



INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA



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IBC AU-COURANT

Insolvency Professional Agency of Institute of Cost Accountants of India



"We realize the importance of our voice when we are silenced"

Updates on Insolvency and Bankruptcy Code

➤ **Need fresh look at IBC to bring it back on track**

The new insolvency and bankruptcy regime in the country is floundering. When it came into force during the second half of 2016, it was hailed as one of the biggest reforms undertaken by the Central government (bigger than GST, as many would have us believe), which was supposed to resolve loan default cases fast and help banks achieve better recovery than the then average of 26% of the creditors' claim.

Source: The Indian Express

Read Full news at:

<https://www.newindianexpress.com/opinions/editorials/2022/mar/08/need-fresh-lookat-ibc-to-bringit-back-on-track-2427579.html>

➤ **195 businesses make it to bankruptcy tribunals in December quarter**

December quarter data shows that under the Insolvency and Bankruptcy Code, 457 cases have been rescued so far, one third of which were in deep distress. The businesses rescued had assets worth ₹1.5 trillion. Taking the total cases ending up in courts for rescue to 4,946 so far, as per an official update from the Insolvency and Bankruptcy Board of India (IBBI).

Source: Mint

Read Full news at:

<https://www.livemint.com/news/india/195-businesses-make-it-to-bankruptcy-tribunals-in-december-quarter-11646650751627.html>

➤ **Final KPMG forensic audit report on SREI had gaps: Hemant Kanoria in NCLT**

KPMG, which conducted a forensic audit on SREI, submitted three reports and the final one had gaps, counsel representing Hemant Kanoria said before the Kolkata Bench of the National Company Law Tribunal (NCLT) on Monday. Findings by a forensic auditor after three reports – preliminary, draft and final that too with gaps, calls into serious question as to the procedure and process followed in that proceeding as well, said Ratnanko Banerji, senior advocate representing Hemant Kanoria.

Source: Business Standard

Read Full news at:

https://www.business-standard.com/article/companies/final-kpmg-forensic-audit-report-on-srei-had-gaps-hemant-kanoria-in-nclt-122030701326_1.html

➤ **Avoidance applications in jeopardy?**

This controversy has sparked widespread debate among legal practitioners and academics after Delhi High Court, in Venus Recruiters Private Limited v Union of India and Ors, held that the National Company Law Tribunal (NCLT) would have no jurisdiction to entertain and decide avoidance applications after the approval of the resolution plan, unless a provision is made to the contrary in the resolution plan

Source: Asia Business Law Journal

Read Full news at:

<https://law.asia/avoidance-applications-in-jeopardy/>



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