



INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA



IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

"The only way to do great work is to love what you do."

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➤ IBC resolved as many cases in 7 yrs as BIFR did in 30 yrs

NEW DELHI: FM Nirmala Sitharaman on Thursday said that the seven-year-old Insolvency & Bankruptcy Code (IBC) has helped rescue 3,171 distressed companies and assisted in the closure of unviable ones — a sharp contrast to less than 3,500 cases being resolved by the erstwhile Board of Industrial and Financial Reconstruction (BIFR) during its life of over 30 years, starting 1978.

In a social media post, the FM said the law enacted by the Modi govt has also helped improve corporate governance as there is a "credible threat" that a promoter or management can lose control over a company that defaults in repaying to creditors.

Pointing to a shift towards more responsible credit behavior. She said, up to March 2024, over 28,000 applications involving defaults of over Rs 10 lakh crore were withdrawn before their admission as companies opted to clear the dues of creditors.

FM said that the law had brought a paradigm shift in the debtor-creditor relationship and provided a streamlined, one-stop solution for resolving insolvencies, while prioritizing resolution over liquidation and helping preserve jobs and the value of assets. "IBC has played a key role in helping banks recover from the NPA crisis created by @INCIndia and its allies during the UPA years through 'phone banking' and indiscriminate lending.

Source: The Times of India

Read Full news: <https://timesofindia.indiatimes.com/city/delhi/insolvency-bankruptcy-code-ibc-vs-board-of-industrial-and-financial-reconstruction-bifr/articleshow/110574635.cms>

➤ **NCLAT Delhi: NCLT Rule 49 Gives Ample Authority To Adjudicating Authority To Proceed “Ex Parte” As “Appearance” Refers To Appearance By CD Or By Authorised Representative**

The National Company Law Appellate Tribunal ('NCLAT') Delhi, comprising Justice Ashok Bhushan (Chairperson), Mr. Barun Mitra (Technical Member), and Mr. Arun Baroka (Technical Member) held that Rule 49 of NCLT Rules, 2016 gives ample jurisdiction to the Adjudicating Authority to proceed for ex parte as the corporate debtor does not appear. “Appearance” as contemplated under Rule 49(1) is an appearance by the corporate debtor or by an authorized representative.

Source: Live Law

Read Full news : <https://www.livelaw.in/ibc-cases/nclat-delhi-rule-49-nclt-rules-2016-ex-parte-appearance-corporate-debtor-259254>

➤ **NCLAT Upholds Adani Goodhomes' Resolution Plan for Radius Estate**

The National Company Law Appellate Tribunal (NCLAT) has upheld the resolution plan proposed by Adani Goodhomes for realty firm Radius Estate, despite dissent from financial creditors. The plan, which includes a significant 93 percent haircut for creditors, received validation from the NCLAT Chairman. who emphasized the commercial wisdom behind the Committee of Creditors' decision...

Initially approved by the Mumbai bench of the National Company Law Tribunal (NCLT) on January 9, 2022, Adani Goodhomes' resolution plan garnered an 83.99 percent vote from the Committee of Creditors (CoC) and was subsequently endorsed by the NCLT. The plan ensures the possession of nearly 700 flats ..

Source: Construction World

Read Full news : <https://www.constructionworld.in/latest-construction-news/real-estate-news/nclat-upholds-adani-goodhomes-resolution-plan-for-radius-estate/56190>

