



INSOLVENCY PROFESSIONAL AGENCY
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"Failure doesn't mean you are a failure it just means you haven't succeeded yet."

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➤ **Application U/S 65 Of IBC Can Be Considered Even Before Admission Of Insolvency Petition: NCLAT New Delhi**

The National Company Law Appellate Tribunal (NCLAT), Principal Bench, New Delhi, comprising Mr. Justice Rakesh Kumar Jain (Judicial Member), Mr. Naresh Salecha (Technical Member) and Mr. Indevan Pandey (Technical Member), held that an application under section 65 of the Insolvency and Bankruptcy Code (IBC) can be considered even before formal admission of the Corporate Insolvency Resolution Process (CIRP) petitions.

This appeal is directed against two orders passed by the NCLT on August 29, 2023 wherein a petition under section 7 and an application under Section 60(5), 65 and 75 of the IBC were dismissed by the NCLT. The appellant filed a petition under section 7 of the IBC to initiate corporate insolvency resolution process against **Aravali Cylinders Pvt. Ltd.(corporate debtor)** for the debt amount to the tune of Rs. 2,31,00,000 which was dismissed. Second application was filed jointly by Leelawati Mahipal and Sanjay Mahipal, shareholders of the corporate debtor under Section 60(5), 65 and 75 of the IBC on the ground that such application could not be admitted before the admission of the petition under section 7 of the IBC.

Source: Live Law

Read Full news: <https://www.livelaw.in/ibc-cases/application-us-65-of-ibc-can-be-considered-even-before-admission-of-insolvency-petition-nclat-new-delhi-272425>

➤ **Look-Back Period Can't Be Extended Beyond 2-Yr Limit U/S 43(4) Of IBC For Related-Party Transactions: NCLAT**

The National Company Law Appellate Tribunal, Principal Bench, New Delhi comprising Justice Yogesh Khanna (Judicial Member) and Mr. Ajai Das Mehrotra (Technical Member) has held that

section 43 of the Insolvency and Bankruptcy Code (IBC) does not allow the extension of the look-back period beyond 2 years for related-party transactions.

M/s Sysco Industries Ltd. (Corporate Debtor) had supplied certain goods to M/s Pratap Associates, a HUF firm of the erstwhile shareholder and Director (Appellant No.3), a related party. Such goods were supplied before 23.05.2018 and the outstanding amount against Pratap Associates as of that date was Rs.7.78 crores.

Source: Live Law

Read Full news : <https://www.livelaw.in/ibc-cases/nclat-look-back-period-cant-be-extended-beyond-2-year-limit-us-434-of-ibc-for-related-party-transactions-272424?code=qMQt7qTuFvJtRONZ5KsvPAa8Osy8du>

➤ **Bombay High Court Holds Redevelopment Rights of Society Not Part Of Moratorium Process; Issues Writ Of Mandamus For Redevelopment, Upholding Right to Shelter**

The **Bombay High Court** division bench of **Justices Kamal Khata** and **M.S. Sonak** has held that if the developer fails to meet its obligations under the Development Agreement, such as paying transit rent and completing construction within the specified time frame, there is a complete failure of consideration, and no rights accrue to it. The court awarded a writ of mandamus for permissions and approvals for redevelopment. It observed that the uncertain outcome of a Corporate Insolvency Resolution Process (CIRP) shouldn't deprive individuals of their basic right to shelter.

Source: Live Law

Read Full news : <https://www.livelaw.in/ibc-cases/bombay-high-court-holds-redevelopment-rights-of-society-not-part-of-moratorium-process-issues-writ-of-mandamus-for-redevelopment-upholding-right-to-shelter-272389>

