



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



"A year from now you may wish you had started today"

Updates on Insolvency and Bankruptcy Code

➤ **Lenders expect to close Jaypee Infratech's debt resolution by March**

Indian lenders are expecting to sell Jaypee Infratech, a real estate firm, to Suraksha Realty by next month under the bankruptcy process thus ending a long drawn litigation over the company's bankruptcy. On Monday, the NCLT adjourned the hearing to Wednesday and a banker said a final decision by NCLT is expected by March last week as the delay has already crossed the time prescribed under the Insolvency and Bankruptcy Code, 2016 to complete the entire process.

Source: Business Standard

Read Full news at:

https://www.business-standard.com/article/companies/lenders-expect-to-close-jaypee-infratech-s-debt-resolution-by-march-122021501150_1.html

➤ **₹1 cr fine slapped for manipulating insolvency plea**

The NCLT said the penalty should be paid to , a non-tax receipt platform, maintained by the central government within 30 days. Rao, whose wife is one of the owners, was found to have manipulated the insolvency plea to save the firm from debtors in connivance with the insolvency resolution professional.

Source: Times of India

Read Full news at:

<https://timesofindia.indiatimes.com/city/hyderabad/1-cr-fine-slapped-for-manipulating-insolvency-plea/articleshow/89602482.cms>

➤ **Pre-requisite of notice to the personal guarantor is satisfied on a service of notice as per Form B: NCLT, Mumbai**

The NCLT, Mumbai Bench consisting of Smt. Suchitra Kanuparthi (Judicial Member) and Smt. Anuradha Sanjay Bhatia (Technical Member) in the case of Union Bank of India v. Mr. Dheeraj Wadhawan admitted the application filed by the Union Bank of India/Financial Creditor u/s 95 of the Insolvency and Bankruptcy Code, 2016 on the ground that the IBC does not prescribe personal service and service as per Form B is valid for the purposes of a petition under Section 95 of the Code.

Source: Live Law

Read Full news at:

<https://www.livelaw.in/news-updates/pre-requisite-of-notice-to-the-personal-guarantor-is-satisfied-on-a-service-of-notice-as-per-form-b-nclt-mumbai-192000>

➤ **Commercial wisdom of the CoC to prevail, unless the same is in contravention of any law, reiterates NCLAT**

The NCLAT, Principal Bench consisting of Justice Anant Bijay Singh (Judicial Member) and Ms. Shreesha Merla (Technical Member) in Noida Special Economic Zone Authority v. Mr. Manish Agarwal refused to set aside the order passed by the Adjudicating Authority, which approved the Resolution Plan, reiterating that the commercial wisdom of the CoC with respect to viability and financial decision taken while evaluating the Resolution Plan has to prevail, unless the same is in contravention of any law.

Source: Live Law

Read Full news at:

<https://www.livelaw.in/news-updates/commercial-wisdom-of-the-coc-to-prevail-unless-the-same-is-in-contravention-of-any-law-reiterates-nclat-192001>

➤ **Seek Delhi HC nod for asset sale to Reliance: SC to Future**

It could come as a small window of hope for the beleaguered Future Retail, which is threatened with insolvency proceedings by a consortium of 26 banks while being engaged in a bitter multi-forum litigation with Amazon. The multinational, on the strength of its Rs 1,473crore investment in Future Coupons, had initiated arbitration proceedings against Future Group and got a restraint order against sale of Future Retail assets.

Source: The Times of India

Read Full news at:

<https://timesofindia.indiatimes.com/business/india-business/seek-delhi-hc-nod-for-asset-sale-to-reliance-sc-to-future/articleshow/89604343.cms>

➤ **Dewan Housing ruling gives a new direction to insolvency resolution**

The ruling makes it clear that recoveries from fraudulent transactions undertaken prior to insolvency, meant to take funds out of the company, would accrue to the creditors of the company, rather than the entity that buys the resolved asset 27 January that will prove a major milestone in the evolution of insolvency resolution jurisprudence in India.

Source: Mint

Read Full news at:

<https://www.livemint.com/opinion/online-views/dewan-housing-ruling-gives-a-new-direction-to-insolvency-resolution-11644915129932.html>



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