



INSOLVENCY PROFESSIONAL AGENCY  
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

# IBC AU-COURANT

LATEST UPDATES ON INSOLVENCY AND BANKRUPTCY

*Start where you are. Use what you have. Do what you can.*

*Start where you are. Use what you have. Do what you can.*

## ➤ NCLT orders liquidation of Future Retail

The National Company Law Tribunal (NCLT) at Mumbai on Monday ordered the liquidation of retail chain, Future Retail Limited (FRL) [Bank of India v. Future Retail Limited]. A coram comprising judicial member Kuldeep Kumar Kareer and technical member Anil Raj Chellan passed the order after noting that the maximum period for the corporate insolvency resolution process (CIRP) had expired.

"Looking at the application and averments made therein, it is evident that the maximum period of the CIRP has expired and no Resolution Plan has been approved by the CoC. We are of the considered opinion that this is a fit case for liquidation. Therefore, we hereby order the liquidation of the Corporate Debtor," the July 29 order said.

The order was passed on an application for liquidation by Vijaykumar Iyer, who had been appointed as the resolution professional in July 2022 when the CIRP for Future Retail commenced.

The tribunal noted that only one resolution plan was considered by the committee of creditors (CoC) constituted to oversee the CIRP for Future Retail. However, this resolution plan failed to pass muster after it was put to vote before the CoC. Therefore, on October 26, 2023, the CoC decided to liquidate Future Retail.

Accordingly, a liquidation application was filed before the NCLT which has now allowed the same. The NCLT also appointed Sanjay Gupta as the liquidator.

*"To maximise the value of the Corporate Debtor (FRL), the Liquidator shall endeavour the sale of the Corporate Debtor as a going concern under Regulation 32A clause (e) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016," the NCLT said.*

**Source: Bar and Bench**

**Read Full news:** <https://www.barandbench.com/news/nclt-orders-liquidation-of-future-retail>

## ➤ **Karnataka High Court Disposes Byju Raveendran's Plea After NCLAT Begins Hearing His Appeal Challenging Insolvency Proceedings**

The Karnataka High Court on Tuesday disposed of the petition filed by Byju Raveendran seeking to suspend the National Company Law Tribunal (NCLT) order, which admitted his parent company Think and Learn Private Limited (TLPL), into the insolvency resolution process.

A single judge bench of Justice S R Krishna Kumar disposed of the matter after it was informed that a special bench is constituted by National Company Law Appellate Tribunal (NCLAT) and which heard the matter today and further hearing is to continue on Wednesday. The court granted liberty to the petitioner to revive the petition if the occasion arises.

*Source: Live Law*

*Read Full news : <https://www.livelaw.in/high-court/karnataka-high-court/karnataka-high-court-dismissed-byju-raveendran-plea-nclat-appeal-byjus-bcci-insolvency-proceedings-265069>*

## ➤ **Section 10 Shouldn't Be Exploited And Abused By Corporate Debtor, Application After SARFAESI Proceedings Invalid: NCLAT Principle Bench**

The National Company Law Appellate Tribunal Principal Bench New Delhi of Justice Ashok Bhushan (Chairperson) and Barun Mitra (Technical Member) held that the protective provisions of Section 10 of the IBC should not be exploited or abused by the Corporate Debtor to gain an unfair advantage.

The bench noted that the SARFAESI proceedings initiated by the bank begun well before the filing of the Section 10 application by the Corporate Debtor. Thus, it noted that the application under Section 10 was a tactical maneuver rather than a genuine effort for insolvency resolution.

*Source: Live Law*

*Read Full news : <https://www.livelaw.in/ibc-cases/nclat-delhi-section-10-ibc-corporate-debtor-sarfaesi-proceedings-invalid-264977>*

