

FOSECA | SWBA

Federation of Spire Edge Associations | Spire Woods Buyers Association

111, First Floor, Hemkunt Chambers, 89 - Nehru Place, New Delhi – 110019

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AN BUILDWELL PROMOTERS ATTEMPT TO COVER UP

1. Promoters of AN Buildwell, Sunil Gandhi & SK Hooda had hatched a deep-rooted conspiracy in collusion with many to cover up their misdeeds and hide behind the ongoing liquidation proceedings at the Hon'ble High Court.

- a. Recent reports of AN Buildwell might divert the attention of the people from the bigger crimes done by them in Manesar, FOSECA had alleged that the realtors had been trying to swallow the bigger fraud encompassing approximately Rs 800 crore in an attempt to hoodwink the DTCP, Haryana, Gurgaon Authorities and the Hon'ble High Court.
- b. Taking serious notes of the recent one sided media reports (highlighting only some portions of the fraud by ANB Promoters), FOSECA appealed to the media to look into the complete fraudulent acts of ANB Promoters, Sunil Gandhi and SK Hooda that includes the project in Manesar. *"The total scam is to the tune of Rs. 800 Crore which was collected from the investors and huge monies diverted by Promoters. The number of victims is manifold more than with respect to their Woods counterparts,"* said Vikas Sethi, the President of FOSECA.
- c. It may be noted that in a grievance committee meeting on June 16 this year, the FOSECA had also asked the Haryana Chief Minister for immediate criminal action for fraud, cheating and breach of trust against the concerned promoters / shareholders, i.e. S K Hooda, Sunil Gandhi and the Investor Fund (Sphere Invest group of Bermuda) for siphoning of the hard-earned money of the customers.

2. Promoters, Sunil Gandhi & SK Hooda's attempt to thwart Revival floated by Customers.

- a. ANB Promoters maintained a constant vigil at the Office of the Official Liquidator, Delhi and are reported to have spent many hours daily in the week leading to today.
- b. It comes as no surprise that the Revival Plan jointly floated by various Customer Associations is liable to be dismissed on various technical grounds.
- c. This Plan is supported by over 980 customers and 80% of Creditors. *"We also appeal the Government to support us in taking over the projects ourselves, and implementing the waiver of penalties owing to delay in government dues in case of HSIIDC dues, EDC/IDC and license fees. This initiative is the first of its kind and will help customers across the NCR take control of their projects and from greedy and crooked people – masked as bonafide developers,"* Sethi further informed.

HON'BLE DELHI HIGH COURT EXPOSES ANB PROMOTERS

1. SFIO Enquiry Recommended by PL

- a. The PL in his Compliance Report filed on 24.10.2016 has recommended instituting an enquiry by the Serious Fraud Investigation Office (SFIO) into the siphoning of INR 42.05 Cr. and affairs of the Company.

2. PL's Report Promoters Revival Scheme is seen as a SHAM !!

- a. Lacking seriousness in all aspects.

The PL's Report states:

Whereby the outstanding dues amounts to several hundred crores the assurance to infuse funds to the tune of Rs. 44 crore does not inspire adjusted confidence and it seems that there is lack of seriousness on the part of the propounders to present a meaningful revival scheme of the company (In Liqn.). It is also clear from the averments of the proposed scheme that the infusion of funds is subject to satisfactory completion of legal and financial due diligence of the respondent company and its projects.

Such a casual attitude towards the matter which has serious consequences can not be accepted and reflects the casual and non-serious approach of the propounders.

- b. An attempt to derive undue benefit by Promoters, and a device to grab the Company's valuable assets through a sham Scheme.

The PL's Report states:

That the present scheme is nothing, but a scheme of outright sale of valuable properties of the Company (In Liqn.). It is submitted that the Scheme is nothing but a device by the Ex-Directors to derive undue benefit.

- c. Old wine in a new Hat!!

The PL's Report states:

It is further submitted that the Scheme does not put forth any new strategy. The composition of the Board of Directors as an amendment to the present Scheme reveals that Shri Sunil Gandhi acted as a Director since 2008 to 2014, likewise the other propounder Sh. Surender Kumar Hooda was also a Director continuously from the year 2008 to 2015. The present propounder(s) who were at the helm of affairs in the Company (In Liqn.) for most of the period could have taken the proposed steps while the company was a going concern.

Now the persons with an eye on the properties of the company (In Liqn.) have come out with the proposed scheme which is nothing but a scheme of outright sale of the assets and properties of the company (In Liqn.)

- d. Against the interests of Customers who are the main stake holders

The PL's Report states:

It is further submitted that the proposed scheme does not appear to the interest of Allottees and property owners, who were the main stake holders in the company (In Liqn.)

As already submitted above the proposed scheme is nothing but a devise to take out the valuable properties of the company (In Liqn.) out of the ambit of liquidation and derive(d) undue benefit and advantage of the properties of the company (In Liqn.)

3. Hon'ble High Court Orders Promoters to show the Court 'the colour of money' and prove their bonafides.

- a. Hon'ble High Court has ordered the Promoters to produce the external developers 'Halwasiya Group' on the next date and deposit funds indicated in their Scheme in Court.
- b. Next date of hearing is Nov 11, 2016.
- c. If Promoters are unable to demonstrate bonafides, Hon'ble High Court will commence instituting a SFIO enquiry and take other action.
- d. All investors should present their suggestions in bullet points on the next date through their lawyers, and confirm their interest in either getting their money back or getting possession of their units in the completed project.

The Delhi High Court vide its order dated 08.03.2016, ordered winding up of the company. The liquidation has been deliberately obtained by the company to escape its liability to fulfill obligation towards customers and also to cover up its acts of mismanagement. If the liquidation happens, it will adversely affect the interest of approximately 1800 customers and other creditors of the company.

Funds have been siphoned off from AN Buildwell by its promoters, Surinder Kumar Hooda (18.81 crores), Sunil Gandhi (18.6 crores) and a shareholder, Sphere Invest Group 4.63 crores), in various projects like Green Edge Infrastructure Pvt Ltd, Inspire Infratech Pvt Ltd, Nalanda Realtech Pvt Ltd and Charmwood Realtech Pvt Ltd, etc.

AN Buildwell, which has its registered office at 504, 5th floor, Bhikaji Cama Bhawan, 11, Bhikaji Cama Place, New Delhi, promoted two projects namely, one IT Park named "Spire Edge" at CP-04, Sector-08, IMT Manesar and a residential project "Spire Woods" at Sector-103, Gurgaon. As of now there are 517 customers in Spire Woods and 1274 customers in Spire Edge.

The latest information as well as previous updates are available online at association websites.

www.foseca.org & www.spirewoodsbuyersassociation.com