



INSOLVENCY PROFESSIONAL AGENCY  
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

# IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

*"No one can make you feel inferior without your consent."*

## ➤ **Delay of 115 Days In Refiling Appeal Cannot Be Condoned On Frivolous Grounds: NCLAT**

The NCLAT New Delhi bench of Justice Ashok Bhushan (Judicial Member), Mr. Barun Mitra (Technical Member) and Mr. Arun Baroka (Technical Member) has held that allowing refiling delay condonation on frivolous grounds would be an anathema to the timeliness and integrity of the liquidation process. In this case, the tribunal refused to condone delay of 115 days in refiling the present appeal.

The present application has been filed seeking condonation of delay of 115 days in refiling the appeal. The applicant submitted that the delay was primarily caused by unforeseen and exceptional circumstances beyond the control of the Applicant since the original set of documents had been inadvertently misplaced/lost by the Delhi based local clerk entrusted with the physical filing of the application.

*Source: Live Law*

*Read Full news:* <https://www.livelaw.in/ibc-cases/delay-of-115-days-in-refiling-appeal-cannot-be-condoned-on-frivolous-grounds-nclat-283231>

## ➤ **NCLAT Member Recuses From Hearing Appeal By Riju Ravindran Against Inclusion Of Aditya Birla, Glas Trust In CoC As Financial Creditors Of Byju's**

**Justice Sharad Kumar Sharma (Judicial Member)**, Judicial Member of of the National Company Law Appellate Tribunal (NCLAT) Chennai bench, has recused from hearing ed-tech start-up, Byjus' founder, Riju Raveendran's appeal against the order of the National Company Law Tribunal (NCLT) Bengaluru, which allowed Glas Trust and Aditya Birla Finance to be included in the Committee of Creditors (CoC) as Financial Creditors of Think & Learn (Parent Company of Byjus).

“As per the cause title of the instant Company Appeal, as one of the respondents reflected therein, happens to be the BCCI (Respondent No.4) on whose behalf, I had regularly appearing as a Senior counsel, I recuse the matter to be heard by the Bench of which one of us, the Judicial Member, is a member of the bench”

**Source: Live Law**

**Read Full news:** <https://www.livelaw.in/ibc-cases/nclat-member-recuses-from-hearing-appeal-by-riju-ravindran-283232>

## ➤ **Delhi High Court quashes ED proceedings against Bhushan Power and Steel**

The Delhi High Court has quashed the Enforcement Directorate (ED) proceedings against Bhushan Power and Steel Limited (BPSL), citing the 'clean slate theory' under Section 32A of the Insolvency and Bankruptcy Code. This section restricts the liability of the corporate debtor (the entity against which the insolvency process has been initiated) for offences committed before the commencement of the insolvency process. The court, however, stressed that former promoters and directors would still be held responsible for offences committed prior to the insolvency proceedings.

In 2017, the National Company Law Tribunal (NCLT) admitted an insolvency petition against BPSL filed by Punjab National Bank (PNB). During the insolvency process, JSW Steel emerged as the successful resolution applicant, and its resolution plan was conditionally approved by the NCLT on September 5, 2019. However, the ED had launched a money laundering investigation and provisionally attached BPSL's assets on October 10, 2019.

**Source: Business Standard**

**Read Full news:** [https://www.business-standard.com/companies/news/delhi-high-court-quashes-ed-proceedings-against-bhushan-power-and-steel-125020601818\\_1.html](https://www.business-standard.com/companies/news/delhi-high-court-quashes-ed-proceedings-against-bhushan-power-and-steel-125020601818_1.html)

## ➤ **IBBI proposes 'mini group insolvency' to streamline resolution of interconnected entities**

In a major step toward improving the insolvency resolution framework, the Insolvency and Bankruptcy Board of India (IBBI) has proposed a mechanism for better coordination of the Corporate Insolvency Resolution Process (CIRP) for interconnected entities.

A discussion paper released by the regulator highlights the inefficiencies, escalated costs and conflicts arising from the absence of a structured approach when multiple related entities undergo CIRP simultaneously. The proposed amendments seek to introduce joint hearings, appointment of a common resolution professional, information-sharing protocols and coordinated timelines to enhance efficiency and value realisation.

**Source: The Hindu Business Line**

**Read Full news:** <https://www.thehindubusinessline.com/economy/ibbi-proposes-mini-group-insolvency-to-streamline-resolution-of-interconnected-entities/article69188971.ece>

➤ **NCLT Hyderabad Rejects Application U/S 9 Of IBC Filed By M/s Isthara Parks Private Ltd On Grounds Of Pre-Existing Dispute**

The NCLT Hyderabad Bench of **Shri Rajeev Bhardwaj (Judicial Member)** and **Shri Sanjay Puri (Technical Member)** has held that once a prima facie case of a genuine pre-existing dispute is made out prior to issuance of demand notice under Section 8(1) of the IBC, the Adjudicating Authority must reject an application filed by Operational Creditor under Section 9 of the Code.

**Source: Live Law**

**Read Full news:** <https://www.livelaw.in/ibc-cases/nclt-hyderabad-rejects-application-us-9-of-ibc-filed-by-ms-isthara-parks-private-limited-on-ground-of-pre-existing-dispute-283190>

