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*"If you tell the truth, you don't have to remember anything."*

## ➤ **EPFO Dues From Pre-CIRP Period Cannot Be Claimed Based On Assessment Made During Moratorium: NCLAT New Delhi**

The **NCLAT**, Principal Bench, New Delhi, comprising Justice Rakesh Kumar Jain (Member-Judicial) and Mr. Naresh Salecha (Member-Technical), has held that EPFO dues of the pre-CIRP period cannot be claimed based on assessments made during the imposition of the moratorium.

The appeal was filed by the RPFC-II, challenging the NCLT, Ahmedabad order, rejecting the application for setting aside the communication of the resolution professional, and rejecting the claim. The corporate debtor was admitted into the CIRP, and Ms. Vineeta Maheshwari was appointed as the interim resolution professional, later on confirmed as the resolution professional.

The appellant started the proceedings under the EPF & MP Act, 1992, and issued a summons to the corporate debtor. On 23.10.2023, the authority passed the order u/s 7Q and 14B for the amount of Rs. 53,338. The assessment was for a period prior to that of the CIRP order. Appellant submitted its claim before the RP, but it was rejected, which led appellant to file an application before the NCLT. However, the application was dismissed.

### **Contention of the Parties**

The appellant didn't contend the fact that the assessment happened post-CIRP order. However, it contended that the assessment was for the period pertaining to the period prior to the CIRP.

**Source: Live Law**

**Read Full news:** [EPFO Dues From Pre-CIRP Period Cannot Be Claimed Based On Assessment Made During Moratorium: NCLAT New Delhi](#)

## ➤ **NCLT Cannot Allow Alternate Prayers After Rejecting Main Prayer Without Cogent Reasons: NCLAT New Delhi**

The **National Company Law Appellate Tribunal (NCLAT)**, Principal Bench, New Delhi, comprising Justice Yogesh Khanna (Member-Judicial) and Ajai Das Mehrotra (Member-Technical), has held that the adjudicating authority cannot reject the main prayer without cogent reasons and allow the alternative prayers.

The appeal was filed against the order of the NCLT, Mumbai Bench. The appellant argued that the adjudicating authority has erred in directing the meeting of the unsecured creditors of the second applicant. In the impugned order, the adjudicating authority directed to conduct the meeting and submit the report before it.

**Source:** *Live Law*

**Read Full news:** [NCLT Cannot Allow Alternate Prayers After Rejecting Main Prayer Without Cogent Reasons: NCLAT New Delhi](#)

## ➤ **Gujarat High Court Stays IBBI Disciplinary Committee's Order Suspending Resolution Professional For 6 Months**

The Gujarat High Court last week stayed an order issued by Insolvency and Bankruptcy Board of India (IBBI) which had suspended the registration of an insolvency resolution professional for six months pursuant to disciplinary proceedings.

The court passed the order after the petitioner questioned the procedure by which the disciplinary proceedings were conducted. **Justice Mauna M Bhatt** issued notice on the petitioner's plea challenging an August 20 order passed by the Disciplinary Committee of the IBBI whereby the petitioner's registration was suspended for 6 months from the date of expiry of 30 days from the date of order, and said:

**Source:** *Live Law*

**Read Full news:** [Gujarat High Court Stays IBBI Disciplinary Committee's Order Suspending Resolution Professional For 6 Months](#)

