FORM WIN 82

[*See* rule 156]

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

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

Application No. ..... of 20...,

(Company) Liquidator of the said company — *Applicant*

Affidavit in support of summons for leave to disclaim a lease

I, the (Company) Liquidator of the said company, do solemnly affirm and say as follows:—

1. The above-named company [hereinafter referred to as the company) was ordered to be wound up by this Tribunal by order dated the ..... , 20..., and I was appointed Liquidator for the purpose of the winding up).

2. By a lease dated the ..... day of ..... 20 ..., made between ..... of the one part and the company of the other part, the said ..... demised unto the company all that (specify shortly the premises leased and the rent, mentioning any special covenants). The said lease* is now produced and shown to me marked 'A'.

3. The premises so demised to the company were used by them for the purposes of (specify what) but have not been occupied or used by the company since the month of ..... 20 ..., (etc., as the case may be) nor are there any goods and chattels of the company thereon.

4. I have/have not endeavoured to sell the said lease. Having regard to the rent payable and the terms thereof, the lease is not a profitable one. I have/have not entered into possession of the premises thereby demised or exercised any act of ownership in relation thereto (or as the case may be).

5. The said lease is of no benefit to the company, its creditors or shareholders, and to the best of my knowledge, information and belief there are no persons interested in the said lease except the company and ..... the lessors as aforesaid (*or*, as the case may be, and state any advantages sought to be attained by the disclaimer, how it would affect other people, etc.).

6. (If the 'disclaimer' is out of time, facts in explanation on which the Tribunal may be properly asked to extend the time should be stated).

7. On the ..... 20 ..., I received a notice from ..... of ....., requiring me to say whether or not it was my intention to disclaim the said contract. The notice is hereto annexed, marked ..... on the ..... day of ..... 20 ..., within twenty-eightdays of the receipt of the said notice (*or* if the Tribunal has extended the time, add, by leave of the Tribunal notwithstanding that twenty-eightdays had elapsed since the receipt by me of the said notice) I gave notice to the said ..... of my intention to make this application to the Tribunal. A copy of the said notice is hereto annexed and marked .....

8. The assets of the company are insufficient to meet the claims of the creditors (*or* as the case may be).

9. In these circumstances, I ask for leave to disclaim the said lease, and the said ..... should be allowed to prove for the loss suffered by reason of the said disclaimer along with the other creditors.

Solemnly affirmed etc.
Liquidator.

*__Note :__ The original or a certified copy of the lease to be produced.