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Perfection is not attainable, but if we chase perfection we can catch excellence.

➤ **Investors Who Were Promised Assured Returns Qualify As Financial Creditors U/S 5(7) Of IBC: NCLT Indore**

The **National Company Law Tribunal (NCLT), Indore** Bench, comprising Mr. Mohan P. Tiwari (Member-Judicial) and Mr. Sanjeev Sharma (Member-Technical), has held that the deposit schemes with assured returns amount to financial debt and the investors promised assured returns qualify as the financial creditor under section 5(7) of the IBC, 2016.

Background of the Case

The financial creditors (125 investors) filed a section 7 IBC petition seeking initiation of CIRP against the Garima Real Estate & Allied Limited (Corporate Debtor). The financial creditors had executed application forms and application-cum-agreements with the corporate debtor under an allegedly illegal investment scheme. The corporate debtor assured the creditors fixed returns on maturity.

Subsequently, SEBI initiated proceedings against the corporate debtor on a complaint of illegal fund mobilization. By its order, SEBI prohibited the corporate debtor and its directors from continuing the Collective Investment Schemes (CIS) and issued the direction to wind up the scheme and refund the investors within three months. However, the corporate debtor failed to return the amount even after maturity. The total claimed amount, including interest, aggregated to Rs. 11,568,590.

The NCLT observed that the transactions in question constitute “financial debt” within the meaning of Section 5(8)(a) of the IBC, 2016, as they involve consideration for the time value of money. And, since the investors were promised assured returns, they fall under the category of “financial creditor” u/s 5(7) on the IBC. For its observations, the tribunal relied on the rulings of Hon'ble NCLAT in **Mohan Lal Dhakad v. BNG Global India Ltd., Bohar Singh Dhillon v. Rohit Sehgal, and Nikhil Mehta & Sons (HUF) v. AMR Infrastructures Ltd.**, wherein similar transactions were held to be financial debt.

Source: Live Law

Read Full news: [Investors Who Were Promised Assured Returns Qualify As Financial Creditors U/S 5\(7\) Of IBC: NCLT Indore](#)

➤ **NCLT Sanctions Fee for Outgoing Liquidator and Professionals under Regulation 34B of IBBI, Citing Regulatory Minimum and Services Rendered [Read Order]**

The Cochin bench of the National Company Law Tribunal (NCLT) sanctioned a monthly fee of Rs. 2 lakh for the outgoing Liquidator of M/s Asten Pvt. Ltd., along with professional costs incurred for accounting and secretarial services. Noting that the services had been duly rendered and that the admitted claims exceeded Rs. 200 Crores, the NCLT held that the Liquidator was entitled to the minimum fee prescribed under the regulations. M/s Asten Pvt. Ltd. underwent liquidation following the Adjudicating Authority's order dated 19.11.2024, after approval of resolution plans for certain projects.

The outgoing Liquidator, Sri K.C. Padmakumar, was appointed from the panel of Insolvency Professionals and conducted the liquidation process, which included public announcement of claims, collation of stakeholder claims, and appointment of professionals, such as a Chartered Accountant and secretarial assistance, to assist in the process.

Source: Taxscan

Read Full news: [NCLT Sanctions Fee for Outgoing Liquidator and Professionals under Regulation 34B of IBBI, Citing Regulatory Minimum and Services Rendered \[Read Order\]](#)

➤ **Belated Claims Of Homebuyers Can't Be Rejected When Reflected In Corporate Debtor's Records: NCLAT New Delhi**

The **National Company Law Appellate Tribunal (NCLAT) New Delhi** held that claims of genuine allottees whose names are reflected in the corporate debtor's records cannot be rejected merely on the ground that the claims were filed belatedly.

A bench of **Justice Ashok Bhushan and Mr. Arun Baroka (Technical Member)** held that “when the amount paid by the unit holders on the basis of valid allotment is reflected in the record of the Corporate Debtor, the judgment of *“Puneet Kaur vs. M/s. K.V. Developers Private Limited”* (supra) fully covers the issue and the said payments by unit holders cannot be ignored by Resolution Applicant and such claims were required a due consideration by the Resolution Applicant.”

Source: Live Law

Read Full news: [Belated Claims Of Homebuyers Can't Be Rejected When Reflected In Corporate Debtor's Records: NCLAT New Delhi](#)

