Terms & Conditions for E-Auction Sale of Property

1. The e-auction sale of Secured Assets is on “as is where is” basis, “as is what is” basis, “whatever there is” basis and “no recourse” basis for and on behalf of the Secured Creditor viz. EARC (in its capacity as Trustee of EARC Trust – SC 30).

2. In respect of the Secured Asset, EARC has outstanding dues Rs. 2,03,01,85,991.48 (Rupees Two hundred and three crores one lakh eighty five thousand nine hundred ninety one and forty eight paise only) as on 31st July, 2020 against financial assistance availed by M/s Hiran Orgochem Ltd (In Liquidation) together with interest at documents rate and other expenses/costs thereon.

3. Bid document containing general terms and conditions of sale can be obtained from https://edelweissarc.auctiontiger.net on working day between September 28th, 2020 to October 11th, 2020.

4. For participating in online e-auction sale, EMD amount as specified in auction notice to be paid way of RTGS/NEFT in the account in the name of Edelweiss Asset Reconstruction Company Ltd bearing account No. 0004103000054719, IDBI Bank, Mittal Court, Nariman Point, Mumbai, IFSC Code No. IBKL0000004 on or before 5:00 pm on October 11th, 2020. Bid document along with declaration [that proposed auction purchaser does not have any kind of relation/dealing with Borrower (draft attached to Bid document)], copies of PAN Card, Board Resolution in case of company, photo ID and address proof are required to be submitted on https://edelweissarc.auctiontiger.net on or before 5:00 pm on October 11th, 2020. Once an Online Bid is submitted, same cannot be withdrawn.

5. The EMD amount shall not carry any interest. EMD of unsuccessful bidders shall be refunded within 5 working days from the date of opening of the bids.

6. The secured asset shall be sold by the undersigned by way of Electronic Public Auction on October 12th, 2020 at 11:00 AM to 12:00 Noon with unlimited extension of 5 mins each in the premises of Edelweiss Asset Reconstruction Company Ltd through e-Auction Agency M/s e-procurement Technologies Ltd (Auction Tiger) at their website/portal through e-auction with auto extension clause i.e. the end time of e-auction will be extended by 5 minutes each time if bid is made before close of e-auction.

7. The bidders may participate in the e-auction from their own office/place of their choice. Internet connectivity shall have to be arranged by each bidder himself/itself. The Authorised officer and/or the service provider shall not be held responsible for the internet connectivity, network problems, system crash down, power failure etc. For details, help, procedure and online training on e-auction prospective bidders may contact M/s e-procurement Technologies Limited (Auction Tiger); contact no. +91 7968135456/51/76; Toll free number: 1800 103 5342; Mobile number: +91 6351896643, email id: support@auctiontiger.net/ Prakash@auctiontiger.net/ neil@auctiontiger.net.

8. The bidder will be required to submit the bid either at or above the reserve price in the prescribed manner as mentioned in Annexure II along with the EMD amount. In case the bidder fails to submit the bid online, will not be allowed to participate in the e-auction even after payment of EMD amount.

9. The date of inspection is September 14th, 2020 between 11:00 AM to 5:00 PM. Bidders are requested in their own interest, to carry out inspection of the assets put up for auction and satisfy themselves about the nature and condition of the said assets and other relevant details pertaining to the secured asset before submitting their bids.

10. The successful Bidder will be required to deposit 25% of the sale price (including the EMD already deposited) immediately i.e. on the same day or not later than next working day i.e. not later than 5:00 PM on October 13th, 2020 as the case may be on confirmation of sale
and the balance amount of the sale price is to be paid within 15 days of the confirmation of the sale.

11. The time for payment of balance 75% sale consideration can be extended till 90 days from the date of confirmation of the sale. The limit of 90 days for deposit of balance 75% of sale consideration is the outer limit which can be granted/rejected by the Authorised Officer/Secured Creditor to a successful bidder on merits of the each case. Successful bidder cannot construed it as matter of right in each & every case. It is advised to complete the payment in initial 15 days as mention in aforesaid term No. 10. All the decisions of Authorised Officer in respect of extension shall be binding upon the purchaser. In case of failure to deposit the balance amount within the prescribed period, the EMD/amount deposited till such timeline/s shall stand forfeited and no claim shall be entertained against EARC in respect thereof.

12. AO reserves the absolute right and discretion to accept or reject any or all Bids or adjourn/postpone/cancel the sale/modify any terms and conditions of the sale without prior notice and/or without assigning any reasons in respect thereof. The decision of the AO in this regard shall be final and binding.

13. The Secured Assets mentioned in the Bid Document are based on the charges/mortgages created by the Borrower in favour of Secured Creditor. Interested parties are requested to verify details of the Secured Assets.

14. The Secured Assets are being sold free from charges and encumbrances of Secured Creditor/s only.

15. The successful bidder would be required to bear all the necessary expenses like stamp duty, registration, incidental costs, expenses including sales tax and any other taxes relating to sale and transfer of Secured Assets.

16. The EARC or the AO of EARC will not be held responsible for any charge, lien, encumbrance, property tax or any dues to the Government or anybody in respect of the Secured Assets.

17. There are no known statutory liabilities relating to the Secured Assets. If any such statutory liabilities are discovered at a subsequent stage, the same shall be solely dealt with by the Successful Bidder at his own costs and expenses.

18. The sale of the Secured Asset is subject to the terms and conditions prescribed in the SARFAESI Act and Security Interest (Enforcement) Rules, 2002 and the conditions mentioned hereinabove.

19. The Borrower/Guarantor may treat this as a 30 day’s Sale Notice issued as per Rule 8(6) read with first proviso under Rule 9 (1) of the Rules. The Borrower/Guarantor’s attention is also invited to provisions of sub-section (8) of section 13 of the Act, in respect of time available, to redeem the secured assets, failing which the Secured Assets will be sold as per the terms and conditions mentioned above.

20. In case there is a discrepancy between the publications of sale notice in English and Vernacular Newspaper, then in such a case the English newspaper will supersede the vernacular newspaper and it shall be considered as the final copy, thus removing the ambiguity.