

IBC AU COURANT

Insolvency Professional Agency of Institute of Cost Accountants of India



PRESS

“Things Work Out Best For Those Who Make The Best Of How Things Work Out.”

Updates on Insolvency and Bankruptcy Code

➤ **JSW Steel says can't implement BPSL resolution plan**

JSW Steel, the highest bidder for Bhushan Power and Steel (BPSL), has informed the National Company Law Appellate Tribunal (NCLAT) that it would be impossible for it to implement the resolution plan for BPSL if it has to share profits earned by the insolvent firm during the resolution period with creditors. The Sajjan Jindal-led company has also expressed concerns over the chances of BPSL's assets being undermined given it doesn't have tribunal's protection against possible attachment of assets for offence committed by the erstwhile promoters.

“In the present matter, the issue of entitlement of CIRP Ebitda was discussed between the appellant and the committee of creditors (CoC) and agreed that the CoC would not have a claim on it and CIRP Ebitda would continue to remain with the corporate debtor,” JSW Steel said.

Source: Financial Express

Please find the full news at:

<https://www.financialexpress.com/industry/jsw-steel-says-cant-implement-bpsl-resolution-plan/1709325/>

➤ **Dissenting financial creditor should not be discriminated: NCLAT**

Allowing the appeal of Hero Fincorp Ltd, the appellate tribunal said that the amended regulations of the Insolvency & Bankruptcy Code (IBC) does not discriminate between similarly situated 'secured financial creditors' on the ground of dissenting vote.

A three-member NCLAT bench headed by Chairperson Justice S J Mukhopadhaya has directed the successful bidder of Rave Scans to modify the resolution plan, providing Hero Fincorp 45 of its claims like other secured financial creditors of the city-based printing services firm. The National Company Law Appellate Tribunal (NCLAT) rejected the submissions of that Section 30 (2) (b) (ii) of IBC, which allows to treat dissenting financial creditors separately.

Source: Financial Express

Please find the full news at:

<https://www.financialexpress.com/industry/dissenting-financial-creditor-should-not-be-discriminated-nclat/1709121/>

➤ **Fashion company Provogue set to be liquidated**

A two-judge division bench of the National Company Law Tribunal (NCLT) in Mumbai has ordered the liquidation of readymade garment maker Provogue after lenders did not agree on the offers on the table for the company. The current fund allocated, if fully utilized, will aid in completing approximately 1.6 lakh units, of which approximately 55% are sold or absorbed. This translates to approximately 91,000 units that have been bought by consumers getting the government relief.

The division bench of justices BP Mohan and V Nallasenapathy pronounced an oral order on Monday. The final written order will be put on the NCLT website in the next few days. The liquidation of the company was a culmination of more than a year of insolvency proceedings in the NCLT after the case was admitted on July 25 2018.

Source: Economic Times

Please find the full news at:

<https://economictimes.indiatimes.com/markets/stocks/news/fashion-company-provogue-set-to-be-liquidated/articleshow/71177395.cms>



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