

9<sup>th</sup> UPDATED LIST OF CREDITORS as on 05<sup>th</sup> August 2019

CORPORATE DEBTOR: M/S APEX BUILDSYS LTD

1. FINANCIAL CREDITORS

CONSOLIDATED CLAIMS (a+b+c) –

(Amount in INR)

Financial creditors	Original claims			Revised claims		
	Amount claimed	Claim admitted	Voting share	Amount claimed	Claim admitted	Voting share
State Bank of India	2,09,96,54,275	2,09,96,54,275	47.27%	2,09,96,54,275	2,09,96,54,275	47.23%
ICICI Bank Ltd.	1,75,56,32,647	1,75,56,32,647	39.53%	1,75,56,32,647	1,75,56,32,647	39.49%
Bank of Bahrain and Kuwait B.S.C.	31,52,13,944	30,81,14,471	6.94%	31,22,86,830	31,22,86,830	7.02%
IFCI Factors Ltd	25,23,95,227	25,23,95,227	5.68%	25,23,95,227	25,23,95,227	5.68%
Jammu and Kashmir Bank	2,59,80,177	2,59,80,177	0.58%	2,59,80,177	2,59,80,177	0.58%
<b>Total</b>	<b>4,44,88,76,271</b>	<b>4,44,17,76,798</b>	<b>100.00%</b>	<b>4,44,59,49,156</b>	<b>4,44,59,49,156</b>	<b>100.00%</b>



a) Working Capital Facilities in Consortium (Inclusive of WCTL & FITL) –

(Amount in INR)

Financial creditors	Amount claimed	Claim admitted	Voting share
State Bank of India	2,09,96,54,275	2,09,96,54,275	81.37%
ICICI Bank Ltd.	16,86,07,292	16,86,07,292	6.53%
Bank of Bahrein & Kuwait	31,22,86,830	31,22,86,830	12.10%
<b>Total</b>	<b>2,58,05,48,397</b>	<b>2,58,05,48,397</b>	<b>100.00%</b>

b) Term Loan Facilities –

(Amount in INR)

Financial creditors	Amount claimed	Claim admitted	Voting share
ICICI Bank Ltd.	1,28,65,87,196	1,28,65,87,196	100.00%
<b>Total</b>	<b>1,28,65,87,196</b>	<b>1,28,65,87,196</b>	<b>100.00%</b>

c) Other Credit Facilities – Working capital facilities outside consortium

(Amount in INR)

Financial creditors	Amount claimed	Claim admitted
ICICI Bank Ltd (OD & BG)	30,04,38,159	30,04,38,159
IFCI Factors Ltd	25,23,95,227	25,23,95,227
Jammu and Kashmir Bank Ltd	2,59,80,177	2,59,80,177
<b>Total</b>	<b>57,88,13,563</b>	<b>57,88,13,563</b>



## Security Interest for the credit facilities granted (Lender wise) is as follows-

### A) ICICI Bank

#### For Rupee term loan 1, Rupee term loan 2 and Overdraft

##### a) Primary security:

- **First charge** on entire movable fixed assets of the company (by way of hypothecation), both present & future, located at borrower's divisions at various places in India.
  - **First charge** on entire immovable fixed assets/ properties of the company (by way of equitable mortgage), both present & future, located at borrower's divisions at various places in India which are as follows
    - Property (Factory land & building) bearing industrial plot no 11, Sector-9, IIE Pantnagar, Rudrapur, Uddham Singh Nagar, Uttrakhand measuring 65,201.42 sq. mtrs
    - Property (Factory land & building) bearing industrial plot no. D-3 in the Umred Industrial Area, within the village limits of Belgaon and Kunbhari, outside Municipal limits, Taluka Umred and District Nagpur measuring 2,56,473 sq. mtrs., Maharashtra
- (Both properties along with all buildings and structures thereon, fixtures, fittings and all plant and machinery attached to the earth or permanently fastened to anything attached to the earth, both present and future.)*

##### b) Personal Guarantee of the following

- i. Mr. Hem Singh Bharana

##### c) Corporate Guarantee of the following

- i. ERA Infra Engineering Ltd.

#### Working capital facilities under consortium

##### a) Primary security:

- **First charge** on entire current assets of the company, both present & future, wherever situated, pertaining to the borrower/ borrower's divisions at various places in India, shared **pari-passu** among the consortium members, by way of hypothecation.

- b) Collateral Security:
- **Second charge** on entire fixed assets of the company (Both movables and immovables), both present & future, located at borrower's divisions at various places in India, shared **pari-passu** among the consortium members.
- c) Personal Guarantee of the following
- Mr. Hem Singh Bharana
- d) Corporate Guarantee of the following
- ERA Infra Engineering Ltd.

### Bank Guarantees (Outside consortium)

- a) Primary security
- First pari-passu charge on current assets of the company.
  - Second pari-passu charge on entire fixed assets of the company (both movable & immovable)
- b) Personal Guarantee of the following
- Mr. Hem Singh Bharana

**Note: This Bank Guarantee Limit of ICICI Bank Ltd. is being considered as a secured facility based on the direction of Hon'ble NCLT on the application of Jammu & Kashmir Bank as discussed at the security interest of Jammu & Kashmir Bank in Para D.**

## **B) State Bank of India**

### Working capital facilities under consortium

- a) Primary security:
- **First charge** on entire current assets of the company, both present & future, wherever situated but pertaining to the borrower/ borrower's divisions at various places in India, shared **pari-passu** among the consortium members, by way of hypothecation
- b) Collateral Security:
- **Second charge** on entire fixed assets of the company (Both movables and immovables), both present & future, located at borrower's divisions at various places in India, shared **pari-passu** among the consortium members. (Same as held by the ICICI Bank Ltd for the term loans)
  - **Pledge** of 90,59,050 fully paid up shares of the Apex Buildsys Ltd (Borrower) held by Era Infra Engineering Ltd (Exclusive additional security pursuant to restructuring)



- c) Personal Guarantee of the following
  - i. Mr. Hem Sing Bharana
  
- d) Corporate Guarantee of the following
  - i. ERA Infra Engineering Ltd.

### C) Bank of Bahrain & Kuwait BSC

#### Working capital facilities under consortium

- a) Primary security:
  - **First charge** on entire current assets of the company, both present & future, wherever situated, pertaining to the borrower/ borrower's divisions at various places in India, shared **pari-passu** among the consortium members, by way of hypothecation
  
- b) Collateral Security:
  - **Second charge** on entire fixed assets of the company (Both movables and immovables), both present & future, located at borrower's divisions at various places in India, shared **pari-passu** among the consortium members. (Same as held by the ICICI Bank Ltd for the term loans)
  
- c) Personal Guarantee of the following
  - i. Mr. Hem Singh Bharana
  
- d) Corporate Guarantee of the following
  - i. ERA Infra Engineering Ltd.

### D) Jammu and Kashmir Bank

#### Term loan for Working capital (Outside consortium)

- a) Security
  - i. First pari-passu charge on all movable and immovable fixed assets (present & future) of the company with ICICI Bank, other than those exclusively charged.
  - ii. Second pari-passu charge on all the current assets of the company, with ICICI Bank.
  
- b) Personal Guarantee of the following
  - i. Mr. Hem Singh Bharana



c) Corporate Guarantee of the following

- i. ERA Infra Engineering Ltd.

**Note:** Pursuant to the directions of Hon'ble NCLT, on an application filed by Jammu & Kashmir Bank in the matter of ICICI Bank Ltd. Vs Apex Buildsys Ltd., vide order dt. 09-01-2019, Jammu & Kashmir Bank has now been treated as a Secured Financial Creditor.

**E) IFCI Factors Ltd**

**Factoring of receivables -Working capital (Outside consortium)**

a) Personal Guarantee of the following

- i. Mr. Hem Singh Bharana



## 2. OPERATIONAL CREDITORS

- List of operational creditors whose claim has been admitted

(Amount in Lakhs)

S. No	Name	Claim filed	Claim admitted
1	Vishwanath Industries	2.27	1.55
2	Transolutions Pvt. Ltd	66.49	61.32
3	P C Bindal & Co	18.93	15.35
4	Gee Kay Gases	1.71	1.71
5	Union Roadways Ltd	79.53	55.74
6	EMMAAR EL Construction Pvt. Ltd	437.72	282.67
7	ADOR Welding Ltd	53.35	38.79
8	Mukta V N Films Ltd	113.10	41.25
9	Anil Kumar Sharma	1.50	0.91
10	Balaji Associates	10.00	2.69
11	Maharashtra Vat Department	123.62	123.62
12	Commercial Tax Officer -Rajasthan	10.57	10.57
13	R D Weld Products Pvt. Ltd	24.87	12.18
14	Mukti Enterprises	0.25	0.21
15	GNR LOGISTICS PVT. LTD.	13.90	13.91
16	SDTC Logisitics	6.61	6.04
17	Grauer & Weil (India) Limited	20.17	19.87
18	Nagesh Roadlines	17.57	14.65
19	M/S Gujrat Maharashtra trailer transport service	15.65	11.68
20	Shamji Tours & Travels	1.65	0.74
21	Balaji Industrial Services	14.55	6.02
22	Deep Associates	15.62	8.54
23	Vega Swift Logistics	8.53	7.67
24	Samiksha Timber Trading & Suppliers	4.39	4.39
25	Vikash Engineers	3.45	1.67
26	Seagull Logistics	49.00	17.88
27	M/S KSE LTD	12.69	12.69
28	Anchor Group Security Services	8.00	3.36
29	Master Group Security Services	1.50	0.58
30	Commissioner of Custom, NS-II, JNCH, Nhava Sheva	117.34	117.34
31	Rathi Industrial Gases	7.99	1.90
32	Impetus Worldwide Logistics	14.58	13.77
33	Agarwal transport organisation	7.85	7.03
34	AV Weldtech Pvt. Ltd.	2.10	1.22
35	AC GST Division Hingna, Nagpur-I, Sector-A, Layout, Butibori-441122	386.72	378.85

36	Lloyd Insulations (India) Limited	62.38	53.40
37	Isolloyd Engineering Technologies Limited	7.06	7.06
38	Shreedatta Coating	17.00	17.00
39	Gurudatta Enterprises	7.00	3.96
40	NTC Logistics India (P) Limited	55.16	20.72
41	Srijan Infratech	46.84	33.40
<b>Total</b>		<b>1,869.21</b>	<b>1,433.90</b>

- **List of operational creditors whose claim has been admitted on contingent basis:**

(Amount in Lakhs)

S. No	Name	Claim filed	Claim admitted
1	Ahluwalia Contracts (India) Limited	1,227.08	1,227.08
<b>Total</b>		<b>1,227.08</b>	<b>1,227.08</b>

- **Total Admitted Amount – Rs. 2660.98 (Rs. 1433.90 + 1227.08)**

Note: The status of the other claims received as operational creditors is as follows:

(Amount in Lakhs)

S. No	Name	Claim filed	Status
1	Jangipur Bengal Mega Food Park Ltd	4,804.06	Rejected
2	Sunflag Iron & Steel Co. Ltd	2,137.00	Rejected
3	Sterling Arch	77.50	Rejected
4	GST Commissionerate Delhi South, Nehru Place New Delhi	17486.16	Under Verification
<b>Total</b>		<b>24,504.72</b>	



### 3. EMPLOYEES/WORKERS

- List of Employees/Workers whose claim has been admitted:

(Amount in Lakhs)

S. No	Name	Claim filed	Claim admitted
1	Satish Chandra	3.00	2.37
2	Prashant Chauhan	1.35	1.07
3	Mahendra Pal Singh	0.77	0.69
4	Syamsundar Bandyopadhyay	3.72	3.65
5	Chetan Sharma	2.83	2.23
6	Dinesh Ambwani	4.54	4.49
7	Shailesh Gada	6.15	2.64
8	Gangadhar Reddy Mannem	4.11	3.74
9	Amitava Gayen	1.17	0.88
10	Neeraj Kumar	2.73	1.67
11	Jitender Kumar Aggarwal	0.74	0.70
12	Vishnu Kumar Gupta	0.81	0.81
13	Deepak Giri	1.50	1.28
14	Suresh Kosta	1.71	1.59
15	Dasaradha Ramaiah	8.34	5.17
16	Rakesh Sahi	10.94	4.60
17	Gajanan Chourewar	4.01	1.48
18	Rajeev Gupta	2.12	2.12
19	Shyam Veer	0.96	0.51
20	L.Thyagarajan	2.97	2.97
21	Manikandan Shivan	0.45	0.45
22	Ashish Shrivastava	5.20	1.96
23	U. Sandhya Rani	5.60	1.69
24	Mayur Sabhaya	0.80	0.62
25	Sanjay Kumar Singh	1.13	0.71
26	Vinod Verma	1.66	1.48
27	Vinod Srikoti	3.39	2.93
28	Rajesh K. Mathur	1.47	0.55
29	Sanjay K. Tripathi	1.53	1.53
30	Manoj Kumar Dey	1.10	0.73
31	Clayton Clarence	0.70	0.44
32	Amit Kumar Singh	3.50	1.85
33	Nahusheshwar B. Pathrabe	5.74	1.23
34	Iniyavan Sriram	6.00	1.47
35	Vishal Choudhary	11.27	3.89
36	Neeraj Saxena	1.98	1.84
37	Nitesh Kumar Nagdeote	0.73	0.70
38	Hareram Sharma	1.50	1.10
39	Ajay Kumar Srivastava	1.48	1.48



40	Anwar Ali	0.44	0.44
41	Pradeep Joshi	0.41	0.41
42	Girish Sharma	4.00	4.00
43	Shive Narayan Gupta	16.00	7.77
44	Abhay Karadbhajane	2.70	1.34
45	ERA Labour Union (Pant Nagar Plant) – 103 workers	289.72	53.65
	<b>Total</b>	<b>432.97</b>	<b>138.92</b>

- **List of Employees/Workers whose claim has been admitted on contingent basis:**

(Amount in Lakhs)

S. No	Name	Claim filed	Claim admitted
1	ERA Labour Union (Pant Nagar Plant) – 103 workers	289.72	187.50
	<b>Total</b>		<b>187.50</b>

- **Total Admitted amount – Rs. 326.42 (138.92 + 187.50)**

- **List of Employees/Workers whose claim has not been admitted:**

(Amount in Lakhs)

S. No	Name	Claim filed	Claim not admitted
1	Bhushan Singh Chahuan	3.65	3.65
	<b>Total</b>	<b>3.65</b>	<b>3.65</b>



#### 4. OTHER CREDITORS

##### List of other creditors whose claim has been admitted

(Amount in Lakhs)

S. No	Name	Claim filed	Claim admitted
1	Roquette Riddhi Siddhi Pvt. Ltd	5.00	5.00
2	Schott Kaisha Private Limited	170.48	118.18
Total		175.48	123.18



GIAN CHAND NARANG  
RESOLUTION PROFESSIONAL  
M/S APEX BUILDSYS LIMITED

Date: 05.08.2019

Place: New Delhi

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