

**FORM D**

**PROOF OF CLAIM BY FINANCIAL CREDITORS**

(Under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016)

**19<sup>th</sup> January 2025**

To

**The Liquidator**

**Dr. Rajendra M. Ganatra**

B-202, Ishan Building, 547,  
Jamshed Road, Matunga (E),  
Mumbai – 400 019

From

**Axis Finance Limited,**

Registered Office at Axis House, Axis Finance Ltd,  
Ground floor, C-2, Wadia International Centre,  
Pandurang Budhkar Marg, Worli, Mumbai – 400025.

**Subject:** Submission of proof of claim in respect of the liquidation of **Orchid Housing Infra LLP** under the Insolvency and Bankruptcy Code, 2016.

Sir,

**Axis Finance Limited** hereby submits this proof of claim in respect of the liquidation of **Orchid Housing Infra LLP**. The details for the same are set out below:

1.	NAME OF FINANCIAL CREDITOR  (IF AN INCORPORATED BODY PROVIDE IDENTIFICATION NUMBER AND PROOF OF INCORPORATION, IF A PARTNERSHIP OR INDIVIDUAL PROVIDE IDENTIFICATION RECORDS* OF ALL THE PARTNERS OR THE INDIVIDUAL)	<b>Axis Finance Limited</b> , having Corporate Identification No. UP65921MH1995PLC212675
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**Regd. Office**

Axis Finance Limited, 'Axis House', Ground Floor,  
Pandurang Budhkar Marg, Worli, Mumbai - 400 025  
Tel : 022-2425 2525 | Fax : 022-4325 3000  
Email : info@axisfinance.in | Website : www.axisfinance.in  
CIN : U65921MH1995PLC212675



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2.	ADDRESS AND EMAIL OF FINANCIAL CREDITOR FOR CORRESPONDENCE.	<p>Axis House, Axis Finance Ltd, Ground floor, C-2, Wadia International Centre, Pandurang Budhkar Marg, Worli, Mumbai – 400025.</p> <p><b>EMAIL IDS:</b></p> <p><b>SWAPNEIL TIWARI:</b> SWAPNEIL.TIWARI@AXISFINANCE.IN</p> <p><b>HRIDESH RAJ:</b> HRIDESH.RAJ@AXISFINANCE.IN;</p> <p><b>ADITYA VYAS</b> ADITYA2.VYAS@AXISFINANCE.IN</p>
3.	TOTAL AMOUNT OF CLAIM, INCLUDING ANY INTEREST, AS AT THE LIQUIDATION COMMENCEMENT DATE AND DETAILS OF NATURE OF CLAIM (WHETHER TERM LOAN, SECURED, UNSECURED)	<p>Principal Outstanding – Rs. 9,47,46,869/-</p> <p>Interest Outstanding - Rs. 8,60,71,114/-</p> <p><b>Total Outstanding – Rs. 18,08,17,983/- (as on 10<sup>th</sup> January 2025)</b></p>
4.	DETAILS OF DOCUMENTS BY REFERENCE TO WHICH THE DEBT CAN BE SUBSTANTIATED	Excel sheet attached as annexure in support of the instant claim.
5.	DETAILS OF ANY ORDER OF A COURT OF TRIBUNAL THAT HAS ADJUDICATED ON THE NON-PAYMENT OF DEBT	NA
6.	DETAILS OF HOW AND WHEN DEBT INCURRED	<p>1. Axis Finance Limited (“AFL”) / (“Financial Creditor”) vide Sanction Letter dated 29th March 2017 sanctioned the Term Loan Facility (“Facility”) amounting to Rs. 20,00,00,000/- (Rupees Twenty Crores Only).</p> <p>2. The sanctioned amount was to be utilised in tranches, whereas an amount of Rs. 15,00,00,000 (Rupees Fifteen Crores) was to be utilised for the purpose of meeting the project cost requirement; general corporate purpose</p>

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	<p>including amount to be kept undisbursed for ISRA and upfront fees.</p> <ol style="list-style-type: none"> <li>3. The remaining amount of Rs. 5 Crores (disbursed post satisfaction of conditions precedent) was to be utilised for meeting project cost and subject to receipt of full approval for 4th floor and full CC for the Project. A copy of Sanction Letter dated 29th March 2017 is hereto annexed and marked as <b>"Annexure – 1"</b>.</li> <li>4. Furthermore, the Facility Agreement dated 29th March 2017 also came to be executed by and between the AFL and Corporate Debtor, encapsulating the terms and conditions pertaining to the Term Loan Facility. A copy of the Facility Agreement is hereto annexed and marked as <b>"Annexure – 2"</b>.</li> <li>5. To Secure the aforementioned Facility Indenture of Mortgage came to be executed in favour of AFL. Furthermore, First Charge over the unsold Flats also came to be created in favour of AFL. Accordingly, Unsold Units and Balance Receivables for the Sold Flats came to be provided as a security in favour of AFL. A copy of Indenture of Mortgage dated 29th March 2017 is hereto annexed and marked as <b>"Annexure - 3"</b>.</li> <li>6. In addition to the aforementioned Joint Undertaking, Deed of Personal Guarantee and Corporate Guarantee dated 29th March 2017 also came to be executed in favour of AFL. A copy of the Joint Undertaking, Deed of Personal Guarantee and Corporate Guarantee is hereto annexed and marked as <b>"Annexure – 4, 5 &amp; 6"</b>.</li> <li>7. It is pertinent to mention that, initially the re-payment of the facility was being made on time. However, the Borrower started defaulting. Accordingly, vide its Letter dated 27th April 2021, AFL communicated the Corporate Debtor regarding the classification of Loan Account as NPA w.e.f 25th March 2021. A copy of the Letter dated 27th April 2021 is hereto annexed and marked as <b>"Annexure - 7"</b>.</li> <li>8. Accordingly, the Financial Creditor vide Demand Notice dated 19th October 2021 issued u/s 13 (2) of SARFAESI Act, called upon the Corporate Debtor to repay the entire outstanding amount. A copy of the Demand Notice dated</li> </ol>
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		<p>19th October 2021 is hereto annexed and marked as "Annexure - 8".</p> <p>9. However, Corporate Debtor failed to repay the same.</p> <p>10. In view of the aforementioned, the Financial Creditor has taken the physical possession of the Secured Asset on 5th April 2024. A copy of Possession Notice is hereto annexed and marked as "Annexure - 9".</p>
7.	DETAILS OF ANY MUTUAL CREDIT, MUTUAL DEBTS, OR OTHER MUTUAL DEALINGS BETWEEN THE CORPORATE DEBTOR AND THE FINANCIAL CREDITOR WHICH MAY BE SET-OFF AGAINST THE CLAIM	NA
8.	DETAILS OF ANY SECURITY HELD, THE VALUE OF THE SECURITY, AND THE DATE IT WAS GIVEN	Indenture of Mortgage dated 29th March 2017 and First Charge over the unsold inventory as mentioned in the Sanction letter dated 29th March 2017.
9.	DETAILS OF ANY ASSIGNMENT OR TRANSFER OF DEBT IN HIS FAVOUR	NA
10.	DETAILS OF THE BANK ACCOUNT TO WHICH THE FINANCIAL CREDITOR'S SHARE OF THE PROCEEDS OF LIQUIDATION CAN BE TRANSFERRED	<p>Axis Finance Loan Account number <b>919020036409265</b></p> <p>Beneficiary Name: <b>Axis Finance Limited</b></p> <p>Bank: <b>Axis Bank Limited</b></p> <p>IFSC code: <b>UTIB0002273</b></p>
11.	LIST OUT AND ATTACH THE DOCUMENTS RELIED ON IN SUPPORT OF THE CLAIM.	<ol style="list-style-type: none"> <li>1. Copy of Sanction Letter dated 29<sup>th</sup> March 2017;</li> <li>2. Copy of the Facility Agreement dated 29<sup>th</sup> March 2017;</li> <li>3. Copy of Indenture of Mortgaged dated 29<sup>th</sup> March 2017;</li> <li>4. Copy of Joint Undertaking, Deed of Personal Guarantee and Corporate Guarantee dated 29<sup>th</sup> March 2017, respectively;</li> <li>5. Copy of the Letter dated 27<sup>th</sup> April 2021;</li> <li>6. Copy of Demand Notice dated 19<sup>th</sup> October 2021;</li> <li>7. Copy of Notice of Physical Possession dated 5<sup>th</sup> April 2024;</li> </ol>

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8. Excel sheet encapsulating the detailed calculation of claim.

Signature of financial creditor or person authorised to act on his behalf (please enclose the authority if this is being submitted on behalf a financial creditor)

Name in BLOCK LETTERS - ADITYA JANAK VYAS

Position with or in relation to creditor - AUTHORISED OFFICER / EMPLOYEE

Address of person signing - Axis House, Wadia International Center, P.B. Marg, Worli, Mumbai - 400 025

\*PAN, Passport, AADHAAR Card or the identity card issued by the Election Commission of India.

### AFFIDAVIT

I, Aditya Vyas, Authorised Officer of Axis Finance Limited, having office address at Axis House, Wadia International Center, P.B. Marg, Worli, Mumbai - 400 025, do solemnly affirm and state as follows:

1. The above named corporate debtor was, at the liquidation commencement date, that is, the 10<sup>th</sup> day of December 2024 and still is, justly and truly indebted to Axis Finance Limited, my co-partners in trade, or, as the case may be] in the sum of Rs. 18,08,17,983/- (as on 10th January 2025) for the Term Loan Facility sanctioned by AFL.
2. In respect of my claim of the said sum or any part thereof, I have relied on the documents specified below:
  - a. Copy of Sanction Letter dated 29th March 2017;
  - b. Copy of the Facility Agreement dated 29th March 2017;
  - c. Copy of Indenture of Mortgaged dated 29th March 2017;
  - d. Copy of Joint Undertaking, Deed of Personal Guarantee and Corporate Guarantee dated 29th March 2017, respectively;
  - e. Copy of the Letter dated 27th April 2021;
  - f. Copy of Demand Notice dated 19th October 2021;

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- g. Copy of Notice of Physical Possession dated 5th April 2024;  
h. Excel sheet encapsulating the detailed calculation of claim.

3. The said documents are true, valid and genuine to the best of my knowledge, information and belief.

Solemnly, affirmed at Mumbai on \_\_\_\_\_ day, the \_\_\_\_\_ day  
of \_\_\_\_\_ 20 \_\_\_\_\_

Before me,

Sd/-

Notary / Oath Commissioner.

  
Deponent's signature.

### VERIFICATION

I, the Deponent hereinabove, do hereby verify and affirm that the contents of para \_\_\_\_ to \_\_\_\_ of this affidavit are true and correct to my knowledge and belief. Nothing is false and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_.

  
Deponent's signature.

