

# IBC AU COURANT

Insolvency Professional Agency of Institute of Cost Accountants of India



*"Whatever the mind of man can conceive and believe, it can achieve." –Napoleon Hill*

## Updates on Insolvency and Bankruptcy Code

### ➤ Liberty moves NCLAT against MSTC's Rs 100 crore claim from Adhunik

Liberty House Group (LHG) has moved the National Company Law Appellate Tribunal (NCLAT) challenging state-run MSTC's Rs 100-crore claim from Adhunik Metaliks. The UK-based firm alleged that MSTC came up with the claim after Adhunik's resolution plan was approved by the Kolkata bench of the National Company Law Tribunal (NCLT) in July last year. LHG moved the petition under Section 61 of the Insolvency and Bankruptcy Code (IBC), which allows a person aggrieved by the order of the NCLT to prefer an appeal before the appellate tribunal. It also allows one to appeal before the NCLAT in case the debt owed to operational creditors of the corporate debtor is not provided for in the resolution plan among others.

Source: Financial Express

Please find the full news at:

<https://www.financialexpress.com/industry/liberty-moves-nclat-against-mstcs-rs-100-crore-claim-from-amtek-auto/1445000/>

### ➤ [Patanjali only suitor for Ruchi Soya as Adani opts out](#)

Adani Wilmar Ltd, which was selected as the highest bidder for Ruchi Soya Industries Ltd, has decided to opt out of the race. Adani Wilmar, promoted by billionaire Gautam Adani, informed the Mumbai bench of the National Company Law Tribunal (NCLT) that it is willing to withdraw the proposed resolution plan to acquire Ruchi Soya citing delays in the corporate insolvency resolution process. However, Patanjali Ayurved Ltd, promoted by Baba Ramdev, has informed the NCLT that it is still willing to match the bid by Adani Wilmar. Patanjali was the second-highest bidder.

*Source: Livemint*

Please find the full news at:

<https://www.livemint.com/Companies/2VI7458HnUaByydSJULTeK/Patanjali-only-suitor-for-Ruchi-Soya-as-Adani-opts-out.html>

### ➤ [No Automatic Transfer Of Winding Up Proceeding Under SICA To NCLT](#)

In a recent judgment delivered by the Hon'ble Supreme Court in Jaipur Metals and Electricals Employees Organization v. Jaipur Metals and Electricals Ltd held that all proceedings under SICA pending before the High Court are to continue as such until a party files an application before the High Court for transfer of such proceedings to NCLT. The Supreme Court observed that proceeding under the IBC is an independent proceeding, which has nothing to do with the transfer of pending winding up proceedings before the High Court. It is open for an applicant at any time before a winding up order is passed against the corporate debtor to apply for resolution proceeding under the Code.

*Source: Mondaq*

Please find the full news at:

<http://www.mondaq.com/india/x/771280/Insolvency+Bankruptcy/Bankruptcy+Code+Public+Announcements>

### ➤ [Supreme Court reserves judgment on plea challenging validity of IBC](#)

The Supreme Court has reserved its judgment in petitions moved by several operational creditors alleging discriminatory treatment given to a certain class of operational creditors and that IBC was unfair as it was protecting the rights of only financial creditors, therefore, challenging the validity of Insolvency and Bankruptcy Code (IBC).

*Source: Business- Standard*

Please find the full news at:

[https://www.business-standard.com/article/companies/supreme-court-reserves-judgment-on-plea-challenging-validity-of-ibc-119011600037\\_1.html](https://www.business-standard.com/article/companies/supreme-court-reserves-judgment-on-plea-challenging-validity-of-ibc-119011600037_1.html)

