



INSOLVENCY PROFESSIONAL AGENCY  
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

# IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

*"Don't be afraid to give up the good to go for the great."*

*"Don't be afraid to give up the good to go for the great."*

## ➤ **Raising Funds Through Share Subscription-Cum-Shareholders Agreement Is Financial Debt, Plea U/S 7 Of IBC Maintainable: NCLT Mumbai**

The National Company Law Tribunal (NCLT), Mumbai Bench, comprising *Shri Kuldip Kumar Kareer (Judicial Member) and Shri Anil Raj Chellan (Technical Member)*, held that money raised through a share and subscription agreement in which an exit window with stipulated return is provided will constitute a financial debt for which a petition under section 7 of the Insolvency and Bankruptcy Code (IBC) can be filed. However, in this case, the petition was dismissed as debt amount failed to meet the threshold limit provided under section 4 of the IBC.

**Spectrum Trimpex Pvt. Ltd (Financial creditor)** invested the amount to the tune Rs. 16,55,700 in **VPhrase Analytics Solutions Pvt. Ltd. (corporate debtor)** through a share subscription and shareholders agreement on February 24, 2016. Thereafter, 378 shares of the corporate debtor were allotted to the financial creditor with a provision of compulsory redemption. It was provided in the agreement that there shall be an exit period of 5 years within which the founders had to facilitate the exit of the investors. It was further stipulated that if the founders failed to facilitate the exit within that period, the investor had a right to claim buy back of shares at a value determined by an independent valuator.

**Source: Live Law**

**Read Full news:** <https://www.livelaw.in/ibc-cases/raising-of-amount-company-share-subscription-cum-shareholders-agreement-financial-debt-petition-us-7-maintainable-nclt-mumbai-272305>

## ➤ **Pre-Existing Dispute Does Not Bar Operational Creditor From Filing S.9 Application: NCLT Admits CIRP Against Syska LED**

The National Company Law Tribunal Mumbai Bench, Court-II, comprising of Justice Kuldip Kumar Kareer (Member Judicial) and Anil Raj Chellan (Member Technical), admitted a Section 9 petition filed

by operational creditor (Sunstar Industries) against the Corporate Debtor (Syska LED Lights Pvt. Ltd) stating that initiation of proceedings before the Micro, Small and Medium Enterprise Facilitation Council (MSEFC) in Delhi, and a complaint under Section 138 of the Negotiable Instruments Act, 1881 did not preclude it from filing a Section 9 application under the Insolvency and Bankruptcy Code, 2016.

Sunstar Industries, a producer of electrical equipment had entered a business contract with the Corporate Debtor (Syska LED Lights Pvt. Ltd) in the year of 2017-18. Both the entities agreed to supply the products and Corporate Debtor would repay with a credit period of 60 days. Besides, Operational Creditor delivered the supplied materials worth Rs 7,19,45,493 to the Corporate Debtor and released 25 invoices between March 2023 and July 2023.

**Source: Live Law**

**Read Full news :** <https://www.livelaw.in/ibc-cases/nclt-mumbai-admits-section-9-petition-against-syska-led-lights-272285>

### ➤ **314 Maharashtra housing projects registered with MahaRERA face insolvency proceedings**

A total of 314 housing projects across Maharashtra, registered with the state's Real Estate Regulatory Authority (MahaRERA), are currently facing insolvency and bankruptcy proceedings. The list includes projects by prominent developers such as Lavasa, Wadhwa Group, Godrej Properties, Sheltrex Karjat (Tanaji Malasare), RNA Corp, Radius, Nirmal Lifestyle, Neptune Developers and Housing Development and Infrastructure Limited (HDIL).

This information came to light when MahaRERA began investigating the extent of the situation, gathering data from various sources including the National Company Law Tribunal (NCLT). The real estate regulator subsequently published the list on its website to protect homebuyers from potential deception and inform stakeholders about proceedings initiated by banks, financial institutions, and other entities extending credit to the real estate sector.

**Source: Hindustan Times**

**Read Full news :** <https://www.hindustantimes.com/cities/mumbai-news/314-maharashtra-housing-projects-registered-with-maharera-face-insolvency-proceedings-101728648351770.html>

