

Frequently Asked Questions by Real Estate Allottees (FAQs)

These FAQs have been prepared by the IRP to provide answer to the questions being commonly asked by real estate allottees / home buyers on emails/phone. The FAQs will be updated from time to time. Please note the answer to FAQs is not a legal advice by IRP and where necessary flat buyers may seek expert advice.

1. Supertech Limited has been admitted into insolvency on 25.03.2022. What does it mean?

Hon'ble National Company Law Tribunal, Delhi Bench ("NCLT") by its order dated 25th March 2022, ("**Admission Order**") ordered the commencement of Corporate Insolvency Resolution Process ("**CIRP**") in respect of Supertech Limited (hereinafter referred to as "**Supertech**" or "**Company**" or "**Corporate Debtor**") under the provisions of the Insolvency and Bankruptcy Code' 2016 and subsequent amendments thereof ("**IBC**"). Mr. Hitesh Goel, IBBI Registration no IBBI/IPA-001/IP//P-01405/2018 -2019/12224 has been appointed as Interim Resolution Professional ("**IRP**").

In accordance with section 17(1)(b) of the IBC, the powers of the board of directors of the Supertech are suspended and be exercised by the IRP.

The CIRP is not a proceeding for liquidation. It is a process to find a resolution for the current situation in accordance with the provisions of IBC. As IRP, it is my duty to endeavor to protect and preserve the value of the property of the Company and manage its operations as a going concern. I am conscious of the interest of the key stakeholders.

2. Which projects of Supertech are affected by this order?

Please be informed that the projects which are part of Supertech Limited will come under insolvency proceedings and any other project under any other entity will not come under insolvency proceedings by virtue of Hon'ble NCLT order dated 25th March 2022. As per the information available with IRP, following projects are part of Supertech Limited :-

S.no	Project Name	S.no	Project Name
1	Hilltown	16	Livingston
2	Hill Estate	17	Meerut Sports City
3	Araville	18	Green Village Meerut
4	Hues	19	Palm Green Meerut
5	Azalia	20	Palm Green Moradabad
6	Official Enclave / Hill Crest	21	34 Pavillion
7	Sports Village	22	Up Country
8	Eco Village 1	23	Czar
9	Eco Village 2	24	Doon Square
10	Eco Village 2 Phase-2 / Eco Village 4	25	River Crest

11	Eco Village 3	26	Micasa
12	Capetown	27	Eco Citi
13	Cape Crown	28	Emerald Court
14	North Eye	29	Apex / Ceyane
15	Romano	30	Ritz Villa

The projects which are launched under the name of any other affiliate entity of Supertech Group (although may be launched under the brand name of Supertech or appearing on Supertech webpage) do not come under the purview of CIRP order dated 25.03.2022.

3. Whether flat buyers / allottees are required to file the claim under CIRP process?

In terms of Section 5(8)(f) of the Code, any amount raised from an allottee under a real estate project shall be deemed to be an amount having the commercial effect of a borrowing.

This implies that real estate allottee are financial creditors and need to file claim in form CA (claim by financial creditors in a class).

4. How do I file the claim

As per regulation 8A(1) of CIRP regulations 2016, a person claiming to be a creditor in a class shall submit claim with proof to the interim resolution professional in electronic form in Form CA.

This implies that home buyers do not have to submit the form CA in physical form. The forms submitted by home buyers in electronic form only shall be considered for the purpose of verification.

For the purpose of claim submission along with documents, kindly go to www.supertechclaims.com/claims/ The detailed step-by-step guide to file claim is available on the same website.

If, due to any unavoidable reasons, any home buyer is not able to submit the claim through above portal, such home buyers can submit their claims to IRP over mail at irpsupertech@kpmg.com

5. What all constitutes the claim amount for home buyers to be filed under Form CA?

The claim amount for home buyers primarily falls under various categories, namely as follows:

- **Principal claim:**

The principal amount doesn't mean the total cost/sale price of unit. The principal amount is the amount actually paid up to insolvency commencement date by home buyers to the company. This does not include any tax amount including Sales tax,

VAT, GST or any other taxes paid by the allottee in respect of his unit.

○ **Interest:**

Interest shall be calculated interest at the rate of **eight per cent per annum** unless a different rate has been agreed to between the home buyer and the company. The calculation of interest shall be done for each payment receipt date upto insolvency commencement date.

Example.

The customer has made following payment at different dates to the company:

27th July 2015- INR 1,50,000/-

18th Sep 2018- INR 2,80,000/-

22nd March 2022- INR 5,00,000/-

Scenario 1:

Assuming the agreed delay in possession interest as per agreement to sale is 6%.

Scenario 2:

Assuming the agreed delay in possession interest as per agreement to sale is 12%.

<i>Date of Payment (A)</i>	<i>Insolvency commencement date (B)</i>	<i>No of days (C=B-A)</i>	<i>Amount (D)</i>	<i>Interest Scenario 1 @8% (8% or agreed rate whichever is higher) (E=D*C*8%/365)</i>	<i>Interest Scenario 2 @12% (8% or agreed rate whichever is higher) (F=D*C*12%/365)</i>
<i>27.07.2015</i>	<i>25.03.2022</i>	<i>2433</i>	<i>1,50,000</i>	<i>79,989</i>	<i>119,984</i>
<i>18.09.2018</i>	<i>25.03.2022</i>	<i>1284</i>	<i>3,50,000</i>	<i>98,499</i>	<i>147,748</i>
<i>22.03.2022</i>	<i>25.03.2022</i>	<i>3</i>	<i>5,00,000</i>	<i>329</i>	<i>493</i>

The claim management portal shall do the calculation at 8% rate of interest by default. If there is any higher interest rate agreed to between the parties, then the home buyers may calculate incremental interest and submit the same under “other amounts”. The proof of such agreement of higher interest rate shall also need to be submitted

○ **Other Amounts:**

For any other amounts due to the home buyers under the allotment agreement, the home buyer should file the same under the other amounts along with submission of proof substantiating such claim.

6. Who is authorized representative? Why do home buyer need authorized representative? How to choose authorized representative?

Authorised representative is a registered insolvency professional who gets highest number of votes by certain class of creditors (Home buyers or real estate allottees) in form CA received by IRP.

As per section 25A of Insolvency and Bankruptcy Code, 2016 (“IBC 2016”) read with regulation 16A of CIRP regulations’ 2016, an authorized representative shall have the right to participate and vote in meetings of the committee of creditors on behalf of the home buyers he represents in accordance with the prior voting instructions of such creditors obtained through physical or electronic means.

The home buyers need to select one authorized representative out of the three names of insolvency professional given in public announcement. While filing the claim form, the home buyers need to provide the name of insolvency professional who he/she choose as authorized representative in serial number 11 of Form CA. The profiles of Authorized Representatives are uploaded on CIRP section of website www.supertechlimited.com

The option of selecting the Authorized Representative is given while submitting the Form CA on claim management portal www.supertechclaims.com/claims/

7. Do foreign resident need to get the claim form attested by Indian embassy?

No

8. Does the affidavit need to be on stamp paper?

Not required

9. Is there a need to submit the claim with the help of an advocate?

There is no requirement to file the claim through a lawyer. The allottee can go to the claims management portal www.supertechclaims.com/claims/ and follow the step by step guide which shall help them submit the form on their own. However, the home buyer may choose to get legal assistance if they so desire.

10. Can a claimant appoint a representative to sign the Form on his behalf?

Yes, subject to the representative having a valid authority/Power of Attorney.

11. What are the supporting documents of proof needed to be attached with the claim form?

Documents that are needed to be uploaded / attached with the claim form includes KYC documents e.g. PAN card, Aadhaar card, Passport, Voter Id etc., Allotment letter, payment receipts, Copy of cancelled cheque, Power of Attorney (if applicable) and any other document to substantiate their claim.

12. I have obtained the possession of the flat but the registry is not done yet. Do I need to file the claim?

Any home buyer who has paid an amount to the company under a real estate project and the company has not fulfilled its obligations under the allotment agreement may file a claim under the CIRP process. Merely filing of claim form shall not result in cancellation of possession rights given to those home buyers. The IRP shall collate and verify all claims as per the provisions of the Code.

A flat buyer who has got registry done and do not have outstanding claim may not file the claim form.

13. Which homebuyers are eligible for the purpose of constituting the Committee of Creditors?

The home buyers who have been allotted a plot / flat / apartment / building as on 25th March 2022 vide letter of allotment or agreement to lease or agreement of sale or any other agreement and have not been given possession of the property and have filed claim form are to be considered as financial creditors and will be represented in the meetings of committee of creditors through their authorized representative.

14. Which form should be used by the Real Estate Allottees (“home buyer”) to file claim.

Regulations require Home buyer to file claim in Form CA

15. Will deadline for filing the claims be extended? Will the deadline for filing forms be extended for persons staying outside India?

The last date for submission of proofs of claim is 08th April 2022, as is stated in the public announcement published on 29th March 2022. The first Committee of Creditor will be constituted based on the claim filed till 08th April 2022.

Any creditor who fails to submit claim and proof of claim within the time stipulated in the public announcement may submit such proof to the RP on or before the 90th day of the Insolvency Commencement Date.

16. What will happen if Home buyer fails to submit proof of claim within stipulated time?

Home buyers are requested to submit the claim form by the deadline provided i.e. 08th April

2022 with basic supporting documents i.e. KYC documents, agreement to sale, statement of account etc. The IRP may require additional documents from home buyers to substantiate their claim which may be addressed through the claim management portal.

17. Can a flat buyer cancel the booking and ask for refund?

The IRP is making an endeavor to ensure that development of project continues. The provisions of agreement / Allotment letter continue to be valid and all rights of parties (including cancellation by Flat buyer) can be exercised subject to provisions of the Insolvency and Bankruptcy Code, 2016.

18. What about court cases, if any, filed by flat buyers/ allottee?

Hon'ble NCLT vide its order dated 25th March, 2022 has declared moratorium prohibiting the institution of suits or continuation of pending suits or proceedings against the Company, including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority. In view of the same, all suits and proceedings pending against the Company shall be stayed. Please refer to Section 14 of IBC. Flat buyers / allottees who have an order of a judicial or regulatory authority for payment by Supertech may file a claim with the IRP in this respect.

19. Flat buyer who live abroad do they need notarization of affidavit in support of Form?

Yes

20. What if the claim of flat buyer is for possession of flat and not refund?

The flat buyer may mention in claim form that he/she wants the flat only as per terms of the allotment letter. IRP is making an endeavor to ensure that development of project continues.

21. Whether construction and allotment would continue

The IRP will make best endeavor and the operations of the company is being continued as a going concern.

**** End ****