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*"Positive thinking will let you do everything better than negative thinking will."*

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## ➤ NCLT Delhi: Section 9 Application Can't Be Allowed If Corporate Debtor Is Inactive, Due To Default In Filing Statutory Returns

The National Company Law Tribunal ("NCLT"), Delhi Bench, comprising of Shri Bachu Venkat Balaram Das (Judicial Member) and Shri Atul Chaturvedi (Technical Member) has dismissed an application and held that any application under section 9 of Insolvency and Bankruptcy Code, 2016 ("IBC") for initiation of Corporate Insolvency Resolution Process ("CIRP") cannot be allowed if the Corporate Debtor is inactive, due to default in filing of statutory return for the last two years as per the Ministry of Corporate Affairs ("MCA") portal.

United Food Private Limited ("Corporate Debtor/Respondent") is a Private Company incorporated on 06.12.2010 under the Companies Act, 1956 with the Registrar of Companies, NCT of Delhi and Haryana.

The Respondent made a default in payment of the debt to R.J. Industries ("Operational Creditor/Applicant"). The Respondent had issued certain cheques in favour of the Applicant, which have been dishonoured.

On 30.04.2019 the Applicant issued a demand notice as per Section 8 of IBC. Following this, the Applicant filed an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("IBC") for initiating the CIRP on 16.08.2021.

**Source: Live Law**

**Read Full news at:** <https://www.livelaw.in/ibc-cases/nclt-delhi-section-9-application-corporate-debtor-inactive-default-filing-statutory-returns-241672>

➤ **Operational Creditor Can't Object To Approval Of Resolution Plan Before NCLT: NCLT Mumbai**

The National Company Law Tribunal (NCLT), Mumbai Bench, comprising of Justice V.G. Bisht (Retd.) (Judicial Member) and Shri Prabhat Kumar (Technical Member), has held that an Operational Creditor whose claim has been admitted by the Resolution Professional, cannot be made a respondent in application for approval of resolution plan pending before the NCLT. Further, the Operational Creditor cannot be allowed to object to the approval of resolution plan. The Bench has imposed a cost of Rs. 50,000/- on the Operational Creditor for making such plea.

*Source: Live Law*

*Read Full news at: <https://www.livelaw.in/ibc-cases/operational-creditor-cant-object-to-approval-of-resolution-plan-before-nclt-nclt-mumbai-241673>*

➤ **NCLAT Delhi: An Operational Creditor Who Is A Participant In Meetings Of CoC Has No Right To Seek A Copy Of Information Memorandum**

The National Company Law Appellate Tribunal ("NCLAT"), Delhi Bench, comprising of Justice Rakesh Kumar Jain (Judicial Member) and Mr Naresh Salecha (Technical Member) has allowed an appeal and set aside an order of National Company Law Tribunal ("NCLT") observing that the operational creditor who is a participant in meetings of the Committee of Creditors ("CoC") has no right to seek a copy of the Information Memorandum.

*Source: Live Law*

*Read Full news at: <https://www.livelaw.in/ibc-cases/nclat-delhi-operational-creditor-participant-meeting-coc-information-memorandum-241670>*

