

Compliances to be made by IPs under IBC 2016 to IBBI and IPA of Institute of Cost Accountants of India

As Per the IBBI (Insolvency Professionals) Regulation, 2016 & Code of Conduct for Insolvency Professionals

Under Regulation 8A. An Insolvency professional shall disclose as to whether he was an employee of or has been in the panel of any financial creditor of the corporate debtor, to the committee of creditors and to the insolvency professional agency of which he is a professional member, and the agency shall publish such disclosure on its website.

Under Regulation 8B. An Insolvency professional shall disclose his relationship, if any, with the corporate debtor, other professionals engaged by him, financial creditors, interim finance providers, and prospective resolution applicants to the insolvency professional agency of which he is a member, within the time specified hereunder.

Relationship of the insolvency professional with (1)	Disclosure to be made within three days of (2)
Corporate debtor	his appointment.
Registered valuers/accountants/legal professionals/other professionals appointed by him	appointment of the professionals.
Financial creditors	the constitution of committee of creditors.
Interim finance providers	the agreement with the interim finance provider.
Prospective resolution applicants	the supply of information memorandum to the prospective resolution applicant
Relationship of the insolvency professional with	Disclosure to be made within three days of
If relationship with any of the above comes to notice or arises subsequently	of such notice or arising.

Under Regulation 8C. An Insolvency professional shall ensure disclosure of the relationship if any, of the other professionals engaged by him with himself, the financial creditor, the interim finance provider corporate debtor, the financial, if any, and the prospective resolution applicant, to the Insolvency Professional Agency of which he is a member, within the time specified as under.

Relationship of the other professional with Insolvency professional (1)	Disclosure to be made within three days of (2)
Insolvency professional	the appointment of the other professional.
Corporate debtor	the appointment of the other professional.
Financial creditors	constitution of committee of creditors.

Interim finance providers	the agreement with the interim finance provider or three days of the appointment of the other professional, whichever is later.
Prospective resolution applicants	the supply of information memorandum to the prospective resolution applicant or three days of the appointment of the other professional, whichever is later.
If relationship with any of the above, comes to notice or arises subsequently.	of such notice or arising.

Explanation-For the purposes of clauses 8B and 8C above, 'relationship' shall mean any one or more of the following four kinds of relationships at any time or during the three years preceding the appointment of other professionals:

Kind of relationship	Nature of relationship
(1)	(2)
A	Where the insolvency professional or the other professional, as the case may be, has derived 5% or more of his/its gross revenue in a year from professional services to the related party.
B	Where the insolvency professional or the other professional, as the case may be, is a shareholder, director, key managerial personnel or partner of the related party.
C	Where a relative (spouse, parents, parents of spouse, sibling of self and spouse, and children) of the insolvency professional or the other professional, as the case may be, has a relationship of kind A or B with the related party.
D	Where the insolvency professional or the other professional, as the case may be, is a partner or director of a company, firm or LLP, such as, an insolvency professional entity or registered valuer, the relationship of kind A, B or C of every partner or director of such company, firm or LLP with the related party.

Under Regulation 8D. An Insolvency professional shall ensure timely and correct disclosures by him, and other professionals appointed by him and shall provide a confirmation to the insolvency professional agency of which he is a professional member to the effect that the appointment, if any, of every other professional has been made at arm's length relationship.

Under Regulation 25A. An Insolvency professional shall disclose the fee payable to him, the fee payable to the insolvency professional entity, and the fee payable to professionals engaged by him to the insolvency professional agency of which he is a professional member, and the agency shall publish such disclosure on its website.

In accordance with the Monitoring Policy of the Insolvency Professional Agency of Institute of Cost Accountants of India, the reporting compliances for Insolvency Professionals are outlined as follows:

An Insolvency Professional is required to adhere to the Monitoring Policy of Insolvency Professional Agency of Institute of Cost Accountants of India.

Timely reporting, in accordance with the prescribed policy, is an essential obligation for Insolvency Professionals to fulfill.

1. As stipulated by Section 208(2)(d) of the IBC Code 2016

Each Insolvency Professional (IP) is obligated to submit a copy of the records pertaining to every proceeding before the Adjudicating Authority to both the Insolvency and Bankruptcy Board of India (IBBI) and the Insolvency Professional Agency of which the professional is a member.

2. MONTHLY STATUS REPORT

To be submitted by the 7th day of each month prior to the appointment as Interim Resolution Professional/Resolution Professional/Liquidator, continuing until the conclusion of the term or the submission of any substantial status report to the Monitoring Department of IPA of Institute of Cost Accountants of India concerning the status of their assignments. The report should adhere to the prescribed format outlined in the Monitoring Policy.

3. Other Time-Based Reporting

The Professional Member must report to IPA of Institute of Cost Accountants of India within 24 hours in the event of any warnings, penalties, strictures imposed by the competent authority, or the initiation of legal action against the Professional Member.

4. Half Yearly Report:

In accordance with Regulation 16 of the Insolvency and Bankruptcy Board of India (Model Byelaws and Governing Board of Insolvency Professional Agencies) Regulations, 2016, it is compulsory for every Professional Member to submit information, comprising records of both ongoing and concluded engagements as an Insolvency Professional. This submission must be made in the manner and format specified by the IPA, and it should occur at least twice a year.

Professional Members who are not actively managing any assignment under the Code are required to file a Half-Yearly Report (HYR) twice annually, explicitly stating "NIL."

Reporting Tenure	Last Date of submission
From 1st April to 30th September	15th October
From 1st October to 31st March	15th April

- **Progress Report**

Insolvency Professionals (IPs) may be obligated to submit regular progress reports to both the Insolvency and Bankruptcy Board of India (IBBI) and the Insolvency Professional Agency (IPA). These reports should provide updates on the status of ongoing insolvency cases under their purview.

- **Conclusion of Assignments Report**

Each member is required to submit a conclusion report within 7 days of completing each assignment to the IPA of Institute of Cost Accountants of India. This report should include a copy of the approved resolution plan or the liquidation order, as applicable.

[Note: Delay in Submission of Reports and Compliances may incur penalties, subject to the consideration of condonation as per the monitoring policy of Insolvency Professional Agency of Institute of Cost Accountants of India.]