

**MEMORANDUM FOR E-AUCTION FOR SALE OF
KINGFISHER HOUSE AT VILE PARLE, MUMBAI**

(“E-AUCTION MEMORANDUM/ TENDER DOCUMENT”)



**SBICAP Trustee
Company Ltd.**

SBICAP Trustee Company Limited

Regd. Office: 202, Maker Tower E, Cuffe Parade, Mumbai 400 005
Corporate Office: Apeejay House, 6th Floor, 3, Dinshaw Wachha Road,
Churchgate, Mumbai – 400 020

CIN: U65991MH2005PLC158386 Tel No.: 022-4302 5555 Fax No.: 022-2204 0465
E-Mail: corporate@sbicaptrustee.com Website: www.sbicaptrustee.com

**PUBLIC NOTICE FOR SALE OF
IMMOVABLE SECURED ASSET “KINGFISHER HOUSE, MUMBAI”
THROUGH E-AUCTION UNDER SARFAESI ACT, 2002**

The undersigned as Authorised Officer of SBICAP Trustee Company Limited (SBICTCL), the Security Trustee has taken possession of the following property under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and the Authorised Officer hereby invites Bids from the General Public for purchase of the below mentioned Immovable Secured Asset (“Kingfisher House”) through e-auction under SARFAESI Act and the Rules made thereunder on ‘AS IS WHERE IS BASIS’ AND ‘AS IS WHAT IS CONDITION BASIS’ for realization of outstanding dues of:

Name & Address of the Borrower	M/S KINGFISHER AIRLINES LIMITED UB Tower, Level 12, UB City, 24, Vittal Mallya Road, Bengaluru- 560001
Name & Address of the Guarantors	1) UNITED BREWERIES (HOLDINGS) LIMITED UB Tower, Level 12, UB city, 24, Vittal Mallya Road, Bengaluru- 560001 2) DR. VIJAY MALLYA UB Tower, Level 16, UB City, 24, Vittal Mallya Road, Bengaluru- 560001
Amount due	Rs.6203,35,03,879.42 (Rupees Six Thousand Two Hundred And Three Crores Thirty Five Lakhs Three Thousand Eight Hundred And Seventy Nine And Paise Forty Two Only) as on 31.05.2013 with further interest thereon @11.50%p.a. with yearly rests with costs and charges
Name of the Title Deed Holder	M/s Kingfisher Airlines Limited
Date of Demand Notice & Date of Physical possession	Demand Notice dated 03.05.2013 Physical possession taken on 24.02.2015
Tender Number	SBICTCL/KAL/15

DESCRIPTION OF IMMOVABLE SECURED ASSET – KINGFISHER HOUSE

All the piece and parcels of immovable property situate at Village –Bamanwada, Taluka Andheri in Bombay Suburban District bearing CTS No. 62, 63A (Part), 65, 66 and 67 admeasuring 2401.70 square meters or there about of Municipal Ward No. KE597(6) of Andheri Division together with the building standing thereon formerly known as Paradigm and now known as **KINGFISHER HOUSE** consisting of Basement, Lower Ground, Ground and one Upper Floors totally admeasuring 1586.24 square meters (built up) or thereabouts and bounded as follows that is to say:

On or towards the East : by land bearing CTS Nos. 63B, 68 and 69
On or towards the West : by Western Express Highway and land bearing CTS No.64
On or towards the North : by land bearing CTS No. 61
On or towards the South : by land bearing CTS No. 71, 70 and 72

Together with all buildings and structures thereon and all furnitures and fixtures and plant and machinery attached to the earth or permanently fastened to anything attached to the earth, both present and future

E-Auction Website	https://sbi.auctiontiger.net
Date and time of e-auction	Date: 31.05.2017 60 minutes from 11.00 a.m. to 12.00 p.m. IST with unlimited extensions of 5 minutes for each bid, if bidding continues, till the sale is concluded.
Reserve Price	Rs. 93.50 Crores (Rupees Ninety Three Crore and Fifty Lakh Only) below which the property will not be sold.
EMD (Earnest Money Deposit)	10% of the Reserve Price i.e. Rs. 9.35 Crore.
EMD remittance	Deposit through EFT/ NEFT/ RTGS Transfer in favour of: A/c Name: SBICAP Trustee Company Limited Beneficiary A/c No. – 32896535198 Bank - State Bank of India Branch – Madame Cama Road Branch IFSC Code – SBIN0008586
Bid Increment amount	In Rs. 5 lakhs only
Date and time for submission of EMD & KYC Documents	On or before 29.05.2017 up to 05.00 p.m.
Tentative dates for Inspection of property	12.05.2017, 19.05.2017 and 26.05.2017 between 02.00 p.m. to 05.00 p.m. IST

TERMS AND CONDITIONS OF E-AUCTION

1. E-Auction of immovable property is being held on “**AS IS WHERE IS**” and “**AS IS WHAT IS**” basis and will be conducted “Online”. All movable assets lying inside the premises of the said property are not included in the e-auction sale. The auction will be conducted through SBICTCL’s approved service provider - M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmedabad under the supervision of the Authorised Officer of SBICTCL (“Seller”) at the web portal <https://sbi.auctiontiger.net> (“**Website**”). E-Auction Tender Document containing e-auction Bid Application Form, Declaration, General Terms and Conditions of online auction sale are available in <https://sbi.auctiontiger.net>, www.sbi.co.in, http://www.sbicaptrustee.com/Uploads/News/KAL_EAuction_Public_Notice_12052_017.pdf and www.tenders.gov.in.
2. Intending bidders are advised to go through the website <https://sbi.auctiontiger.net>, www.sbi.co.in, http://www.sbicaptrustee.com/Uploads/News/KAL_EAuction_Public_Notice_12052_017.pdf and www.tenders.gov.in for detailed terms and conditions of the e-auction sale before submitting their bids and participating in the e-auction. The intending bidders should register their name at <https://sbi.auctiontiger.net>. The last date of registration for e-Auction shall be 29/05/2017.
3. The property is being sold on ‘As is where is’ and ‘As is what is’ condition. The bidders should make their own enquiries regarding ownership, encumbrances, charges or statutory dues such as taxes etc. with respect to the property. The bidders must also independently enquire with the appropriate authorities with respect to ownership and registration of the property. It shall be deemed that the bidders have done their own due diligence before submitting the bids. There shall not be any responsibility / liability on SBICTCL in this respect and more specifically to clear any encumbrances or charges on Kingfisher House.
4. The intending purchasers / bidders are required to deposit EMD amount either through EFT/ NEFT/ RTGS Transfer in favour of:
A/c Name: SBICAP Trustee Company Limited
Beneficiary A/c No. – 32896535198
Bank - State Bank of India
Branch – Madame Cama Road Branch
IFSC Code – SBIN0008586

It may be noted that the EMD amount must be deposited by the Bidder before the last date for registration for e-Auction, i.e., on or before 29/05/2017. Copy of the supportive documents like UTR Nos./ challan/ receipt should be attached to the Bid Application Form.

5. Intending bidder(s) shall hold a valid **Digital Signature Certificate** issued by competent authority. For details with regard to **Digital Signature Certificate**, **please contact** M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmedabad.
6. Upon payment of the EMD, the Bidder shall duly complete the online Bid Application Form ("**Bid Form**") available on the Website, affix his digital signature to the same, attach the proof of EMD payment to the Bid Form and submit the same on the Website along with scanned copies of KYC documents viz. self attested copies of photo ID proofs/ address proof documents viz. Permanent Account Number (PAN) card/ Passport/ Aadhaar Card/ Election Card/ Driving License or any other similar ID proof issued by government authority, certified true copy(ies) of Board Resolution(s)/ power of attorney (if any) (collectively referred to as "**KYC Documents**") before the last date for registration for e-Auction, i.e., on or before 29/05/2017 upto 5.00 p.m. IST.
7. In addition to the registration under Item No. 2 above, The intending bidder should submit in hard copy the Bid Form in the prescribed format (Annexure I) with requisite enclosures for participation in the e-auction along with Declaration in the prescribed format (Annexure II) and evidence for EMD deposit like challan/ UTR number/ receipt and self-attested copies of (i) Proof of Identification (KYC) viz. Voter ID Card/ Driving License/ Aadhaar Card/ Passport etc., (ii) Current Address-Proof for communication, (iii) PAN card of the bidder etc., to the Authorized Officer, of SBICAP Trustee Company Limited in a sealed cover, duly writing the Tender number on the cover, addressed to – Head (Legal & Compliance), SBICAP Trustee Company Limited (SBICTCL), Apeejay House, 6th Floor, 3, Dinshaw Wachha Road, Churchgate, Mumbai – 400 020, on or before **29.05.2017 up to 5.00 p.m. IST**. Bids shall be deemed to be made only upon the said Bid being submitted in original as aforesaid. The last date for submission of above documents of for e-Auction shall be 29/05/2017 upto 5.00 p.m. IST.
8. In case of joint bidders, an authorization letter signed by all the bidders authorizing actual bidder (one among them who is holding a valid Digital Signature Certificate) to submit the requisite documents and participate in the bid on their behalf should be attached to the Bid Form. Similarly, in case the bidder is a company, a copy of the resolution passed by the Board of Directors authorizing the actual bidder, who is holding a valid Digital Signature Certificate, to submit and participate in the bid on its behalf should be attached.
9. Bid Form without EMD or with less than the EMD amount shall be rejected summarily.
10. The Authorised Officer of SBICTCL will scrutinise the Bid Forms and KYC Documents and shall convey the names of eligible participants for e-auction to the

service provider and also to the eligible participants, on or before expiry of 2 (two) working days from the last date for submission of Bid Forms. The decision of Authorised Officer of SBICTCL about eligibility of participant shall be final.

11. It shall be the responsibility of the interested bidders to inspect and satisfy themselves about the Property before submission of the bid.
12. The details of the encumbrances known to SBICTCL as on date are given below. The bidders should independently make enquiries as to the validity, extent and maintainability of the said encumbrances/claims in respect of the property –
 - a. The property has been assessed by the Brihanmumbai Mahanagarpalika under property A/c No. KE0501480190000 and the property taxes amounting to Rs. 1,08,47,290/- for the period from 01/10/1997 to 31/03/1998 and 01/04/2010 to 31/03/2017 are allegedly outstanding in municipal records;
13. This e-auction sale is being conducted by SBICTCL in association with the Income Tax and Service Tax Departments as per the orders dated 05/06/2015 of the Hon'ble Karnataka High Court in W.P. No. 19725/2014 & 30764-30776/2014 and W.P. Nos. 19727/2014 & 30777 – 30789/2014.
14. The property shall not be sold below the Reserve Price. However, the bidder must undertake to increase the bid amount by bid increment/multiplier amount mentioned in the sale notice, even if the bidder is a sole/successful bidder. The Bid increment / multiplier shall be as stated in the newspaper publication.
15. The e-Auction/bidding of above property would be conducted exactly on the scheduled date & time as mentioned against the property by way of inter-se bidding amongst the bidders. The bidder shall improve their offer in multiple of the amount mentioned under the column "Bid Increment Amount" against the property. In case bid is placed in the last 5 minutes of the closing time of the e-Auction, the closing time will automatically get extended for 5 minutes. The bidder who submits the highest bid amount (not below the Reserve Price) on closure of e-Auction process shall be declared as Successful Bidder and a communication to that effect will be issued through electronic mode which shall be subject to approval by the Authorised Officer.
16. The Earnest Money Deposit (EMD) of the successful bidder shall be retained towards part sale consideration and the EMD of unsuccessful bidders shall be refunded. The Earnest Money Deposit shall not bear any interest. The bidders should provide details of their Bank accounts such as Name of the Bank and Branch, IFSC Code number, Account Number etc. for the purpose in the Bid Form. The successful bidder shall have to deposit 25% of the sale price including EMD immediately i.e. on the same day or not later than next working day on acceptance of bid price by the Authorised Officer and the balance of the sale price on or before 15th day of sale. Default in

deposit of the balance amount (i.e. 25% or 75% as stated above) by the successful bidder would entail forfeiture of the whole money already deposited and property shall be put to re-auction and the defaulting bidder shall have no claim/ right in respect of property/ amount.

17. Auction / bidding will be only by online bidding through the portal provided by **M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmadabad.**
18. The intending bidders may avail online training on e-auction from M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmadabad [Help Line Nos.: 079-40230 804/805/806/813/816/818/814; Contact Persons: Mr. Tilak Maratha, Mobile No. 09067799646 E-mail: tilak@auctiontiger.net, Mr. Rikin Brahmatriya, Mobile No. 09978591888 E-mail: rikin@auctiontiger.net and Mr. Vishal Tiwari, Mobile No. 08140094365 E-Mail: vishal@auctiontiger.net prior to the e-auction.
19. The bidders may participate in the e-auction bidding from their place of choice and internet connectivity shall be ensured by the bidder himself. SBICTCL/ Service Provider shall not be held responsible for the internet connectivity, network and system problems, power failure or any other technical lapses/ failure etc.
20. Demo e-Auction process will be conducted by M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmadabad for familiarization and allocation of user name / password to eligible bidders for access to the e-Auction at the specified date and time.
21. The auction purchaser of the immovable Property has to deduct 1% of the Sale Price as TDS in the name of the owner of the Property & remit it to Income Tax Department as per section 194 IA of Income Tax Act and only 99% of the Sale Price has to be remitted to SBICTCL. The Sale Certificate will be issued only on full payment of 99% of Sale Price and on receipt of Form 26QB & Challan for having remitted the TDS of 1% of Sale Price.
22. The auction purchaser shall bear the applicable stamp duties/ additional stamp duty/ transfer charges/ registration charges or any other charges/ fees etc. and also all the statutory/ non-statutory dues, taxes, rates, assessment charges, fees etc. owing to anybody in respect of the property purchased through e-auction.
23. The successful bidder of Kingfisher House shall be solely responsible for registration with the Appropriate Authorities, as the purchaser and owner of the said property.
24. The Authorised Officer is not bound to accept the highest offer and has the absolute right to accept or reject any or all offer(s) or adjourn/ postpone/ cancel the e-Auction or withdraw any property or portion thereof from the e-auction proceedings at any stage without assigning any reason therefore.

25. The property will be sold to the highest bidder after completion and compliance of other requirements for such sale, upon SBICTCL confirming its satisfaction of the highest bid price.
26. The Sale Certificate will be issued in the form given in Appendix V (for immovable assets) of the Security Interest (Enforcement) Rules, 2002 in the name of the purchaser(s) / applicant (s) only and will not be issued in any other name(s).
27. SBICTCL is not liable to pay any interest/ refund of EMD in case of any delay in issue of confirmation of Sale/ Sale Certificate by virtue of any Court Order received after e-auction is held.
28. This is also a notice to the Official liquidator/ borrower/guarantors of the said loans about holding of e-auction sale on the above mentioned date if the dues are not repaid in full before the date of e-auction.
29. SBICTCL or Service Provider shall not be liable for any costs, expenses and other payments that the bidders shall incur in any manner whatsoever, in relation to this e-Auction. In all matters connected to the e-Auction, SBICTCL's decision shall be final and binding.
30. The sale shall be subject to rules/conditions prescribed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, The Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Act, 2016 and the Rules framed thereunder.
31. For further details regarding the auction, the intending bidders may contact the Authorised Officer of SBICTCL during office hours (Monday to Friday between 10.00 am to 6.00 pm IST) - **Mr. R L N Rao, Head (Legal & Compliance) Phone No. 022-43025525, E-mail: rlnrao@sbicaptrustee.com, Mr. Prashant A. Joshi (Legal & Compliance) Phone No. 022-43025522, E-mail: prashant.joshi@sbicaptrustee.com** or may also contact the SBICTCL's approved service provider M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmedabad - **Mr. Tilak Maratha, Mobile No. 09067799646 E-mail: tilak@auctiontiger.net, Mr. Vishal Tiwari, Mobile No. 09879996111 E-Mail: vishal@auctiontiger.net** for any information or procedure of e-auction.

Date: 12/05/2017

Place: Mumbai

**Sd/-
R L N Rao
Authorised Officer
SBICAP Trustee Company Limited**

ANNEXURE- I

E-AUCTION BID APPLICATION FORM

**FOR SALE OF KINGFISHER HOUSE OF M/S. KINGFISHER AIRLINES LIMITED
BY WAY OF E-AUCTION**

SBICAP Trustee Company Limited

Apeejay House, 6th Floor, 3, Dinshaw Wachha Road,
Churchgate, Mumbai – 400 020, Maharashtra, India

Kind Attn: Mr. R L N Rao, Head (Legal & Compliance)

Ref:

(i) Public notice dated 12/05/2017 for the e-Auction of Kingfisher House at Vile Parle, Mumbai of Kingfisher Airlines Limited, published in newspapers - Times of India (editions – Mumbai, Delhi, Kolkata, Chennai, Bangalore and Hyderabad), Economic Times (editions – Mumbai, Delhi, Kolkata, Chennai, Bangalore and Hyderabad), Loksatta (All Maharashtra editions) and in newspaper - Udayanvani (All Karnataka editions) on 13/05/2017 ('Public Notice'); and

(ii) E-Auction Memorandum dated 12/05/2017 published in www.sbi.co.in, http://www.sbicaptrustee.com/Uploads/News/KAL_EAuction_Public_Notice_12052017.pdf, www.tenders.gov.in and <https://sbi.auctiontiger.net>. ('E-Auction Memorandum')

[Note: The capitalized terms and expressions used herein shall have meanings assigned to them under the E-Auction Memorandum and the Terms and Conditions of the E-Auction].

E-AUCTION BID APPLICATION FORM [For individual Bidders]

1) Name of the Bidder(s) (in capitals):

.....

(Note: In the event of successful bidding and fulfillment of all requirements, the sale certificate shall be issued in this name.)

2) Father's/Husband's Name:

.....

3) Date of Birth & Age:

.....

- 4) Postal Address of the Bidder(s): (copy of Address Proof to be enclosed)
.....
.....
.....
- 5) Whether Bidder is participating For Self or for others:
.....
- 6) If participating for others, furnish the details for whom participating, along with authority letter: (Original of the Authority letter to be enclosed)
.....
- 7) Phone Nos. –
Mobile:.....
Landline:.....
- 8) Registered E-mail of the Bidder as registered on <https://sbi.auctiontiger.net>:
.....
- 9) PAN of Bidder (copy to be enclosed):
.....
- 10) Bank account details to which EMD amount is to be refunded:
Type of account: Saving/ Current/ others
.....
Name of the A/c Holder:
.....
Bank A/c Account No.:
.....
IFSC Code No./SWIFT Code No.
.....
Name of the Bank:
.....
Name of the Branch:
.....

E-AUCTION BID APPLICATION FORM (for an organization)

Note: Organization shall mean and include a company/firm/LLP/Trust/ duly incorporated entity etc.

1) Name of the Organization intending to bid (in capitals):
.....

(Note: In the event of successful bidding and fulfillment of all requirements, the sale certificate shall be issued in this name.)

2) Date of Incorporation (certified true copy of Certificate of Incorporation to be enclosed):

3) Postal Address of the Registered Office (certified true copy of Proof of Address to be enclosed):.....
.....
.....

4) Name of the Authorized Signatory Nominated for the e-Auction (Original of the Authority Letter or certified true copy of the Board Resolution/ Power of Attorney (as applicable) to be enclosed):

5) Father's/Husband's Name of the Authorized Signatory:
.....

6) Date of Birth & Age of the Authorized Signatory:
.....

7) Postal Address of the Authorized Signatory (Certified true Copy of the Address Proof to be enclosed):

8) Phone Nos. –
Mobile:.....
Landline:.....

9) Registered E-mail address as registered on <https://sbi.auctiontiger.net>:
.....

- 10) PAN of the Organization (certified true copy to be enclosed):
.....
- 11) PAN of the Authorized Signatory (certified true copy to be enclosed):
.....
- 12) Bank account details to which EMD amount is to be refunded:
Type of account: Saving/ Current/ others
.....
Name of the A/c Holder:
.....
Bank A/c Account No.:
.....
IFSC/SWIFT Code No.
.....
Name of the Bank:
.....
Name of the Branch:
.....

[Please attach the copy of the proof of remittance of the EMD Amount to this Bid Form]

ANNEXURE II

DECLARATION

(Note: The Declaration shall be signed by the Bidder/ authorized signatory/ participant with his digital signature)

To,
SBICAP Trustee Company Limited (SBICTCL)
Apeejay House, 6th Floor,
3, Dinshaw Wachha Road,
Churchgate, Mumbai – 400 020

I,
S/oaged about years,
residing at
.....
.....

(in case of an individual Bidder) **OR** I,
..... S/oaged
about years, residing at
.....
.....

and an Authorized Signatory (appointed vide board resolution/ power of attorney
dated.....), representing(organization)
having registered office at

(as applicable) (in the case of an organization) do hereby express my/ our interest for
participating in e-Auction being conducted by **SBICAP Trustee Company Limited**, for
purchase of Kingfisher House at Vile Parle, Mumbai of Kingfisher Airlines Limited as
specified in Public Notice dated 12/05/2017 and declare that I have read and understood the
E-Auction Memorandum and agree to all the Terms and Conditions of e-Auction sale and
shall abide by them. In the event of my/us not being declared as successful Bidder in the e-
Auction, the EMD amount paid by me may be credited into the bank account furnished by
me/us in the e-Auction Bid Application Form.

I am/ We are aware and I/We understand that upon being declared as highest bidder by SBICTCL, if I/we fail to pay 25% (including EMD) of the sale consideration immediately, or balance 75% of the sale consideration within the stipulated time, the entire amount paid by me/us will be appropriated by SBICTCL.

Further, I/We hereby confirm that:

1. The undersigned is an authorized representative of the company/organization, which intends to participate in the e-Auction (if applicable). [Note: If not applicable please strike out].
2. I/we have studied and understood the above referred e-Auction Memorandum comprising of Bidder Guidelines, e-Auction Terms and Conditions as mentioned in the Public Notice dated 12/05/2017 issued by SBICTCL, and confirm my/our acceptance to the same.
3. I/We undertake to complete the mandatory online training on the e-Auction Website.
4. SBICTCL and M/s E-Procurement Technologies Ltd. (AuctionTiger), Ahmedabad (ETL) shall not be liable and responsible in any manner whatsoever for my/our failure to access and bid on the e-Auction platform due to loss of internet connectivity, electricity failure, virus attack, problems with the PC or any other unforeseen circumstances etc., prior to or during the e-Auction event.
5. I/We have a valid digital signature bearing number, valid till and issued by a valid Certifying Authority.
6. In case the bid submitted by me/us turns out to be the highest bid, we shall remit 25% of the Sale Price (including EMD) immediately on acceptance of bid price by the Authorised Officer and I/we will facsimile (fax)/e-mail the proof of remittance. .
7. I/We will honour the bids placed by me/us during the e-Auction event.

Yours Sincerely,

Signature of the intending Bidder (physical signature in hard copy/ digital signature in soft copy)

(company/ organization seal if applicable) (in hard copy only)

Name –

Company / Organization (if applicable) –

.....

Designation within Company / Organization (if applicable) –

Address of Company / Organization (if applicable) –

.....

.....

Date:

Place: