

**FORM WIN 44**

[See rule 103]

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.....

**Affidavit of proof of debt**

I, ..... of, etc. (full name, address and occupation of deponent to be given)  
do solemnly affirm and state as follows :—

1. The above-named company was, at the date of the order winding-up the same\*, *viz.*, the.....day of.....20...., and still is, justly and truly indebted to me [or to me and C.D., and E.F., my copartners in trade, or, as the case may be,] in the sum of Rs.....for [here state consideration, *e.g.*, goods sold and delivered by me/my firm to the said company between the dates of.....or monies advanced by me/my firm in respect of the under-mentioned bill of exchange, or as the case may be], as shown by the account in the schedule below.

2. In respect of the said sum or any part thereof, I say I have not, nor have my partners or any of them, nor has any person, by my/our order, to my/our knowledge or belief, for my/our use, had or received any manner of satisfaction or security whatsoever, save and except the following :—

[Here state the particulars of all securities held, and where the securities are on the property of the company, assess the value of the same, and if any bills or other negotiable securities be held specify them in the schedule.]

[If the claim is made as a preferential claim, say so and set out the grounds on which the preference is claimed.]

**SCHEDULE***Bills of Exchange*

<i>Date</i>	<i>Drawer</i>	<i>Acceptor</i>	<i>Amount</i>		<i>Due Date</i>
			<i>Rs.</i>	<i>P.</i>	

*Particulars of account referred to*  
(Credit should be given for *contra* accounts)

<i>Date</i>	<i>Consideration</i>	<i>Amount</i>		<i>Remarks</i> <i>The vouchers (if any) by which the account can be substantiated should be set out here</i>
		<i>Rs.</i>	<i>P.</i>	

Solemnly affirmed

at.....on.....  
.....day, the.....day of.....20.....

Before me. Commissioner.

*Deponent's signature*

Notes :

1. Bills of exchange or negotiable securities must be produced before the proof can be admitted.

2. The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Company Liquidator before the time named in the notice convening the meeting.

3. Where the affidavit is not by the creditor, but by some person authorised by him, the deponent should state in a separate paragraph his authority for making the affidavit and the means of his knowledge, and suitable alterations should be made in paragraphs 1 and 2 above and the name, address and description of the creditor should be set out in paragraph 1.

\*Where before the presentation of the petition for winding-up, a resolution has been passed by the company for winding-up, the date of the said resolution must be substituted for the date of the winding-up order.