

## Program Structure

Session Sequence	Topic	Duration	Anchor Speaker
1.	<u>Fundamentals of Section 66</u> <ul style="list-style-type: none"> <li>➤ Identification of Transactions</li> <li>➤ Submission of Identified Transactions and Agencies concerned.</li> <li>➤ What should be the contents of the Application made by IRP/RP</li> <li>➤ How to deal in the matters where promoters are absconding and there are no books and accounts available for the corporate debtor?</li> <li>➤ Even when no resolution plan is received, can section 66 be triggered?</li> </ul>	30minutes	Mr. Vinod Kothari
2.	<u>Impact of Other Laws</u> <ul style="list-style-type: none"> <li>➤ Whether Income tax order proposing adjustment towards bogus purchase / sales and book entries be entertained and used as evidence before the Hon'ble NCLT while adjudicating the application filed by RP?</li> <li>➤ The acts described in Sec 66(2) fall within the ambit of sections 421 and 422 of IPC. Is Adjudicating Authority ("AA") empowered to adjudicate on a matter which is inherently criminal in nature?</li> <li>➤ Does the applicability of section 66 extend to liquidation as well? If yes, are there any applications moved and adjudicated?</li> <li>➤ Provisions of section 66(1) talks about filing an application under CIRP as well as Liquidation, however, section 66(2) only deals with an application filed by RP during CIRP?</li> </ul>	30minutes	Ms. Khuhboo Shah
3.	<u>Resources</u> <ul style="list-style-type: none"> <li>➤ What resources are required by an IRP/RP to arrive at determination of Fraud in a manner that can stand judicial prudence / scrutiny.</li> <li>➤ What if the forensic audit undertaken by an independent Forensic Auditor is not conclusive, is the RP still required to file an application u/s. 66 based on his independent analysis?</li> <li>➤ Proceedings before AA under IBC are considered to be summary in nature and not adversarial. What procedure is AA supposed to follow for applications u/s 66(2)?</li> </ul>	30 minutes	Mr. Nipun Singhvi
4.	<u>Other Issues</u> <ul style="list-style-type: none"> <li>➤ How can a RP prove "intent to defraud" / "mens rea" while filing an application u/s. section 66?</li> <li>➤ While section 66 does not provide for a specific timeline vis-a-vis section 43, how far is the RP expected to look back into the financial records of the Corporate Debtor?</li> </ul>	30minutes	Mr. Vijay P. Lulla