

**Notice of the Third Meeting of Committee of Creditors of
KOBO BIOTECH LIMITED
(Under Corporate Insolvency Resolution Process)
(CIN: L24110TG1993PLC016112)**

Notice along with Agenda and Notes to Agenda for the 3rd Meeting of the Committee of Creditors (COC) of KOBO BIOTECH LIMITED (under Corporate Insolvency Resolution Process) under the provisions of The Insolvency and Bankruptcy Code, 2016 read with Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

Day & Date: Thursday, 21st November, 2024

Time: 3:45 PM

Venue: 31-E, BKC Center, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai, Maharashtra - 400053 (Meeting to be held through Video Conferencing Via Zoom meeting)

(Link for Downloading Zoom Cloud Meetings:

For Windows: <https://zoom.us/support/download>

For Apple: <https://apps.apple.com/us/app/id546505307>

For Android: <https://play.google.com/store/apps/details?id=us.zoom.videomeetings>)

Please note that the link for the meeting along with the instructions shall be sent separately by email.

NOTICE

NOTICE is hereby given that in accordance with the provisions of Regulation 18, 19, 20 of The Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the Third Meeting of the Committee of Creditors of **KOBO BIOTECH LIMITED** will be held on **Thursday, 21st November, 2024 at 3:45 PM** at 31-E, BKC Center, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai, Maharashtra - 400053 (Meeting will be held through Video Conferencing Via Zoom meeting), to transact the following business as specified in the enclosed Agenda.

In accordance with the provisions of Regulation 21 of The Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the members/participants of Committee of Creditors may attend and vote in the aforementioned meeting through:

- (1) Either in person or through an authorized representative.
- (2) Through Visual/audio means

The participants shall be able to participate through video conferencing or other audio and visual means. However, we request you to let us know your intention of attending the meeting through video conferencing by 12.00 noon on **Thursday, 21st November, 2024** to better facilitate the video conferencing process.

Further as per IBBI Circular No. IBBI/CIRP/016/2018 dated August 10, 2018, the financial creditors, are requested to be represented in the CoC or in any meeting of the CoC by such persons who are competent and are authorised to take decisions on the spot and without deferring decisions for want of any internal approval from the financial creditors.

You are requested to kindly make it convenient to attend the Meeting.

Sd/-

IP Ravindra Chaturvedi

Resolution Professional

In the matter of KOBO BIOTECH LIMITED

Reg. No. IBBI/IPA-001/IP-P00792/2017-2018/11359 (AFA Valid Till – 31.12.2025)

Address registered with IBBI

Parekh Shah & Lodha, 31E, BKC Centre, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai City, Maharashtra ,400053.

E-mail Id registered with IBBI – ravinchaturvedi@hotmail.com

Process Specific Email Id for correspondence – cirp.kobobiotech@gmail.com

Date: 19.11.2024

Place: Mumbai

Enclosed:

- Notice
- List of persons to whom the notices have been sent.
- Agenda
- Notes to Agenda
- Annexure A – Intimation of identity of Authorised Representative
- Annexure B – Confidentiality Agreement
- Final minutes with voting of the 2nd CoC meeting held on 09.10.2024
- Other relevant annexures to the notice.

Notice along with all enclosures sent to:

1. Financial Creditors:

Sr. No	Name of the Financial Creditors	Address of the Financial Creditors	Email-Id of the Financial Creditors
1.	J M Financial Asset Reconstruction Company Ltd	7 th Floor, Cnergy, Appasaheb Marathe Marg, Prabhadevi, Mumbai 400025	gaurav.kumar@jmfl.com vaibhav.shetty@jmfl.com Mayur.Shahdadpuri@jmfl.com Sunaina.Sharma@jmfl.com
2.	Indian Overseas Bank	Asset Recovery Management Branch, 5 th Floor, Maker Tower E, Cuffe Parade, Mumbai - 400005	iob1998@iob.in iobarmb1998@gmail.com
3.	Canbank Factors Limited	407/408 Himalaya House, Mata Ramabai Ambedkar Road, Near CSTM Station, Mumbai - 400001	canfact.mum@canbankfactors.com pawandubey@canbankfactors.com
4.	Omkaara Assets Reconstruction Pvt Ltd (OARPL) Acting as trustee of Omkaara PS 09/2023-24 Trust	Kohinoor Square, 47th Floor, N. C. Kelkar Marg, R. G. Gadkari Chowk, Dadar (West), Mumbai - 400028	ankur.rastogi@omkaaraarc.com shitanshu.gupta@omkaaraarc.com manbir.chawla@omkaaraarc.com nirmal.singh@omkaaraarc.com

2. Members of Suspended Board of Directors of KOBO BIOTECH LIMITED (Corporate Debtor) (registered email Id as per ROC records: info@kobobiotech.com)

Sr. No.	Name of the Directors	Designation prior to CIRP	Email-Id
1.	Urja Vijaykumar Shah	Director	urjashah1209@gmail.com
2.	Ajit Annu Kamath	Director	ajit.kamath@archpharmalabs.com
3.	Rajendrakumar Padmanabhan Kaimal	Director	raj.kaimal@archpharmalabs.com
4.	Sunil Mansukhlal Pitroda	Director	sunil.pitroda59@gmail.com

3. Operational Creditor: if aggregate dues are at least 10% of the debt: N.A.

AGENDA FOR THE MEETING

Agenda for the Third meeting of the Committee of Creditors of KOBO BIOTECH LIMITED having its registered office at Plot No. 121A/1, Western Hills, Addagutta Society, Opp. JNTU, Kukatpally, Hyderabad, Telangana - 500072, will be held on **Thursday, 21st November, 2024** at 3:45 pm at 31-E, BKC Center, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai, Maharashtra - 400053 (through Video Conferencing Via Zoom meeting) to transact the following business:

Sr. No.	Particulars
A. <u>LIST OF MATTERS TO BE DISCUSSED / NOTED</u>	
1.	IP Ravindra Chaturvedi, the Resolution Professional ("RP"), the Chairman of the meeting of Committee of Creditors will take the chair and preside over the meeting.
2.	To take roll call of every participant attending through video conferencing or other audio and visual means and ascertain the quorum of the Meeting in accordance with Regulation 22 of the CIRP Regulations 2016.
3.	To note Minutes of the 2 nd meeting of committee of creditors held on 9 th October, 2024.
4.	To update the participants on the activities undertaken by the RP to manage the affairs of the Corporate Debtor – RP shall present the state of affairs of Corporate Debtor from the date of receipt of the NCLT Order for CIRP commencement till the date of the Meeting. (Log of events).
5.	To take note of Draft Preliminary Information Memorandum.
6.	To discuss and deliberate on the status of the Expression of Interest received.
7.	To take note on the expenses incurred by RP directly relating to the Corporate Insolvency Resolution Process for the purpose of inclusion in Insolvency Resolution Process costs.
8.	To take note of manner and conduct of the voting.

Sr. No.	Particulars
<u>B. LIST OF MATTERS TO BE DISCUSSED AND VOTED UPON</u>	
1.	To approve and ratify the expenses incurred by RP and reimburse costs directly relating to the Corporate Insolvency Resolution Process for the purpose of inclusion in Insolvency Resolution Process costs.
2.	To discuss /deliberate, modify as may be necessary and approve the Request for Resolution Plan (RFRP) and Bid Evaluation Matrix for consideration of Resolution Plan(s) in terms of Regulation 36B of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and authorise the Resolution Professional to issue the same.
3.	To approve the fees of RP as per Schedule-II (<i>Under Regulation 34B of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016</i>) under clause 3 for Performance-linked incentive fee for timely resolution.
<u>C. ANY OTHER MATTER WITH PERMISSION OF THE CHAIR</u>	
	Vote of Thanks

Sd/-

IP Ravindra Chaturvedi

Resolution Professional

In the matter of KOBO BIOTECH LIMITED

Reg. No. IBBI/IPA-001/IP-P00792/2017-2018/11359 (AFA Valid Till – 31.12.2025)

Address registered with IBBI

Parekh Shah & Lodha, 31E, BKC Centre, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai City, Maharashtra ,400053.

E-mail Id registered with IBBI – ravinchaturvedi@hotmail.com

Process Specific Email Id for correspondence – cirp.kobobiotech@gmail.com

Date: 19.11.2024

Place: Mumbai

P.S.: Notes appended hereto are integral part of the Notice.

NOTES TO AGENDA

1. As per provisions of Regulation 13(2) of The Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016, ("CIRP Regulations"), the list of creditors is available for inspection at Parekh Shah & Lodha, 31E, BKC Centre, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai City, - 400053 and also at the venue of this Committee of Creditors meeting.
2. As per section 5 (27) of Insolvency and Bankruptcy Code, 2016 ("**Code**"), 2016 "resolution professional", for the purposes of this Part (i.e. Part II), means an insolvency professional appointed to conduct the corporate insolvency resolution process and includes an interim resolution professional.
3. It is to be noted that the participants attending the aforementioned Meeting through other audio and visual means would also be considered as part of quorum for the aforementioned Meeting, as per provisions of Regulation 21(1) of CIRP Regulations.
4. As per Regulation 21(2) of the CIRP Regulations, a Participant may attend the Meeting either in person or through an Authorised Representative. A Participant attending through an Authorised Representative, shall inform the signatory of the Notice, at least 24 hours in advance, the identity of the Authorised Representative who will attend and vote at the Meeting on its behalf. An indicative format for intimation of identity details of authorised representative for the aforesaid purpose is attached as "**Annexure A**" to this notice. The Authorised Representative is requested to carry an Identity Document for his/her identification.
5. As per provisions of Section 24(5) Subject to sub-sections (6), (6A) and (6B) of Section 21, any creditor who is a member of the committee of creditors may appoint an insolvency professional other than the resolution professional to represent such creditor in a meeting of the committee of creditors, provided that the fees payable to such insolvency professional representing any individual creditor will be borne by such creditor.
6. As per provisions of Section 24 of the Code, only a participant being a Financial Creditor shall be entitled to vote at the Meeting or by electronic means. The Suspended Directors of the Corporate Debtor and representatives of the Operational Creditor(s), if any, attending the Meeting shall not have any right to vote at the Meeting and shall not form a part of the quorum. A Financial Creditor being a related party of the Corporate Debtor shall not have any right of representation or voting in the Meeting.

7. As per provisions of Regulation 22 (2) of the CIRP Regulations, where a meeting of the committee could not be held for want of quorum, unless the committee has previously decided otherwise, the meeting shall automatically stand adjourned at the same time and place on the next day. In the event a meeting of the committee is adjourned, the adjourned meeting shall be quorate with the members of the committee attending the meeting.
8. As per provisions of section 21 (8) of the Code, save as otherwise provided in the Code, all decisions of the committee of creditors shall be taken by a vote of not less than 51%, 66% or 90% of voting share of the financial creditors, as applicable under the provisions of the IBC.
9. As per provisions of Regulation 25(4) of CIRP Regulations, at the conclusion of voting on the resolution, the decision taken on each of the items along with the names of the Members of the CoC who voted for or against the decision, or abstained from voting will be announced.
10. In terms of Regulation 25(5) of the CIRP Regulations,
 - a) circulate the minutes of the meeting by electronic means to all members of the committee within 48 hours of the conclusion of the meeting; and
 - b) seek a vote of the members who did not vote at the meeting on the matters listed for voting, in accordance with regulation 26 where the voting shall be kept open, from the circulation of the minutes, for such time as decided by the committee which shall not be less than twenty-four hours and shall not exceed seven days:
Provided that on a request for extension made by a creditor, the voting window shall be extended in increments of twenty-four hours period:
Provided further that the resolution professional shall not extend the voting window where the matters listed for voting have already received the requisite majority vote and one extension has been given after the receipt of requisite majority vote.
11. As per Section 5(13) of the Code "insolvency resolution process costs" means—
 - a. the amount of any interim finance and the costs incurred in raising such finance;
 - b. the fees payable to any person acting as a resolution professional;
 - c. any costs incurred by the resolution professional in running the business of the corporate debtor as a going concern;
 - d. any costs incurred at the expense of the Government to facilitate the insolvency resolution process; and
 - e. any other costs as may be specified by the Board.

12. As per Regulation 31 of CIRP Regulations, Insolvency resolution process costs under Section 5(13)(e) of the Code shall mean-

- amounts due to suppliers of essential goods and services under Regulation 32;
- fee payable to authorised representative under sub-regulation (8) of regulation 16A;
- out of pocket expenses of authorised representative for discharge of his functions under section 25A;
- amounts due to a person whose rights are prejudicially affected on account of the moratorium imposed under section 14(1)(d);
- fee payable to the Board under Regulation 31A
- expenses incurred on or by the interim resolution professional to the extent ratified under Regulation 33;
- expenses incurred on or by the resolution professional fixed under Regulation 34; and
- other costs directly relating to the corporate insolvency resolution process and approved by the committee.

13. As per Regulation 33 of CIRP Regulations, costs of the interim resolution professional-

- The applicant shall fix the expenses to be incurred on or by the interim resolution professional.
- The Adjudicating Authority shall fix expenses where the applicant has not fixed expenses under sub-regulation (1).
- The applicant shall bear the expenses which shall be reimbursed by the committee to the extent it ratifies.
- The amount of expenses ratified by the committee shall be treated as insolvency resolution process costs.

Explanation. - For the purposes of this regulation, "expenses" include the fee to be paid to the resolution professional, fee to be paid to insolvency professional entity, if any, and fee to be paid to professionals, if any, and other expenses to be incurred by the resolution professional.

14. As per Regulation 34 of CIRP Regulations, Resolution Professional Cost-

- The committee shall fix the expenses to be incurred on or by the resolution professional and the expenses shall constitute insolvency resolution process costs.

Explanation. - For the purposes of this regulation, “expenses” include the fee to be paid to the resolution professional, fee to be paid to insolvency professional entity, if any, and fee to be paid to professionals, if any, and other expenses to be incurred by the resolution professional.

15. The Committee of Creditors shall adhere to the Guidelines dated 6th August, 2024 issued by the Insolvency and Bankruptcy Board of India outlining the conduct of the COC during the CIRP process.

Sd/-

IP Ravindra Chaturvedi

Resolution Professional

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