



INSOLVENCY PROFESSIONAL AGENCY
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LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

"The journey of a thousand miles begins with one step."

➤ **Approved Resolution Plan Cannot Be Reopened For Belatedly Agitated Claims: NCLAT**

The **National Company Law Appellate Tribunal**, Principal Bench, New Delhi comprising of Justice Ashok Bhushan (Chairperson), Barun Mitra (Member (Technical) and Arun Baroka (Member (Technical)), dismissed a set of four appeals filed under Section 61 of Insolvency and Bankruptcy Code 2016 stating that the appellants had failed to exercise due diligence on protecting their rights with the prescribed timelines.

The case involves the adjudication of four appeals filed by multiple appellants, primarily home buyers, who had invested in a real estate project named "Earth Iconic" developed by Earth Infrastructure Ltd. (EIL). The appellants had paid a substantial amount towards the purchase of units in the project. However, due to financial distress, EIL underwent a Corporate Insolvency Resolution Process (CIRP). Subsequently, Celestial Estate Pt. Ltd (CEPL) also entered CIRP.

The Resolution professional (RP) of CEPL had issued public notices inviting claims in April, 2019. The appellants did not file their claims within this period and only became aware of the CIRP proceedings in December 2023, by which time the resolution plan had already been approved by the Committee of Creditors (CoC) and by the Adjudicating Authority in March 2021.

Source: Live Law

Read Full news: <https://www.livelaw.in/ibc-cases/no-reopening-of-approved-resolution-plan-belatedly-agitated-claims-nclat-principal-bench-new-delhi-286051>

➤ **CoC gets more power, IBBI makes formation of monitoring panel mandatory**

The government has given significant additional powers to the committee of creditors (CoC), the primary decision-making body once bankruptcy proceedings are initiated. The Insolvency and Bankruptcy Board of India (IBBI) via a recent notification has made it mandatory for the CoC to

constitute a “monitoring committee” (MC) to oversee the implementation of a resolution plan, according to official sources.

The regulator is also likely to soon prescribe an “oversight committee” (OC) which would keep an eye on the CoC to ensure that its members follow the guidelines notified by the IBBI. The proposed OCs would likely be empowered to hold CoC members accountable for lapses, mismanagement, or any decision that may harm the resolution process, the sources said

Source: Financial Express

Read Full news: <https://www.financialexpress.com/business/banking-finance/insolvency-creditors-panel-to-get-more-powers-soon/3772299/>

➤ **Promoter Undergoing CIRP Can Be Permitted To Complete Project For Benefit Of Homebuyer: NCLAT**

The National Company Law Appellate Tribunal (NCLAT), Principal Bench, New Delhi, comprising of Justice Ashok Bhushan] Chairperson, Barun Mitra (Member (Technical) and Arun Baroka (Member (Technical), dismissed an appeal filed by the suspended directors of the Supertech Township Projects Ltd stating that the resolution plan of the corporate debtor must proceed strictly as per the Insolvency and Bankruptcy Code (IBC), 2016.

The case is regarding Supertech Township Projects Ltd, a real estate company that was incorporated in the year 2010, for the development of a residential project named Golf Country at Yamuna Expressway, Greater Noida. To initiate and finance the project, the company secured a term loan amounting to Rs 140 crores from Punjab and Sindh Bank in 2012-13 and additional financial assistance of Rs 100 Crores each was extended by Bank of Maharashtra and Oriental Bank of Commerce (now Punjab National Bank).

Source: Live Law

Read Full news: <https://www.livelaw.in/ibc-cases/promoter-undergoing-cirp-can-be-permitted-to-complete-the-project-for-the-benefit-of-the-homebuyer-nclat-principal-bench-new-delhi-285991>

