

# IBC AU COURANT

Insolvency Professional Agency of Institute of Cost Accountants of India



*"Risk more than others think is safe. Dream more than others think is practical."*

## *Updates on Insolvency and Bankruptcy Code*

### ➤ NCLT admits insolvency plea against Parsvnath Landmark, appoints RP

The National Company Law Tribunal (NCLT) has given its approval to start the insolvency proceedings against realty firm Parsvnath Developer's subsidiary, which is developing a housing project in the national capital. As this tribunal had admitted an insolvency petition filed by three homebuyers against the subsidiary firm - Parsvnath Landmark Developers - for inordinate delay in the development of this project and non-refund of their payment.

Source: *Livemint*

Please find the full news at:

<https://www.livemint.com/Companies/5IzHDoAzkZqXhWKO0IjfoO/NCLT-admits-insolvency-plea-against-Parsvnath-Landmark-appo.html>

## ➤ The NCLAT Rules That The Adjudicating Authority Has No Jurisdiction To Decide The Legality And Propriety Of A Foreign Decree

The NCLAT, vide its judgment in Usha Holdings LL.C. & Anr v Francorp Advisors Pvt Ltd, held that the NCLT cannot determine whether a foreign decree is legal or enforceable in India while admitting or rejecting a claim as a debt under IBC, 2016. This NCLAT's decision reaffirms that the NCLT is a facilitator of the CIRP and not a court of law at this stage.

Source: Mondaq

Please find the full news at:

<http://www.mondaq.com/india/x/771542/Insolvency+Bankruptcy/The+NCLAT+Rules+That+The+Adjudicating+Authority+Has+No+Jurisdiction+To+Decide+The+Legality+And+Propriety+Of+A+Foreign+Decree>

## ➤ Airtel claims Aircel putting lenders over operational creditors

Aircel entities or their resolution professional are seeking to enlarge the scope of their legal appeal, possibly with a view to take “illegal and unfair advantage” of a moratorium under Section 14 of the Insolvency & Bankruptcy Code and “to maximise recovery for financial creditors at the cost of operational creditors such as Airtel entities,” the Sunil Mittal-owned company said in an affidavit filed in the Supreme Court.

Source: Economic Times

Please find the full news at:

<https://economictimes.indiatimes.com/industry/telecom/airtel-claims-aircel-putting-lenders-over-operational-creditors/articleshow/67496933.cms?from=mdr>

## ➤ Resolution Plan Not To Discriminate Against One Or Other 'Financial Creditor' Or 'Operational Creditor': Rules NCLAT

NCLAT in the case of Binani Industries Limited V. Bank of Baroda has held that the committee of creditors should always follow a fair and transparent procedure to select the resolution plan pursuant to the objective of the IBC i.e. the maximization of value of assets of the corporate debtor. Further, the resolution plan should not be discriminatory against one or other financial creditors or the operational creditors, else the same can be held to be against the provisions of IBC.

Source: Mondaq

Please find the full news at:

<http://www.mondaq.com/india/x/771476/Insolvency+Bankruptcy/Resolution+Plan+Not+To+Discriminate+Against+One+Or+Other+Financial+Creditor+Or+Operational+Creditor+Rules+NCLAT>

