

W-01: Notice of appointment of liquidator for company/body corporate

Section 151, 152, 158, 164, 166, 167, 168, 169 and 183 Insolvency Law 2020, rule 76, 77 and 79 Insolvency Rules 2020 (to substitute liquidator under section 183)

1. Identification of company/body corporate to which this appointment relates

Name of company/body corporate*

Name of company/body corporate in Myanmar language (optional)

Company/body corporate registration number*

2. Identification of insolvency practitioner/Official Receiver appointed as liquidator

Full name in English*

Full name in Myanmar language

Insolvency practitioner registration number*

Email*

Phone number*

Nationality*

N.R.C. (Myanmar citizens / Passport (for foreign citizens only))*

Address

Street number and street name*

Unit, level, etc

Quarter/ City/ Township*

State/ Region*

Country*

Postcode

3. Date of appointment*

dd

mm

yyyy

This notice must be filed within 2 business days of an appointment under sections 152, 158, 164, 166, 167, 168, 169 or 183 of the Insolvency Law (rule 77 and 79(a) and (b) Insolvency Rules). If the liquidator contravenes the aforementioned notification provision, the Registrar must fine the liquidator an amount not exceeding 100,000 kyats (section 4(a) Insolvency Law).

4. Details of appointment

A. Please indicate below the circumstances leading to the appointment of the liquidator:*

- The liquidator was appointed by the company under section 152(a) of the Insolvency Law.
- The liquidator was appointed by the creditors of the company under section 158(a) of the Insolvency Law.

- The liquidator was appointed by the company under section 158(b) of the Insolvency Law.
- The liquidator was appointed by a Court order under section 164(a) and 167 of the Insolvency Law.
- The liquidator was appointed by a Court as a provisional liquidator under section 166 of the Insolvency Law.
- The liquidator was appointed by the creditors of the company in place of the Official Receiver under section 168(a)(ii) of the Insolvency Law.
- The liquidator was appointed by the creditors of the company in place of the Official Receiver under section 169(a)(ii) of the Insolvency Law.
- The liquidator to fill a vacancy was appointed under section 183 of the Insolvency Law.

B. If the liquidator was appointed by the company under Section 152(a) of the Insolvency Law, please indicate below the circumstances leading to the members' voluntary winding up:

- The company's constitution fixes a period for the duration of the company and that period expires or provides that the company is to be dissolved upon the occurrence of an event and the event occurs and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily (section 147(a)(i) Insolvency Law).
- The company resolves by special resolution that the company be wound up voluntarily (section 147(a)(ii) Insolvency Law).

C. Is the company a public company or a wholly owned subsidiary of a public company*

- Yes No

5. If the Court ordered the winding up of the company/body corporate, date of Court order*

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|---|---|--|
| / | / | |
|---|---|--|

dd mm yyyy

A copy of the Court order under section 164(a) & 166 of the Insolvency Law must be attached to this notice.

6. Attach a copy of the section 151(a) Insolvency Law statutory declaration of solvency and report of company's auditors (if applicable)

Where a members' voluntary winding up is proposed in the circumstances identified in section 147(a)(i) or (ii) of the Insolvency Law, and the majority of the directors make a statutory declaration in accordance with section 151(a) of the Insolvency Law, the declaration must be delivered to the Registrar (section 151(d) Insolvency Law).

In the case of a public company or a wholly owned subsidiary of a public company, the directors' declaration of solvency must be supported by a report of the company's auditors (section 151(c) Insolvency Law).

If the declaration of solvency is not delivered to the Registrar together with the notice of appointment of the liquidator within 2 business days of the appointment, the Registrar must fine the company and every officer in default an amount not exceeding 100,000 kyats (section 151(g) Insolvency Law).

7. Details of any other insolvency practitioners appointed to the role of liquidator in respect of the company/body corporate

- A. Are two or more insolvency practitioners appointed to the role of liquidator in respect of the company/body corporate? *

Yes No

- B. If two or more insolvency practitioners are appointed to the role of liquidator in respect of the company/body corporate, has the insolvency practitioner to whom this notice of appointment relates been authorised to perform or exercise the functions and powers of liquidator (i) jointly or (ii) jointly and severally (section 352 Insolvency Law)?

Appointed to act jointly Appointed to act jointly and severally

- C. Please provide details of all other insolvency practitioners currently appointed to the role of liquidator in respect of the company/body corporate**

Full name in English of other insolvency practitioner currently appointed to the role of liquidator in respect of the company/body corporate*

Full name in Myanmar language

Insolvency practitioner registration number*

Email*

Phone number*

Nationality*

N.R.C. (Myanmar citizens) / Passport (for foreign citizens only))*

Address

Street number and street name*

Unit, level, etc

Quarter/ City/ Township*

State/ Region*

Country*

Postcode

8. Signed by liquidator identified in section (2) above*

I certify that the information in this form and any document attached to this form is true and correct.

Please insert name in full

9. Checklist

The following must accompany this form:

- A copy of the completed Form 2 Insolvency practitioner's consent to appointment (in the form set out in the Second Schedule of the Insolvency Rules).
- If the liquidator was appointed by the company under Section 152(a) in the circumstances identified in section 147(a)(i) or (ii) of the Insolvency Law, a copy of the directors' statutory declaration of solvency under section 151(a) of the Insolvency Law.
- If the directors have made a statutory declaration of solvency under section 151(a) of the Insolvency Law, and the company is a public company or a wholly owned subsidiary of a public company, a copy of the report of the company's auditors.
- If the liquidator or provisional liquidator was appointed by the Court, a copy of the Court order.