

Date: September 15, 2021

# IBC AU COURANT

Insolvency Professional Agency of Institute of Cost Accountants of India



**“Just believe in yourself. Even if you don't, pretend that you do and, at some point, you will”**

## **Updates on Insolvency and Bankruptcy Code**

### **SC says no power to condone delay in NSEL appeal**

In this case, NSEL had preferred an appeal before the NCLAT after a delay of 44 days, which was beyond the maximum 15 days period that could be condoned under Section 61(2) of the IBC. The appellate tribunal had dismissed the appeal on the ground of limitation by observing that it has no jurisdiction and/or power to condone the delay exceeding 15 days. The IRP had rejected the NSEL's claim on the ground that there was no privity of contract between the spot exchange and Dunar Foods. The NCLT had upheld the IRP's decision not to include the claim of the appellant as a creditor. NSEL had then filed an appeal before the NCLAT after a delay of 44 days.

**Source: Financial Express**

**Please find the full news at:**

<https://www.financialexpress.com/market/sc-says-no-power-to-condone-delay-in-nsel-appeal/2330343/>

### **Liquidation as a going concern is an effort to maximise value & save firms under insolvency | INTERVIEW:**

In an effort to maximise the value of a company undergoing insolvency proceedings, the bankruptcy court has allowed for liquidation of the company as a going concern. This amendment tries to stitch all the assets of the company as a whole, in a last-mile attempt to save the business as a whole. Explaining how the newly introduced liquidation process works, Nitin Jain, Senior Partner at AAA Insolvency Professionals LLP, said that the main objective is to maximise value for creditors. Nitin Jain is the official liquidator for PSL Group — recently liquidated as a going concern.

**Source: Financial Express**

**Please find the full news at:**

<https://www.financialexpress.com/industry/liquidation-as-a-going-concern-an-effort-to-maximise-value-and-save-firms-under-insolvency-interview/2329836/>

## **MCA, Finance Ministry hammer out key changes to IBC at review meet**

A high-level review meeting was held on Tuesday with Chief Economic Advisor Krishnamurthy Subramanian, corporate affairs ministry, and senior officials to discuss some key changes to the Insolvency and Bankruptcy Code (IBC). According to sources, one of the main topics of discussion was the code of conduct for the Committee of Creditors (CoC) proposed by the Insolvency and Bankruptcy Board of India (IBBI). The corporate affairs ministry is working closely with the finance ministry and other regulators on the issue of conduct of the CoC under the insolvency resolution process.

**Source: Business Standard**

**Please find the full news at:**

[https://www.business-standard.com/article/economy-policy/mca-finance-ministry-hammer-out-key-changes-to-ibc-at-review-meet-121091401423\\_1.html](https://www.business-standard.com/article/economy-policy/mca-finance-ministry-hammer-out-key-changes-to-ibc-at-review-meet-121091401423_1.html)

## **Letters to the editor dated September 14, 2021**

Apropos the Editorial 'IBC-five years young' (September 14), in the last over three decades, there has been three major recovery mechanisms — Lok Adalat in 1986, Debt Recovery Tribunals (DRT) in 1993 and SARFEASI Act in 2002. When Lok Adalat was introduced, all banks were jubilant that they got some remedy in realising their long pending overdues. Likewise, when DRTs came into existence, it further enhanced the confidence of bankers that legally, they got a right to seek remedy in recovering the dues. But unfortunately, both did not give enough expected results.

**Source: The Hindu Business Line**

**Please find the full news at:**

<https://www.thehindubusinessline.com/opinion/letters/letters-to-the-editor/article36458738.ece>



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