ANNEXURE ‘G’

UNDERTAKING BY PROSPECTIVE RESOLUTION APPLICANT

[*On a non-judicial stamp paper of appropriate value*]

*[Note: In case of submission of EOI by a consortium, the undertaking set out below is to be provided by each of the members of the consortium*

*Foreign companies submitting expression of interest are required to ensure that the documents submitted as part of the expression of interest are appropriately apostilled, and* ***stamp duty paid in India before submission to the Administrator.***

*The execution of this undertaking must be authorized by a duly passed resolution of the board of directors of the prospective resolution applicant or any sub-committee of the board (if so authorized by the board) in the event the prospective resolution applicant is a company.*

*Each page of the undertaking is required to be signed by the prospective resolution applicant at the bottom of the page and on the execution page, the deponent must affix his/her full signature and additionally affix the rubber stamp seal (if any) of the prospective resolution applicant.]*

To,

Mr. Rajneesh Sharma,

Administrator for Srei Equipment Finance Limited & Srei Infrastructure Finance Limited

Dear Sir,

Subject: **Undertaking in relation to the submission of expression of interest in the corporate insolvency resolution process (“CIRP”) of Srei Equipment Finance Limited (“SEFL”) & Srei Infrastructure Finance Limited (“SIFL”) (collectively referred to as “Corporate Debtors**”) **under the Insolvency & Bankruptcy Code, 2016 (“IBC”) (“Undertaking”)**

1. I / We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“**Prospective Resolution Applicant**”), refer to the invitation for expression of interest dated 25th February 2022 as amended from time to time (“**Invitation for EOI**”). One of the requirements under the Invitation for EOI is that the Prospective Resolution Applicant is required to submit the undertakings contained herein at the time of submission of expression of interest (“**EOI**”) to the administrator appointed in respect of the Corporate Debtors (“**Administrator**”).
2. I/We *[insert details of entities whose experience and/or financials are being used to meet eligibility criteria]* hereby state and confirm that I/we meet the eligibility criteria specified in the Invitation for EOI and that we shall provide all documents, representations and information as may be required by the Administrator or the Consolidated CoC for SEFL & SIFL (“**Consolidated COC**” or “**COC**”) to substantiate to the satisfaction of the Administrator and the COC that we are eligible in terms of the eligibility criteria set out in the Invitation for EOI and am/are also eligible under IBC and the rules and regulations thereunder to submit an expression of interest in respect of the Corporate Debtors.
3. I/We hereby undertake and confirm that I/we shall provide the relevant information and records to enable an assessment of eligibility in terms of IBC and any other applicable law, and shall intimate the Administrator forthwith in the event I/we become(s) ineligible at any time during the CIRP.
4. I/We hereby state and confirm that every information and records provided in the EOI is/are true and correct and discovery of any false information or record at any time will render us ineligible to submit the expression of interest for the Corporate Debtor, forfeit any refundable deposit, and attract penal action under IBC and other any other applicable laws.
5. I/We hereby undertake and confirm that Prospective Resolution Applicant shall meet the ‘fit and proper’ criteria prescribed under applicable law for the purpose of submitting a resolution plan and shall provide all relevant information / documents required / requested by the Administrator or the COC or the Reserve Bank of India in this regard.
6. I/We confirm that this undertaking has been duly signed by [an authorized representative of the Prospective Resolution Applicant and a copy of the authorization is annexed to this undertaking][[1]](#footnote-2)1.
7. This undertaking forms an integral part of the EOI and any breach hereof would be considered as a breach of the EOI .
8. This Undertaking shall be governed by and construed in accordance with the laws of India. Any action, suit or proceeding relating to this Undertaking shall be submitted to the exclusive jurisdiction of the courts of Kolkata

We agree that we will comply with all the terms and conditions aforesaid of this Undertaking.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On behalf of [*Insert Name*]

Name:

Title:

1. 1 In case of an individual, the undertaking should be signed by the Prospective Resolution Applicant himself. [↑](#footnote-ref-2)