



INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA



IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

"Keep your eyes on the stars, and your feet on the ground."

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➤ K GK Realty takeover of Anudan Properties gets NCLT approval

India's bankruptcy court has allowed the acquisition of Anudan Properties by Mumbai-based developer K GK Realty (India). The Committee of Creditors (CoC) approved K GK Realty's resolution plan with 76.35% voting. Other developers such as Aanya Real Estate and a consortium of Ashdan Properties, and NNP Buildcon had also submitted revival plans for the company.

The development is an indication of the rising trend of several established developers with sound financials scouting for dealing the property sector through the bankruptcy process. The latest data from the Insolvency & Bankruptcy Board of India (IBBI) showed 6,199 companies were brought into administration until September-end. Of these, about 1,240 companies were in the real estate sector. Data suggest that about 805 such real estate companies have received resolution plans from bidders. As part of its resolution plan, K GK Realty (India) has agreed to take over the responsibility of completing the said project of Anudan Properties. It has agreed to start the construction of the Thane Project from the CoC's approval to ensure homebuyers get their homes in a timely manner and to ensure that the corporate debtor is operated and managed as a going concern.

K GK Realty (India) may also provide funding in the form of interim finance for incurring the Thane project's cost and obtaining approvals for commencement of construction at Thane project. In this specific matter, in March 2021, the tribunal had admitted the company under the insolvency process and appointed the insolvency resolution professional (IRP). The first meeting of the CoC was held in April 2021.

Source: The Economic Times

Read Full news at: <https://economictimes.indiatimes.com/industry/services/property/-construction/kgk-realty-takeover-of-anudan-properties-gets-nclt-approval/articleshow/99362878.cms>

➤ **NCLT admits insolvency resolution plea against Renaissance Indus Infra**

The National Company Law Tribunal has admitted real estate and construction company Renaissance Indus Infra under the corporate insolvency resolution process (CIRP) following a plea by its financial creditor Catalyst Trusteeship.

The lender had moved the bankruptcy court after the company defaulted on its dues worth nearly Rs 444 crore. The tribunal's Mumbai bench has appointed Birendra Kumar Agarwal as the insolvency resolution professional (IRP) to carry out the function under the Insolvency & Bankruptcy Code, 2016.

Source: The Economic Times

Read Full news at: <https://economictimes.indiatimes.com/industry/services/property/-construction/nclt-admits-insolvency-resolution-plea-against-renaissance-indus-infra/articleshow/99335674.cms>

➤ **Reliance Capital resolution process deadline may be extended**

Lenders of debt-ridden Reliance Capital (RCap) may consider extending the deadline for completing the resolution process till May 30 this year, sources said. The current deadline ends on April 16. Considering the fact that the second round of auction is yet to take place, it is not possible to wrap up the resolution process within the current deadline.

Earlier this week, lenders postponed the second auction to April 11.

The deadline to complete the resolution process of RCap has been extended multiple times in the past. On the other hand, sources said, all the three bidders IndusInd International Holdings Ltd (IIHL) of Hinduja Group; Torrent Investment and Singapore-based Oaktree who will be participating in the extended challenge mechanism (second round of auction), are still engaged with the Committee of Creditors (CoC) on certain issues or concerns raised by them.

Source: The Economic Times

Read Full news at: <https://economictimes.indiatimes.com/industry/banking/finance/reliance-capital-resolution-process-deadline-may-be-extended/articleshow/99317787.cms?from=mdr>

➤ **IBC a happy hunting ground for Adani**

NEW DELHI: Adani Group has used the Insolvency and Bankruptcy Code (IBC) to good use to acquire stressed assets and consolidate its position in sectors like power and ports -- two key areas of operations for the group.

Adanis have made three big ticket acquisitions -- where the realisation for lenders have been more than R1,000 crore -- through the corporate insolvency resolution process. The group has also acquired a few firms where the realisation was below R1,000 crore.

Source: The New Indian Express

Read Full news at: <https://www.newindianexpress.com/business/2023/apr/10/ibc-a-happy-hunting-ground-for-adani-2564478.html>

➤ **Date of Filing Application is determined u/s 95 of IBC and not when the Application is Numbered : NCLAT**

The Chennai National Company Law Appellate Tribunal (NCLAT) consisted of Justice M. Venugopal and Shreesha Merla (Technical) stated that the 'Date of Filing' of the 'Application', under Section 95 of IBC is, what is to be taken into account and not the date when the Application is numbered. There is no appreciable evidence on record to state that the said 'Application' was 'defective'. The fact is that the 'Appellant (Union Bank of India), filed an 'Application' against the 'Personal Guarantor' of the 'Corporate Debtor' (M/s. Tebma Shipyard Limited), under Section 95 of the Insolvency Bankruptcy Code (IBC) read with Rule 7(2) of the 'Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019.'

Source: Taxscan

Read Full news at: <https://www.taxscan.in/date-of-filing-application-is-determined-u-s-95-of-ibc-and-not-when-the-application-is-numbered-nclat/268105/>

➤ **IRP has power to change the claim amount if Additional Materials Comes: Delhi NCLAT Upholds Reduction of Claim**

NEW DELHI: The I-T department has joined Jaiprakash Associates, its chairman and CEO Manoj Gaur and YEIDA in filing an appeal against NCLT's award of Jaypee Infratech to Suraksha Group. It is unclear if the ICICI Bank will also challenge the NCLT order, but the appeals could delay the commencement of construction in the project since Suraksha Group would want all the legal challenges to be dealt with first before it puts in resources to complete projects. "The Resolution Plan proposed by the SRA (successful resolution applicant, which is Suraksha) has erroneously stated that the Income Tax Department had not filed its claim within the stipulated time frame as per IBC without considering the claim filed on 28 September, 2017 was well within the time limit as per Regulation 12(2) of IBBI (Resolution Process for Corporate Persons) Regulations, 2016 and without appreciating the fact that the IRP never intimated any such fact to the appellant," it said, adding that the interim resolution professional did not serve a copy of the resolution plan, which was cleared by the committee of creditors.

Source: The Times of India

Read Full news at: <https://timesofindia.indiatimes.com/city/delhi/i-t-filed-rs-6600-crore-claims-in-2017-jaiprakash-associates/articleshow/99365103.cms?from=mdr>



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