



INITIATIVES

Programmes on Insolvency and Bankruptcy Code, 2016

Programmes on Insolvency and Bankruptcy Code, 2016 were held recently at Hyderabad and Ahmedabad. Programmes will be held next at Delhi, Agra and Mumbai.

Learning Management System (LMS) for IBBI Limited Insolvency Examination

The Learning Management System which is designed as per the Syllabus of the Limited Insolvency Examination as prescribed by The Insolvency and Bankruptcy Board of India is continuously being updated and is offered free of cost. This portal supports content as well as self evaluation tests. There are over 4500 registered users with 97000 tests taken in the few months of its launch.

The Learning Management System is available at the link: <http://www.iiopicai.in/index.php/learning>

Indian Institute of Insolvency Professionals of ICAI (IIPI) Partners with the Institute of Chartered Accountants of England and Wales (ICAEW) for Knowledge Sharing

The Indian Institute of Insolvency Professionals of ICAI (IIPI) has entered into an arrangement with the Institute of Chartered Accountants of England and Wales (ICAEW), the largest regulator of insolvency professionals in the UK, with over 30 years of experience in this field, for training of Insolvency Professionals enrolled with IIPI.

Under the arrangement, the Insolvency Professionals can subscribe to the ICAEW's online Insolvency and Restructuring Group (IRG) through IIPI and will be provided access to Live and pre-recorded webinars, E-newsletters, Help sheets on specialised areas of insolvency practice, Access to ICAEW's online specialist insolvency community. Registered participants will be provided facilities at a discounted rate, including ICAEW's annual insolvency conference, etc.

NEWS UPDATE

IBBI has registered National E- Governance Services Limited (NeSL) as an Information Utility (IU) under the IBBI (Information Utilities) Regulations, 2017

The Insolvency and Bankruptcy Board of India has registered National E- Governance Services Limited (NeSL) as an Information Utility (IU) under the IBBI (Information Utilities) Regulations, 2017. NeSL becomes the first IU registered by the IBBI. The registration is valid for five years from the date of registration.

The Details about the IU is available at the link <http://ibbi.gov.in/webadmin/pdf/press/2017/Sep/IU%20Registration%20Press%20Release.pdf>

The Supreme Court interprets the term “dispute” under the Insolvency and Bankruptcy Code, 2016

The Supreme Court has recently in the case of Mobilox Innovations Private Limited versus Kirusa Software Private Limited allowed the appeal and held that-

“The Adjudicating authority is to see whether there is a plausible contention which requires further investigation and that the “dispute” is not a patently feeble legal argument or an assertion of fact unsupported by evidence.

“So long as a dispute truly exists in fact and is not spurious, hypothetical or illusory, the adjudicating authority has to reject the application”.

The Supreme Court observed that definition of dispute is an inclusive one, the word “includes” substituted the word “means” which occurred in the first Insolvency and Bankruptcy Bill.

The corporate debtor raised a plausible contention requiring further investigation which is not a patently feeble legal argument or an assertion of facts unsupported by evidence. It was held that a dispute truly exists in fact between the parties, which may or may not ultimately succeed.

NCLT, Chennai Bench restrains State Bank of India from selling assets of personal guarantor during moratorium period

NCLT Chennai Bench has restrained State Bank of India from selling assets of personal guarantor of Veasons Energy Systems during moratorium period.

NCLT observed that if the Financial Creditor during the Corporate Insolvency Resolution Process and declaration of the moratorium is permitted to proceed against the personal guarantor of the Corporate Debtor for recovery of the outstanding debt to the extent of the personal guarantee given, then, the security interest if any, of the Financial Creditor shall get transferred to the guarantor which will be in violation of Sec 14 (1) (b) of the IBC, 2016 since the moratorium prohibits transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein.

Hope you find this Update helpful.

Suggestions if any, may be mailed to ipa@icai.in