

FORM WIN 4

[See rule 4]

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENCH AT.....

IN THE MATTER OF-----LTD (give the name of the company)
(Company incorporated under Companies Act,____)

Petition No.....of 20.....

.....Petitioner

Statement of affairs under section 274(1)

Statement of affairs of the above named company as on theday of... 20

I/We of do solemnly affirm and say that the statement made herein and the several lists hereunto annexed marked 'A' to 'I' are to the best of my/our knowledge and belief a full, true and complete statement as to the affairs of the above-named company, on the day of 20, and that the said company carries/carried on the following business:-

[Here set out nature of company's business]

Signature(s)

Solemnly affirmed at this..... day of 20.....
Before me.

Commissioner for Oaths.

The Commissioner is particularly requested, before swearing the affidavit, to ascertain that the full name, address and description of the deponent are stated, and to initial any crossing out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will entail its refusal by the Tribunal, and will necessitate its being re-sworn.

Note - The several lists annexed are not exhibits to the affidavit.

STATEMENT OF AFFAIRS AND LISTS TO BE ANNEXED

Statement as to the affairs of Ltd ., on the day of 20..... , showing assets at estimated realisable values and liabilities expected to rank :-

Estimated
Realisable
Values
Rs.

Assets not specifically pledged (as per List 'A ')

Balance at bank	...
Cash in hand	...
Marketable Securities	...
Bills Receivable	...
Trade Debtors	...
Loans and Advances	...
Unpaid Calls	...
Stock in Trade	...
Work in progress	...
.....	
.....	
Freehold property, Land & Buildings	...
Leasehold property	...
Plant & Machinery	...
Furniture, Fittings, Utensils, etc.	...
Investments other than marketable securities	...
Livestock	...
Vehicle etc.	...
Other Property, viz.,
.....	
.....	

***Asset specifically
pledged (as per list 'B')**

	(a)	(b)	(c)	(d)
	Estimated Realisable Values	Due to secured creditors	Deficiency ranking as unsecured	Surplus carried to last column
	Rs	Rs.	Rs	Rs.

Freehold property

Rs.....

Estimated surplus from assets specifically pledged
 Estimated total assets available for preferential creditors,
 debenture-holders secured by a floating charge, and
 unsecured creditors (brought forward)

Summary of Gross Assets

Rs.

Rs.

Gross realisable value of assets specifically pledged ...
 Other assets ...

Gross Assets Rs. ...

**Note :* All assets specifically mortgaged, pledged or otherwise, given as security should be included under this head. In the case of goods given as security, those in possession of the company and those not in possession should be separately set out.

Rs.

Estimated total assets available for preferential creditors,
 debenture-holders secured by a floating charge, and unsecured
 creditors (brought forward).

(e)
 Gross
 Liabilities
 Rs.

Liabilities

(to be deducted from surplus or added to deficiency as the case
 may be.)

Secured creditors (as per List 'B') to extent to which claims are
 estimated to be covered by assets specifically pledged [item (a) or
 (b) on preceding page, whichever is the less]

[Insert in 'Gross Liabilities' column only]
 Preferential creditors (as per List 'C')...

Estimated balance of assets available for debenture-holders
 secured by a floating charge and unsecured creditors Rs.

Debenture-holders secured by a floating charge (as per list
 'D') Estimated Surplus/Deficiency as regards debenture holders.
 Rs.

Unsecured Creditors (as per List 'E')
 Estimated balance of claims of creditors*
 partly secured on specific assets, brought
 from preceding page.

(c).....

Trade Accounts
 Bills Payable
 Outstanding Expenses
 Contingent liabilities (state nature)

Rs. _____

Rs. _____

Estimated Surplus/Deficiency as regards
 creditors being difference between Gross
 Assets brought from preceding page (d)
 and Gross Liabilities as per column (e)

Rs. _____

Issued and Called-up Capital:#

..... Preference shares ofeach

..... Called-up (as per List 'F') ...

..... equity shares ofeach ...

..... Called-up (as per List 'G') ...

.....

Estimated Surplus/Deficiency as regards
 Members (as per list 'H')

Rs. _____

These figures must be read subject to the following notes:-

(1) (f) there is no unpaid capital liable to be called up, or

(g) the nominal amount of unpaid capital liable to be called up
 is Rs.....estimated to produce Rs.....which is/is not charged in
 favour of debenture holders [strike out (f) or (g)]

(2) The estimates are subject to costs of the winding up and to
 any surplus or deficiency on trading pending realisation of assets.

LIST 'A' - ASSETS NOT SPECIFICALLY PLEDGED*Statement of Affairs : List 'A'*

Full particulars of every description of property not specifically pledged and not included in any other list are to be set forth in this list.

	Full statement and nature of property	Book Value Rs.	Estimated to produce Rs.
State name of bankers	Balance at Bank	...	
	Cash in hand	...	
	Marketable Securities. Viz.,...	...	
	
	Bills Receivable (as per Schedule I)	...	
	Trade Debtors (as per Schedule II)	...	
	Loans & Advances (as per Schedule III)	...	
	Unpaid calls (as per Schedule IV)	...	
	...Stock in Trade (as per Schedule V)	
	...Work in Progress	...	
State nature	Freehold property, viz,	...	
	
	Leasehold property. viz	...	
	
	Plant and Machinery, viz.,	...	
	
	Furniture, Fittings, Utensils, etc.	...	
	Patents, Trade Marks, etc ., viz.,	...	
	
	Investments other than Marketable		
	Securities viz.,	...	
	Livestock, Vehicles, etc.	...	
	Other Property, viz.,	...	
	
Signature:		Dated20	

SCHEDULE I

BILLS OF EXCHANGE, PROMISSORY NOTES, ETC., ON HAND AVAILABLE AS ASSETS

Statement of Affairs: Schedule I to List 'A'

The names to be arranged in alphabetical order and numbered consecutively.

No.	Name of Acceptor Of bill or note	Address, etc.	Amount of bill or note	Date when due	Estimated to produce	Particulars of any property held as security for payment of bill or note
			Rs.		Rs.	

Signature:

Dated20

SCHEDULE II

TRADE DEBTORS

Statement of Affairs: Schedule II to List 'A'

The names to be arranged in alphabetical order and numbered consecutively.

Note: If the debtor to the company is also a creditor, but for a less amount than his indebtedness, the gross amount due to the company and the amount of the contra account should be shown in the third column, and the balance only be inserted under the heading 'Amount of debt' thus :

							Rs.	
Due to the Company								
Less Contra Account								
No such claim should be included in the List 'E'								
No.	Name	Residence & Occupation	<u>Amount of Debt</u>			<u>When contracted</u>	<u>Estimated to produce</u>	<u>Particulars of an securities held for debt</u>
			<u>Good</u>	<u>Doubtful</u>	<u>Bad</u>	<u>Month</u>	<u>Year</u>	
			Rs.	Rs.	Rs.			Rs.

Signature:

Dated.....20....

SCHEDULE III

LOANS AND ADVANCES

Statement of Affairs: Schedule III to List 'A'

Serial No.	Date of advance	Name and Address of Person to whom advanced	Amount due Rs	Estimated to realise	Particulars of security, if any	Folio of ledger or other book where particulars to be found
<hr/>						

Signature:

Dated.....20....

SCHEDULE IV

UNPAID CALLS

Statement of Affairs: Schedule IV to List 'A'

The names to be arranged in alphabetical order and numbered consecutively.

Consecutive No.	No. in shares register	Name of shareholder	Address	No. of shares held	Amount of call per share unpaid Rs.	Total amount due Rs.	Estimated to realise Rs.

Signature:

Dated.....20....

SCHEDULE V

STOCK IN TRADE

Statement of Affairs: Schedule V to List 'A'

Serial No.	Description	Quantity	Book Value	Estimated to realise
			Rs.	Rs.

Signature:

Dated.....20....

SCHEDULE VI

DEBTS DUE FROM CONTRIBUTORIES

(Other than unpaid calls)

Statement of Affairs: Schedule VI to List 'A'

Consecutive No.	No. in shares register	Name of shareholder	Address	Nature and particulars of debt	Amount due	Securities held, if any, for the debt	Serial no. in Schedule I, II or III, as the case may be where the debt is included
					Rs.		

Signature:

Dated.....20....

LIST B-ASSETS SPECIFICALLY PLEDGED AND CREDITORS FULLY OR PARTLY SECURED

(Not including debentures-holders secured by a floating charge)

The names of the secured creditors are to be shown against the assets on which their claims are secured, numbered consecutively, and arranged in alphabetical order as far as possible.

Statement of Affairs: List 'B'

Particulars of assets specifically pledged	Date when security given	Estimated value of security	No.	Name of creditors	Address and occupation	Amount of Debt	Date when contract made	Consideration	Balance of debt unsecured carried to list "E"	Estimated surplus from security
		Rs				Rs			Rs	Rs

Signature:

Dated20..

*All assets specifically mortgaged, pledged, or otherwise given as security should be set out: goods given as security but in possession of the company and goods not in possession should be separately set out.

**LIST 'C' - PREFERENTIAL CREDITORS FOR RATES, TAXES, SALARIES, WAGES AND OTHERWISE THE NAMES
TO BE ARRANGED IN ALPHABETICAL ORDER AND NUMBERED CONSECUTIVELY**

Statement of Affairs: List 'C'

No	Name of creditor	Address and occupation	Nature of claim	Period during which claim accrued due	Date when due	Amount of claim	Amount payable in full	Amount payable as overriding preferential payments	Balance not preferential carried to list 'E'
						Rs.	Rs.		Rs.

Signature:

Dated 20 ..

LIST 'D' - LIST OF DEBENTURE HOLDERS SECURED BY A FLOATING CHARGE

The names to be arranged in alphabetical order and numbered consecutively

Separate Lists must be furnished of holders of each issue of Debentures, should more than one issue have been made.

Statement of Affairs: List 'D'

<i>No.</i>	<i>Name of holder</i>	<i>Address</i>	<i>Amount</i>	<i>Description of assets Over which security extends</i>
------------	-----------------------	----------------	---------------	--

Rs. .

Signature:

Dated 20

LIST 'E' - UNSECURED CREDITORS

The names to be arranged in alphabetical order and numbered consecutively

Statement of Affairs: List 'E'

Note:- (1) When there is a contra account against the creditor less than his claim against the company, the amount of the creditor's claim and the amount of the contra account should be shown in the third column and the balance only inserted under the heading 'Amount of Debt' thus :-

		Rs.
<i>Total amount of claim</i>	...	
<i>Less: Contra account</i>	...	

No such set-off should be included in Schedule I attached to List 'A'

(2) The particulars of any Bills of Exchange and Promissory Notes held by a creditor should be inserted immediately below the name and address of such creditor.

No.	Name	Address & Occupation	Amount of debt	Date when contacted	Folio of ledger or other books where particulars to be found	Consideration
-----	------	-------------------------	-------------------	------------------------	---	---------------

Rs.	Month	Year
-----	-------	------

Unsecured balance of creditors partly secured

- *Brought from List 'B'*

Balance not preferential of preferential creditor

- *Brought from List 'C'*

Signature:

Dated 20 ...

The name to be arranged in alphabetical order and numbered consecutively
Statement of Affairs: List 'F'

The name to be arranged in alphabetical order and numbered consecutively

Statement of Affairs: List 'F'

Signature:

Dated. 20 ..

LIST 'G' - LIST OF EQUITY SHAREHOLDERS

The names to be arranged in alphabetical order and numbered consecutively

Statement of Affairs: List 'G'

<i>Consecutive no.</i>	<i>Register No.</i>	<i>Name of Shareholder</i>	<i>Address</i>	<i>Nominal amount of share</i>	<i>No. of shares held</i>	<i>Amount per share called up Rs</i>	<i>Total amount called up Rs</i>
<hr/>							

Signature:

Dated.....20...

LIST 'H' -DEFICIENCY OR SURPLUS ACCOUNT

Statement of Affairs: List 'H'

The period covered by this Account must commence on a date not less than 3 years of the date of presentation of the winding up petition or, if the company has not been incorporated for the whole period, the date of formation of the company, unless the Tribunal otherwise agrees.

Items contributing to deficiency (or reducing surplus):-

- | | |
|---|-------|
| 1. Excess (if any) of Capital and Liabilities over Assets on the..... | Rs. |
| 20 as shown by balance-sheet (copy annexed) | |
| 2. Net dividends and bonuses declared during the period from | |
| 20.....to the date of the statement. | |
| 3. Net trading losses(after charging items shown in note below) for the same period. | |
| 4. Losses other than trading losses written off or for which provision has been made in the books during the same period (give-particulars or annex schedule) | |
| 5. Estimated losses now written off or for which provisions have been made for the purpose of preparing the statement (give particulars or annex schedule). | |
| 6. Other items contributing to Deficiency or reducing Surplus..... | |
| | |

Rs. _____

Items reducing Deficiency (or Contributing to Surplus):-

- | | |
|--|-----|
| 7. Excess (if any) of assets over capital and liabilities on the | |
| 20.....as shown on the Balance Sheet (copy annexed) | Rs. |
| 8. Net trading profits (after charging items shown in note below) for the period from the.....20.....to the date of statement. | Rs. |
| 9. Profits and income other than trading profits during the same period (give particulars or annex schedule). | Rs. |
| 10. Other items reducing Deficiency or contributing to Surplus:- | Rs. |
| Deficiency/Surplus as shown by statement. | |

Note as to Net Trading Profits and losses:-

Particulars are to be inserted here (so far as applicable) of the items mentioned below, which are to be taken into account in arriving at the amount of net trading profits or losses shown in this account:-

Provision for depreciation, renewals, or diminution in value of fixed assets.

Charges for Income-tax and other taxation on profits.

Interest on debentures and other fixed loans.

Payment to directors made by the company and required by law to be disclosed in the accounts.

Exceptional or non-recurring expenditure:

.....

Rs.

Less Exceptional or non-recurring receipts:

.....Rs.

Balance, being other trading profits or losses

Rs. _____

Net trading profits or losses as shown in Deficiency or Sur-
plus Account above

Rs. _____

Signature:

Dated.....20.....

LIST 'I'

Statement of Affairs: List 'I'

In substitution for such of the Lists 'A' to 'H' as will have to be returned blank

List	Particulars	Remarks
		Where no entries are made on anyone or more of list 'A' to 'H' the word 'Nil' should be inserted in this column opposite to the list or lists thus left blank.

- A. Assets not specifically pledged.
- B. Assets specifically pledged and creditors fully or partly secured (not including debenture-holders secured by a floating charge).
- C. Preferential creditors for Rates, Taxes, Salaries, Wage and overriding preferential payments and otherwise.
- D. Debenture-holders secured by Floating Charge.
- E. Unsecured creditors.
- F. Preferential shareholders.
- G. Equity shareholders.
- H. Deficiency or Surplus Account.

Signature:

Dated.....20.....