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➤ Liquidator Entitled To Fee Under Regulation 4(2) Of Liquidation Regulations, If Not Fixed By CoC: NCLT Guwahati

The National Company Law Tribunal (NCLT), Guwahati Bench of Mr. Rammurti Kushawaha (Judicial Member) and Mr. Yogendra Kumar Singh (Technical Member) has held that in the absence of the Liquidator's fees being fixed by the Committee of Creditors (CoC) at the time of recommending liquidation under Section 33 of the IBC, and subsequently by the Stakeholders Consultation Committee (SCC) under Regulation 4(1A) of the Liquidation Regulations, 2016, the Liquidator is entitled to fees as per Regulation 4(2) of the Liquidation Regulations and not by way of fixed monthly remuneration.

The present application has been filed under section 60(5) of the Insolvency and Bankruptcy Code, 2016 (IBC) seeking direction to provide the Applicant a reasonable remuneration of Rs. 2.5 Lacs per month from the date of his appointment as a Liquidator till the completion of the Liquidation Process.

The Applicant submitted that Regulation 4(2) of the Liquidation Regulations provides that if the Liquidator fee is not fixed under Regulation 39D of the CIRP Regulations, 2016 or Regulation 4(1A) of the Liquidation Regulations, the liquidator is entitled to fees at the same rate as the Resolution Professional during Insolvency Process for the period of compromise or arrangement under section 230 of the Companies Act and percentage of the amount realised and the amount distributed for the remaining liquidation period as prescribed.

Per contra, the Respondent submitted that since no fee was fixed by the CoC or the SCC, the Applicant is only entitled to receive the fee as a percentage of the amount realized as per the table provided in applicable Regulation. Accordingly, at this stage, the Applicant's claim for monthly remuneration is untenable and liable to be rejected.

Source: Live Law

Read Full news: [Liquidator Entitled To Fee Under Regulation 4\(2\) Of Liquidation Regulations, If Not Fixed By CoC: NCLT Guwahati](#)

➤ **SARFAESI Act | Fresh Notice To Legal Heirs Of Borrower Not Necessary To Take Possession Under S.14: J&K High Court**

The Jammu & Kashmir High Court has held that a secured creditor is not required to issue a fresh notice to the legal heirs of a deceased borrower before invoking Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.

A Division Bench of **Justice Sanjeev Kumar** and **Justice Sanjay Parihar** dismissed a writ petition challenging the proceedings initiated by the bank under Section 14, observing that once notice under Section 13(2) has been served upon the borrower and the liability is not discharged within 60 days, the secured creditor is well within its rights to proceed under Section 14 to take possession of the secured assets.

Source: Live Law

Read Full news: [SARFAESI Act | Fresh Notice To Legal Heirs Of Borrower Not Necessary To Take Possession Under S.14: J&K High Court](#)

➤ **Liquidator Can't Direct Claimant To Approach NCLT Without Accepting Or Rejecting Claim, Amounts To Serious Procedural Lapse: NCLT Kochi**

The National Company Law Tribunal (NCLT), Kochi Bench of **Shri Vinay Goel (Judicial Member)** and **Smt. Madhu Sinha (Technical Member)** has held that once claims are filed before the Liquidator, the Liquidator is obligated under Section 40 of the IBC to either accept or reject them. The Liquidator cannot direct the claimant to approach the Adjudicating Authority without first applying his mind, as such conduct amounts to a serious procedural lapse.

Source: Live Law

Read Full news: [Liquidator Can't Direct Claimant To Approach NCLT Without Accepting Or Rejecting Claim, Amounts To Serious Procedural Lapse: NCLT Kochi](#)

