



INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA



IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

"It is hard to fail, but it is worse never to have tried to succeed."

"It is hard to fail, but it is worse never to have tried to succeed."

➤ **Nitin Sandesara-promoted Sterling Oil Resources to undergo insolvency proceedings after default on SBI loan**

Sterling Oil Resources, a company backed by Nitin Sandesara, a fugitive businessman and one of the leading wilful defaulters of the country, has had an insolvency application accepted by the Mumbai bench of the National Company Law Tribunal (NCLT).

The State Bank of India (SBI) lodged the insolvency petition against Sterling Oil Resources when the company failed to fulfill a payment obligation of Rs 1,651 crore. Sterling Oil had provided a guarantee for loans obtained by Sterling Global Oil Resources Private Limited, a group firm situated in Mauritius.

Sterling Global Oil Resources holds an interest in an Oil Prospecting License through Sterling Exploration and Energy Production Company Limited (SEEPCO) in Nigeria, which functions as a subsidiary at the asset level. SBI was among the consortium members that offered Standby Letter of Credits (SBLC) to foreign currency lenders of Sterling Global Oil Resources.

Source: The News India Express

Read Full news at: <https://www.newindianexpress.com/business/2023/may/19/nitin-sandesara-promoted-sterling-oil-resources-to-undergo-insolvency-proceedings-after-default-on-s-2576709.html>

➤ **NCLT Is Not A Forum For Adjudication Of Fraud: NCLT Cuttack Reiterates**

The National Company Law Tribunal, Cuttack Bench, comprising Shri P. Mohan Raj (Judicial Member) and Shri Satya Ranjan Prasad (Technical Member), while adjudicating an application under Section 9 of Insolvency and Bankruptcy Code, 2016 ("IBC, 2016") in Srimanta Kumar Tripathy and Anusuya Tripathy vs S.S Mining and Infra Private Limited has held reiterated that NCLT is not a forum for adjudication of Fraud or determination of Forgery. It has further reiterated that a joint Demand Notice under Section 8 of IBC, 2016 and Joint petition under Section 9 of IBC, 2016 is not permitted.

Srimanta Kumar Tripathy and Anusuya Tripathy ("Operational Creditor") supplied materials to and deployed machineries for S.S Mining and Infra Private Limited ("Corporate Debtor") which was engaged in providing mining services to the Orissa Mining Corporation Limited. There were outstanding due amounting to Rs. 1,98,47,957/- pending in lieu of the services provided by the Operational Creditors. A Demand Notice dated 27.02.2022 was sent by the Operational Creditor to the Corporate Debtor.

Source: Live Law

Read Full news at: <https://www.livelaw.in/ibc-cases/nclt-cuttack-ibc-adjudication-fraud-section-9-insolvency-bankruptcy-code-229126>

➤ **A Petition Against A Corporate Guarantor Cannot Be Dismissed Simply Because A Resolution Plan For The Corporate Debtor Is Under Consideration: NCLT Mumbai**

The National Company Law Tribunal, Mumbai Bench, comprising Shri Kuldeep Kumar Kareer (Judicial Member) and Smt. Anuradha Sanjay Bhatia (Technical Member), while adjudicating an application under Section 7 of Insolvency and Bankruptcy Code, 2016 ("IBC, 2016") in M/s. Edelweiss Asset Reconstruction Company Limited vs Sadguru Multitrade Private Limited has held that insolvency proceedings can be initiated against both the Corporate Debtor and Corporate Guarantor simultaneously and a petition against a Corporate Guarantor cannot be dismissed simply on the ground that a Resolution Plan is under consideration.

Source: Live Law

Read Full news at: <https://www.livelaw.in/ibc-cases/a-petition-against-a-corporate-guarantor-cannot-be-dismissed-simply-because-a-resolution-plan-for-the-corporate-debtor-is-under-consideration-nclt-mumbai-229124>

