

MINUTES OF THE SECOND MEETING OF THE CONSULTATION COMMITTEE OF SAPPHERE SPACE INFRACON PRIVATE LIMITED – IN LIQUIDATION HELD ON WEDNESDAY, 24TH JANUARY 2024 FROM 12:30 PM TO 1:15 PM THROUGH VIDEO CONFERENCING

Present through video conferencing throughout the meeting

S/ Shri

1.	Harish Kant Kaushik,	Chairman, Liquidator
3.	Ritesh Ranjan	Representative of Bank of Maharashtra
4.	Mrs Shraddha Shah	Liquidator's Team
5.	Ali Hussain Beechavera	

Item No. 1 and 2:

The Liquidator to chair the meeting of Consultation Committee formed under Regulation 31A of Insolvency and Bankruptcy Board of India (Liquidation Process) (Second Amendments) Regulations, 2022

Harish Kant Kaushik, Liquidator, occupied the Chair. He extended a cordial welcome to all the member of the Consultation Committee. The Chairman informed the member that this meeting of the Consultation Committee is held via video - conferencing and after ascertaining that the requisite quorum was present, the Chairman declared the meeting to be in order and commenced the proceeding of the meeting.

Item No. 3:

To consider and approve the minutes of the 01st Meeting of the Stakeholder Consultation Committee held on Thursday, 07th December 2024.

The Chairman informed the member that the minutes of the First meeting of the Stakeholder Consultation Committee held on Thursday, 07th December 2024 was circulated by the liquidator on 09th December 2023. The Chairman asked the member whether he have any observations on the minutes. Since, there was no observations on the minutes the Chairman informed that the minutes shall be treated as read and approved by the member of SCC.

The Member took note of the same and accordingly the minutes were treated as read and approved by the member of SCC.

Item No. 4:

To take note of process update by the Liquidator

a) Composition of Consultation Committee

The Chairman presented the composition of Consultation Committee as per regulation 31A(6) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016 which was as follows:

Sr. No.	Name of Financial Creditor	Amount Claimed	Amount Admitted	Voting Share
1.	Bank of Maharashtra	113,56,98,271	113,56,98,271	100%
	Total	113,56,98,271	113,56,98,271	100%

b) Liquidation Process Update

The Chairman apprised the member that as per Regulation 12 of the Liquidation Regulations, the Liquidator and in compliance with the Hon'ble NCLT order issued public announcement in the newspapers namely "The Free Press Journal" - English (Mumbai Edition) and "Navakal" – Mumbai in Marathi on 05th December 2023.

The Chairman further apprised the member that the last date for receipt of claim was 30th December 2023 as mentioned in the Public Announcement. The Liquidator has received following claims up to the due date :

S. No	Name of Claimant	Nature of Stakeholder	Date of Receipt of claim	Status of claim
1	Bank of Maharashtra	Secured Financial Creditor	27 th December 2023	Admitted
2	Phoenix Infratech (India) Private Limited	Unsecured Financial Creditor	28 th December 2023	Under Verification

Note: In accordance with Regulation 12(2)(c) of the Liquidation Process Regulations which provides that where a stakeholder does not submit its claims during the liquidation process, the claims submitted by such a stakeholder, and duly collated by the interim resolution professional or resolution professional, as the case may be, during the corporate insolvency resolution process under the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, shall be deemed to be submitted under section 38 of the Code.

The Liquidator is currently in the process of filing the list of stakeholders and constitution of Stakeholders Consultation Committee with the Hon'ble NCLT, Mumbai Bench.

The Chairman apprised the member, that he has received a claim form from one, Phoenix Infratech (India) Private Limited on 28th December 2023, along with the supporting documents as proof of claim.

On a thorough review of the documents submitted by the claimant the Liquidator observed that the Agreement therein have apparently been signed by the promoters of the Corporate Debtor and such agreement provided dated 28th March 2014. However, on a review of the Audited Financial Statements of FY 2020-21 available with the Liquidator, the Liquidator observed that the liability of Phoenix Infratech (India) Private Limited has not been recorded in the books of accounts. It is noteworthy that management of the Corporate Debtor has not shared any past data / records related to Corporate Debtor on pretext that such records have been lost due to the purported theft that took place prior to commencement of CIRP of CD.

Therefore, the Chairman requested the member to provide any relevant document i.e audited balance sheet/ accounts of the CD for FY 2015, that the very Bank has sanctioned in its project loan to Corporate Debtor. With availability of the above records, it shall assist the Liquidator in verifying the genuineness of the claim filed by Phoenix Infratech (India) Private Limited. The Liquidator has also advised Phoenix, the Claimant to submit additional information like, Board resolution, Loan requests and related communication from Corporate Debtor in support of its claim, response to which is awaited at this end.

The Chairman further apprised the member that it is pertinent to determine the number of Homebuyers eligible to file a claim on the Corporate Debtor in order to facilitate the Sale of Assets of the Corporate Debtor to any prospective bidder.. In this regard, as the Bank used / supposed to to issue “No Objection Certificate” at the time of execution of Sale Agreements by CD with the Homebuyers, the Chairman requests the member to provide the details of Homebuyers available with the Bank, if any.

The member took note of the same and agreed to revert on the same

Discussion of Valuation as per Regulation 35:

The Chairman apprised the member regarding the appointment of Registered valuers as per Regulation 35:

- Where the Valuation has been done in CIRP, the liquidator shall consider the average of the estimates of the values arrived under those regulations.
- Where the Valuation has not been done in CIRP, two Registered Valuer’s shall be appointed to ascertain the estimated realizable value of assets under clauses (a) to (f) of Regulation 32
- Liquidator can initiate fresh valuation if deemed fit.

The Chairman gave a brief background on how the valuations were conducted during the CIR process. Firstly, since the assets of the Corporate Debtor primarily consist of only Land & Building, which forms part of an integrated affordable housing project co-owned by CD alongwith another corporate entity, Conglome Technoconstructions Pvt Ltd (presently under liquidation) therefore, the RP had appointed 2 IBBI-approved valuers for Land & Building valuation to value the said overall project. Subsequently, on receipt of the Valuation Reports, the RP observed that there is a significant difference between the valuations given by the two appointed valuers, hence it was decided to appoint a third valuer as per the CIRP Regulations. Further, on receipt of the Valuation Report from the third valuer, the following matrix was emerged as final valuation which was further attributed to both the corporate entities based on their profit-sharing ratio in the Project.

The Chairman presented the below valuation summary:

Summary of Valuation Reports		
Particulars	Valuer 1	Valuer 2
	(Amt in INR.)	
Total Valuation of the Project		
Fair Value	49,45,80,000	48,58,00,000
Liquidation Value	34,62,00,000	34,01,00,000

Sapphire Space Infracon Share (38.5 %); Conglome Technoconstructions Pvt Ltd (61.50%)		
Fair Value of Sapphire share	19,04,13,300	18,70,33,000
Liquidation Value of Sapphire share	13,32,87,000	13,09,38,500
Average Values of Sapphire share:		
Average Fair Value:		18,87,23,150
Average Liquidation Value:		13,21,12,750

The Chairman apprised the member that the Valuation exercise was concluded in April and July of 2022 for both the above valuers respectively. The Chairman inquired from the member that , if it deems fit, then the Committee can consider the Valuation received from the said Valuation reports or if the Member insists on a Fresh Valuation under Regulation 35 of Liquidation Regulations then the Liquidator shall conduct the Valuation exercise in Liquidation period as well.

The Representative of Bank of Maharashtra responded that since the valuation exercise was concluded in the CIR process, the Consultation Committee can peruse such Valuation Reports and is not opting for a fresh valuation of the assets of the Corporate Debtor.

The Chairman took note of the same for taking up the process accordingly

Plan of Action for Liquidation:

The Chairman apprised the member that in the committee of creditors in the 08th Committee of Creditors (“CoC”) Meeting held on 14th March 2022, the Member had approved to liquidate the Corporate Debtor as per Section 33 of the Code and decided to explore the sale of Corporate Debtor as ‘going concern’.

Hence, the Liquidator shall request the member of the Consultation Committee to discuss & recommend the mode of sale of Corporate Debtor to which the Member advised Chairman to arrange for a separate SCC meeting in coming week in which the above issue shall be discussed

The Chairman agreed to call for another meeting shortly to decide the reserve price of the sale of Corporate Debtor as a going concern in the proposed auction under Regulation 32A of the Liquidation Regulations.

The Member and Chairman took a note of the same.

Item No. 5:

To discuss any other matter with the permission of the Chair.

List of Issues to be voted after Discussion.

Item No.1:

There was no other matter to be discuss apart from the agenda of the meeting and the matters to be voted upon by the members.

Vote of Thanks

The Chairman concluded the meeting with the vote of thanks to all the member of the Consultation Committee and participants.



Harish Kant Kaushik
Liquidator of Sapphire Space Infracon Private Limited
Registration No. IBBI/IPA-001/IP-P01469 /2018-2019/12340
Authorization for Assignment valid till 29th Nov 2023
Address: F-1904, Sapphire Regency Towers, Kavesar,
Ghodbundar Road, Thane (West) – 400615
Email id: rp.sapphireinfracone@gmail.com, harishkant2007@gmail.com

Enclosed: Deck of 2nd Meeting of Consultation Committee