

From Editor's Desk

Dear Member,

This year we are commemorating five years of IBC. IIIPI shall also observe its fifth Foundation Day on November 25, 2021. On this occasion, I extend my best wishes and heartiest congratulations to all the Professional Members of IIIPI, various stakeholders of IBC and our readers.

In the five years of IBC regime, India has covered several milestones in terms of resolution of corporate persons and strengthening the economic environment. This has been made possible by Insolvency Professionals (IPs) through synergising across various stakeholders under the efficient and vibrant legal framework of the IBC. Fortunately, three verticals of the Government – Legislature, Judiciary and Executive – have responded and quickly addressed each and every concern related to the IBC. There may be hardly any parallel law which has witnessed many timely amendments, experiments, and initiatives. Moreover, a series of landmark judgements from the Hon'ble Supreme Court in such a short span of time, are unique to the IBC.

National Asset Reconstruction Company Ltd. (NARCL) or bad bank is yet another initiative to strengthen banking system and facilitate resolution of financially strained corporates. The Government of India has also recently set up India Debt Resolution Company (IDRCL) which will work in tandem to manage the NPAs of the banks. In this edition you will get to read an exclusive interview of Shri Sunil Mehta, Chairman and Director, National Asset Reconstruction Company Ltd. (NARCL). He has candidly shared his experiences, thoughts and vision on various issues related to IBC regime.

Besides, in this edition we have presented four research articles and two successful CIRP Case Studies -- Ruchi Soya Industries Ltd. by Shailendra Ajmera, IP and Monnet Ispat & Energy Limited (MIEL) by Sumit Binani, IP.

In the backdrop of 5 years of the IBC, the author of the opening article “Five Years of IBC: A Touchstone for Promoting Entrepreneurship”, has revisited 5 years of operation of IBC and presented a critical analysis of

achievements and challenges on different fronts. Besides, he has also made some futuristic recommendations.

Furthermore, in the second article “The Genesis of Higher Haircuts in Resolution Plans”, the author has analysed the causes behind the issue of massive haircuts which has been recently in the limelight of media and also a matter of debate among various stakeholders of the IBC. After a detailed deliberation, the author has suggested some practical solutions and legal reforms to minimise the haircuts. In the third article “Liquidator's conundrum on PF and Gratuity dues under IBC” the author has focused on the issues of employees' dues in Liquidation i.e., Provident Fund, Gratuity and Pension. In the backdrop of legal provisions and jurisprudence, he presents a practical roadmap to handle these issues during the liquidation process. The fourth article “Role and Responsibilities of RPs: PPIRP Vs. CIRP” presents a comparative analysis between the roles, rights, and responsibilities of a 'Resolution Professional' in Pre-Packaged Insolvency Resolution Process (PPIRP) of MSMEs and CIRP.

Furthermore, the Statement of Best Practices: “Meetings of the Committee of Creditors Under Corporate Insolvency Resolution Process” (Joint paper by all the IPAs) provides an insight on various aspects of the CoC. In this edition, we have dedicated a special feature on Five Years of IIIPI to showcase our journey since 2016.

Besides, the journal also has its regular features, i.e., Legal Framework, IBC Case Laws, IBC News, IIIPI News, Media Coverage, Services and Crossword.

Please feel free to share your candid feedback to help us improve the quality of the journal, by writing to us on iiipi.journal@icai.in

Wish you all the best.

Editor