

# **KANISHKA SALVAGE AND UNDERWATER SERVICES PRIVATE LIMITED**

## **Invitation of Expression of Interest for Submission of Resolution Plan**

**Dated: 19<sup>th</sup> February 2024**

**Invited by:**

**Ram Ratan Kanoongo**

**Resolution Professional**

**IBBI Registration: IBBI/IPA-001/IP-P00070/2017-18/10156**

**Headway Resolution and Insolvency Services Private Limited**

(Insolvency Professional Entity vide Recognition No. IBBI/IPE/0021)

708, Raheja Centre, Nariman Point, Mumbai – 400 021

Tel: 022 – 66107433; Cell: 9821031996

Email: cirpkanishka@gmail.com; rrkanoongo@gmail.com.

[Issued by the Resolution Professional of Kanishka Salvage and Underwater Services Private Limited, in consultation with the CoC and pursuant to the approval of the CoC]

## **INVITATION FOR EXPRESSION OF INTEREST TO SUBMIT RESOLUTION PLAN FOR KANISHKA SALVAGE AND UNDERWATER SERVICES PRIVATE LIMITED**

### **1. BACKGROUND:**

The Corporate Insolvency Resolution Process (“**CIRP**”) of Kanishka Salvage and Underwater Services Private Limited (**Corporate Debtor / CD / Kanishka / Company**) was initiated by Shiva Marine Salvors And Engineers, an application filed under Section 9 of the Insolvency & Bankruptcy Code, 2016 (“**Code**”) before the Hon’ble National Company Law Tribunal, Mumbai Bench, (“**NCLT**”). The application was admitted by the Hon’ble NCLT vide its Order dated 20<sup>th</sup> January 2023 (copy received by IRP on 23<sup>rd</sup> January 2023) from the Hon’ble NCLT. (“**CIRP Order**”), appointing Mr. Ram Ratan Kanoongo having IBBI Registration IBBI/IPA-001/IP-P00070/2017-18/10156 as the Interim Resolution Professional (IRP).

Pursuant to the said order, the Board of Directors of the Company which has been suspended w.e.f. 20<sup>th</sup> January 2023 and the functions of the Board of Directors have been vested with the IRP as per Section 17(1)(b) of IBC. Further, the Suspended Director of the CD filed an appeal with the Hon’ble NCLAT for staying the CIRP, which was allowed vide its interim order CA (AT) (Ins) No. 138 of 2023 dated 08<sup>th</sup> February 2023 and thus the CIRP proceedings were stayed. The final hearing which took place on 08<sup>th</sup> November 2023, the Appellate Tribunal reserved the orders in the appeal and the same was pronounced on 29<sup>th</sup> November 2023; certified copy received on 30<sup>th</sup> November 2023. The order rejected the application filed by the suspended Director and lifted the stay granted on the CIRP. Accordingly, the CIRP was resumed with effect from 29<sup>th</sup> November 2023. The Committee of Creditors (CoC), thereafter, in the 1<sup>st</sup> CoC, resolved to appoint the existing IRP, Mr. Ram Ratan Kanoongo as the Resolution Professional (RP).

The CoC in its 3<sup>rd</sup> CoC meeting held on 15<sup>th</sup> February 2024, has authorized the RP to publish 2<sup>nd</sup> advertisement seeking Expression of Interest from the prospective resolution applicants to put forward their Resolution Plans. Accordingly, the RP has published an advertisement to invite expression of interests (“**EOI**”) on 19<sup>th</sup> February 2024 in various newspapers and also put up the EOI process document on [www.headwayip.com](http://www.headwayip.com) and <https://kanishka.cirp.co.in/> pursuant to which the RP invited EOI from prospective resolution applicants with last date fixed as 06<sup>th</sup> March 2024.

### **Brief Background of the Company**

Kanishka Salvage and Underwater Services Private Limited is a private company incorporated on 04 April 1997. The CD is engaged in the business of providing services to the maritime sector and

the main line of business includes salvaging ships, wreck removal, towage, dredging and under water services. The CD has a latest audited Balance Sheet for FY 2023. The IRP informed that as per the information provided by the suspended Director that the CD has executed only one project in the recent past i.e. in Jan 2023 for Rs. 55 Lakhs. The CD has two Plots at Ambirna Succoro village namely House No. 1011 and 1010B at Survey No. 407/4. One plot having area 544 sq. meter wherein a bungalow is constructed and another plot having area 220 Sq. meters wherein a building is constructed. The CD also has a Shop having area 28sqm located in plot 544 sq meters in House No. 1011. The CD has a Registered Office at Flat No F-1, 1st Floor, Pereira Estate, B. B. Borkar Road, Alto Porvorim, Goa – 403521 having 87 sq. meters. The Salvage machinery is kept in a rented godown located at Bhatan Ecoxim Bardez Goa.

## 2. PROCESS STAGES

### 1<sup>st</sup> Stage -

- Submission of EOI by Prospective RA along with a refundable participation fee of Rs. 5 lacs (Rupees Five lacs only).
- **Along with EOI, relevant undertakings as mentioned in Regulation 36A(7) of CIRP Regulations, 2016, are to be provided.**
- Short listing of eligible RAs

### 2<sup>nd</sup> Stage –

- Confirmation to shortlisted Resolution Applicants (RAs) by RP.
- Signing of confidentiality undertaking by the shortlisted RAs as provided by the RP.
- After signing of the confidentiality undertaking, the shortlisted RAs, will be provided with
  - Information Memorandum prepared as per provisions of the IBC
  - Access to the data-room for due diligence.
  - Request for Resolution Plan ('RFRP') outlining the next steps along with the evaluation matrix.

### 3. SUBMISSION OF EOI:

RA submitting the EOI should meet the Eligibility Criteria as set out in **“Annexure-A”** hereto. EOI shall be submitted in the prescribed format as set out in **“Annexure – B”** hereto along with the supporting documents as set out in **“Annexure-C”** and the details of RA as set out in **“Annexure-D”** hereto.

EOI in the prescribed format along with annexure is required to reach in a sealed envelope / via email at below mentioned address through speed post / registered post or by hand delivery by 06<sup>th</sup> March 2024. The sealed envelope should be superscribed as **“Expression of Interest for Kanishka Salvage and Underwater Services Private Limited”** in the name of Ram Ratan Kanoongo, Resolution Professional for Kanishka Salvage and Underwater Services Private Limited, Headway Resolution and Insolvency Services Pvt Ltd, 708, Raheja Centre, Nariman Point, Mumbai - 400021, Maharashtra, India. A soft copy of EOI along with the annexures stated above also is required to be mailed to cirpkanishka@gmail.com.

EOI Applicant is required to deposit a refundable process participation fee (non-interest bearing) of **INR 5,00,000/- (Indian Rupees Five Lacs only)** along with the EOI application. The deposit of INR 5,00,000/- will be refunded in the event the EOI Applicant decides to withdraw from the process via email.

In the event the EOI Applicant decides to submit a Resolution Plan, the refundable deposit of INR 5,00,000/- may be adjusted with the EMD / bid submission bond guarantee amount as stipulated in the RFRP.

The fees may be paid through Demand Draft / NEFT / RTGS payable at Mumbai. The Bank details is as under:

Account – Kanishka Salvage & Underwater Services Pvt Ltd -under CIRP  
Bank Name – State Bank of India  
Branch Name – Madam Cama Road, Nariman Point  
Account Number - 41666044876  
IFSC – SBIN0008586

**3. LAST DATE OF SUBMISSION OF EOI:**

- (i) The last date for submission of EOI is 06<sup>th</sup> March 2024. In case the designated day happens to be a holiday in Mumbai, the next working day will be deemed as the last date for submission of EOI.
- (ii) All the EOIs received on or before the last date of submission of EOI will be reviewed by RP and / or members of CoC. Provisional list will be informed on or before 08<sup>th</sup> March 2024 about the same. The Request for Resolution Plan containing the evaluation matrix and terms and conditions of submitting Resolution Plan would be issued to the said parties on 16<sup>th</sup> March 2024.
- (iii) The qualified and shortlisted RA will do their further due-diligence (DD) and submit their Resolution Plan, in accordance with the provisions of IBC, on or before 15<sup>th</sup> April 2024.
- (iv) Access to Information Memorandum (IM), data room for DD and other relevant information will be provided to qualified and shortlisted RA after receiving a confidentiality undertaking as per section 29 (2) of the IBC. The confidentiality undertaking to be submitted by RA is set out in **“Annexure – E”** hereto.
- (v) RA to this invitation should satisfy the conditions as specified under section 29A of IBC. The declaration to be submitted by RA under section 29A of IBC is set out in **“Annexure –F” and “Annexure –G”** hereto.
- (vi) For any clarifications, please write to: cirpkanishka@gmail.com.

**4. NOTES AND OTHER TERMS AND CONDITIONS:**

- (i) The Invitation for EOI is not an offer or invitation for sale or the solicitation of an offer to buy, purchase or subscribe to any securities, if any, of Shraman Residency Pvt. Ltd.
- (ii) COC / RP reserve the right to withdraw EOI and/or cancel the Resolution Plan process at any stage. Mere submission of the EOI shall not create any rights in favour of the RA and the decision of the CoC / RP regarding the resolution plan process shall be final and binding on all parties. The CoC / RP further reserves the right to **(a)** amend, extend, vary or modify the terms and conditions regarding submission of Resolution plan, including but not limited to Evaluation Matrix, timelines regarding submission of Resolution Plans; and **(b)** disqualify and/or reject any RA at any stage of the bid process without assigning any reason and without any liability, including any tortious liability.
- (iii) Amendments / Clarifications / Information regarding extension, if any, of time for submission of EOI shall be uploaded on www.headwayip.com (RP website). All

interested parties should visit at [www.headwayip.com](http://www.headwayip.com) to keep themselves updated regarding the same.

- (iv) No agreements with RP or any official, representative, affiliates, associate, advisor, agent, director, partner or employee of the RP or any member of the COC or verbal communication by them shall affect or modify any terms of this EOI.
- (v) No claims against the RP or any member of the COC or any of their official, representative, affiliates, associate, advisor, agent, director, partner or employee would arise out of this EOI.
- (vi) By submitting a proposal, each RA shall be deemed to acknowledge that it has carefully read the entire EOI, its terms and conditions and evaluation matrix and has fully informed itself as to all existing conditions and limitations.

SD/-

Ram Ratan Kanoongo – Resolution Professional  
IBBI/IPA-001/IP-P00070/2017-18/10156  
AFA valid till 25<sup>th</sup> October 2024  
Kanishka Salvage and Underwater Services Private Limited

Place: Mumbai

Date: 19<sup>th</sup> February 2024

Attachments: Annexure – A to H

**“ANNEXURE – A”****ELIGIBILITY CRITERIA**

The eligibility criteria for submission of resolution plan for Kanishka Salvage and Underwater Services Private Limited are as follows:

- (a) Any person including private limited company or public limited company registered under the Companies Act 1956 or 2013, Limited Liability Partnership (LLP) or SEBI registered Alternative Investment Fund (AIF) or a company incorporated outside India, which is eligible to invest in India under the laws of India either as a sole resolution applicant or as part of a consortium.
- (b) Potential Resolution Applicant's competence and capability are proposed to be established broadly by the following parameters:
  1. Financial Capacity
  2. Provisions of section 29A of IBC

**Financial Capacity Eligibility Criteria:****1. Net Worth**

Net Worth criteria for Body Corporate / Partnership Firm / Companies incorporated outside India / Investment Companies / FIs/ Fund houses / PE Investors / Individuals / Associates & Group Companies / Consortium of Investors – Minimum net worth of INR 2,50,00,000/- (Rupees Two Crore and Fifty Lacs only) as per the audited financial statements of FY2023.

**Note:**

- (i) *Net worth is defined as per the section 2(57) of Companies Act 2013*
- (ii) *In case consortium of Investors, the net worth shall be calculated as the aggregate of all consortium members' net worth.*

## **2. Provisions of section 29A of IBC**

Potential Resolution Applicant must be eligible to submit Resolution Plan in accordance with provision of Section 29A of IBC. For this purpose, the Potential Resolution Applicant should give a declaration supported by affidavit as set out in **“Annexure – F”** hereto stating that it does not suffer from any disqualification provided in Section 29A of IBC. In case of Resolution Applicants submitting the Resolution Plan jointly, the declaration and affidavit needs to be submitted by each such Resolution Applicant. However, a Resolution Applicant(s) suffering from a disqualification under Section 29A (c) may submit a resolution plan, provided that it undertakes that it will make payment of all overdue amounts with interest thereon and charges relating to non-performing asset accounts before submission of resolution plan and that it will submit a written acknowledgement of such payment at least one day before the last day of submission of resolution plan.

### **Exchange Rate:**

For the purpose of evaluation of the EOI, the exchange rate to be used for conversion into INR (Indian Rupees) shall be RBI Reference rate on the last working day that precedes the date of the EOI.



**“ANNEXURE – B”****FORMAT OF EXPRESSION OF INTEREST (EOI)**

To

Mr. Ram Ratan Kanoongo  
IBBI/IPA-001/IP-P00070/2017-18/10156  
Resolution Professional for  
Kanishka Salvage and Underwater Services Private Limited  
Headway Resolution & Insolvency Services Pvt Ltd  
708, Raheja Centre, Nariman Point,  
Mumbai – 400021, Maharashtra, India

**Subject: Expression of Interest (EOI) for Kanishka Salvage and Underwater Services Private Limited**

Dear Sir,

In response to the advertisement published on 19<sup>th</sup> February 2024 ("Advertisement") inviting EOI for submission of Resolution Plans as per the provisions of the Insolvency and Bankruptcy Code, 2016 ("Code"), we confirm that, we have understood the eligibility criteria mentioned in the Invitation for Submission Resolution Plan for Kanishka Salvage and Underwater Services Private Limited and meet the necessary thresholds mentioned therein and submit our unconditional EOI for submission of a Resolution Plan for the Corporate Debtor.

I, \_\_\_\_\_, [insert name of the signatory] confirm that I am duly authorized to submit this EOI on behalf of \_\_\_\_\_ [insert the name of the entity submitting the EOI].

The information furnished by us in this EOI including documentary proofs, is true, correct, complete, accurate in all material respects. Further, we acknowledge or confirm (as applicable) that:

The Resolution Professional ("RP") may, on the directions of the Committee of Creditors ("CoC"), have the right to cancel the process without any prior intimation to us or modify or vary the terms without assigning any reason, whatsoever and without any liability. Any clarifications, amendment or extensions of time, etc. in relation to the process would be updated on the website of the Corporate Debtor and the RP is not required to separately intimate us in this respect. We are aware that the timelines for diligence and other processes will not be extended without prior approval of the RP, which approval may be provided by the RP at its sole discretion. No financial obligation shall accrue to the RP or the Corporate Debtor in such an event;

The Corporate Debtor is on an "as is where is" basis and the RP, CoC, the current shareholders or promoters of the Corporate Debtor will not be providing any representations or warranties;

We have read and understood the terms and conditions stipulated in the advertisement and acknowledge that the RP reserves the right to accept or reject any EOI without assigning any reason whatsoever and without any liability to the applicant.

The RP reserves the right to request for additional information or clarification, as it deems fit, from us for the purposes of the EOI;

We will continue to meet the eligibility criteria throughout the process, and will intimate the RP of any change in the information provided by us along with our EOI, which may impact our ability to participate in this process, within 3 (three) business days of such change;

We have read and understood the provisions of the Code and the rules and regulations issued there under. We are aware that our submission of the EOI does not give us the right to be a part of the CoC;

The RP and the Corporate Debtor shall, in no circumstances, be responsible to bear or reimburse any expenses or costs incurred by us in respect of submission of this EOI; and

Information Memorandum will be provided to the qualified and shortlisted Resolution Applicants as per the provisions of Code;

If we are shortlisted, we will submit the Resolution Plan complying the provisions of the Insolvency & Bankruptcy Code, 2016 within the timelines laid down;

Thanking you.

Yours truly.

On behalf of the firm/company/organization:

Signature:

Name of signatory:

Designation:

Company Seal/stamp

Place:

Date:

Enclosures: Annexures

**“ANNEXURE – C”**

**SUPPORTING DOCUMENTS REQUIRED TO BE SUBMITTED WITH EOI**

1. Profile of Resolution Applicant
2. **Legal Documents:** Copies of Certificate of Registration / Incorporation and Constitutional Documents (Memorandum and Articles of Association, etc.) of Resolution Applicant.
3. **For Turnover / Net-worth:** Certified true copies of Audited financial statements of immediately preceding 3 (three) years of RA from FY2023 onwards and / or its promoter / promoter group or any other group company as per eligibility criteria. CA certified Net worth Certificate as on March 2023 for Individuals/Proprietorship/Partnership Firms.
4. A notarized declaration from RA in order to demonstrate that the promoter/promoter group or any other group company are part of the same group, in case the interested party is using such entities for meeting the eligibility criteria. Please note that RA shall provide all relevant documents for its promoter / promoter group or any other group company, if required to meet the eligibility criteria.
5. Any other documents / information which Potential Resolution Applicant finds necessary to share or as may be notified by the RP from time to time.

**“ANNEXURE – ‘D’****DETAILS OF THE POTENTIAL RESOLUTION APPLICANT****1. Name and address:**

Name:

Address (with proof):

Telephone No.:

Fax

No.:

Email:

**2. Name and address (with proof) of the Firm / Company / Organization:****3. Date of establishment of Resolution Applicant / Promoter Group and copies of documents:****4. Core area of expertise of Resolution Applicant:****5. Contact****Person:** Name:

Designation:

Telephone No:

Mobile No.:

Email:

**6. PAN No. and / or CIN No. and / or Aadhaar No. or equivalent details of Resolution Applicant and copies of documents:****7. Company / FI Profile:****(i) Company Financial Profile (consolidated / standalone as applicable):**

(Note: The Company profile should necessarily include tangible net worth and revenue numbers of the preceding three years. Where the entity submitting the EOI is a financial investor / fund entity, please provide details pertaining to “assets under management” and / or “committed funds” for the preceding three years or the committed funds available as per audited financial statements of FY2023 for investment. Further the fulfillment of eligibility criteria must be clearly identified / certified herein)

**(ii) Experience of the Company in the relevant sector(s).****(iii) History if any, of the Company or affiliates of the Company being declared a ‘wilful defaulter’ or ‘non-cooperative borrower’ or ‘non-impaired asset’ or ‘non-performing asset’.**

(Note: In case of consortium, the details set out above are to be provided for each of the member of the consortium)

**“ANNEXURE – ‘E’**

**CONFIDENTIALITY UNDERTAKING**

**(To be executed on Rs. 100 stamp paper along with notarised)**

To

Mr. Ram Ratan Kanoongo

IBBI/IPA-001/IP-P00070/2017-18/10156

Resolution Professional for

Kanishka Salvage and Underwater Services Private Limited

Headway Resolution & Insolvency Services Pvt Ltd

708, Raheja Centre, Nariman Point,

Mumbai – 400021, Maharashtra, India

Dear Sir,

**SUBJECT: UNDERTAKING UNDER SECTION 29 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016 READ WITH THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ORDINANCE, 2018 (COLLECTIVELY, REFERRED TO AS “IBC”) AND REGULATION 36(4) OF THE INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (INSOLVENCY RESOLUTION PROCESS FOR CORPORATE PERSONS) REGULATIONS, 2016 (“CIRP REGULATIONS”) TO MAINTAIN CONFIDENTIALITY**

I/We understand that:

1. Corporate Insolvency Resolution Process (CIRP) has been initiated for Kanishka Salvage and Underwater Services Private Limited. (Corporate Debtor) as per the provisions of Insolvency and Bankruptcy Code 2016 (IBC) by an Order of National Company Law Tribunal (NCLT) Mumbai Bench appointing Mr. Ram Ratan Kanoongo as the Interim Resolution Professional (IRP) of Kanishka Salvage and Underwater Services Private Limited.
2. It is the duty of the Resolution Professional under the IBC to prepare an information memorandum (IM) of the corporate debtor and invite the potential / prospective resolution applicants to submit resolution plan (s).

I/We hereby declare and undertake as under:

1. Pursuant to the invitation by the Resolution Professional to prospective resolution applicants to submit resolution plans, we are interested in submitting a resolution plan (bid / proposal) to the resolution professional.
2. We require a copy of the IM of Kanishka Salvage and Underwater Services Private Limited and other relevant Information / additional information in physical and electronic form, relating to Kanishka Salvage and Underwater Services Private Limited that may be necessary to submit a resolution plan for Kanishka Salvage and Underwater Services Private Limited by us, either directly or through our affiliates (Transaction). We note, understand and acknowledge that:

- (i) You have prepared IM of Kanishka Salvage and Underwater Services Private Limited in terms of Section 29 read with the relevant regulations framed under the IBC. We further note and understand that the information contained in the IM is confidential information and can be made available to a resolution applicant only after obtaining an undertaking of confidentiality as required under Section 29 of the IBC and Regulation 36 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations) only for the purpose of the Transaction;
  - (ii) The IM has been prepared on the basis of information provided by the management of Kanishka Salvage and Underwater Services Private Limited and its creditors. The Resolution Professional is sharing the IM with us for information purposes only. No representation or warranty, express or implied, is given by the Resolution Professional or the advisors appointed by the Resolution Professional or any of its partners, directors, officers, affiliates, employees, advisors or agents (unless specifically mentioned under the provisions of the IBC) as to the accuracy or completeness of the contents of this IM or any other document or information supplied, or which may be supplied at any time or any opinions or projections expressed herein or therein;
  - (iii) The IM is a dynamic document and may be updated from time to time till such the resolution plan is approved by the committee of creditors of Kanishka Salvage and Underwater Services Private Limited;
  - (iv) Other additional information relating to Kanishka Salvage and Underwater Services Private Limited may be necessary for the Transaction;
  - (v) Any additional or supplementary information or clarification besides the IM, including those provided by way of emails or on telephone provided to us by the Resolution Professional or his team members, including legal advisors are also confidential in nature and shall be construed as a part of the IM.
3. The IM, together with any additional or supplementary information or clarification, including those provided by way of emails or on telephone by the Resolution Professional or his team members, including advisors is referred as “Confidential Information”.
  4. We are executing this undertaking of confidentiality to maintain confidentiality in respect of the information contained in the IM as mandated by the IBC and CIRP Regulations.
  5. In terms of Section 29 of the IBC and Regulation 36 of the CIRP Regulations we agree and undertake:
    - i To maintain confidentiality of the information as detailed in the IM and of any other information received by us and not to use such information to cause an undue gain or undue loss to yourself or any other person.
    - ii To comply with the requirement under Section 29(2) of IBC
    - iii In terms of Section 29(2) of the IBC, to

- a) Comply with provisions of law for time being in force relating to confidentiality and insider trading.
  - b) Protect any intellectual property and confidential information of its subsidiary company(s) we may have access to; and (mentioned in the Confidential Information).
  - c) Not to share this information/relevant information with any third party unless clauses (i) and (ii) above are complied with.
- iv. Except as provided herein, we will not disclose the contents of Confidential Information, as updated from time to time, to any person other than to our affiliates (including, for avoidance of any doubt, and our and their directors, officers, employees, agents or advisors (including, without limitation, financial advisors, attorneys, bankers, consultants and accountants) and potential financing sources (collectively, our “Representatives”) who need to know such Confidential Information for the purpose of the Transaction provided, that such Representatives have been directed to comply with the confidentiality and use obligations of this undertaking in case any Confidential Information is disclosed to them. We will be solely responsible for any breach of the provisions of this undertaking of confidentiality by any of our Representatives, except for those Representatives who have a separate undertaking of confidentiality with you.
6. We accept and acknowledge that the Confidential Information has been developed or obtained by Kanishka Salvage and Underwater Services Private Limited through investment of significant time, effort and expense, and that the Confidential Information is valuable, special and unique asset of Kanishka Salvage and Underwater Services Private Limited, which provides Kanishka Salvage and Underwater Services Private Limited with a significant competitive advantage and needs to be protected from improper disclosures. We further understand and accept that the information contained in the Confidential Information, as updated from time to time, cannot be used for any purpose other than for the Transaction. Accordingly, we agree and undertake to direct our Representatives to:
- a) Maintain confidentiality of the Confidential Information, as provided from time to time, and not to use such Confidential Information to cause an undue gain to us or undue loss to any other person including Kanishka Salvage and Underwater Services Private Limited or any of its creditors and stakeholders.
  - b) Keep the Confidential Information safe in a secure place and protected against theft, damage, loss and unauthorized access and undertakes to keep all documents and other materials reproducing or incorporating confidential information separate from its own confidential information.
  - c) Use Confidential Information solely for the purpose of transaction and not for any other purpose.

7. We hereby agree to, and will direct our Representatives to not share the Confidential Information with any third party/person or entity except where Confidential Information:
  - a) is or becomes publicly available to us or our Representatives without breach of obligations as set out herein; or
  - b) prior to its disclosure in connection with the Transaction was already in our or our Representatives possession; or
  - c) prior consent by the Resolution Professional is provided for disclosure in writing; or
  - d) is required to be disclosed by any applicable law for the time being in force or by any applicable regulatory authority or regulation or professional standard or judicial processor not or whether the resolution plan submitted by us is placed before the committee (including by deposition, interrogatory, request for documents, subpoena, civil investigative demand, or similar process).
8. This Undertaking also applies to Confidential Information accessed through the electronic data room and supersedes any 'click through' acknowledgement or agreement associated with any such electronic data room.
9. We agree to keep the Confidential Information safe in a secure place and protected against theft, damage, loss and unauthorized access and undertake to keep all documents and other materials reproducing or incorporating confidential information separate from its own confidential information.
10. We understand and undertake, in the event of not being shortlisted for the binding bid phase or our bid not qualifying for being placed before the committee of creditors of Kanishka Salvage and Underwater Services Private Limited or the committee of creditors rejecting our bid or the Hon'ble NCLT not approving our bid or in the event that the RP calls upon us in to do so, we shall immediately return or destroy the Confidential Information including the IM and other information provided by the RP or its representatives, without retaining a copy thereof, in electronic or any other form.
11. This undertaking of confidentiality condition shall remain valid for a period of three (3) years after it is executed, irrespective of whether we are shortlisted for the next phase of inviting binding bids or not or whether the resolution plan submitted by us is placed before the committee of creditors or not or whether it is approved by the committee of creditors or not and even after completion of the corporate insolvency resolution process.
12. We understand that if we disclose (or threaten to disclose) Confidential Information in violation of this undertaking of confidentiality, the Resolution Professional or Kanishka Salvage and Underwater Services Private Limited or CoC shall be entitled to pursue all available remedies including legal recourse (both, by way of damages or specific relief) to safeguard its interest under undertaking of confidentiality.



We accept and agree above terms.

On behalf of the firm/company/organization:

Signature:

Name of signatory:

Designation:

Company Seal/stamp

Place:

Date:

**“ANNEXURE – ‘F’**

**DECLARATION UNDER SECTION 29A OF IBC**

**(To be executed on Rs. 100 stamp paper along with notarised)**

**In the matter of Corporate Insolvency Resolution Process of Kanishka Salvage and Underwater Services Private Limited under the provisions of the Insolvency and Bankruptcy Code, 2016**

**AFFIDAVIT**

I, [Name of Deponent], son of / daughter of [Name of Deponent’s father] aged [Age of Deponent] resident of [Address of Deponent], the Deponent, do hereby solemnly affirm, state and declare as under:

1. That I am fully conversant with the facts and circumstances of the matter and am also duly empowered and competent to swear and affirm this affidavit.
2. That I have understood the provisions of section 29A of the Insolvency and Bankruptcy Code, 2016. I confirm that neither [name of the resolution applicant] nor any person acting jointly or in concert with [name of the resolution applicant] is ineligible under Section 29A of IBC to submit resolution plan (s) in the Corporate Insolvency Resolution Process of Kanishka Salvage and Underwater Services Private Limited under the provisions of IBC.
3. That [name of resolution applicant] has not been rendered ineligible under the provisions of Section 29A of the IBC.
4. That I therefore, confirm that [name of the applicant] is eligible under Section 29A of the Insolvency and Bankruptcy Code, 2016 to submit a resolution plan for Kanishka Salvage and Underwater Services Private Limited.
5. That I confirm that the said declaration and disclosure is true and correct.
6. That I am duly authorised to submit this declaration by virtue of [state where the authority is drawn from]

**Deponent**

**Verification**

Verified at [Place] at this [Date] day of [Month] 202...., that the content of the above affidavit is true and correct to my personal knowledge, nothing is false in it and no material facts have been concealed therefrom.

**Deponent**

**“ANNEXURE – ‘G’**

**AFFIDAVIT & UNDERTAKING**

**(To be executed on Rs. 100 stamp paper along with notarised)**

**In the matter of Corporate Insolvency Resolution Process of Kanishka Salvage and Underwater Services Private Limited under the provisions of the Insolvency and Bankruptcy Code, 2016**

I, [Name of Deponent], son of / daughter of [Name of Deponent’s father] aged [Age of Deponent] resident of [Address of Deponent], the Deponent, do hereby solemnly affirm, state and declare as under:

1. That I meet the criteria specified by the committee under clause (h) of sub-section (2) of section 25 and have provided relevant records in evidence of meeting the criteria.
2. That I shall intimate the resolution professional forthwith if it becomes ineligible at any time during the corporate insolvency resolution process
3. That every information and records provided in expression of interest is true and correct and discovery of any false information or record at any time will render the applicant ineligible to submit resolution plan, forfeit any refundable deposit, and attract penal action under the Code;

**Deponent**

**Verification**

Verified at [Place] at this [Date] day of [Month] 202.... , that the content of the above affidavit is true and correct to my personal knowledge, nothing is false in it and no material facts have been concealed therefrom.

**Deponent**

**“ANNEXURE – ‘H’****FORM G****INVITATION FOR EXPRESSION OF INTEREST FOR  
KANISHKA SALVAGE AND UNDERWATER SERVICES PRIVATE LIMITED  
OPERATING IN MARINE SALVAGING SECTOR, IN GOA**

(Under Regulation 36A(1) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016)

<b>Sr. No.</b>	<b>Particulars</b>	
1	Name of the corporate debtor along with PAN/ CIN/ LLP No.	Name – Kanishka Salvage and Underwater Services Pvt Ltd PAN – AACCK2385B <b>CIN - U35113GA1997PTC002312</b>
2	Address of the registered office	Flat No F-1, 1st Floor, Pereira Estate, B. B. Borkar Road, Alto Porvorim, Goa – 403521
3	URL of website	The case specific website created by RP is <a href="https://kanishka.cirp.co.in/">https://kanishka.cirp.co.in/</a>
4	Details of place where majority of fixed assets are located	Plots at Ambirna Succoro, Porvorim, Goa
5	Installed capacity of main products/ services	Specific installation capacity cannot be ascertained
6	Quantity and value of main products/ services sold in last financial year	FY2022 – Rs. 3.54 crores FY2023 – Rs. 2.36 crores
7	Number of employees/ workmen	Nil
8	Further details including last available financial statements (with schedules) of two years, lists of creditors are available at URL:	<a href="https://kanishka.cirp.co.in/">https://kanishka.cirp.co.in/</a>
9	Eligibility for resolution applicants under section 25(2)(h) of the Code is available at URL:	<a href="https://kanishka.cirp.co.in/">https://kanishka.cirp.co.in/</a>
10	Last date for receipt of expression of interest	06-03-2024
11	Date of issue of provisional list of prospective resolution applicants	08-03-2024

12	Last date for submission of objections to provisional list	13-03-2024
13	Date of issue of final list of prospective resolution applicants	15-03-2024
14	Date of issue of information memorandum, evaluation matrix and request for resolution plans to prospective resolution applicants	16-03-2024
15	Last date for submission of resolution plans	15-04-2024
16	Process email id to submit EOI	cirpkanishka@gmail.com

Sd/-  
Ram Ratan Kanoongo  
Resolution Professional  
IBBI/IPA-001/IP-P00070/2017-18/10156  
C/o, Headway Resolution & Insolvency Services Pvt Ltd  
708, Raheja Centre, Nariman Point, Mumbai – 400021  
For Kanishka Salvage and Underwater Services Private Limited  
19<sup>th</sup> February 2024, Mumbai