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"Every problem is a gift-without problems we would not grow."

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➤ NCLAT lists IDBI appeal against Zee for hearing tomorrow

The National Company Law Appellate Tribunal (NCLAT) has listed IDBI Bank's appeal against the National Company Law Tribunal (NCLT) order rejecting the insolvency plea against media major Zee Entertainment Enterprises Limited (ZEEL) for August 2.

The appeal is listed for admission before a bench led by Justice (retd) Ashok Bhushan, the chairperson of NCLAT and Barun Mitra, a technical member. In May 2023, the NCLT at Mumbai refused to entertain IDBI's plea noting that it was barred under Section 10A of the Insolvency and Bankruptcy Code (IBC). Section 10A mandates no application for initiation of corporate insolvency resolution process (CIRP) can be filed against any debtor by any financial and operational creditor for any default arising on or after March 25, 2020, for a period of one year.

This was a special provision inserted by the government in the IBC to help the companies when economic activities resumed after the Covid-induced lockdowns in phases. A two-member NCLT bench said that Zee Entertainment Enterprises Ltd (ZEEL), which was the corporate guarantor for the loan availed by Siti Networks -the principal Borrower of IDBI Bank - committed a default. The default was committed during the time specified under Section 10A.

The NCLT noted that the financial creditor invoked the DSRA Guarantee Agreement and demanded the outstanding amount from the corporate debtor on March 5, 2021, thereby placing the company's petition squarely within the clutches of Section 10A of the Code. Siti Networks had taken a loan of Rs 150 crore for a working capital facility and as per the agreement it has to maintain a Debt Service Reserve Account (DSRA).

Source: Money Control.

Read Full news at: <https://www.moneycontrol.com/news/trends/legal/nclat-lists-idbi-appeal-against-zee-for-hearing-tomorrow-11070121.html>

➤ Saraf And Partners Successfully Represents AGI Greenpac Limited In Defending Its CCI Approval For Acquiring HNGIL

Saraf and Partners successfully represented AGI Greenpac Limited and obtained a landmark order before the Hon'ble National Company Law Appellate Tribunal, New Delhi (NCLAT). The matter was in relation to the Competition Commission of India's (CCI's) approval of the proposed acquisition by AGI Greenpac Limited of 100% shareholding of Hindusthan National Glass & Industries Limited, which is currently undergoing Corporate Insolvency Resolution Process (CIRP) under the Insolvency and Bankruptcy Code, 2016. The competition law team of Saraf and Partners had also assisted AGI Greenpac Limited before the CCI in seeking the regulators approval.

The matter is the first instance wherein an approval order passed by the CCI involving the CIRP of the target entity has been challenged before the NCLAT. The NCLAT, dismissing all the four appeals challenging the CCI's approval order, observed that there are no merits in the grounds and that there is no procedural infirmity in the CCI's order. Furthermore, this is a landmark judgment on Section 29 of the Competition Act, 2002 wherein for the first time, the interplay between Phase I and Phase II investigation has been examined by the NCLAT.

Source: Live Law.

Read Full news at: <https://www.livelaw.in/amp/law-firms/deals/saraf-and-partners-agi-greenpac-limited-cci-hngil-cirp-234047>

➤ IDBI Bank Moves NCLAT Against Zee; Challenges NCLT Order

IDBI bank has moved the National Company Law Appellate Tribunal (NCLAT) against Zee Entertainment to challenge an NCLT order, which rejected the private lender's plea to initiate insolvency proceedings against the media major.

IDBI's petition has been listed for hearing on Wednesday before a bench comprising Chairperson Justice Ashok Bhushan and Member Barun Mitra. The Mumbai bench of the National Company Law Tribunal (NCLT) had on May 19, 2023, set aside the bank's plea, seeking insolvency against media major Zee Entertainment, observing that it was barred under Section 10 A of the Insolvency & Bankruptcy Code (IBC).

Source: LatestLY.

Read Full news at: <https://www.latestly.com/agency-news/latest-news-idbi-bank-moves-nclat-against-zee-challenges-nclt-order-5309764.html>

