



भारतीय विवाला और शोधन अक्रमता बोर्ड
Insolvency and Bankruptcy Board of India

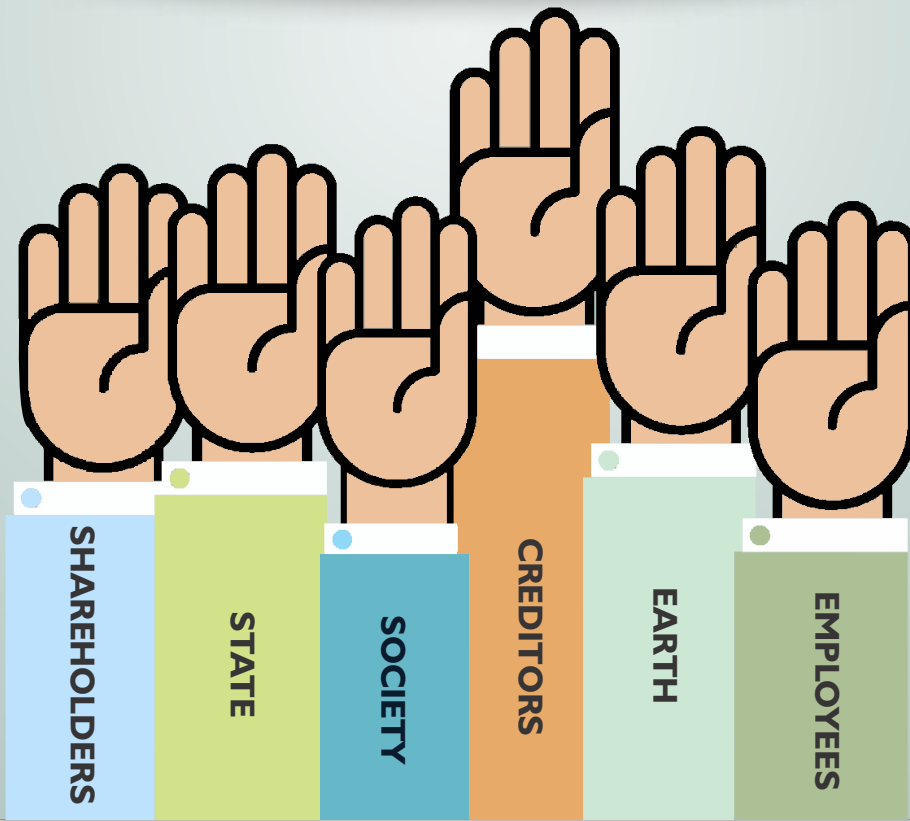
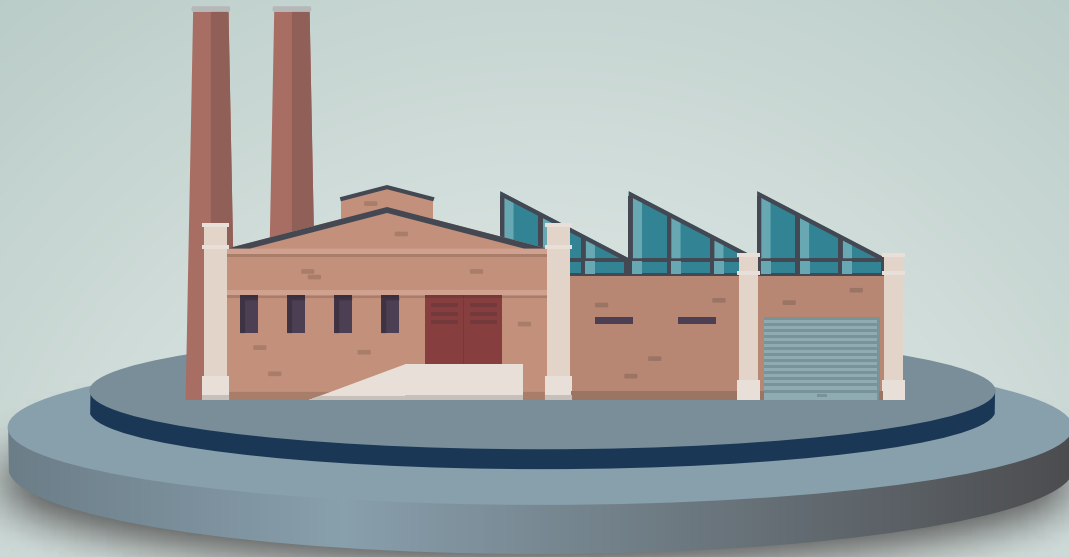
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Insolvency and Bankruptcy News

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Whose company is it anyway?



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"The Insolvency and Bankruptcy Code is success story of India's economic reforms."

Hon'ble Vice President, Mr. M. Venkaiah Naidu at the inauguration of
Insolvency Research Foundation on 2nd August, 2019

"It is often difficult to tangibly measure the contribution of an efficient insolvency system in national prosperity. Direct measures of the impact tend to underestimate its importance as they may fail to account for the 'enabling' and 'preventive' role played by the insolvency system. While the sustainable impact of the IBC will be known in due course, green shoots have already emerged and some significant benefits of the IBC are visible."

Economic Survey 2018-19, Ministry of Finance, Government of India

"Financial gains from cleaning of the banking system are now amply visible. NPAs of commercial banks have reduced by over 1 lakh crore over the last year, record recovery of over 4 lakh crore due to IBC and other measures has been effected over the last four years, provision coverage ratio is now at its highest in seven years, and domestic credit growth has risen to 13.8%."

Hon'ble Minister for Finance and Corporate Affairs, Mrs. Nirmala Sitharaman,
in her Budget Speech on 5th July, 2019

Prepared by the Research Division of the Insolvency and Bankruptcy Board of India

(7th Floor, Mayur Bhawan, Shankar Market, Connaught Place, New Delhi-110 001). Suggestions, if any, may be mailed to research@ibbi.gov.in

From Chairperson's Desk

Whose Company Is It Anyway?

The life of a company is as precious as that of a human. The Insolvency and Bankruptcy Code, 2016 has added a new lifeline to rescue a company when it experiences a serious threat to its life.

A 'company' is a legal person having its own identity independent of its stakeholders. It has such rights and duties, powers and obligations, and relationship with stakeholders, as defined in its charter. The stakeholders have defined interests or rights in a company, and its property and management. The shareholders own shares of the company. However, no one, not even the shareholders, individually or collectively, own a company or any of its properties.

A company, having no mind of its own, acts through its immediate stakeholders. Each stakeholder, however, has a unique objective function, with a unique set of rights, interests, and level of engagement with the company. Consequently, the interests of one stakeholder may conflict with those of another and / or of the company. The stakeholders may work at cross purposes, and even against the interest of the company. Some of them leave the company at the earliest sign of its distress. Departure of a major shareholder often orphans the company.

A company has indefinite life by law. There is, however, a continuous threat to its life from the 'market'. Every other company is its predator - a company swallows another company for its own growth. A company takes too much of risk for its survival, which may become its nemesis. It loses business to others on account of competition. Creative destruction often destroys more companies than it creates!

The law provides a process to end a company's life under certain circumstances. The death of a company has become as easy as its birth, thanks to improved 'ease of doing business'. It is not surprising that the average life of S&P 500 companies has reportedly reduced from 90 years to 18 years over the last century. A company having perpetual succession now lives shorter than a human! The question arises: Whose company is it?

There are layers of trustees to protect the life of a company. A Board of Directors appoints and supervises the executive management and replaces it in case of its failure, in accordance with the contractual arrangements. The shareholders elect directors to the Board, monitor their performance and replace them if they fail to perform, in accordance with the provisions of the Companies Act, 2013. A promising set of shareholders may even replace the existing set through the market for corporate control. The creditors step in to rescue the company, when it fails to service debt, from its management and shareholders, in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 (Code).

A company must maintain a delicate balance to remain afloat. Among others, two balances are critical for its continued existence. First is the balance between limited liability and unlimited liability. The shareholders enjoy limited liability only because the society at large has underwritten unlimited liability. The society bears the brunt of unlimited liability such as those arising from Bhopal gas tragedy, Satyam fiasco, etc. A company cannot survive in the long run if it benefits one at the cost of another. A variety of institutions such as disclosures, independent directors, regulation of related

party transactions, protection of minority interest, limits on authority of trustees, key managerial personnel, auditors, taxes and subsidies, corporate social responsibility, etc., minimise conflict of interests of the stakeholders, subordinate the interests of immediate stakeholders to those of the company and establish precedence of interests of the society over those of the company.

The second is the balance between the present and future. A company is expected to serve the posterity forever with higher and higher prosperity. If it lives too much in the present, it may jeopardise its future and vice versa. It must survive competition and innovation to live longer. It must bear the full cost of business today. The strategies of resilience and adaptation such as research and development, risk management, sustainable business model, visionary leadership, preparedness for unknown unknowns, etc., minimise threat to the life of a company.

When a company fails to balance the present vis-à-vis future, it experiences financial distress to start with, which, if not addressed in time, may convert into economic distress, making the process irreversible. The Code empowers creditors, through an insolvency proceeding, to rescue a company before it is too late. The insolvency proceeding requires only a credible and capable person to take charge of the company, and a viable and feasible resolution plan to rescue it, to put the company on a sustainable path.

A resolution plan may entail a change of management, technology, or product portfolio; acquisition or disposal of assets, businesses or undertakings; restructuring of organisation, business model, ownership, or balance sheet; strategy of turn-around, buy-out, merger, amalgamation, acquisition, or takeover; and so on. It must, however, increase the value of the company, which is valued 100 today, to 110 the next year, 120 the year after and so on. It must also ensure that the value that exists today and that accrues tomorrow are shared by the stakeholders equitably.

The State provides a complete framework, including layers of trustees, incentives and motivations for them, norms for various balances, and mechanism for compliance with them, to keep a company in the pink of health. It, however, assigns the role of saviour to creditors, when a company experiences a serious threat to its life. They are duty bound to correctly detect distress of a company well in time, takeover its reins through an insolvency proceeding where they do not have a more efficient remedy, run it as a going concern, preserve its underlying value, visualise possible options for value enhancement, retrieve the value lost on account of irregular transactions, curtail the rights of stakeholders to the extent necessary, create a market for competing, feasible and viable resolution plans from capable and credible people, and approve the best of them that maximises the value of the company and balances the interests of all stakeholders. They must rescue a company irrespective of whose company it is.

(Dr. M. S. Sahoo)

IBBI Updates

Hindi Pakhwada

IBBI celebrated Hindi *Pakhwda* from 14th September 2019 to 30th September 2019. It conducted various activities during this period to popularise Hindi as the official language of the Union of India and to promote its use further in official work. The employees participated in various activities such as crossword puzzle, poem, stories and songs in Hindi with great enthusiasm and won prizes.



Celebration of Hindi Pakhwada, 27th September 2019

Annual Report and Annual Accounts

In accordance with the Insolvency and Bankruptcy Board of India (Annual Report) Rules, 2018, and the Insolvency and Bankruptcy Board of India (Form of Annual Statement of Accounts) Rules, 2018, the Annual Report and Annual Accounts of the IBBI, for the year 2016-17, were laid before the Lok Sabha and the Rajya Sabha on 22nd July 2019 and 23rd July 2019, respectively.

Human Resources

Executive Director

Dr. Mamta Suri, Executive Director was repatriated to her parent organization, IRDAI on 16th August 2019 on completion of her tenure at IBBI.

Mr. Pawan K. Kumar took charge as Executive Director, IBBI on 17th August 2019. Mr. Kumar is an officer of 1990 batch of Indian Revenue Service. Immediately before joining IBBI, he was serving as Commissioner of Income Tax at Jalandhar with additional charge of Palampur in Himachal Pradesh. He has long experience in administration of income tax, including investigation and assessment. He served earlier as Director in the Ministry of Corporate Affairs (MCA). Mr. Kumar holds a Master's degree in Commerce from Delhi University and an M. Phil. from Commerce Department, Delhi School of Economics. He is also a member of Institute of Cost and Management Accountants of India.

Employee Trainings and Workshops

IBBI organised the following workshops and training programmes for its officers:

Date	Nature of Programme / Subject	Faculty
17-07-2019	Session / Investor Awareness	Mr. Surya Kant Sharma, AMFI and Mr. Gurvinder Chadha, SBI Funds Management Private Limited
20-07-2019	Session / Irregular Transaction Review	Mr. Vijaykumar V. Iyer, Partner, Deloitte Touche Tohmatsu India LLP
10-08-2019	Workshop / Cost Benefit Analysis of Regulations	FCO-UK, Ernst and Young, and Vidhi Centre for Legal Policy
06-09-2019	Session / Drafting of Subordinate Legislation	Mr. K.R. Saji Kumar, ED, IBBI



Irregular Transactions Review, 20th July 2019

The officers of IBBI attended the following workshops and training programmes:

Date	Organised by	Nature of the Programme / Subject	No. of Officers
24-08-2019	IBBI and State Bank Institute of Credit and Risk Management	Workshop / Committee of Creditors: An institution of Public Trust	02
27-08-2019- 01-09-2019	IICA	Workshop / Commercial Mediation and Negotiation	01
30-08-2019-31-08-2019	IBBI	Workshop / Forensic Audit and Valuation for Insolvency Professionals	04
06-09-2019	Indian Institute of Banking and Finance	Conference / Insolvency and Bankruptcy Code, 2016	02



Workshop on Cost Benefit Analysis, 10th August 2019



Talk by Dr. Navroz Dubash, 30th July 2019

Distinguished Speakers



Talk by Mr. Dan Edgar, 8th August 2019

The following distinguished speakers delivered talks and interacted with the officers of IBBI:

Date	Distinguished speaker	Topic
30-07-19	Dr. Navroz Dubash, Professor, Centre for Policy Research	Regulatory Challenges and An Indian Perspective
08-08-19	Mr. Dan Edgar, Director, Inventory Appraisals, European Valuations	Valuation
28-08-19	Dr. Krishnamurthy Subramanian, Chief Economic Adviser, Ministry of Finance	Strategic Blueprint for US \$ 5 Trillion Economy
29-08-19	Dr. C. K. G. Nair, Member, Securities Appellate Tribunal	From Organisation to Institution
02-09-19	Dr. Maguni Charan Behera, Director of Arunachal Institute of Tribal Studies, Rajiv Gandhi University	Tribal Indebtedness
19-09-19	Mr. A. C. C. Unni, Former Additional Secretary, Legislative Department	Legislative Drafting
20-09-19	Mr. Ajay Tyagi, Chairman, Securities and Exchange Board of India	An Interface of Securities and Insolvency Regime



Talk by Dr. Krishnamurthy Subramanian, 28th August 2019



Talk by Dr. C. K. G. Nair, 29th August 2019



Talk by Dr. Maguni Charan Behera, 2nd September 2019



Talk by Mr. A. C. C. Unni, 19th September 2019



Talk by Mr. Ajay Tyagi, 20th September 2019

Fani Cyclone in Odisha

The employees of IBBI contributed Rs.2 lakh to the Chief Minister's Relief Fund (Odisha) for the rehabilitation of victims of the *Fani* cyclone that hit various parts of the State of Odisha in April, 2019.

Legal and Regulatory Framework

Central Government

The Insolvency and Bankruptcy Code (Amendment) Act, 2019

The Insolvency and Bankruptcy Code (Amendment) Act, 2019 came into force on 16th August 2019. The Amendment Act provides for the following:

- (a) A resolution plan may provide for restructuring of the corporate debtor (CD), including by way of merger, amalgamation, and demerger.

- (b) The Adjudicating Authority (AA) shall record its reasons in writing, where an application by a financial creditor (FC) for admission is not disposed of within the stipulated time.
- (c) A CIRP shall *mandatorily* be completed within 330 days, including any extension of time as well as any exclusion of time on account of legal proceedings. An ongoing CIRP, which has not been closed yet within 330 days, shall be completed within next 90 days.
- (d) An Authorised Representative shall vote for the FCs he represents in accordance with the decision taken by the class with more than 50% voting share of the FCs, who have cast their votes. This principle, however, shall not apply to voting on withdrawal of applications.
- (e) The operational creditors (OCs) shall be paid not less than the amount payable to them in the event of liquidation of the CD or the amount payable to them if realisations under the resolution plan were distributed in accordance with the priority in the liquidation waterfall, whichever is higher. The FCs who did not vote in favour of the resolution plan shall be paid not less than the amount payable to them under liquidation waterfall.
- (f) The committee of creditors (CoC) may approve a resolution plan after considering its feasibility and viability, and the manner of distribution of realisation under the plan, keeping in view priority of the creditors and their security interests.
- (g) A resolution plan approved by the AA shall be binding on Central Government, any State Government and any local authority to whom the CD owes debt under any law.
- (h) The CoC may decide to liquidate a CD at any time during CIRP, even before preparation of the information memorandum.

Constitution of Benches of NCLT

The President, NCLT, in exercise of its powers under section 419 of the Companies Act, 2013, vide order dated 25th July 2019 constituted the Principal Bench at New Delhi, 25 Division Benches at New Delhi, Ahmedabad, Allahabad, Bengaluru, Chandigarh, Chennai, Cuttack, Guwahati, Hyderabad, Kolkata, Jaipur, Kochi, and Mumbai, and one Single Bench at Amaravati, for the purpose of exercising and discharging the Tribunal's powers and functions.

Sub-Committee of the ILC

Government, vide order dated 16th August 2019, constituted a sub-committee of the Insolvency Law Committee (ILC) for the purpose of notifying Financial Services Providers (FSPs) under section 227 of the Insolvency and Bankruptcy Code, 2016 (Code), under the Chairmanship of Dr. M. S. Sahoo, Chairperson, IBBI. The sub-committee deliberated that from the perspective of insolvency resolution, the FSPs can be classified into three categories, namely, (a) that can be resolved under the Code, as it is, (b) that can be resolved under the Code, with certain modifications; and (c) that need to be resolved outside the Code.



Meeting of the Sub-Committee of ILC on 20th September 2019

Committee of Experts on Valuation Profession

Government, vide its order dated 30th August 2019, constituted a Committee of Experts (CoE) on valuation profession under the Chairmanship of Dr. M. S. Sahoo, Chairperson, IBBI. The other members of the CoE are: Mr. Prafulla Chhajed, President, ICAI; Mr. Balwinder Singh, President, ICMAI; Mr. Ranjeet Pandey, President, ICSI; Mr. B. Sriram, Former MD, IDBI Bank; Prof. R. Narayanaswamy, IIM, Bangalore; Mr. Ajay Bahl, Founding Partner, AZB & Partners; and Mr. Manoj Pandey, Joint Secretary, MCA. The terms of reference of the CoE include: (a) Institutional framework for regulation and development of valuation profession and its scope; (b) Regulatory architecture, including the extent of self-regulation and statutory regulation; (c) Governance of regulatory institutions; (d) Monitoring of the conduct and performance of valuers and disciplinary mechanism; and (e) Transitional arrangement for registered valuers and RVOs.



Meeting of the Committee of Experts on Valuation Profession on 14th September 2019

Insolvency and Bankruptcy Board of India

Insolvency Professionals Regulations

IBBI amended the IBBI (Insolvency Professionals) Regulations, 2016 on 23rd July 2019 to provide for the following:

- (a) An insolvency professional (IP) shall not accept or undertake any assignment as interim resolution professional, resolution professional, liquidator, bankruptcy trustee, authorised representative or any other role under the Code unless he holds an 'Authorisation for Assignment' (AFA) issued by his Insolvency Professional Agency. This would be effective from 1st January 2020.
- (b) An IP shall not engage in any employment when he holds an AFA or when he is undertaking an assignment. This would enable an individual to seek registration as an IP even when he is in employment. He must, however, discontinue employment when he wishes to have an AFA. He may surrender AFA when he wishes to take up employment.
- (c) Where an IP has conducted a CIRP, he and his relatives shall not accept any employment, other than an employment secured through open competitive recruitment, with, or render professional services, other than services under the Code to a creditor having more than ten percent voting power, the successful resolution applicant, the CD or any of their related parties, until a period of one year has elapsed from the date of his cessation from such process.
- (d) An IP shall not engage or appoint any of his relatives or related parties, for or in connection with any work relating to any of his assignment.

Model Bye-Laws Regulations

IBBI amended the IBBI (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2019 on 23rd July 2019 which provides that:

- (a) An Insolvency Professional Agency (IPA) shall issue/renew an AFA to IPs in accordance with its Bye-laws;
- (b) An IP shall be eligible to obtain an AFA if he has not attained the age of 70 years; and
- (c) An individual may serve as an independent director of an IPA till he attains the age of 75 years.

Insolvency Resolution Process for Corporate Persons Regulations

IBBI amended the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2019 on 25th July 2019. The amendments specify the process for withdrawal of applications before constitution of CoC, after constitution of CoC but before issue of invitation for expression of interest, and after issue of invitation for expression of interest. These require that while approving a resolution plan or deciding to liquidate the CD, the CoC may: (a) approve a plan providing for contribution for meeting the liquidation costs, (b) recommend sale of the CD or sale of business of the CD as a going concern, and (c) fix, in consultation with the RP, the fee payable to the liquidator, if an order for liquidation is passed by the AA.

Liquidation Process Regulations

IBBI amended the IBBI (Liquidation Process) Regulations, 2019 on 25th July 2019. The salient amendments are:

- (a) The amendments specify the process for (i) sale of CD as going concern, and (ii) sale of business of CD as going concern under liquidation. Where a CD is sold as a going concern, the liquidation process shall be closed without its dissolution.
- (b) The amendments require completion of liquidation process within one year of its commencement, notwithstanding pendency of applications for avoidance transactions. These provide a model timeline for each task in the liquidation process.
- (c) The amendments require the FCs, who are financial institutions, to contribute towards the liquidation cost, where the CD does not have adequate liquid resources to complete liquidation, in proportion to the financial debts owed to them by the CD, in case the CoC did not approve a plan for such contribution during corporate insolvency resolution process. However, such contribution along with interest at bank rate thereon shall form part of liquidation cost, which is paid in priority.
- (d) The amendments provide for constitution of a Stakeholders' Consultation Committee having representation from secured FCs, unsecured FCs, workmen and employees, government, other operational creditors, and shareholder/partners to advise the liquidator on matters relating to sale. However, the advice of this committee is not binding on the liquidator.
- (e) The amendments require that a stakeholder may submit its claim or update its claim submitted during the CIRP, as on the liquidation commencement date. Along with submission of claim, a secured creditor shall inform the liquidator of its decision to relinquish its security interest to liquidation estate or to realise its security interest.
- (f) The amendments have introduced a comprehensive compliance certificate to be submitted along with the final report to the AA.

Information Utilities Regulations

IBBI amended the IBBI (Information Utilities) Regulations, 2017 on 25th July 2019 to provide as under:

- (a) An individual may serve as an independent director of an Information Utility (IU) till he attains the age of 75 years;
- (b) For verification of default, an IU shall deliver the information of default to the debtor seeking confirmation of the same and remind him at least three times for confirmation.

Thereafter, it shall record the status of authentication of information of default as under:

Response of Debtor	Status of Authentication	Colour of Status
Debtor confirms the information of default	Authenticated	Green
Debtor disputes the information of default	Disputed	Red
Debtor does not respond even after three reminders	Deemed to be authenticated	Yellow

- (c) An IU shall deliver information of default and issue reminders at the address of the debtor registered with it, recorded with any statutory repository as approved by the Board, or submitted in Form C. Vide circular dated 7th September 2019 IBBI has approved MCA 21 database of the MCA and the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI) as the statutory repositories for this purpose.

Continuing Professional Education Guidelines

An IP needs to continuously upgrade himself through Continuing Professional Education (CPE) to remain relevant and provide value added services. The IP Regulations accordingly provide that an IP shall undergo CPE to keep his registration valid. IBBI, in consultation with the IPAs, issued the IBBI (Continuing Professional Education for Insolvency Professionals) Guidelines, 2019 on 6th August 2019.

These Guidelines provide that an IP shall undertake a minimum of 10 credit hours of CPE each calendar year and a minimum of 60 credit hours of CPE in each rolling block of three calendar years. AFA shall not be issued or renewed to an IP who fails to comply with these Guidelines. These will come into force with effect from 1st January 2020. These shall not apply to IPs who have completed the age of 65 years.

Valuation by Registered Valuers

IBBI had, vide circular dated 17th October 2018, directed that with effect from 1st February 2019, an IP shall not appoint a person other than a Registered Valuers (RV) to conduct any valuation under the Code or any of the regulations made thereunder. It reiterated, vide circular dated 13th August 2019, as under:

- (a) appointment of any person, other than a RV on or after 1st February 2019 to conduct any valuation required under the Code or any regulations made thereunder is illegal and amounts to violation of the Circular aforesaid; and
- (b) payment, whether as fee or otherwise, to any person, other than a RV for any valuation shall not form part of the insolvency resolution process costs or liquidation cost.

IBBI, vide circular dated 16th September 2019, listed the provisions of the Companies Act, 2013 and the Code under which valuations are required to be conducted by a RV for ready reference of the stakeholders.

Filing of Forms on Electronic Platform

The Code casts obligations on an IP to (a) forward all records relating to the conduct of the CIRP and the resolution plan; and (b) submit a copy of the records of every proceeding before the AA, to the Board. In order to facilitate submission of records and information by IPs as well as for monitoring of the processes and performance of IPs, IBBI, in consultation with stakeholders and the IPAs, has devised a set of seven Forms. It has also developed, in consultation with the IPAs, an electronic platform for filing of

the Forms. It issued a circular on 14th August 2019 directing the IPs to file Forms, which have become due on or before 15th September 2019, by 30th September 2019 and those, which become due on or after 16th September 2019, by the timelines specified for respective Forms. It has, vide circular dated 30th September 2019, allowed filing of Forms, which are due on or before 30th September 2019 in respect of CIRPs, both closed and ongoing, by 15th October 2019. It has reiterated that the AFA shall be issued by the IPAs only to those IPs, who have filed all the Forms that have become due on the date of issue of authorisation.

Appointment of Administrators Guidelines

IBBI issued the 'Guidelines for Appointment of Insolvency Professionals as Administrators under the SEBI (Appointment of Administrator and Procedure for Refunding to the Investors) Regulations, 2018' on 12th September 2019, in consultation with SEBI, to govern the preparation of a Panel of IPs for appointment as Administrators. These Guidelines would come into effect for appointments of Administrators with effect from 1st October 2019.

Other Authorities

Reserve Bank of India

External Commercial Borrowing: The Reserve Bank of India (RBI), vide its circular dated 30th July 2019, relaxed the end-use restrictions of external commercial borrowings (ECBs). Accordingly, eligible borrowers can raise ECBs for the following purposes from recognised lenders, except foreign branches/overseas subsidiaries of Indian banks:

- (a) ECBs with a minimum average maturity period of 10 years for working capital purposes and general corporate purposes and by NBFCs for on-lending for these purposes;
- (b) ECBs with a minimum average maturity period of 7 years for repayment of Rupee loans availed domestically for capital expenditure as also by NBFCs for on-lending for the same purpose;
- (c) ECB for repayment of Rupee loans availed domestically for capital expenditure in manufacturing and infrastructure sector if classified as SMA-2 or NPA, under any one-time settlement with lenders. Lender banks can sell, through assignment, such loans to eligible ECB lenders.

Secondary Market for Corporate Loans: The Task Force on Development of Secondary Market for Corporate Loans, constituted by the RBI on 29th May 2019, submitted its report on 3rd September 2019. It has, inter-alia, recommended setting up of a Central Loan Contract Registry/Repository (CLCR) to serve as a 'one stop shop' for all the information about the loans which are proposed to be sold such as loan structure, loan servicing history, asset classification status, financial information about the borrower, key details about the project documents, status of the project, information about the borrower's group, etc. Additionally, information related to typical bid offer spreads on traded loans, which will help anchor price discovery for market participants, may also be published. The platform can maintain the entire data in a digitized form including indicative pricing, past trade data, etc. It suggested that instead of adopting any new mechanism for independent verification of the loan information, the database of IUs may be used for secondary loan market transactions. Keeping these in view, it observed that an IU may be better placed to establish the CLCR. It noted that the Digital Document Execution integrated with digital stamp duty payment and receipt (from SHCIL) is being launched by the IU, National E-Governance Services Limited (NeSL), towards dematerialization of financial contracts.

Competition Commission of India

Green Channel in Combination Regulations: The Competition Commission of India (CCI) amended regulations on 15th August 2019 to provide a 'green channel' for automatic approval of a notifiable transaction. The parties to the combination may avail of the green channel where their respective group entities and/or entities in which they directly/indirectly hold shares or which they control (a) do not produce/provide similar or identical or substitutable product(s) or services(s); (b) are not engaged in any activity relating to production, supply, distribution, storage, sale and service or trade in product(s) or provision of service(s) which are at a different stage or level of the production chain; or (c) are not engaged in any activity relating to production, supply, distribution, storage, sale and service or trade in product(s) or provision of service(s) which are complementary to each other.

Orders

Supreme Court

S3 Electricals and Electronics Private Limited Vs. Brian Lau & Anr. [Civil Appeal No. 103/2018 with Civil Appeal No. 835/2018]

On the matter getting settled between the parties, the NCLAT closed the proceedings and directed that AA shall fix the fee of IRP for the period he has worked and that shall be borne by the CD. While noting the provisions of regulation 33 of the CIRP Regulations, the Supreme Court (SC) held: "A bare reading of regulation 33(3) indicates that the applicant is to bear expenses incurred by the RP, which shall then be reimbursed by the Committee of Creditors to the extent such expenses are ratified. We are informed that, in this case, no Committee of Creditors was ever appointed as the interim resolution process did not reach that stage. In these circumstances, it is clear that whatever the Adjudicating Authority fixes as expenses will be borne by the creditor who moved the application."

State Bank of India Vs. M/s. Manibhadra Polycot & Ors. [Civil Appeal Nos. 4392-4393/2019]

The NCLAT, vide its order dated 1st May 2019, excluded a period of 21 days from being counted as part of the 270 days period for a CIRP. These 21 days comprised three sets of (i) 7 days, (ii) 11 days and (iii) 3 days. The SC, while setting aside the impugned order of the NCLAT, held: "We are of the view that the first two sets of days, namely, 7 days and 11 days, cannot be excluded for the simple reason that they are not incurred in any litigation process."

Pioneer Urban Land and Infrastructure Limited & Anr. Vs. Union of India & Ors. [WP(C) No.43/2019 and other petitions]

While dismissing the various petitions filed by builders and upholding the constitutional validity of status of allottees as FCs, the SC made several important findings and rulings as under:

- (a) In real estate projects, money is raised from the allottees, against consideration for the time value of money. The amounts raised from allottees is subsumed within section 5(8)(f) even without adverting to the explanation introduced by the Amendment Act. The deeming fiction that is used by the explanation is to put beyond doubt the fact that allottees are regarded as FCs. The allottees/home buyers were included in the main provision, i.e., section 5(8)(f) with effect from the inception of the Code. The explanation was added in 2018 merely to clarify doubts that had arisen.
- (b) The provisions of RERA are in addition to and not in derogation of the provisions of any other law for time being in force. Further, Parliament was aware of RERA when it added explanation to section 5(8)(f) of the Code which came into force on 6th June 2018. Therefore, the Code as

amended, must be given precedence over RERA. Even by a process of harmonious construction, RERA and the Code must be held to co-exist, and, in the event of a clash, RERA must give way to the Code. The Code and RERA operate in completely different spheres. The Code deals with a proceeding in rem in which the focus is the rehabilitation of the CD by means of a resolution plan, so that the CD may be pulled out of the woods and may continue as a going concern, thus benefitting all stakeholders involved. On the other hand, RERA protects the interests of the individual investor in real estate projects by requiring the promoter to strictly adhere to its provisions.

- (c) The remedies under RERA to allottees are additional and not exclusive remedies. The allottees have concurrent remedies under the Consumer Protection Act, 1986, RERA as well as the triggering of the Code.

Jignesh Shah & Anr. Vs. Union of India & Anr. [WP(C) No. 455/2019 with other CP, TP, CA and WP (C)]

IL&FS had filed a winding up petition on 21st October 2016 against La-Fin before the Bombay High Court under section 433(e) of the Companies Act, 1956. As the Code came into force on 1st December 2016, the petition was transferred to the AA as a section 7 application. It was admitted on 28th August 2018. The NCLAT by an order dated 21st January 2019 dismissed the appeal against the admission order, agreeing with the AA that the bar of limitation would not be attracted as the petition was filed within three years of the date on which the Code came into force. The SC observed: “With the introduction of Section 238A into the Code, the provisions of the Limitation Act apply to applications made under the Code. Winding up petitions filed before the Code came into force are now converted into petitions filed under the Code. What has, therefore, to be decided is whether the Winding up Petition, on the date that it was filed, is barred by lapse of time. If such petition is found to be time-barred, then Section 238A of the Code will not give a new lease of life to such a time-barred petition.” It held that the petition filed on 21st October 2016 being beyond the period of three-years mentioned in Article 137 of the Limitation Act is time-barred and cannot, therefore, be proceeded with any further and set aside the impugned judgment of the NCLAT.

Gaurav Hargovindbhai Dave Vs. Asset Reconstruction Company (India) Ltd. & Anr. [Civil Appeal No. 4952/2019]

The account of the company was declared NPA on 21st July 2011. An application was filed under section 7 of the Code for initiation of CIRP on 3rd October, 2017. Applying Article 62 of the Limitation Act, which allows the limitation period of 12 years from the date on which the money suit has become due, the AA admitted the application. The NCLAT upheld the admission order following its earlier judgment that the time of limitation would begin running for the purposes of limitation only on and from 1st December 2016, when the Code came into force. While setting aside the orders of the AA and the NCLAT, the SC held: “...what is apparent is that Article 62 is out of the way on the ground that it would only apply to suits. The present case being “an application” which is filed under Section 7, would fall only within the residuary article 137”. Therefore, the application filed under section 7 is clearly time-barred.

Committee of Creditors of Amtek Auto Limited through Corporation Bank Vs. Dinkar T. Venkatasubramanian & Ors. [Civil Appeal No(s). 6707/2019 and 7567-7569/2019]

The resolution plan, which had consumed the time available under section 12 of the Code, has failed owing to nonfulfillment of the commitment by Liberty House. However, the SC noted that the recent Amendment Act permits resolution process to be completed within 90 days from the date of the commencement of the Amendment Act. It also noted that expression of interest had been indicated by eight other parties. It permitted the RP to invite fresh offers within a period of 21 days.

Saravana Global Holdings Ltd. & Anr. Vs. Bafna Pharmaceuticals Ltd. & Ors. [Civil Appeal No(s). 5344/2019]

The SC upheld the order of the NCLAT which had held:

“19. Admittedly, the 'Corporate Debtor' is a 'MSME' and the promoters are not ineligible in terms of Section 29A of the 'I&B Code'. Therefore, it is not necessary for the 'Committee of Creditors' to find out whether the 'Resolution Applicant' is ineligible in terms of Section 29A or not.

22. Therefore, we hold that in exceptional circumstances, if the 'Corporate Debtor' is MSME, it is not necessary for the Promoters to compete with other 'Resolution Applicants' to regain the control of the 'Corporate Debtor'.”

Committee of Creditors through Punjab National Bank & Anr. Vs. Ravi Prakash Goyal & Ors. [Petition(s) for Special Leave to Appeal (C) No. 13755/2019]

A director of the Bhushan Power & Steel Limited filed a writ petition before the High Court of Punjab & Haryana. The High Court (HC) disposed of the same on 18th April 2019, with the following directions :

“i) The issue raised by the present petitioner for providing all aforesaid documents and thereafter to convene a meeting of the CoC “afresh” to deliberate and consider the suggestions and objections of the erstwhile Board of Directors before passing any Resolution Plan (including CA No.286 of 2019) (P-19) will be treated as a preliminary issue.

ii) The preliminary issue will be decided by the Adjudicating Authority before considering other Applications or before approval of any Resolution Plan (CA No.254 of 2019)....”

The CoC filed an appeal before NCLAT seeking early disposal of matter (CIRP of Bhushan Bhushan Power & Steel Limited) pending before the AA since long. The judgement of the HC was brought to the notice of the NCLAT. The NCLAT, observed: “However, it is not clear as to how the Hon'ble Punjab & Haryana High Court, that too the vacation Bench had passed an order The records shows that the said writ petition was heard ex-parte and disposed of without notice to the Respondent - Punjab National Bank and others... it is not clear as to how the Punjab and Haryana High Court can pass an order, which has no territorial jurisdiction over Delhi, where Principal Bench of National Company Law Tribunal, New Delhi is situated, who is considering the matter.” It directed: “The Adjudicating Authority is supposed to decide the case on merit in accordance with law uninfluenced by any order except the decision of this Appellate Tribunal and the Hon'ble Supreme Court.”

The CoC approached the Supreme Court against the directions of the HC. The SC, vide order dated 3rd July 2018, stayed the judgement of the HC.

Sagar Sharma & Anr. Vs. Phoenix ARC Pvt. Ltd. & Anr. [Civil Appeal No. 7673/2019]

The SC reiterated that the date of coming into force of the Code is wholly irrelevant for triggering of any limitation period for the purposes of the Code. It observed that since applications under section 7 are petitions filed under the Code and do not purport to be an application to enforce any mortgage liability, Article 137 of the Limitation Act would apply to such applications. Accordingly, it set aside the judgment under appeal and directed that the matter be determined afresh.

High Courts

SSMP Industries Ltd. Vs. Perkan Food Processors Pvt. Ltd. [CS (COMM) 470/2016 & CC(COMM)73/2017]

Section 14(1)(a) of the Code prohibits a proceeding which has the effect of endangering, diminishing, dissipating or adversely impacting the assets of the CD. The issue was whether counter claim is covered by moratorium under section 14 of the Code. The HC observed: “Section 14 has created a piquant situation i.e., that the corporate debtor undergoing insolvency proceedings can continue to pursue its claims but the counter claim would be barred under Section 14(1)(a). When such situations arise, the Court has to see whether the purpose and intent behind the imposition of moratorium is being satisfied or defeated. A blinkered approach cannot be followed and the Court

cannot blindly stay the counter claim and refer the defendant to the NCLT/RP for filing its claims.” It held: “... the Plaintiff's and the defendant's claim ought to be adjudicated comprehensively by the same forum. At this point, till the defence is adjudicated, there is no threat to the assets of the corporate debtor and the continuation of the counter claim would not adversely impact the assets of the corporate debtor. Once the counter claims are adjudicated and the amount to be paid/recovered is determined, at that stage, or in execution proceedings, depending upon the situation prevalent, Section 14 could be triggered.”

Ved Prakash Abbot Vs. Kishore K. Avarsekar & Ors. [CONT.CAS (C) No.579/2017]

The petitioner supplied building material for a project of the respondent. It filed a suit before the Trial Court for recovery of money due for the supplies made to respondent. A joint application for settlement was filed before the Court on 21st April 2017. The respondent failed to make payment as per settlement. It filed an application under section 10 of the Code, which was admitted, and an IRP was appointed on 20th June 2017. The trial court recorded a settlement between the parties and issued a compromise decree on 10th July 2017. The respondent again failed to make payment as per settlement. The IRP filed an application on 20th March 2018 that respondent could not be revived, and a liquidator be appointed. The petitioner filed a contempt petition before the HC against the key officers/directors for wilful disobedience of the settlement dated 21st April 2017 and compromise decree dated 10th July 2017. The HC observed that in order to hold a person guilty of civil contempt, it has to be established that the alleged contemner was guilty of a wilful breach or a wilful disobedience of a decree of any Court. In this case, the IRP can't break the queue and allow preferential treatment to the petitioner, over the other financial and operational creditors, to discharge their liability under the compromise decree. The disbursement of payments by the respondent to clear the liabilities towards its creditors, including the petitioner, is governed by the proceedings under the Code and thus the respondents are prevented by law to satisfy the decree in favour of the petitioner and there is no wilful disobedience of the compromise decree and hence the respondents cannot be punished for civil contempt. It further observed: “Any direction by this Court in contempt proceedings would virtually amount to overriding the proceedings under the IBC which are the appropriate proceedings for determining the settlement of claims of the petitioner in the order of priority amongst the list of claimants therein.”

National Company Law Appellate Tribunal

Standard Chartered Bank Vs. Satish Kumar Gupta, R. P. of Essar Steel Ltd. & Ors. [CA (AT) (Ins) No. 242/2019 and Ors.]

While approving the resolution plan with modification, the NCLAT made several important findings and rulings as under:

(a) A Sub-Committee or Core Committee is unknown and against the provisions of the Code. The Code or Regulations do not empower the CoC to delegate any of its duties to Core Committee/Sub-Committee.

(b) The distribution of amount to the OCs and FCs and other stakeholders is to be made by the Resolution Applicant. The CoC has no role in the matter of distribution of amount amongst the creditors, including the FCs or OCs. The members of the CoC being interested parties are not supposed to decide the manner of distribution. The inter se distribution amongst the FCs and OCs cannot be held to be purely commercial in nature to be in the domain of the CoC.

(c) A huge discrimination has been made by the CoC in distribution of amount to the OCs qua FCs. Majority of the FCs have been allowed 99.19% of their claim amount, whereas 0% in favour of the OCs. Such distribution is not only discriminatory but also arbitrary.

(d) FCs cannot be discriminated on the ground of 'Secured' or 'Unsecured' for the purpose of distribution of amount realised under a resolution plan.

(e) The OCs can be classified in three different classes for determining the manner in which the amount is to be distributed to them. However, they are to be given the same treatment, if similarly situated.

(f) The distribution of amount to FCs and OCs during the CIRP cannot be equated with distribution to all stakeholders after the liquidation. Section 53 of the Code cannot be made applicable for distribution of amount under resolution plan amongst the stakeholders.

(g) Where the successful resolution applicant does not pay the total dues to the creditors (pays lesser amount than the claim), the profit generated during the CIRP should be distributed amongst all the FCs and OCs on pro-rata basis.

(h) Where the AA or the NCLAT could not decide the claim on merit, such claimants can raise the issue before an appropriate forum in terms of Section 60(6) of the Code. The FCs and OCs whose claims have been decided by the AA or the NCLAT, such decision being final is binding on all such FCs and OCs in terms of section 31 of the Code. Their total claims stand satisfied and, therefore, they cannot avail any remedy under section 60(6) of the Code.

Saravana Global Holdings Ltd. & Anr. Vs. Bafna Pharmaceuticals Ltd. & Ors. [CA (AT) (Ins) No. 203/2019]

The promoter of CD, which is an MSME, submitted resolution plan which was approved by the AA. The order of approval of resolution plan was challenged before the NCLAT on the ground that appellants were also interested to submit the resolution plan, and that the resolution plan was approved without complying with the provisions of the Code, as no prospective resolution applicants were invited. The NCLAT noted that the Parliament with specific intention amended the Code to allow the promoters of MSME to submit Resolution Plan. It observed: “The intention of the legislature shows that the Promoters of 'MSME' should be encouraged to pay back the amount with the satisfaction of the 'Committee of Creditors' to regain the control of the 'Corporate Debtor' and entrepreneurship by filing 'Resolution Plan' which is viable, feasible and fulfills other criteria as laid down by the 'Insolvency and Bankruptcy Board of India'. It held: “...in exceptional circumstances, if the 'Corporate Debtor' is MSME, it is not necessary for the Promoters to compete with other 'Resolution Applicants' to regain the control of the 'Corporate Debtor'.”

Peter Johnson John (Employee) Vs. M/s KEC International Limited [CA (AT) (Ins) No. 188/2019]

The issue for consideration before the NCLAT was whether in absence of adjudication of the foreign decree passed by a court in a non-reciprocating territory, the appellant was legally justified in seeking initiation of CIRP under section 9 of the Code against the CD. While dismissing the appeal, the NCLAT observed: “It is not disputed that such ex-parte decree of a foreign court would not be executable in India until adjudicated upon by a Civil Court in India within the ambit of Section 13 of CPC and having regard for the same, the Appellant has chosen to file suit before Hon'ble High Court of Bombay, which is still subjudice. Unless the decretal amount is adjudicated upon by the Hon'ble High Court of Bombay as a legally payable claim, the same would not constitute a “Debt” in the hands of Appellant - Operational Creditor and unless the debt is crystallized and payable in law, the issue of default would not be attracted.”

Insolvency and Bankruptcy Board of India (IBBI) Vs. Shri Rishi Prakash Vats & Ors. [CA (AT) (Ins) No. 324/2019]

The issue for consideration before NCLAT was whether the AA has jurisdiction to quash the disciplinary proceedings initiated by the IBBI. It held: “...once a disciplinary proceeding is initiated by the IBBI on the basis of evidence on record, it is for the Disciplinary Authority, i.e., IBBI to close the proceeding or pass appropriate orders in accordance with law. Such power having been vested with IBBI and in absence of any power with the Adjudicating Authority/ (National Company Law Tribunal), the Adjudicating Authority cannot

quash the proceeding, even if proceeding is initiated at the instance and recommendation made by the Adjudicating Authority/ National Company Law Tribunal.”

NUI Pulp and Paper Industries Pvt. Ltd. Vs. M/s. Roxcel Trading GMBH [CA (AT) (Ins) No. 664/2019]

The issue for consideration was whether before admission of an application filed under section 7 or 9, the AA can restrain the CD and its directors from alienating, encumbering or creating any third-party interest on the assets of the CD. The NCLAT noted that the AA can make any such order as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal. It held: “...it is clear that once an application under Sections 7 or 9 is filed by the Adjudicating Authority, it is not necessary for the Adjudicating Authority to await hearing of the parties for passing order of 'Moratorium' under Section 14 of the 'I&B Code'. To ensure that one or other party may not abuse the process of the Tribunal or for meeting the ends of justice, it is always open to the Tribunal to pass appropriate interim order.”

Axis Bank Ltd. Vs. Anuj Jain, RP for Jaypee Infratech Ltd. [CA(AT)(Ins)No. 243/2018 and others]

The AA had allowed the application under sections 66, 43 and 45 of the Code and ordered that the mortgaged properties be vested with the CD. On appeal, the NCLAT noted that the mortgage(s) were made in favour of the Banks and Financial Institutions by the CD in the ordinary course of business. In absence of any contrary evidence to show that they were made to defraud the creditors of the CD or for any fraudulent purpose, it set aside the order of the AA.

Punjab National Bank Vs. Mr. Kirah Shah, IRP of ORG Informatics Ltd. [CA (AT) (Ins) No. 749/2019]

In the impugned order, the AA noted that no ground is given in the application showing the cause of replacement of the IRP. It expected that immediately after first meeting of the COC, it is supposed to prefer an application under section 22 which was not done in the case. The NCLAT held: “...we are of the view that the 'Committee of Creditors' is not required to record any reason or ground for replacing of the 'Resolution Professional', which may otherwise call for proceedings against such 'Resolution Professional'. The 'Committee of Creditors' having decided to remove the 'Resolution Professional with 88% voting share, it was not open to the Adjudicating Authority to interfere with such decision, till it is shown that the decision of the 'Committee of Creditors is perverse or without jurisdiction.”

Sukhbeer Singh Vs. Dinesh Chandra Agarwal (Resolution Professional), Maple Realcon Pvt. Ltd. & Ors. [CA (AT) (Ins) No. 259/2019]

The proposal of promoters was not placed by RP before CoC on the ground that under section 12A, they, not being applicants, cannot file such application. While rejecting such objection the NCLAT held that it is the promoter who can settle the matter with creditors and submit such proposal to RP and that he is bound to place it before the CoC which is supposed to consider such application in the light of section 12A of the Code.

Ilam Chand Kamboj Vs. M/s ANG Industries Ltd. [CA (AT) (Ins) No. 253/2019 and I.A. No. 995/2019]

The RP filed an appeal against impugned order of the AA wherein it directed: “We are persuaded that, it would be appropriate to refer the matter to the IBBI, the body for regulating the functioning of the Resolution Professionals, to examine the actions of the Resolution Professional and taking suitable action.” The NCLAT observed that normally, the AA is not supposed to pass any adverse observations, even *prima facie*, against the RP, without giving an opportunity to him as to why in view of certain Act, the matter be not referred to IBBI. It held: “...the 'IBBI' cannot treat observations as made by the Adjudicating Authority, as referred to above, as final decision against the

Appellant, as the observation made, without granting any opportunity to the Appellant. Therefore, the 'IBBI' will hear the proceedings and decide on merit after hearing the 'Resolution Professional' and taking into consideration reply as may be submitted by the Appellant, uninfluenced by the observations made by the Adjudicating Authority as referred to above.”

Committee of Creditors of Amtek Auto Ltd. through Corporation Bank Vs. Dinkar T. Venkatasubramanian & Ors. [CA (AT) (Ins) No. 219/2019]

The NCLAT observed that the Code is silent as to whether the AA has any jurisdiction to pass any order referring a matter to the Central Government or IBBI for action under section 74(3) of the Code or under any of the provisions for punishment. It held: “...we are of the opinion that before referring any matter to the Insolvency and Bankruptcy Board of India or the Central Government, the Adjudicating Authority/ Tribunal is required to provide reasonable opportunity of hearing to the parties concerned/alleged offenders of provisions of Chapter VII of Part II and if satisfied may request the Central Government to investigate the matter by an Inspector or Inspectors and then to decide on such opinion whether to refer and lodge any case before the Special Judge for trial under Section 236 of the 'I&B Code' for alleged offence under Section 74(3) or any other provision under Chapter VII of Part II of the 'I&B Code' and for punishment under Section 447 of the Companies Act, 2013.”

State Bank of India Vs. Moser Baer Karamchari Union & Anr. [CA (AT) (Ins) No. 396/2019]

The AA by impugned order held that 'Provident Fund Dues', 'Pension Fund Dues' and 'Gratuity Fund Dues' cannot be part of section 53 of the Code. An FC filed an appeal on the ground that workmen's dues have the same meaning as assigned in section 326 of the Companies Act, 2013, which includes PF, pension and gratuity fund. The NCLAT held: “In terms of sub-section (4) (a) (iii) of Section 36, as all sums due to any workman or employees from the provident fund, the pension fund and the gratuity fund, do not form part of the liquidation estate/ liquidation assets of the 'Corporate Debtor', the question of distribution of the provident fund or the pension fund or the gratuity fund in order of priority and within such period as prescribed under Section 53(1), does not arise...”

Excel Metal Processors Limited Vs. Benteler Trading International GMBH & Anr. [CA (AT) (Ins) No.782/2019]

The question was whether the AA has jurisdiction to entertain an application under section 9 of the Code, where, as per the terms of an agreement between the parties, any suit or case was maintainable only in the court at Germany. The NCLAT held that CIRP is not a 'suit', a 'litigation' or a 'money claim' for any litigation and no one is selling or buying the CD. It is not a recovery or liquidation. It is a resolution process so that the CD does not default on dues. It held that the Appellant cannot derive advantage of the terms of the agreement reached between the parties.

L&T Infrastructure Finance Company Ltd. Vs. Gwalior Bypass Project Ltd. & Ors. [CA (AT) (Ins) No. 676 & 677/2019]

The issue was whether one FC can challenge the insolvency proceeding initiated by another FC on the ground that it has a superior claim. The NCLAT observed that the appellant as an FC of the CD has no right to intervene to oppose admission of the application under section 7 preferred by another FC. After admission of the application, if the appellant claims that it is one of the FCs, it can file claim before the RP, but it cannot challenge the order of admission on the ground that it has first charge on the asset of the CD or has superior claim over the claim of the other FCs.

Mr. M. Srinivas Vs. Ramanathan Bhuvaneshwari & Ors. [CA (AT) (Ins) No. 498/2019]

The RP brought to the notice of the AA that the promoters of the CD and its company defrauded many creditors. The AA issued certain directions, including a direction to the Central Government to refer the matter to the

SFIO for further investigation into the affairs of the CD, in exercise of its powers under section 213 of the Companies Act, 2013. The question for consideration was whether the AA has jurisdiction under section 213 of the Companies Act, 2013. The NCLAT held that the AA, which is the NCLT, has dual and interwoven role and power to pass order under section 213 of the Companies Act, 2013 read with Rule 11 of the National Company Law Tribunal Rules, 2016. It observed that if the AA is satisfied that there are circumstances suggesting that the business of a company is being conducted with intent to defraud its creditors, members or any other person or otherwise for a fraudulent or unlawful purpose or in a manner oppressive to any of its members, and that the affairs of the company ought to be investigated, after giving a reasonable opportunity of being heard to the parties concerned, it may refer the matter to the Central government for investigation into the affairs of the company.

Andhra Bank Vs. Sterling Biotech Ltd. (Through the Liquidator) & Ors. [CA (AT) (Ins) No. 612/2019 and others]

The AA rejected an application under section 12A of the Code, which was filed at the instance of the promoter and approved with more than 90% voting share of the CoC on the ground that the promoter was not eligible to file the resolution plan under section 29A. The issue before the NCLAT was whether section 29A of the Code, which makes a person ineligible to submit a resolution plan, is applicable to the applicant, if it intends to withdraw the petition under section 7 or 9, if the CoC approves it with 90% voting share in terms of section 12A. The NCLAT held that the application under section 12A having been approved by the CoC with more than 90% of the voting share, it was not open to the AA to reject the same and that too on a ground of ineligibility under section 29A, which is not applicable.

Securities and Exchange Board of India Vs. Assam Company India Ltd. & Ors. [CA (AT) (Ins) No. 629/2018]

SEBI passed an interim order against the CD under sections 11, 11(4), 11A and 11B of the Securities and Exchange Board of India Act, 1992, *inter alia*, directing: "... the shares held by the promoters and directors in ACIL shall not be allowed to be transferred..". However, the AA approved the resolution plan for the CD providing for delisting of its equity shares. SEBI contended before the NCLAT that delisting of securities in the resolution plan is clearly an attempt to wriggle out of the jurisdiction of and proceedings instituted by it and the resolution plan involving delisting of equity shares ought not to be proceeded without hearing SEBI. The NCLAT held: "*The interim order passed by SEBI (Appellant) does not amount to any existing law, to attract Clause (e) of Section 30(2) of the I&B Code, therefore, the Appellant cannot take plea that the approved Resolution Plan is in contravention of any law for the time being in force.*" It, however, clarified: "...the order passed by the Adjudicating Authority or this Appellate Tribunal will not come in the way of the SEBI or any competent authority to take steps against erstwhile Promoters, Directors or Officers or others, if any or all of them had violated any of the provisions under SEBI Act or rule framed thereunder or any other law as may be taken against such person of listed company."

Union of India & Anr. Vs. Videocon Industries Ltd. & Ors. [CA (AT) (Ins) No. 408/2019]

Ministry of Petroleum and Natural Gas issued a notice demanding payment towards the unpaid Government share of Profit Petroleum. The AA directed the Government not to press demand notice as long as moratorium is applicable to the CD. The NCLAT held: "...the Adjudicating Authority rightly stayed demand notice dated 22nd October, 2018 during the pendency of the resolution process as long as the 'Moratorium' is applicable on the 'Corporate Debtor'. The Adjudicating Authority rightly held that the Ministry of Petroleum can lodge its claim for any legally enforceable right of recovery through 'Resolution Professional', thereby not rendered it remediless."

Sagar Sharma & Another Vs. Phoenix ARC Private Limited [CA (AT) (Ins) No. 177/2019]

The issue before the NCLAT was whether the claim of the appellant was barred by limitation. The immovable property of the CD was mortgaged in favour of the FC by a deed of mortgage. Thereafter, by an 'assignment agreement' the debt payable by the CD was assigned on 11th September 2014. The NCLAT held: "*The 'Financial Creditor' has right to get immovable property mortgaged and thereafter may transfer the mortgage assets for a valuable consideration for which 12 years of limitation has been prescribed for filing a suit relating to immovable property under Article 61 of Part V of the First Division of the Schedule of Limitation Act. Therefore, we hold that the claim of the 1st Respondent is not barred by limitation.*"

Mr. Hemang Phopalia Vs. The Greater Bombay Co-operative Bank Limited & Anr. [CA (AT) (Ins) No. 765/2019]

The issue is whether an application under section 7 or 9 for initiation of CIRP is maintainable against a CD, if its name has been struck-off from the Register of the Companies. The NCLAT held: "... the Adjudicating Authority who is also the Tribunal is empowered to restore the name of the Company and all other persons in their respective position for the purpose of initiation of 'Corporate Insolvency Resolution Process' under Sections 7 and 9 of the I&B Code based on the application, if filed by the 'Creditor' ('Financial Creditor' or 'Operational Creditor') or workman within twenty years from the date the name of the Company is struck off under sub-section (5) of Section 248."

M/s ICICI Bank Ltd. Vs. Mr. Gopalsamy Ganesh Babu, Insolvency Professional M/s. Subburaj Spinning Mills Pvt. Ltd. [CA (AT) (Ins) No. 655/2019]

Since the appellant filed its claim on 21st December 2018 after the resolution plan was approved by the CoC on 17th December 2018, the RP could not include it. The AA approved the resolution plan on 12th March 2019. However, the appellant had moved the Subordinate Court in respect of the same claim in 2008 and the matter remained pending because of moratorium. The NCLAT held that since the moratorium has expired, the appellant may pursue the suit pending before the Subordinate Court in the light of section 60(6) of the Code.

Jet Airways (India) Ltd. (Offshore Regional Hub/ Office), Holland Vs. State Bank of India & Anr. [CA (AT) (Ins) No. 707/2019]

The NCLAT, vide order dated 4th September 2019, held that the IRP is required to collate the claim of all offshore creditors, and take control and custody of the assets of the CD situated outside India (in Holland) or other places. However, for giving it effect, the RP is required to reach an arrangement or agreement with the Administrator appointed pursuant to the proceeding initiated in Holland.

The NCLAT, vide order dated 26th September 2019, directed use of certain elements of cross border insolvency in the form of 'Cross Border Insolvency Protocol' agreed to between the Administrator of Jet Airways (India) Limited (Offshore Regional Hub) and the Resolution Professional of Jet Airways (India) Limited. The Protocol recognises that the company being an Indian company with its centre of main interest in India, the Indian Proceedings are the main insolvency proceedings and the Dutch Proceedings are the non-main insolvency proceedings. It maintains the independent jurisdiction, sovereignty, and authority of NCLT, NCLAT and Dutch Bankruptcy Court. The NCLAT observed that the 'Cross Border Insolvency Protocol' shall be treated as its direction. It further directed that the Dutch Trustee shall be invited to participate in the meetings of the CoC as an observer but shall not have a right to vote in such meetings.

Edelweiss Asset Reconstruction Company Limited Vs. Sachet Infrastructure Pvt. Ltd. [CA (AT) (Ins) No. 377/2019 and others]

The NCLAT set aside the impugned order dated 7th March 2019 which failed to appreciate the relevant fact that in the facts and circumstances, a group insolvency is to be initiated and in the absence of simultaneous CIRP against five CDs, the project would not be the complete. It directed that the AA will

admit the applications under section 7 filed against by five CDs and appoint a common Resolution Professional and the project will be completed in one go by initiating a consolidated Resolution Plan.

National Company Law Tribunal

Royal Splendour Developers (P) Ltd. [MA/70/2019 in CP/628/IB/CB/2017]

The RP filed an application for approval of resolution plan, which the CoC had not approved with requisite majority by CoC. The AA noted that the home buyers have been stuck and they are not in a position of getting the half-built houses completed through the resolution plan. It observed: "...the Bank of India which has 24.97%, though present in the CoC meeting at the time of voting, for the reasons best known to them, the Banker did not vote for or against the resolution placed before CoC. ...Not taking any decision in respect to the resolution come before the CoC is nothing but dereliction of the duties of the Banker (Bank of India) which has not allowed this Bench to take any decision over this plan. If at all they have any better proposal than the proposal come from the resolution applicant, they would have placed it before the CoC or before this Bench, that has also not happened." It lamented: "I regret to mention that this Resolution Professional has not taken proper steps to initiate actions against the Promoter-Directors as contemplated under the Code...". It hoped that at least Bank of India as well as the RP would take immediate steps to assist the Bench in deciding the resolution plan.

Alchemist Asset Construction Co. Ltd. Vs. Moser Baer India Limited [CA-769(PB)/2019 in C.P. No. IB-378(PB)/2017]

An application was filed by the Liquidator under regulation 33(2)(d) of the IBBI (Liquidation Process) Regulations, 2016 for taking prior permission to sell the assets of the CD by means of a private sale. The issue before the AA was whether all the requirements of clauses (a) to (d) of regulation 33(2) are required to be fulfilled to sell the assets. It held: "To our mind the proper interpretation on clauses (a) & (b) would be that a liquidator is entitled to sell the assets without requirement of prior permission after reaching the conclusion that the assets are perishable and it is likely to deteriorate significantly in value if not sold immediately. Otherwise the purpose of regulation would be defeated if the time is required to be spent in filing an application and taken permission because the assets which are perishable may not remain available for sale and perish or it may deteriorate significantly in value if not sold immediately." However, the assets to be sold at a price higher than the reserve price of a failed auction have to be sold with the prior permission of the AA.

Bank of India Vs. Basic India Ltd. [(IB)-397(PB)/2018]

The RP filed an application seeking direction to the Ex-Director/Promoter not to leave the country without permission of the AA and to impound their passports. The AA directed certain persons not to leave the country without prior permission of the tribunal. It granted liberty to the RP to move appropriate application to the passport authorities under section 10 or section 10A of the Passport Act, 1967 for impounding the passports.

In the matter of M/s. Sai Regency Power Corporation Private Limited [MA/872/2019 in IBA/92/2019]

The RP filed an application stating that some CoC members, after approval of resolution for interim finance, by 75% voting share, are reluctant to release the comfort letter to the lead bank which is willing to disburse the interim finance. The AA observed that all members of the CoC are bound by the resolution approved by it with requisite majority. It directed the members of the CoC, including M/s Edelweiss Asset Reconstruction Company Limited and Axis Bank, to release the comfort letter within 24 hours, after noting that the CD is a going concern with 100 employees and it would come to a grinding halt if interim finance is not released.

State Bank of India & Anr. Vs. Videocon Industries Limited & Ors. [MA 1306/2018 & Ors. CP 543/2018 & Ors.]

There were applications demanding and opposing consolidation of proceedings. The AA observed that a blanket view is not possible to declare that the entire Group is fit to be consolidated simply being connected or controlled by common management. Each unit or subsidiary should be examined on its merits. Many factors need to be considered to distinguish the units in two categories:

"a. A category/ classification of those cases can be made where the business operations are so dove-tailed that their management, deployment of staff, production of goods, distribution system, arrangement of funds, loan facilities etc. are so intricately interlinked that segregation may result in an unviable solution. Over and above, most important is that if segregated, the possibility of restructuring or the option of maximisation of value of assets become so bleak which shall overweigh the consolidation.

b. The other category/ classification can be of such group cases where the accounts are interlinked and due to the existence of debt agreement, the liabilities have become common but assets are identifiable. Hence, on segregation the independent structure of each unit shall survive which shall also result into viable profitable restructuring proposals. Therefore, in this category of cases, although for the limited purpose of signing of certain documents through which loan facilities might have been commonly availed but that can be segregated so that the assets and liabilities are identifiable separately thus facilitating a good investor."

Keeping in view the facts and circumstances, the AA ordered that the assets and liabilities of 13 Videocon companies should be substantively consolidated due to common control, common directors, common assets, common liabilities, interdependence, interlacing of finance, co-existence for survival, pooling of resources, intertwined accounts, interloping of debts, singleness of economics of units, common financial creditors and common group of corporate debtors.

State Bank of India Vs. Sungrowth Shares & Stocks Limited [CP(IB)No. 796/KB/2018]

The AA considered the issue as to whether application under section 7 of the Code can be considered against a corporate guarantor of the CD whose resolution plan has already been approved. It held that the principal debtor is discharged under the Code due to operation of law, i.e., approval of resolution plan, but not on the instance of a creditor and that the guarantor is not discharged of its liability merely because the creditor consented to a resolution plan of the principal debtor (CD). Accordingly, it admitted the application to initiate CIRP against corporate guarantor to principal debtor.

Col. Sanjeev Dalal Vs. International Recreation & Amusement Limited [CA-1084(PB)/2018 in C.P. No. IB-297(PB)/2018] (Order of May 13.05.2019)

The AA, in its order dated 2nd August 2019, held that the claim of the FCs can be accepted by the RP even when the resolution is pending for its consideration, as the delay in filing of claims is not intentional and many applicants were unaware of CIRP and filing of claims.

For the purpose of assigning voting share of allottees in various classes, the RP applied a common rate of interest of 8% irrespective of the rate of interest claimed by the allottees, relying on regulation 16A(7) of the CIRP Regulations. After perusing the provisions in the Code, the AA, in its order dated 13th May 2019, concluded that the IBBI is empowered to frame regulations to provide the manner of voting and determining the voting share in respect of financial debts under section 21(7) of the Code.

Shri Krishna Agri Projects Private Limited Vs. Feedatives Pharma Private Limited [CA(IB) No. 194/KB/2019, 964 & 848/KB/2019 in CP (IB) No. 187/KB/2018]

While approving the resolution plan, which was earlier approved by the CoC

with 100% voting share, the AA observed: *“The CoC has expressed its gratitude to the resolution professional for his hard work and congratulated him for his efforts to complete the CIRP within the extended period of 270 days. We also do not find any adverse remarks against the resolution professional but would like to endorse the view expressed by the CoC as this is a unique case wherein a Farm dealing with Poultry has been successfully run by him enabling him to get a resolution applicant to take over the assets above the fair market value and the financial creditors have voted the resolution plan with 100%.”*

In the matter of M/s. White & Brown Alloy Castings Private Limited [C.P. (IB) No. 947/KB/2018]

The RP filed an application under sections 66 and 67 of the Code against the Promoter and Director of the CD. The AA observed: *“The audacity of the Respondent firstly to withdraw the amount from the account of the CD and branding the same as having been utilized for the benefit of the Company is another violation of the orders of this Tribunal which needs to be reprimanded and taken note of.”* It issued various directions, including a direction to IBBI to initiate prosecution if any under section 69 of the Code.

Biostadt India Ltd. Vs. Sonachi Industries Ltd. [C.P. (IB) 1479/(MB)/2017 and MAs]

The AA observed that by submission of the claim to the Liquidator, there remains no need for taking consent of the FC regarding willingness to relinquish the security or not. It noted that the Liquidator after receiving the claim has further sent an email asking the FC to confirm whether it is relinquishing security or not, and the FC failed to send the reply within the stipulated time. It held: *“By submitting its claim to the liquidator, and not informing him that he is not relinquishing his security interest, the secured creditor has lost its right to opt for not relinquishing its security interest. In the circumstances, there remains no reason to give further liberty to the secured creditor to exercise its option regarding his willingness to relinquish his security or not.”*

Super Print Services Vs. M/s. Xalta Food and Beverages Pvt. Ltd. [(IB)-702/ND/2018]

The AA noted that some members of the COC have not contributed towards the CIRP costs. It observed that it would be necessary and expedient to issue show cause why their claim should not be rejected if they do not contribute towards the share of the CIRP costs proportionate to their claim.

State Bank of India Vs. Jet Airways (India) Ltd. [MA 2955/2019 in C.P.(IB)-2205/(MB)/2019]

The application had been filed by the RP seeking direction against the CoC to sanction and disburse funds towards interim finance since he was facing tremendous hardship in running the CD as a going concern due to non-availability of funds to meet essential costs. The AA held: *“It is pertinent to mention that Resolution Professional is duty bound to maintain Corporate Debtor as going concern. CoC has approved to arrangement of interim finance of 63 Crores. However, some of the members of the CoC has not yet sanctioned interim finance. In the circumstance, we have passed an Order that the members of the CoC who have sanctioned Interim finance, they should make an available fund to the Corporate Debtor immediately and we further direct to other members of CoC to sanction and make the payment within 15 days to those persons.”*

Other Authorities

M/s. PMT Machines Vs. The Deputy Director, Directorate of Enforcement, Delhi [FPA-PMLA-2792/DLI/2019]

The Enforcement Directorate attached the assets of M/s. PMT Machines, which was confirmed by the Adjudicating Authority under the Prevention of

Money Laundering Act, 2002 (PMLA) vide its order dated 20th November, 2018. The Appellate Tribunal under the PMLA noted that the mortgaged properties were acquired much prior to the date of alleged offence. The date of charge of properties are also much prior to the date of alleged offence committed. It also noted that the mortgaged property of the Appellant Bank cannot be attached or confiscated unless link and nexus directly or indirectly established and there is no illegality or unlawfulness in the title of the Appellant Bank and there is no charge of money laundering against the Appellant. The Appellate Tribunal observed: *“It is imperative to bear in mind that the intention and objective of the legislature while legislating the Prevention of Money Laundering Act, 2002 (“PMLA”) was to deprive the offender (of money-laundering), the enjoyment of “illegally acquired” fruits of crime by taking away his right over property acquired through such means, and to obviate the threat of money laundering to the financial system of the country. The IBC on the other hand, has been enacted with the objective of consolidating and amending the laws “relating to reorganization and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner for maximisation of value of assets of such persons, to promote entrepreneurship, availability of credit and balance the interest of all the stake holders including alteration in the order of priority of payment of government dues.”* While quashing the attachment order, it held that the Enforcement Directorate is not precluded to attach other private properties and all other assets of the alleged accused.

IBBI

In the matter of Registration of RV (Order dated 6th July 2019)

Rule 4 read with Annexure IV of the Companies (Registered Valuers and Valuation) Rules, 2017 require that an individual must possess a degree in Civil Engineering, among others, registration as a Registered Valuer (RV) in the asset class 'Land and Building' (L&B). The applicant, who has a Bachelor of Engineering (Agriculture), claimed that the Bachelor of Engineering in Agriculture and the Bachelor of Engineering in Civil Engineering have similar subjects and, therefore, are equivalent of each other. Hence, he is entitled to registration as RV.

In view of the unambiguous language in the Rules that explicitly specify the discipline required for the asset class L&B, the Board took a view that the applicant does not have the required qualification for registration as an RV and therefore, rejected the application.

Mr. Tapas Mallik erstwhile Insolvency Professional (Order dated 17th July 2019)

The Board took a prima facie view that Mr. Mallik, who did not have a valid registration as an IP at the relevant time, rendered services as an IP, in contravention of section 206 of the Code.

However, Mr. Mallik submitted that he had given his consent on 7th February 2017 to serve as an IRP, while he had a valid registration, which was to expire on 30th June 2017. However, he was appointed as IRP by the AA vide its order dated 14th November 2017. The Board noted that despite making it clear that he did not have a valid registration as an IP, he was made to serve as the IRP. In such circumstances, the Board found it difficult to hold him liable for contravention of section 206 of the Code.

Corporate Processes

The data used in this section relating to corporate processes are provisional. These are getting revised as further information is received from IPs or the information in respect of a process changes. For example, a process may ultimately yield an order for liquidation even after approval of resolution plan or may ultimately yield resolution plan even after an order for liquidation.

Insolvency Resolution

Since the coming into force of the provisions of CIRP with effect from 1st December 2016, 2542 CIRPs have commenced by the end of September 2019, as presented in Table 1. Of these, 186 have been closed on appeal or review or settled; 116 have been withdrawn; 587 have ended in orders for liquidation and 156 have ended in approval of resolution plans. Sectoral distribution of CDs under CIRP is presented in Table 2.

Table 1: Corporate Insolvency Resolution Process (Number)

Quarter	CIRPs at the beginning of the Quarter	Admitted	Closure by				CIRPs at the end of the Quarter
			Appeal/ Review/ Settled	Withdrawal under Section 12A	Approval of Resolution Plan	Commencement of Liquidation	
Jan - Mar, 2017	0	37	1	0	0	0	36
Apr - Jun, 2017	36	129	8	0	0	0	157
July - Sept, 2017	157	233	18	0	2	8	362
Oct - Dec, 2017	362	147	38	0	7	24	440
Jan - Mar, 2018	440	195	20	0	11	59	545
Apr - Jun, 2018	545	246	20	1	14	52	704
Jul - Sept, 2018	704	243	30	27	29	87	774
Oct - Dec, 2018	774	275	8	36	17	82	906
Jan - Mar, 2019	906	374	20	19	22	86	1133
Apr - Jun, 2019	1133	294	14	19	27	93	1274
Jul - Sept, 2019	1274	369	9	14	27	96	1497
Total	NA	2542*	186	116	156**	587	1497

*These CIRPs are in respect of 2538 CDs.

**This excludes 5 resolutions which have since yielded liquidation.

Source: Compilation from website of the NCLT

Table 2: Sectoral Distribution of CDs under CIRP as on 30th September 2019

Sector	No. of CIRPs		
	Closed	Ongoing	Total
Manufacturing	450	593	1043
Food, Beverages & Tobacco Products	41	87	128
Chemicals & Chemical Products	48	50	98
Electrical Machinery & Apparatus	41	46	87
Fabricated Metal Products	31	33	64
Machinery & Equipment	48	70	118
Textiles, Leather & Apparel Products	79	92	171
Wood, Rubber, Plastic & Paper Products	48	71	119
Basic Metals	82	101	183
Others	32	43	75
Real Estate, Renting & Business Activities	201	299	500
Real Estate Activities	28	87	115
Computer and related activities	28	37	65
Research and development	2	1	3
Other business activities	143	174	317
Construction	88	186	274
Wholesale & Retail Trade	117	133	250
Hotels & Restaurants	27	39	66
Electricity & Others	22	47	69
Transport, Storage & Communications	30	42	72
Others	110	158	268
Total	1045	1497	2542

Note- The distribution is based on the CIN of CDs and as per the National Industrial Classification (NIC 2004)

The distribution of stakeholders, who triggered resolution process, is presented in Table 3. OCs triggered 48.5% of the CIRPs, followed by about 43% by FCs and remaining by the CDs.

Table 3: Initiation of Corporate Insolvency Resolution Process

Quarter	No. of CIRPs Initiated by			
	Operational Creditor	Financial Creditor	Corporate Debtor	Total
Jan - Mar, 2017	7	8	22	37
Apr - Jun, 2017	58	37	34	129
Jul - Sept, 2017	100	94	39	233
Oct - Dec, 2017	67	66	14	147
Jan - Mar, 2018	89	84	22	195
Apr - Jun, 2018	129	99	18	246
Jul - Sept, 2018	132	95	16	243
Oct - Dec, 2018	153	106	16	275
Jan - Mar, 2019	166	187	21	374
Apr - Jun, 2019	154	127	13	294
Jul - Sept, 2019	177	183	9	369
Total	1232	1086	224	2542

The status of CIRPs as on 30th September 2019 is presented in Table 4.

Table 4: Status of CIRPs as on 30th September 2019

Status of CIRPs	No. of CIRPs
Admitted	2542
Closed on Appeal / Review/ Settled	186
Closed by Withdrawal under section 12A	116
Closed by Resolution	156
Closed by Liquidation	587
Ongoing CIRP	1497
> 270 days	535
> 180 days ≤ 270 days	324
> 90 days ≤ 180 days	276
≤ 90 days	362

Note: 1. The number of days is from the date of admission.

2. The number of days includes time, if any, excluded by the Tribunals.

Withdrawal under section 12A

Till September 2019, a total of 116 CIRPs have been withdrawn under section 12A of the Code. The distribution of claims and reasons for withdrawal in these CIRPs are presented in Table 5.

Table 5: Claim Distribution and Reasons for Withdrawal

Amount of Claims Admitted* (Amount in Rs. crore)	No. of CIRPs
≤ 01	43
> 01 ≤ 10	32
> 10 ≤ 50	15
> 50 ≤ 100	06
> 100 ≤ 1000	05
> 1000	02
Reason for Withdrawal**	
Full settlement with the applicant	34
Full settlement with other creditors	07
Agreement to settle in future	08
Other settlements with creditors	35
Corporate debtors not traceable	02
Corporate debtor struck off the Register	01
Applicant not pursuing CIRP due to high cost	02
Others	16

* Data awaited in 13 CIRPs

**Data awaited in 11 CIRPs.

Resolution Plans

It is seen that about 56.17% of the CIRPs, which were closed, ended in liquidation, as compared to 14.93% ending with a resolution plan. However, it is important to note that 72.86% of the CIRPs ending in liquidation (427 out of 586) were earlier with BIFR and or defunct (Table 6). The economic value in most of these CDs had already eroded before they were admitted into CIRP.

Table 6: CIRPs Ending with Orders for Liquidation

State of Corporate Debtor at the Commencement of CIRP	No. of CIRPs initiated by			
	FC	OC	CD	Total
Either in BIFR or Non-functional or both	153	190	84	427
Resolution Value ≤ Liquidation Value	188	221	85	494
Resolution Value > Liquidation Value	43	26	23	92

Note: 1. There were 45 CIRPs, where CDs were in BIFR or non-functional but had resolution value higher than liquidation value.

2. Where liquidation value was not calculated, it has been taken as '0'.

3. Data of 1 CIRP awaited.

Till June 2019, 120 CIRPs had yielded resolution plans as presented in the last newsletter. 11 CIRPs were later reported as yielding resolution plans during that period, as presented in Part A of Table 7. During July-September, 2019, 27 CIRPs yielded resolution plans with different degrees of realisation in comparison to the liquidation value as presented in Part B of Table 7. During the quarter, realisation by FCs under resolution plans in comparison to liquidation value is 183%, while the realisation by them in comparison to

their claims is 34%. Till September 2019, realisation by FCs under resolution plans in comparison to liquidation value is 184%, while the realisation by them in comparison to their claims is 42%.

Table 7: CIRPs Yielding Resolution

(Amount in Rs. crore)

Sl. No.	Name of CD	Defunct (Yes/No)	Date of Commencement of CIRP	Date of Approval of Resolution Plan	CIRP initiated by	Total Admitted Claims of FCs	Liquidation Value	Realisable by FCs	Realisable by FCs as % of their Claims Admitted	Realisable by FCs as % of Liquidation Value
Part A: Prior Period (Till 30th June 2019)										
1	Garg Inox Limited	Yes	25-07-2017	04-12-2018	FC	214.13	69.39	72.00	33.62	103.76
2	United Seamless Tubular Private Limited	No	12-06-2017	21-01-2019	FC	2032.78	597.55	472.25	23.23	79.03
3	Say India Jewellers Private Limited	Yes	01-08-2017	29-01-2019	OC	137.92	16.70	27.75	20.12	166.17
4	Paramshakti Steels Limited	Yes	03-07-2017	21-02-2019	FC	174.94	34.11	47.95	27.41	140.57
5	Rainbow Papers Limited	Yes	12-09-2017	27-02-2019	OC	1468.25	424.01	564.31	38.43	133.09
6	Star Agro Marine Exports Private Limited	No	08-01-2018	11-03-2019	FC	287.23	22.65	48.09	16.74	212.32
7	Indus Fila Limited.*		20-02-2018	10-05-2019	OC					
8	Maiyas Beverages and Foods Private Limited	No	24-07-2018	10-05-2019	OC	109.09	58.39	109.09	100.00	186.83
9	NSP Hospitech India Private Limited	Yes	04-12-2018	06-06-2019	OC	1.15	1.09	1.01	88.60	92.66
10	Uttam Strips Limited	No	09-04-2018	06-06-2019	OC	558.83	107.00	109.00	19.51	101.87
11	Korba West Power Company Ltd.	No	26-07-2018	24-06-2019	CD	5032.16	1454.93	1166.61	23.18	80.18
Part B: July- September 2019										
1	Asis Plywood Limited	No	21-11-2017	01-07-2019	CD	8935.56	689.91	1114.09	12.47	161.48
2	Network Industries Limited	Yes	26-09-2018	04-07-2019	FC	196.22	31.65	35.80	18.24	113.11
3	Olive Lifesciences Private Limited	No	22-09-2017	09-07-2019	CD	47.51	15.20	40.23	84.68	264.67
4	Dinesh Polytubes Private Limited	Yes	11-12-2017	12-07-2019	FC	5.78	1.84	2.53	43.77	137.50
5	BCIL Zed Ria Properties Private Limited	No	09-08-2018	16-07-2019	FC	91.02	21.44	35.90	39.44	167.44
6	Miditech Private Limited	Yes	16-02-2018	18-07-2019	CD	11.62	0.16	1.87	16.09	1168.75
7	Sri Srivathsa Paper Mills Private Limited	No	13-11-2018	19-07-2019	FC	153.44	12.00	20.50	13.36	170.83
8	Beans & More Hospitality Private Limited	No	13-03-2018	19-07-2019	FC	87.36	42.01	87.36	100.00	207.95
9	Solidaire India Limited	Yes	26-10-2018	19-07-2019	FC	133.87	6.11	1.20	0.90	19.64
10	Ruchi Soya Industries Limited	No	15-12-2017	24-07-2019	FC	9384.75	2391.16	4093.19	43.62	171.18
11	Murli Industries Limited	No	05-04-2017	25-07-2019	FC	2783.10	231.10	347.74	12.49	150.47
12	Sevenhills Healthcare Private Limited	No	13-03-2018	26-07-2019	FC	1273.30	622.10	1002.54	78.74	161.15
13	Lanco Teesta Hydro Power Limited	No	16-03-2018	26-07-2019	FC	31.72	132.08	11.12	35.06	8.42
14	Shrid Metal Technologies Private Limited	No	16-04-2018	26-07-2019	OC	16.97	4.32	13.34	78.61	308.80
15	MIC Electronics Limited	No	13-03-2018	31-07-2019	FC	263.53	53.00	49.72	18.87	93.81
16	Khandoba Prasanna Sakhar Karkhana Limited	Yes	01-01-2018	01-08-2019	FC	30.89	13.53	18.53	59.99	136.95
17	Rustagi Impex Private Limited	No	10-05-2018	06-08-2019	FC	126.71	8.57	7.15	5.64	83.43
18	Feedatives Pharma Pvt. Ltd.	No	18-09-2018	06-08-2019	OC	56.42	5.90	8.00	14.18	135.59
19	BCIL Red Earth Developers India Private Limited	No	09-08-2018	09-08-2019	FC	199.74	21.05	79.56	39.83	377.96
20	Sheon Skincare Private Limited	No	08-12-2017	09-08-2019	OC	0.00	0.23	0.00	0.00	0.00
21	Aristo Texcon Pvt. Ltd.	No	31-08-2018	20-08-2019	CD	36.32	8.43	8.51	23.43	100.95
22	PRC International Hotels Private Limited	Yes	24-07-2018	27-08-2019	FC	53.43	28.38	25.40	47.54	89.50
23	Ramsarup Industries Limited	No	08-01-2018	04-09-2019	FC	5851.96	614.41	351.00	6.00	57.13
24	Bhushan Power & Steel Limited	No	26-07-2017	05-09-2019	FC	47157.99	9513.63	19350.00	41.03	203.39
25	Sunstar Overseas Limited	No	20-07-2018	12-09-2019	FC	1091.96	157.95	195.00	17.86	123.46
26	Scott Garments Limited	Yes	13-08-2018	16-09-2019	OC	564.04	160.00	160.00	28.37	100.00
27	Jasper Engineers Pvt. Ltd.	Yes	05-09-2018	17-09-2019	OC	7.21	3.47	4.67	64.77	134.58
Total (July- September, 2019)						78592.42	14789.63	27064.95	34.44	183.00
Total (Till September, 2019)						332087.26	74996.82	137919.28	41.53	183.90

*Data awaited.

Defunct: Not Going Concern/ Erstwhile BIFR

Note: Two CIRPs of prior period (in respect of Zion Steel Ltd. and Adhunik Metaliks Ltd.) which had yielded resolution plans earlier, have moved into liquidation in this quarter.

Liquidation

Till 30th June, 2019, a total of 475 CIRPs had yielded orders for liquidation, as presented in the previous Newsletter. The liquidation order passed with respect to one CD was set aside by the Appellate Authority during the prior period. 20 CIRPs were later reported as yielding orders for liquidation during that period, as indicated in Part A of Table 8. During the quarter July-September 2019, 93 CIRPs ended in liquidation, taking the total CIRPs yielding liquidation to 587. The details of the CIRPs ending in orders for liquidation during the quarter is reported in Part B of Table 8.

Table 8: CIRPs yielding Orders for Liquidation

Sl. No.	Name of CD	Defunct (Yes / No)	CIRP Initiated by	Date of Commencement of CIRP	Date of Liquidation Order
Part A: Prior Period (till 30th June 2019)					
1	Kochar Overseas Private Limited	Yes	CD	27-11-2017	30-11-2018
2	Oceanic Edibles International Limited	Yes	FC	13-09-2017	10-12-2018
3	Jaimurugan Textiles Limited	Yes	OC	04-04-2018	18-12-2018
4	Avance Logistics and Trading (India) Private Limited	Yes	FC	11-09-2017	24-12-2018
5	Neo Aid Communication (India) Private Limited	Yes	OC	09-07-2018	25-01-2019
6	Nvento Foods Technologies Private Limited	Yes	FC	23-08-2017	28-01-2019
7	Shipra Infraprojects Private Limited	Yes	OC	01-06-2017	01-02-2019
8	Ang Industries Limited	No	CD	31-08-2017	04-02-2019
9	Tsn Ecotech International Private Limited*	NA	OC	22-06-2018	07-03-2019
10	Abhishek Corporation Limited	No	OC	17-11-2017	11-03-2019
11	Sagayam Hospitalities Private Limited (OPC)	Yes	OC	26-09-2018	24-04-2019
12	Rangajava Soap & Chemical Works Pvt Ltd	No	OC	01-11-2018	17-05-2019
13	Datsun Fashion Limited	No	OC	07-05-2018	10-06-2019
14	Maha Ujja Utilities Private Limited	Yes	OC	24-07-2018	17-06-2019
15	Chandra Royal Inn Private Limited	Yes	FC	06-09-2018	27-06-2019
16	Veer Resources & Projects Private Limited	Yes	OC	07-08-2018	27-06-2019
17	Neeta Chemicals (India) Private Limited	Yes	CD	14-05-2018	28-06-2019
18	Sattur Sri Ganga Chitfunds Private Limited**	Yes	OC	25-07-2018	-
19	United Steel and Structural Private Limited**	No	OC	20-02-2019	-
20	S.N.K.M. and Sons Timbers Pvt. Ltd. **	Yes	FC	22-04-2019	-
Part B: July- September 2019					
1	Kohinoor Pulp & Paper Private Limited	Yes	OC	21-08-2018	01-07-2019
2	Fantastic Buldcon Private Limited	Yes	FC	13-06-2018	02-07-2019
3	Deepak Cables (India) Limited	Yes	FC	23-08-2018	04-07-2019
4	D N Sircar S K Das Pvt Ltd	Yes	OC	02-11-2018	05-07-2019
5	Ashok Transformers Private Limited	Yes	OC	25-07-2018	05-07-2019
6	Vishal Global Limited	Yes	OC	27-09-2018	08-07-2019
7	CNN Minerals Private Limited.	Yes	OC	31-08-2018	08-07-2019
8	C. S. Tubes Private Limited	Yes	CD	15-01-2019	08-07-2019
9	Adhunik Metaliks Limited	No	FC	03-08-2017	09-07-2019
10	Zion Steel Limited	No	FC	03-08-2017	09-07-2019
11	Sri Karunambikai Mills Private Limited	Yes	OC	26-09-2018	09-07-2019
12	Thiripura Chits Private Limited	Yes	OC	17-09-2018	09-07-2019
13	Leo Duct Engineers & Consultants Limited***	No	CD	21-03-2018	09-07-2019
14	Shreem Wires Private Limited	Yes	OC	10-08-2018	11-07-2019
15	Crown Alba Writing Instruments India Private Limited	Yes	OC	10-05-2018	15-07-2019
16	Italian Exposition Private Limited	Yes	CD	20-02-2019	15-07-2019
17	Marvel Crafts Private Limited	Yes	OC	17-12-2018	15-07-2019
18	Brinz Powertech Private Limited	Yes	OC	26-06-2018	15-07-2019
19	Southern Online Bio Technologies Limited	No	FC	05-10-2018	16-07-2019
20	SR Breweries Private Limited	Yes	OC	03-12-2018	16-07-2019
21	AGI Cargo Private Limited	Yes	OC	12-10-2018	16-07-2019
22	Sri Lakshmi Hotels Private Limited	Yes	FC	28-02-2019	17-07-2019
23	Tecpro Engineers Limited	No	OC	26-03-2018	17-07-2019
24	Vaman Fabrics Private Limited	Yes	CD	01-10-2018	17-07-2019
25	Shivam Water Treaters Private Limited	No	FC	15-10-2018	17-07-2019
26	Mansi Oils & Grains Private Limited	Yes	FC	01-01-2018	19-07-2019
27	Baffin Engineering Projects Limited	Yes	FC	24-10-2018	19-07-2019
28	Kasturi Exim Private Limited	Yes	OC	13-11-2018	19-07-2019
29	United Chloro-Paraffins Private Limited	No	CD	12-10-2018	19-07-2019
30	Varia Engineering Works Private Limited	No	FC	21-12-2017	22-07-2019
31	Orchid Health Care Private Limited	Yes	FC	27-03-2019	22-07-2019
32	Proline Infra-Trading Private Limited	Yes	OC	15-10-2018	23-07-2019
33	IVRCL Limited	No	FC	23-02-2018	26-07-2019
34	Nadia Health Care Private Limited	No	OC	05-10-2018	30-07-2019
35	Dreams Systems Private Limited	Yes	FC	02-04-2018	30-07-2019
36	Tara Jewels Limited	No	OC	01-11-2018	30-07-2019

Sl. No.	Name of CD	Defunct (Yes / No)	CIRP Initiated by	Date of Commencement of CIRP	Date of Liquidation Order
37	SSMP Industries Limited	Yes	CD	27-08-2018	31-07-2019
38	Spice Infra-Trading Private Limited	No	FC	12-09-2018	31-07-2019
39	Anil Life Sciences Limited	Yes	OC	12-09-2018	02-08-2019
40	Gian Chand and Sons Private Limited	No	OC	30-10-2018	05-08-2019
41	Varrsana Ispat Ltd.	No	FC	16-11-2017	06-08-2019
42	World Consulting & Research Corporation Private Limited	Yes	OC	08-01-2018	07-08-2019
43	Winwind Power Energy Private Limited	Yes	OC	28-09-2018	07-08-2019
44	TAPL International Private Limited	Yes	FC	01-02-2019	07-08-2019
45	Titan Energy Systems Limited	Yes	FC	09-01-2019	08-08-2019
46	VTL (India) Limited	Yes	OC	27-09-2018	08-08-2019
47	Sarvottam Vegetable Oil Refinery Private Limited	Yes	OC	07-08-2018	08-08-2019
48	Mohan Gems & Jewels Private Limited	No	FC	25-09-2018	09-08-2019
49	Surya Pharmaceutical Limited	Yes	FC	08-10-2018	09-08-2019
50	Advance Navotpad Surfactants Limited	Yes	FC	27-09-2018	09-08-2019
51	SAS Autocom Engineers India Private Limited	Yes	OC	28-09-2018	09-08-2019
52	Xilent Marline India Private Limited	No	OC	03-12-2018	09-08-2019
53	Hiranandani Palace Gardens Private Limited	Yes	OC	01-01-2019	13-08-2019
54	Siddhi Vinayak Power Generation & Distributors Private Limited	No	OC	10-08-2018	14-08-2019
55	AKR Home Depot Private Limited	Yes	OC	04-02-2019	19-08-2019
56	Shilpi Cables Private Limited	Yes	FC	14-03-2017	20-08-2019
57	Goa Auto Accessories Limited	Yes	CD	11-12-2018	20-08-2019
58	Apex MRI Centre Private Limited	Yes	FC	12-04-2019	21-08-2019
59	Maxx Mobile Communications Limited	No	FC	31-01-2019	21-08-2019
60	Spads Textiles Limited	No	OC	08-06-2018	22-08-2019
61	Pearl Vision Private Limited	Yes	FC	12-10-2018	22-08-2019
62	Pixion Media Private Limited	Yes	FC	09-10-2018	22-08-2019
63	Anil Technoplus Limited	Yes	OC	14-02-2018	22-08-2019
64	Khaitan Electricals Limited	Yes	FC	28-11-2018	23-08-2019
65	Dynamic Shells (India) Private Limited	Yes	FC	27-09-2018	23-08-2019
66	Ace Healthways Private Limited	Yes	OC	26-10-2018	23-08-2019
67	Alchemist Hospitals (Gurgaon) Private Limited	Yes	OC	25-01-2019	23-08-2019
68	White & Brown Alloy Castings Private Limited	No	FC	10-12-2018	26-08-2019
69	Thomson Nusa Metals Private Limited	Yes	FC	06-02-2019	26-08-2019
70	Arдор Global Private Limited	Yes	OC	31-07-2017	26-08-2019
71	Shri Maruthi Textiles Ltd.	Yes	FC	07-02-2019	26-08-2019
72	Girma Infraprojects Private Limited	Yes	FC	26-04-2018	27-08-2019
73	Gokula Kannan Chits Tamilnadu Private Limited	No	OC	21-01-2019	27-08-2019
74	Asis Logistics Limited	No	CD	11-01-2018	28-08-2019
75	Anoushka Hospital Consultancy & Management Services Private Limited	Yes	FC	15-01-2019	29-08-2019
76	GB Raja Top Weaving Private Limited	Yes	OC	15-03-2019	29-08-2019
77	Biodiversity Conservation (India) Private Limited	No	FC	09-08-2018	30-08-2019
78	Kavya Advertising and Marketing Private Limited	Yes	OC	29-11-2017	30-08-2019
79	Gold King Tex India Private Limited	Yes	OC	25-01-2019	03-09-2019
80	SRK Kitchen Appliances Private Limited	No	OC	01-08-2018	03-09-2019
81	Adept Technology Private Limited	Yes	OC	26-03-2019	03-09-2019
82	Flora Footwear Private Limited	No	OC	02-01-2019	03-09-2019
83	Frontier Lifeline Private Limited	No	FC	02-08-2018	04-09-2019
84	Novex (India) Private Limited	No	OC	10-12-2018	04-09-2019
85	Setu Vintrade Limited	Yes	OC	11-12-2018	05-09-2019
86	Balajidham Buildstates Private Limited	Yes	OC	02-11-2018	06-09-2019
87	Bluefern Ventures Pvt. Ltd.	Yes	FC	21-12-2018	06-09-2019
88	Shri Badrinarain Alloys & Steel Ltd.	No	FC	05-12-2018	06-09-2019
89	Shreedhar Milk Foods Limited	Yes	FC	09-08-2018	12-09-2019
90	P V S Textiles Private Limited	Yes	FC	08-03-2019	16-09-2019
91	Transstroy (India) Limited	No	FC	10-10-2018	18-09-2019
92	Devikripa Trading Private Limited	Yes	FC	12-12-2018	19-09-2019
93	Antrix Diamond Exports Private Limited	No	CD	27-03-2018	20-09-2019

*Data awaited.

** Direct dissolution of CD ordered.

***The liquidation order dated 8th March 2019 was set aside by the NCLAT, vide order dated 21st May 2019. The CIRP recommenced. It, however, yielded liquidation again vide order dated 9th July 2019.

Defunct: Not Going Concern/ Erstwhile BIFR.

NA: Not Available.

The status of liquidation process as on 30th September 2019 is presented in Table 9.

Table 9: Status of Liquidation Process as on 30th September 2019

Status of Liquidation	Number
Initiated	587
Final Report submitted	37
Closed by Dissolution	24
Ongoing	550
> Two Years	8
> 360 days	193
> 270 days ≤ 360 days	82
> 180 days ≤ 270 days	86
> 90 days ≤ 180 days	92
≤ 90 days	89

Till June, 2019 11 liquidations were closed as presented in the last newsletter. Four dissolutions were later reported for that period, as presented in Part A of Table 10. During July-September 2019, nine more liquidations were closed. The details of the same are presented in Table 10.

Table 10: Details of Closed Liquidation (Amount in Rs. crore)

Sl. No.	Name of CD	Date of Order of Liquidation	Amount of Admitted Claims	Liquidation Value	Sale Proceeds	Amount Distributed to Stakeholders	Date of Order of Dissolution
Part A: Prior Period (till 30th June 2019)							
1	Visuwam Auto Spares Private Limited	06-06-2018	8.77	0	NA	0	15-04-2019
2	Sagayam Hospitalities Private Limited (OPC)	24-04-2019	NA	0	NA	0	24-04-2019
3	Getit Grocery Private Limited	09-07-2018	8.77	1.08	1.08	0.96	07-06-2019
4	Upadan Commodities Private Limited	01-03-2018	0.06	0	NA	0	21-06-2019
Part B: July- September 2019							
1	Kakatiya Engineering Equipment Pvt Ltd	27-07-2018	49.85	5.35	5.68	5.33	09-07-2019
2	Sattur Sri Ganga Chitfunds Private Limited	17-07-2019	0.05	0	NA	0	17-07-2019
3	United Steel and Structurals Private Limited	02-08-2019	0.43	0	NA	0	02-08-2019
4	Balaji Polysacks Pvt Ltd	12-06-2018	19.08	0	NA	0	09-08-2019
5	Orchid Health Care Private Limited	17-07-2019	3500	0	NA	0	21-08-2019
6	RHD Enterprises Private Limited	22-02-2018	NA	0	NA	0	29-08-2019
7	S.N.K.M. and Sons Timbers Private Limited	30-08-2019	NA	0	0.05	0	30-08-2019
8	Berhampur Finance & Leasing Private Limited	25-03-2019	0.01	0	0	0	17-09-2019
9	Wegilant Net Solutions Private Limited	21-12-2017	4.73	0	0.02	0	19-09-2019

'0' means an amount below two decimals.

NA means Not realizable/Saleable or no asset left for liquidation.

The AA passes an order for liquidation under four circumstances. The details of liquidation as per each of these circumstances are presented in Table 11.

Table 11: Reasons for Liquidation #

Circumstance	Number of Liquidations	
	Where Final Reports Submitted	Ongoing
AA did not receive resolution plan for approval	20	200
AA rejected the resolution plan for non-compliance with the requirements	0	20
CoC decided to liquidate the corporate debtor during CIRP	17	133
CD contravened provisions of resolution plan	0	01
Total	37	354

Data are available for only 354 ongoing cases.

Regulation 12 of the IBBI (Liquidation Process) Regulations, 2016 requires the liquidator to make a public announcement calling upon stakeholders to submit their claims as on the liquidation commencement date, within 30 days from the liquidation commencement date. The details of the claims admitted by the liquidators in 391 liquidations, for which data are available, are presented in Table 12.

Table 12: Claims in Liquidation Process (Amount in Rs. crore)

Stakeholders under Section	Number of Claimants	Amount of claims Admitted	Liquidation Value	Amount Realised	Amount distributed
37 Liquidations where Final Report Submitted					
53 (I) (a)			31.72	30.17	3.05
53 (I) (b)	83	9351			15
53 (I) (c)	20	0.30			0.10
53 (I) (d)	23	139			5.48
53 (I) (e)	19	233			6.24
53 (I) (f)	53	26			0.34
53 (I) (g)	0	0			0
53 (I) (h)	53	3			1.51
Total (A)	281	9752			
Ongoing 354 Liquidations*					
53 (I) (a)			15165		
53 (I) (b)	23485	244120			
53 (I) (c)	16127	1208			
53 (I) (d)	4909	71704			
53 (I) (e)	418	7761			
53 (I) (f)	1946523	20151			
53 (I) (g)	0	0			
53 (I) (h)	572	730			
Total (B)	1992034	345674			
Grand Total (A + B)	1992315	355426			

* Data for other liquidations are not available.

The average time taken for completion of 156 CIRPs (Table 13), which have yielded resolution plans is 374 days, including the time excluded by the AA. However, if the time excluded by the AA is excluded, the average time for completion of these CIRPs is 347 days. The average time taken for completion of 156 CIRPs, which have yielded orders for liquidations is 300 days.

Table 13: Average Time for Approval of Resolution Plans / Orders for Liquidation

Sl. No.	Average time from insolvency commencement date till	No. of CIRPs covered	Time (In days)	
			Including excluded time	Excluding excluded time
1	Approval of resolution plans by AA	156	374	347
2	Orders for liquidation by AA	587	300	NA

Twelve Large Accounts

Resolution of 12 large accounts were initiated by banks, as directed by RBI. Together they had an outstanding claim of Rs.3.45 lakh crore as against liquidation value of Rs. 73,220 crore. Of these, resolution plan in respect of seven CDs have been approved and orders for liquidation have been passed in respect of two CDs. Due to failure of implementation of approved resolution plan in respect of one CD (Amtek Auto Limited), the process has restarted. Thus, CIRPs in respect of 3 CDs and liquidation in respect of 2 CDs are ongoing and are at different stages of the process. The status of the twelve large accounts is presented in Table 14.

Table 14: Twelve Large Accounts (Amount in Rs. crore)

Name of Corporate Debtor	Claims of Financial Creditors Dealt Under Resolution			Realisation by all Claimants as a Percentage of Liquidation Value	Successful Resolution Applicant
	Amount Admitted	Amount Realised	Realisation as Percentage of Claims		
Completed					
Electrosteel Steels Limited	13175	5320	40.38	183.45	Vedanta Ltd.
Bhushan Steel Limited	56022	35571	63.50	252.88	Bannipal Steel Ltd.
Monnet Ispat and Energy Limited	11015	2892	26.26	123.35	Consortium of JSW and AION Investments Pvt. Ltd.
Essar Steel India Limited	49473	30030	60.70	265.18	Arcelor Mittal India Pvt. Ltd.

Name of Corporate Debtor	Claims of Financial Creditors Dealt Under Resolution			Realisation by all Claimants as a Percentage of Liquidation Value	Successful Resolution Applicant
	Amount Admitted	Amount Realised	Realisation as Percentage of Claims		
Alok Industries Limited	29523	5052	17.11	113.96	Reliance Industries Limited, JM Financial Asset Reconstruction Company Ltd., JMFARC - March 2018 - Trust
Jyoti Structures Limited	7365	3691	50.12	387.44	Group of HNIs led by Mr. Sharad Sanghi
Bhushan Power & Steel Limited	47158	19350	41.03	203.39	JSW Ltd.
Under Process					
Amtek Auto Limited	CIRP recommended.				
Era Infra Engineering Limited	Under CIRP				
Jaypee Infratech Limited	Under CIRP				
Lanco Infratech Limited	Under liquidation				
ABG Shipyard Ltd.	Under liquidation				

Note: 1. Due to failure of implementation of approved resolution plan in Amtek Auto Limited, which was earlier included in the completed list, the process has restarted.
2. The resolution plans approved in Essar Steel India Ltd. and Bhushan Power & Steel Limited are under challenge before the Hon'ble Supreme Court and Hon'ble NCLAT respectively.

Voluntary Liquidation

A corporate person may initiate voluntary liquidation proceeding if majority of the directors or designated partners of the corporate person make a declaration to the effect that (i) the corporate person has no debt or it will be able to pay its debts in full from the proceeds of the assets to be sold under the proposed liquidation, (ii) the corporate person is not being liquidated to defraud any person. At the end of 30th September 2019, 498 corporate persons initiated voluntary liquidation, the details of which are given in Table 15. Final reports in respect of 144 voluntary liquidations have been submitted by 30th September 2019.

Table 15: Commencement of Voluntary Liquidations till 30th September 2019

Quarter	Liquidations at the beginning	Liquidation Commenced	Final Reports Submitted	Liquidations at the end
Apr-Jun, 2017	0	13	0	13
Jul-Sept, 2017	13	38	0	51
Oct-Dec, 2017	51	56	4	103
Jan-Mar, 2018	103	66	6	163
Apr-Jun, 2018	163	41	21	183
July-Sept, 2018	183	55	2	236
Oct-Dec, 2018	236	31	29	238
Jan-Mar, 2019	238	83	35	286
Apr-June, 2019	286	69	17	338
Jul-Sept, 2019	338	46	30	354
Total	NA	498	144	354

Table 19: Realisations under Voluntary Liquidation

Sl. No.	Name of Corporate Person	Date of commencement	Date of Dissolution	Realisation of Assets	Amount due to Creditors	Amount paid to creditors	Liquidation Expenses	Surplus
Part A: Prior Period (Till 30th June 2019)								
1	China Steel Machinery Corporation India Private Limited	07-04-2018	02-05-2019	3.62	-	-	0.42	3.2
2	Infrastructure Development Corporation of Assam Limited	26-09-2018	30-05-2019	0.5	0.02	0.02	0.05	0.4
3	Bhoovahana Technologies Private Limited	06-04-2018	28-06-2019	1	-	-	0.06	0.94
Part B: July - September 2019								
1	Marudhar Lease Financing Private Limited	15-03-2018	16-07-2019	0	-	-	0	-
2	Amcon Industries Private Limited	10-09-2018	19-07-2019	0.02	-	-	0.02	0
3	Device Forex Private Limited	09-09-2017	26-07-2019	0.3	-	-	0.01	0.3
4	Thiruvanniyur Credits & Investments Private Limited	28-03-2018	03-09-2019	0.3	-	-	0	0.3
5	Moti Travels Private Limited	10-09-2018	06-09-2019	0.3	-	-	0.02	0.3

The status of 498 liquidations is presented in Table 16

Table 16: Phasing of Voluntary Liquidations

Status of Liquidation	Number of Liquidations
Initiated	498
Final Report Submitted	144
Closed by Dissolution	64
Ongoing	354
> Two Years	26
> 360 days ≤ 2 years	132
> 270 days ≤ 360 days	26
> 180 days ≤ 270 days	79
> 90 days ≤ 180 days	46
≤ 90 days	45

While 498 cases of voluntary liquidation were admitted till 30th September, 2019, the reasons for these initiations are available for 426 cases, which are presented in Table 17.

Table 17: Reasons for Voluntary Liquidation

Sl. No.	Reason for Voluntary Liquidation	No. of Corporate Persons
1	Not carrying business operations	259
2	Commercially unviable	59
3	Running into losses	10
4	No revenue	19
5	Promoters unable to manage affairs	8
6	Purpose for which company was formed accomplished	8
7	Contract termination	5
8	Miscellaneous	58
Total		426

Most of these corporate persons are small entities. 289 of them have paid up equity capital of less than Rs. 1 crore. Only 45 of them have paid-up capital exceeding Rs. 5 crore. The corporate persons, for which details are available, have an aggregate paid up capital of Rs. 2711 crore with an outstanding debt of Rs. 861 crore. The details are presented in Table 18.

Table 18: Details of 426 Liquidations

(Amount in Rs. crore)

Details of	No. Liquidations	Paid up capital	Assets	Outstanding debt	Amount paid to creditors
Liquidations for which Final Reports submitted	144	479	2873	4	4
Ongoing liquidations	282	2232	1177	*	
Total liquidations	426	2711	4050	*	

*For ongoing liquidations, outstanding debt amount is not available

It was reported in the last Newsletter that dissolution orders were passed in respect of 56 liquidations. Three more dissolution orders were later reported during that period, as indicated in Part A of Table 19. During the quarter July-September, 2019, dissolution orders in respect of five more voluntary liquidations were passed taking the total dissolutions to 64.

Service Providers

Insolvency Professionals

An individual, who is enrolled with an IPA as a professional member and has the required qualification and experience and passed the Limited Insolvency Examination, is registered as an IP. An IP is authorised to provide services as such under the Code. The details of IPs registered as on 30th September 2019, IPA-wise, is presented in Table 20.

Table 20: Registered IPs as on 30th September 2019 (Number)

City / Region	IIIP of ICAI	ICSI IIP	IPA of ICMAI	Total
New Delhi	339	208	56	603
Rest of Northern Region	268	153	42	463
Mumbai	316	99	25	440
Rest of Western Region	215	98	29	342
Chennai	110	70	11	191
Rest of Southern Region	277	150	41	468
Kolkata	164	34	17	215
Rest of Eastern Region	49	15	5	69
Total Registered	1738	827	226	2791
Cancellations	1	3	0	4
Registered as on 30th September 2019	1737	824	226	2787

Of the 2791 IPs registered till date, registrations of four IPs have been cancelled after due disciplinary process. The registration and cancellation of IPs, quarter wise, till 30th September 2019 are presented in Table 21.

Table 21: Registration and Cancellation of Registrations of IPs

Quarter	No. of IPs		
	Registered	Cancelled	Registered at the End of the Quarter
Jan - Mar, 2017	96	0	96
Apr - Jun, 2017	450	0	546
Jul - Sept, 2017	561	0	1107
Oct - Dec, 2017	217	0	1324
Jan - Mar, 2018	488	0	1812
Apr - Jun, 2018	71	1	1882
Jul - Sept, 2018	154	1	2035
Oct - Dec, 2018	253	1	2287
Jan - Mar, 2019	170	1	2456
Apr - Jun, 2019	203	0	2663
Jul - Sept, 2019	128	0	2791
Total	2791	4	2787

An individual with 10 years of experience as a member of the ICAI, ICSI, ICMAI or a Bar Council or an individual with 15 years of experience in management is eligible for registration as an IP on passing the Limited Insolvency Examination. Table 22 presents distribution of IPs as per their eligibility (an IP may be a member of more than one Institute) as on 30th September 2019.

Table 22: Distribution of IPs as per their Eligibility

Eligibility	No. of IPs		
	Male	Female	Total
Member of ICAI	1420	130	1550
Member of ICSI	434	80	514
Member of ICMAI	143	11	154
Member of Bar Council	160	20	180
Managerial Experience	378	15	393
Total	2535	256	2791

Table 23 presents the age profile of the IPs registered as on 30th September 2019.

Table 23: Age Profile of IPs

Age Group (in years)	IIIP of ICAI	ICSI IIP	IPA of ICMAI	Total
≤ 40	221	78	3	302
> 40 ≤ 50	615	297	41	953
> 50 ≤ 60	568	220	57	845
> 60 ≤ 70	310	212	120	642
> 70 ≤ 80	20	17	5	42
> 80 ≤ 90	3	3	0	6
> 90	1	0	0	1
Total	1738	827	226	2791

Panel for Administrator

In accordance with Guidelines for Appointment of IPs as Administrators under the SEBI (Appointment of Administrator and Procedure for Refunding to the Investors) Regulations, 2018, IBBI prepared the panel of IPs for October 2019 - March 2020 and shared the same with SEBI. Table 24 presents zone wise number of IPs empaneled for the period from October 2019 - March 2020.

Table 24: Zone wise Number of IPs in the Panel

Zone	No. of IPs
New Delhi	141
Mumbai	79
Chennai	75
Chandigarh	56
Kolkata	56
Hyderabad	50
Ahmedabad	34
Bengaluru	28
Allahabad	27
Jaipur	18
Cuttack	12
Kochi	11
Guwahati	1
Total	588

Replacement of IRP with RP

Section 22(2) of the Code provides that the CoC may, in its first meeting, by a majority vote of not less than 66% of the voting share of the FCs, either resolve to appoint the IRP as the RP or to replace the IRP by another IP to function as the RP. Under section 22(4) of the Code, the AA shall forward the name of the RP, proposed by the CoC, under section 22(3)(b) of the Code, to IBBI for its confirmation and shall make such appointment after such confirmation. However, to save time in such reference, a database of all the IPs registered with IBBI has been shared with the AA, disclosing whether any disciplinary proceeding is pending against them. While the database is currently being used by various benches of AA, in a few cases, IBBI receives references from the AA and promptly responds to the AA. Till 30th September 2019, a total of 595 IRPs has been replaced with RPs, as shown in Table 25.

Table 25: Replacement of IRP with RP as on 30th September 2019

CIRP initiated by	No. of CIRPs	
	Where RPs have been appointed	Where RP is different from the IRP
Corporate Applicant	210	98
Operational Creditor	936	290
Financial Creditor	861	207
Total	2007	595

Insolvency Professional Entities

During the quarter under review, seven IPEs were recognized. As on 30th September 2019, there are 61 IPEs. The details of IPEs are given in Table 26.

Table 26: IPEs as on 30th September 2019

Quarter	No. of IPEs		
	Recognised	Derecognised	At the End of the Quarter
Jan-Mar, 2017	3	0	3
Apr-Jun, 2017	14	0	17
Jul-Sept, 2017	22	1	38
Oct-Dec, 2017	18	0	56
Jan-Mar, 2018	19	0	75
Apr-Jun, 2018	1	3	73
Jul-Sept, 2018	4	4	73
Oct-Dec, 2018	3	20	56
Jan-Mar, 2019	5	13	48
Apr-Jun, 2019	6	0	54
Jul-Sept, 2019	7	0	61
Total	102	41	61

Insolvency Professional Agencies

IPAs are frontline regulators and responsible for developing and regulating the profession of IPs. There are three IPAs registered in accordance with the provisions of the IPA Regulations. IBBI meets MDs / CEOs of IPAs on 7th of every month to discuss the issues arising from the IP profession and to enquire them to discharge their responsibilities. The IPAs are conducting pre-registration educational course for prospective IPs and roundtables and seminars, workshop and webinars for building capacity of IPs. They are monitoring disclosures by IPs in respect of relationship and fee and expenses of CIRPs and disseminating the same on their respective websites. They conduct and monitor CPE of their members. They have been empowered to issue AFA to IPs who are their members.

Information Utility

There is one IU, namely, the National e-Governance Service Limited (NeSL). IBBI meets the MD & CEO of the IU along with the CEOs of IPAs every month to discuss the issues related to receipt and authentication of financial information. IBBI has requested IPAs to encourage their members to make use of the information stored with IU for verification of claims during CIRP. Table 27 provides details of the registered users and information with NeSL, as informed by them.

Table 27: Details of Information with NeSL (Number, except as stated)

At the end of quarter	Creditors having agreement with NeSL		Creditors who have submitted information		Debtors whose information is submitted by creditors		Loan records on-boarded		User registrations by Debtors		Loan records authenticated by Debtors		Amount of underlying debt (Rs. crore)	
	FCs	OCs	FCs	OCs	FCs	OCs	FCs	OCs	FCs	OCs	FCs	OCs	FCs	OCs
June, 2018	66	NA	21	105	69184	52	191247	105	1024	10	1364	05	NA	NA
Sept, 2018	85	NA	40	144	836302	135	1222737	207	5111	10	6079	32	2016708	530
Dec, 2018	108	NA	68	140	980724	202	1438390	280	10247	44	10065	35	2732805	1094
Mar, 2019	173	NA	114	169	1266445	230	1955230	316	15085	63	13762	37	4114988	16224
Jun, 2019	209	NA	160	231	2531930	570	3911146	52766	23482	83	22323	40	4910552	20455
Sept, 2019	226	NA	218	297	2737049	1764	4421280	86766	31969	208	35560	61	5625318	28016

The amendment in the IU Regulations notified on 25th July 2019 provides that the IU shall ensure delivery of information of default in the manner provided. The processes of authentication and verification of the information of default shall be considered complete on the acceptance of

default by the corporate debtor or on receipt of a notice of dispute. Further, on expiry of the period of authentication as specified under the Guidelines for Technical Standards, the information of default shall be deemed have been authenticated.

Registered Valuers

Registered Valuer Organisations (RVOs) are frontline regulators for the RVs. They are responsible for development and regulation of the profession of RVs. The Companies (Registered Valuers and Valuation) Rules, 2017 notified under the Companies Act, 2013 provide a comprehensive framework for development and regulation of the valuers and recognition of RVOs. At the end of 30th September 2019, 11 entities have been recognised as RVOs. There are 9 RVOs in each asset class, namely, Land and Building, Plant and Machinery and Securities or Financial Assets.

A fit and proper person, who is enrolled with an RVO as a valuer member and has the required qualification and experience and has passed the Valuation Examination of the relevant asset class, is registered as a valuer. Only RVs are authorised to undertake valuations required under the Companies Act, 2013 and the Code. The details of RVs, RVO-wise, as on 30th September 2019, is given in Table 28. In addition, there are 11 entities (Partnership Entity / Company) registered as RV as on 30th September 2019.

Table 28: Registered Valuers as on 30th September 2019 (Number)

Registered Valuer Organisation	Asset Class			Total
	Land & Building	Plant & Machinery	Securities or Financial Assets	
Institution of Estate Managers and Appraisers	38	5	4	47
IOV Registered Valuers Foundation	846	137	94	1077
ICSI Registered Valuers Organisation	0	0	53	53
The Indian Institution of Valuers	67	19	22	108
ICMAI Registered Valuers Organisation	13	12	132	157
ICAI Registered Valuers Organisation	NA	NA	448	448
PVAI Valuation Professional Organisation	205	35	17	257
CVSRTA Registered Valuers Association	161	47	NA	208
Association of Certified Valuers and Analysts	NA	NA	0	0
CEV Integral Appraisers Foundation	9	5	0	14
Divya Jyoti Foundation	0	0	5	5
Total	1339	260	775	2374

The registration of RVs, quarter-wise, till 30th September 2019 is given in Table 29.

Table 29: Registration of RVs till 30th September 2019 (Number)

Quarter	Land & Building	Plant & Machinery	Securities or Financial Assets	Total
Apr - Jun 2018	1	2	0	3
Jul - Sept 2018	38	13	21	72
Oct - Dec 2018	280	43	118	441
Jan - Mar 2019	462	63	145	670
Apr - Jun 2019	346	81	300	727
Jul - Sept 2019	212	58	191	461
Total	1339	260	775	2374

Of the total RVs registered as on 30th September 2019, 685 RVs (constituting 29% of the total RVs registered) are from metros while 1689 RVs (constituting 71% of the total RVs registered) are from non-metro locations. Geographical distribution of RVs, as on 30th September 2019, is given in Table 30.

Table 30: Region wise Registered Valuers as on 30th September 2019

(Number)

City / Region	Land & Building	Plant & Machinery	Securities or Financial Assets	Total
New Delhi	51	22	85	158
Rest of Northern Region	158	33	107	298
Mumbai	84	36	137	257
Rest of Western Region	381	71	117	569
Chennai	89	23	85	197
Rest of Southern Region	551	62	186	799
Kolkata	8	12	53	73
Rest of Eastern Region	17	1	5	23
Total	1339	260	775	2374

The average age of RVs as on 30th September 2019 stood at 48 years across asset classes. It was 48 years for Land and Building, 53 years for Plant and machinery and 43 years for Securities or Financial assets. Age profile of RVs, as on 30th September 2019, is given in Table 31. Of the 2374 RVs as on

Complaints and Grievances

IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 enable a stakeholder to file a grievance or a complaint against a service provider. Besides this, grievances and complaints are received from the Centralised Public Grievance Redress and Monitoring System (CPGRAMS), Prime Minister's Office, MCA and other authorities. The receipt and disposal of grievances and complaints till 30th September 2019 is given in Table 32.

Table 32: Receipt and Disposal of Grievances and Complaints till 30th September 2019

(Number)

Period	Complaints and Grievances Received						Total		
	Under the Regulations		Through CPGRAM/PMO/MCA/Other Authorities)		Through Other Modes		Received	Disposed	Under Examination
	Received	Disposed	Received	Disposed	Received	Disposed			
2017-18	18	0	6	0	22	2	46	2	44
2018-19	111	51	333	290	693	380	1137	721	460
April-June 2019	36	21	60	74	149	207	245	302	403
July-September 2019	42	41	46	35	67	36	155	112	446
Total	207	113	445	399	931	625	1583	1137	446

Examinations

Limited Insolvency Examination

IBBI has successfully completed four phases of the Limited Insolvency Examination. With conclusion of the fourth phase of the Examination on 30th June 2019, the fifth phase commenced on 1st July 2019. The Examination is reviewed continuously to keep it relevant in the dynamic market environment. It is available on daily basis from various locations across the country. IBBI publishes the syllabus, format etc. of the Examination under regulation 3(3) of the IBBI (Insolvency Professionals) Regulations, 2016. The details of the Examination are given in the Table 33.

Table 33: Limited Insolvency Examination

Phase / Period	No. of Attempts (some candidates made more than one attempt)	No. of Successful Attempts
First Phase (Jan - Jun, 2017)	5329	1202
Second Phase (Jul - Dec, 2017)	6237	1112
Third Phase (Jan - Oct, 2018)	6344	1011
Fourth Phase (Nov - 2018 - June 2019)	3025	506
Fourth Phase (Jul 2019 - Sept 2019)	710	95
Total	21645	3926

30th September 2019, 201 RVs (constituting 8.47% of the total registered valuers) are female.

Table 31: Age Profile of RVs

(Number)

Age Group (in years)	Land & Building	Plant & Machinery	Securities or Financial Assets	Total
< 30	45	3	78	126
> 30 ≤ 40	182	39	289	510
> 40 ≤ 50	405	64	225	694
> 50 ≤ 60	576	78	136	790
> 60 ≤ 70	112	57	47	216
> 70 ≤ 80	18	18	0	36
> 80	1	1	0	2
Total	1339	260	775	2374

Valuation Examinations

IBBI, being the Authority, under the Companies (Registered Valuers and Valuation) Rules, 2017, commenced the valuation examinations for the asset classes of: (a) Land and Building, (b) Plant and Machinery and (c) Securities or Financial Assets on 31st March 2018. With the conclusion of the first phase on 31st March, 2019, the second phase commenced on 1st April 2019. It is a computer based online Examination available from several locations across India. The details of the Examination are given in Table 34.

Table 34: Valuation Examinations

Phase/Quarter	No. of Attempts (some candidates made more than one attempt) in Asset Class			No. of Successful Attempts in Asset Class		
	Land & Building	Plant & Machinery	Securities or Financial Asset	Land & Building	Plant & Machinery	Securities or Financial Assets
First Phase (Mar 2018 - Mar 2019)	9469	1665	4496	1748	324	707
Second Phase (Apr - June 2019)	626	154	1155	49	16	143
Second Phase (Jul - Sept 2019)	994	187	1426	96	23	195
Total	11089	2006	7077	1893	363	1045

Building Ecosystem

IBBI Research Initiative

IBBI, in its endeavour to promote research - legal, economic and interdisciplinary - and discourse in areas relevant for the evolving insolvency and bankruptcy regime in general, and that in India, has announced the IBBI Research Initiative, 2019 on 1st July 2019. A Researcher may submit a research proposal under this Initiative. The research proposal shall be screened by IBBI to verify that it is properly structured and is covered under the Initiative. It will be reviewed by an external referee on the criteria: (a) Does the proposal address an important issue in insolvency and bankruptcy regime in India; and (b) Does the proposal offer a clear methodology to address the said issue. If the proposal is accepted by the IBBI on advice of the referee, the researcher needs to submit the research paper within six months. The research paper shall be reviewed similarly by an external referee.

Graduate Insolvency Programme

The Indian Institute of Corporate Affairs (IICA) commenced the first batch of Graduate Insolvency Programme (GIP) on 1st July 2019. The GIP is a 24-month programme consisting of a residential class-room component of 12 months and a hands-on internship component at the cutting edge of practice of 12 months. It aims to deliver a cadre of top-quality IPs who can deliver world class services as IPs, liquidators or in other capacities. A student completing the GIP would be eligible for registration as IP.



1st Batch of GIP at IICA, 8th July 2019

Working Groups

The Working Group (WG) on Individual Insolvency and Bankruptcy, chaired by Mr. P. K. Malhotra, former Law Secretary, held its 9th meeting on 18th July 2019. It deliberated on various aspects of operationalization of fresh start process for individual insolvency resolution and the possibility of providing for mediation mechanism for individual insolvency cases under the Code.



Meeting of WG on Individual Insolvency, 18th July 2019

The WG on 'Tracking Outcomes of IBC vis-à-vis its Objectives', which was constituted under the Chairmanship of Mr. G. N. Bajpai (Former Chairman, SEBI and Chairman, LIC), had its first meeting on 24th July 2019 and second meeting on 23rd August 2019. The Group will design a framework for assessment of performance of the insolvency regime in the country in terms of its effectiveness, efficiency and efficacy. Such a framework would inform various stakeholders, in a structured manner, of the outcomes of the new regime, and enable organisation and availability of information required for the framework.



Meeting of the Working Group on Tracking Outcomes, 23rd August 2019

The WG on Group Insolvency, which was constituted under the Chairmanship of Mr. U. K. Sinha (Former Chairman, Securities and Exchange Board of India) on 17th January 2019, submitted its report to IBBI on 23rd September 2019. While keeping in mind the basic legal principles of separate legal personality, asset partitioning and limited liability on the basis of which modern commerce is organised, the WG has presented a blueprint of a 'Group Insolvency Framework' that balances competing

considerations in the interests of value maximisation, credit growth and promotion of entrepreneurship. It envisages an enabling group insolvency framework, to be implemented in a phased manner. The first phase may facilitate procedural co-ordination of only companies in domestic groups. Cross-border group insolvency and substantive consolidation could be considered at a later stage, depending on the experience of implementing the earlier phases of the framework, and the felt need at the relevant time.



Meeting of WG on Group Insolvency, 23rd September 2019



17th IP Workshop in Chennai, 26th-27th July 2019



18th IP Workshop in Kolkata, 20th-21st September 2019

IBBI organised the first Advanced IP Workshop for IPs on 30th-31st August 2019 to deliver specialised and deep learning. It was on the theme 'Forensic Audit and Valuation for Insolvency Professionals'. 25 IPs attended the workshop.



1st Advanced IP Workshop in New Delhi, 30th-31st August 2019

Paper Presentation by RAs

The Indian Institute of Management Ahmedabad (IIMA), in collaboration with the World Bank Group, organised a Research Conference on Financial Distress, Bankruptcy, and Corporate Finance during 9th -10th August 2019. Three Research Associates from IBBI presented papers at the Conference:

Sl. No.	Name of Research Associate	Title of Paper
1	Ms. Pihu Mishra	Application of Alternate Dispute Resolution Mechanism in Individual Insolvency Law: Study in light of I&B Code, 2016
2	Ms. Surbhi Kapur	Intersection of Economic Legislations in Corporate Insolvency Resolution in India
3	Mr. Animesh Khandelwal	Dawn of a New Era: Insolvency Professionals under the Personal Insolvency Regime of India

Ms. Surbhi Kapur and Mr. Animesh Khandelwal presented a joint research paper on 'Financial Distress Resolution and the Role of Insolvency Practitioners: Unearthing Best Practices and Crystallizing Regulation' at the 15th Annual Conference of the INSOL Europe Academic Forum, held in Copenhagen, Denmark, during 25th -26th September 2019. The theme for the conference was: 'Harmonisation of insolvency and restructuring laws in the EU'.

Workshops and Roundtables

IP Workshops

IBBI has been organising two-day workshops for newly registered IPs with a view to build their capacity. During the quarter, IBBI organised the 17th IP workshop, in the series, on 26th-27th August 2019 at Chennai, with participation of 45 IPs. It organised the 18th IP workshop, in the series, on 20th-21st September 2019 at Kolkata, which witnessed participation of 19 IPs.

CoC Workshops

IBBI has been organising workshops for senior officers of banks to build their capacity as members of CoCs. It organised the fourth workshop in the series on the theme 'Committee of Creditors: An Institution of Public Trust', in association with State Bank of India, at Gurugram, Haryana on 24th August 2019. 23 senior officers (General Managers, Executive Directors, CEO and MD) of the major scheduled commercial banks participated in the workshop.



CoC Workshop in Gurugram, 24th August 2019

Roundtables

IBBI conducted several roundtables on different themes to build capacity of stakeholders, understand the ground realities and seek feedback of the stakeholders for further refinements and improvements. The details of workshops and roundtables, organised by IBBI during the quarter, are presented in Table 35.



Roundtable in Ahmedabad, 8th August 2019



Roundtable in Nagpur, 13th August 2019

Table 35: Workshops and Roundtables

Sl. No.	Date(s)	Place	Programme	Subject	Participation	Partnership with, if any
1	26-07-19-27-07-19	Chennai	Workshop	IBC and CIRP	IPs & Others	ICAI
2	05-08-19	Hyderabad	Roundtable	CIRP and Liquidation	IPs & Others	IIIP of ICAI
3	06-08-19	Chennai	Roundtable	Amendments to IBC	IPs & Others	ICSI IIP
4	08-08-19	Ahmedabad	Roundtable	Individual Insolvency	IPs & Others	ICSI IIP
5	09-08-19	New Delhi	Roundtable	CIRP and Liquidation	IPs & Others	IPA of ICAI
6	13-08-19	Nagpur	Roundtable	IP, IPA and IU	IPs & Others	ICSI IIP
7	14-08-19	Mumbai	Roundtable	Amendments to the IBC	IPs & Others	IIIP of ICAI
8	21-08-19	Kolkata	Roundtable	CIRP and Liquidation	IPs & Others	IPA of ICAI
9	23-08-19	Guwahati	Roundtable	Individual Insolvency	IPs & Others	IPA of ICAI
10	24-08-19	Gurugram	Workshop	CoC	Bankers	SBI
11	30-08-19-31-08-19	New Delhi	Advanced Workshop	Valuation and Forensic Audit	IPs	--
12	06-09-19	New Delhi	Workshop	IBC, CIRP and CoC.	Students, Faculty & Bankers	Indian Institute of Banking and Finance (IIBF)
13	07-09-19	Mumbai	Workshop	IBC, CIRP, Forensic Audit, CoC	Students, Faculty & IPs	Maharashtra National Law University (MNLU)
14	07-09-19	Hyderabad	Workshop	IBC and CIRP	Bankers, IPs & Faculty	Jawaharlal Nehru Institute of Banking and Finance (JNIBF)
15	11-09-19	New Delhi	Webinar	Verification of Claims	IPs	ICSI IIP
16	19-09-19	New Delhi	Webinar	Filing of CIRP Forms	IPs	IPAs
17	20-09-19-21-09-19	Kolkata	Workshop	IBC and CIRP	IPs	ICSI
18	26-09-19	New Delhi	Webinar	Filing of CIRP Forms	IPs	IIIP of ICAI
19	26-09-19	Ahmedabad	Roundtable	Valuation Profession	RVs & IPs	ICAI
20	27-09-19	Kolkata	Roundtable	Valuation Profession	RVs & IPs	ICAI
21	28-09-19	Raipur	Roundtable	Valuation Profession	RVs & IPs	ICAI
22	28-09-19	Chennai	Roundtable	Valuation Profession	RVs & IPs	ICAI



Roundtable in Kolkata, 21st August 2019



MNLU Workshop in Mumbai, 7th September 2019

Advocacy and Awareness

IBBI organised a number of advocacy and awareness programmes during the quarter on its own and in association with stakeholders, or was associated with stakeholders in organising such programmes, the details of which are presented in Table 36.

Table 36: Advocacy and Awareness Programmes

Sl. No.	Date(s)	Place	Programme	In Partnership with
1	05-07-19	Dehradun	Awareness	IPA of ICAI
2	13-07-19	Chandigarh	Awareness	IPA of ICAI
3	26-07-19	Hyderabad	Conference	ASSOCHAM
4	27-07-19	Jodhpur	Awareness	IPA of ICAI
5	10-08-19	Coimbatore	Awareness	IPA of ICAI
6	17-08-19	Bhopal	Seminar	National law Institute University (NLIU)
7	31-08-19	Bangalore	Conference	ASSOCHAM
8	14-09-19	Lucknow	Awareness	RMLNLU, Lucknow and IPA of ICAI
9	16-09-19	Kochi	Awareness	IPA of ICAI
10	21-09-19	Chennai	Conference	ASSOCHAM
11	21-09-19	Kota	Awareness	IPA of ICAI
12	28-09-19	Bangalore	Conclave	ICSI



Roundtable in Guwahati, 23rd August 2019



IIBF Workshop in New Delhi, 6th September 2019



ASSOCHAM Conference in Hyderabad, 26th July 2019



NLIU Seminar in Bhopal, 17th August 2019



ASSOCHAM Conference in Bangalore, 31st August 2019



IPA of ICAI Programme in Kochi, 16th September 2019



PHDCCI Seminar in Chandigarh, 24th September 2019

Senior officers of IBBI participated as Guests and faculty in several programmes during the quarter, the details of which are presented in Table 37.

Table 37: Participation of Senior Officers in Programmes

Sl No.	Date	Venue	Organiser	Programme	Subject	Participation
1	02-07-19	New Delhi	ICSI IIP	Webinar	Fraudulent Transactions	Chairperson
2	03-07-19	New Delhi	IPA of ICAI	Workshop	Forensic Audit	Dr. Navrang Saini, WTM
3	08-07-19	Manesar	IICA	Launch	GIP	Chairperson
4	12-07-19	New Delhi	Hopkins University	Panel	Regulations in India	Chairperson
5	19-07-19	Manesar	IICA	Session	Economics of Insolvency	Chairperson
6	22-07-19	New Delhi	NLUD	Panel	RP and Oversight Institutions	Chairperson
7	24-07-19	New Delhi	ICSI IIP	Webinar	Using Information Utilities	Mr. Debajyoti Ray Chaudhari, CGM
8	25-07-19	New Delhi	NLUD	Colloquium	NCLT & Ease of Doing Business	Chairperson
9	27-07-19	New Delhi	ICSI IIP	Webinar	Section 66 applications	Chairperson
10	31-07-19	Mumbai	CVSRTA RVA	Session	Valuation	Chairperson
11	09-08-19	Ahmedabad	IIMA and World Bank	Conference	Financial Distress & Corporate Finance	Chairperson
12	24-08-19	Manesar	IICA	Session	IBC Amendments	Chairperson
13	10-09-19	Singapore	HCI in Singapore	Summit	Cracking IBC	Chairperson
14	19-09-19	Belfast	IAIR	Conference	Markets for Insolvency Practice	Chairperson
15	24-09-19	Chandigarh	PHDCCI	Seminar	IBC & NPAs of Banks	Dr. Mukulita Vijayawargiya, WTM
16	28-09-19	Manesar	IICA	Session	Resolution of FSPs	Chairperson



ASSOCHAM Conference in Chennai, 21st September 2019



ICSI Conclave in Bangalore, 28th September 2019

Business and Innovation Summit

Dr. M. S. Sahoo, Chairperson attended a two-day Business and Innovation Summit, 'India-Singapore: The Next Phase', organised by High Commission of India in Singapore on 9th-10th September 2019 in Singapore. He participated in a panel discussion on 'Cracking the Insolvency and Bankruptcy Code'. He had one-on-one meetings with potential investors in distressed assets. These meetings provided an opportunity to the investors to understand the details of the insolvency reforms, all around endeavour shown by India in addressing the issues expeditiously by either judicial, legislative or executive intervention and investment options and opportunities in stressed assets in India.



Business and Innovation Summit in Singapore, 10th September 2019

IAIR Annual Conference

Dr. M. S. Sahoo, Chairperson attended the International Association of Insolvency Regulators (IAIR) Annual Conference and Meeting, 2019 on 18th-19th September 2019 in Belfast, Northern Ireland. He made a presentation in a plenary session on 'Competitive Markets for Insolvency Practice' sharing, *inter alia*, the progress in implementation of insolvency reforms and the state of markets for professional services and resolution plans. The IAIR provides a platform for high level dialogue and peer to peer learning for Insolvency Regulators, public policy makers, international experts and private practitioners on insolvency reforms all around the globe.



IAIR Annual Conference in Belfast, 19th September 2019

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