or to the corporate debtor to or by persons connected with it; | |
|  | (e) | whether any, and if so what, guarantees have been given in relation to the debts of the | |
|  |  | corporate debtor by other persons, specifying which, if any, of the guarantors is a related party | |
|  |  | to the corporate debtor and the corporate applicant; and |  |
|  | (f) | the names and addresses of the members and partners of the corporate debtor, as the case may | |
|  |  | be, with details of their respective shareholdings. |  |
| Annex VII | A copy of: | |  |
|  | (a) | Relevant extract of any constitutional document or shareholders’ agreement that records the | |
|  |  | authority of the corporate applicant to make this application, where the corporate applicant is | |
|  |  | a member or partner of the corporate debtor; or |  |
|  | (b) | Relevant extract of an employment agreement, constitutional document or fillings made to the | |
|  |  | Registrar of Companies confirming the authority of the corporate applicant to make this | |
|  |  | application, where the corporate applicant is an individual in charge of managing the | |
|  |  | operations and resources of the corporate debtor or has control and supervision over the | |
|  |  | financial affairs of the corporate debtor. |  |
| Annex VIII | Affidavit in support of the application in accordance with the Insolvency and Bankruptcy (Application | | |
|  | to Adjudicating Authority) Rules, 2016. | |  |
| Annex IX | Proof that the specified application fee has been paid. | |  |