



INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA
PROMOTED BY THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

"When everything seems to be going against you, remember that the airplane takes off against the wind, not with it."

➤ NCLT Kolkata Approves Vedanta's Rs 545 Crore Plan to Revive Incab Industries

The National Company Law Tribunal (NCLT) at Kolkata has recently approved Vedanta Limited's Rs 545 crore resolution plan for the revival of cable manufacturing company Incab Industries Limited. The tribunal held that once a plan complies with the requirements of the Insolvency and Bankruptcy Code, the commercial wisdom of the Committee of Creditors must prevail.

"Therefore, subject to the compliance of our observations as above, we hereby approve the Resolution Plan Amount to the tune of Rs 5,45,00,00,000 submitted by M/s Vedanta Limited Successful Resolution Applicant." the tribunal said.

A bench of Judicial Member **Labh Singh** and Technical Member **Rekha Kantilal Shah** said the plan met all statutory requirements.

The tribunal also noted that Vedanta had undertaken through affidavits to pay all provident fund and gratuity dues of workmen and employees over and above the plan value and that the plan offered a realisable value higher than both fair value and liquidation value.

Incab's insolvency proceedings began in August 2019 on a petition filed by operational creditor Jayanta Banerjee. The CoC voted for liquidation in December 2019, prompting a liquidation order on February 7, 2020. The NCLAT set aside the liquidation on June 4, 2021 and directed the revival of the CIRP. Fresh bids for resolution were issued in August and September 2021, following which Vedanta submitted its resolution plan. The plan was approved with 99.37 percent votes on 23 June 2022. A Letter of Intent was issued on 25 June 2022 and accepted on 30 June 2022 along with a performance guarantee of Rs 54.5 crores.

Source: Live Law

Read Full news: [NCLT Kolkata Approves Vedanta's Rs 545 Crore Plan to Revive Incab Industries](#)

➤ **Only CoC Can Appoint Liquidator, NCLT's Power Limited To Replacing RP: NCLAT**

The National Company Law Appellate Tribunal (NCLAT) at New Delhi has recently ruled that only the Committee of Creditors (CoC) has the authority to select a liquidator when the Resolution Professional (RP) does not consent to continue, holding that the Adjudicating Authority cannot appoint a liquidator of its own choice.

The tribunal was deciding appeals filed by Omkara Asset Reconstruction Company, which held nearly the entire voting share in the CoCs of two stressed companies.

Source: Live Law

Read Full news: [Only CoC Can Appoint Liquidator, NCLT's Power Limited To Replacing RP: NCLAT](#)

➤ **High Courts Do Not Substitute Statutory Tribunals Calcutta High Court Refuses To Halt Guarantors' Insolvency Proceedings**

The Calcutta High Court on Wednesday held that it cannot interfere with personal insolvency proceedings initiated under the Insolvency and Bankruptcy Code, holding that such proceedings must take their course before the National Company Law Tribunal.

A single bench of **Justice Krishna Rao** said the High Court could not halt a proceeding that falls within the jurisdiction of the adjudicating authority. The court said,

“The National Company Law Tribunal being the statutory forum under the Insolvency and Bankruptcy Code, 2016, is fully empowered to take all necessary measures within its jurisdiction. If the petitioners are aggrieved by any steps taken therein, the petitioners have an adequate remedy before the National Company Law Appellate Tribunal. The petitioners without taking appropriate steps before the appropriate forum, have filed the present writ petition which, in my view is not maintainable”

Source: Live Law

Read Full news: ['High Courts Do Not Substitute Statutory Tribunals', Calcutta High Court Refuses To Halt Guarantors' Insolvency Proceedings](#)



**INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA**

PROMOTED BY THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

INSOLVENCY PROFESSIONAL AGENCY OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

(A Section 8 Company registered under Companies Act, 2013)

Delhi Office: CMA Bhawan, 3 Institutional Area, Lodhi Road New Delhi 110003

Noida Office: CMA Bhawan, C-42 Sector 62 Noida, 201309