

Form No. 76F
[See sub – rule (2) of rule 228]
[Heading as in form no 16]
LLP Petition No..... of 20.....
LLP Application No.....of 20.....

Liquidator or LLP Liquidator of the said LLP — Applicant

Affidavit in support of summons for leave to disclaim a lease

I, the Liquidator or LLP Liquidator of the said LLP, do solemnly affirm and say as follows:—

1. The above-named LLP [hereinafter referred to as the LLP) was ordered to be wound up by this NCLT.....Bench by order dated 20...., or the above-named LLP resolved by a resolution passed on _____ that it should be wound-up voluntarily, and I was appointed Liquidator or LLP Liquidator for the purpose of the winding-up.
2. By a lease dated theday of20 ..., made betweenof the one part and the LLP of the other part, the saiddemised unto the LLP 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 LLP were used by them for the purposes of (specify what) but have not been occupied or used by the LLP since the month of20....., (etc., as the case may be) nor are there any goods and chattels of the LLP thereon.
4. I have/have not endeavored 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 LLP, its creditors or partners, and to the best of my knowledge, information and belief there are no persons interested in the said lease except the LLP 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 fromofrequiring me to say whether or not it was my intention to disclaim the said contract. The notice is hereto annexed, markedon the day of20...., within 28 days of the receipt of the said notice (or if the Tribunal has extended the time, add, by leave of the Tribunal notwithstanding that 28 days 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 LLP 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/ LLP Liquidator

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

