



INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

(Company formed by ICAI under Section 8 of the Companies Act 2013)

IIPI Newsletter

January 14, 2022

Volume 07, Number 03

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Hyderabad firm Ace Developers acquired Mehul Choksi's firm through CIRP

AP Gems and Jewellery Park Private Ltd. has gone into the hands of Ace Developers, a Hyderabad Firm, through CIRP, that got concluded by NCLT, Hyderabad. The resolution plan was approved by the NCLT Bench of Mr. NVR Badarinath and Mr. A Veera Brahma Rao.

The CIRP process of the company was started in June 2019 on an application of Phoenix Tech Power. Ace Developers assured to clear the dues of the lenders and revive the company by bringing in Rs 107 crores for the same through a Resolution Plan.

For More Details, Please Visit:

<https://timesofindia.indiatimes.com/business/india-business/hyd-firm-gets-to-own-choksi-co-after-insolvency-resolution/articleshow/88821995.cms>

News Update

**For Internal Circulation Only*

**Knowledge SBU Initiative*

Application of condonation is not required to avail benefits of extended limitation provided by the SC due to Covid, says NCLAT

The Principal Bench of NCLAT Delhi has ruled that in order to seek the benefit for an extension in the period of limitation provided by the Supreme Court in the *Suo Motu* Writ Petition No. 3 of 2020 regarding Covid-19 pandemic, the applicant is not required to file a separate application of condonation under Section 5 of the Limitation Act, 1963. This judgement came in the matter of *M/s. Essjay Ericsson Private Limited v. M/s Frontline (NCR) Business Solutions Pvt. Ltd.*

The Bench comprising of Justice Ashok Bhushan, Justice Jarat Kumar Jain and Dr. Alok Srivastava held that there is an automatic extension in view of the judgment of the Supreme Court extending limitation. The Court relied on Kerala High Court's Judgment on *K. Sulaiman Vs. K.P. Nafeesa and Ors.* which stated that if an application or appeal is filed within the period of limitation (as extended by the Hon'ble Supreme Court), then there is no occasion to file an application for condonation of delay under Section 5 of the Limitation Act, 1963. Furthermore, the Appellate Tribunal upheld the order of the NCLT Delhi (AA). The AA had rejected the application of the Appellant filed under Section 9 of the IBC, 2016 which allows the Operational Creditor to file an application for initiating the CIRP after the expiry of ten days from the date of delivery of notice or invoice demanding payment. Alleging the clause of limitation, the present appeal was filed.

For More Details, Please Visit:

Since SC Extended Limitation, No Need To File Application For Condonation Of Delay; NCLAT Delhi (livew.in)

News Roundup

NCLAT to Hear Amazon's Appeal Against CCI

On January 13, NCLAT agreed to hear Amazon's appeal against the order of the CCI (Competition Commission of India), though stringently keeping its mandate on Amazon's deal with Future Group in abeyance.

The next hearing has been fixed on February 2. The NCLAT has asked the parties to file their replies within a period of ten days. It agreed to hear the case on merits on a day before the deadline for Amazon to pay the fine that has been levied on behalf of CCI. The decision followed as CCI had found that Amazon had withheld necessary information concerning Amazon's strategic interest in Future Retail.

For More Details, Please Visit:

<https://www.moneycontrol.com/news/trends/legal-trends/nclat-agrees-to-hear-amazons-appeal-against-cci-but-grants-no-interim-relief-7931641.html>

Sintex Industries received four Resolution Plans

Sintex Industries, which is undergoing CIRP, has stated that it had received four resolution plans and the same are under evaluation by the Resolution Professional and then shall be placed before the Committee of Creditors, for its further consideration. It has denied any deal with the RIL and Welspun groups which was reported by some media. In response to the EOI, the CD had received 16 applications.

Sintex was founded in the 1930s as Bharat Vijay Mills, a composite textile mill in Kalol, Gujarat. Forty years later, it was rebranded as Sintex Industries, a cotton yarn and fabric maker.

For More Details, Please Visit:

<https://www.businesstoday.in/latest/corporate/story/sintex-industries-clarifies-on-report-of-reliance-acre-welspun-to-buy-firm-318657-2022-01-11>

Portugal to implement new Insolvency and Company Restructuring Rules from April, 2022

Under a law published in the state gazette, the new rules on insolvency and restructuring of companies will come into force in mid-April, 2022. "If the debtor is an individual, he may be granted exoneration of insolvency claims that are not paid in full during the insolvency process or within three years of its closure," states the law published in the Diário da República.

For More Details, Please Visit:

https://www.euractiv.com/section/politics/short_news/new-insolvency-company-restructuring-rules-to-take-effect-in-april-in-portugal/



UK government urged to invoke Insolvency Act to ensure power supply for Baglan Energy Park

Stephen Kinnock, Aberavon MP, while speaking in the House of Commons has called on the UK government business secretary to use part of the insolvency act to prevent the electricity turn-off in the famous Baglan Energy Park in Neath Port Talbot. The 100-acre park is home to a number of businesses which provide some the most innovative technology and has the capacity to almost 3,000 jobs, said media reports.

The Welsh government has reportedly assured to fund a new electricity supply for the park. However, as the connection is not likely to be in place for a few months, the energy park, consequentially, might suffer catastrophic consequences.

"We have, as a UK government, sought to review all of the powers which are available to the government including section 400 of the Insolvency Act," said Industry Minister, Lee Rowley. He further added that the Department for Business, Energy and Industrial Strategy had provided the Welsh government with "indicators" to mitigate the situation.

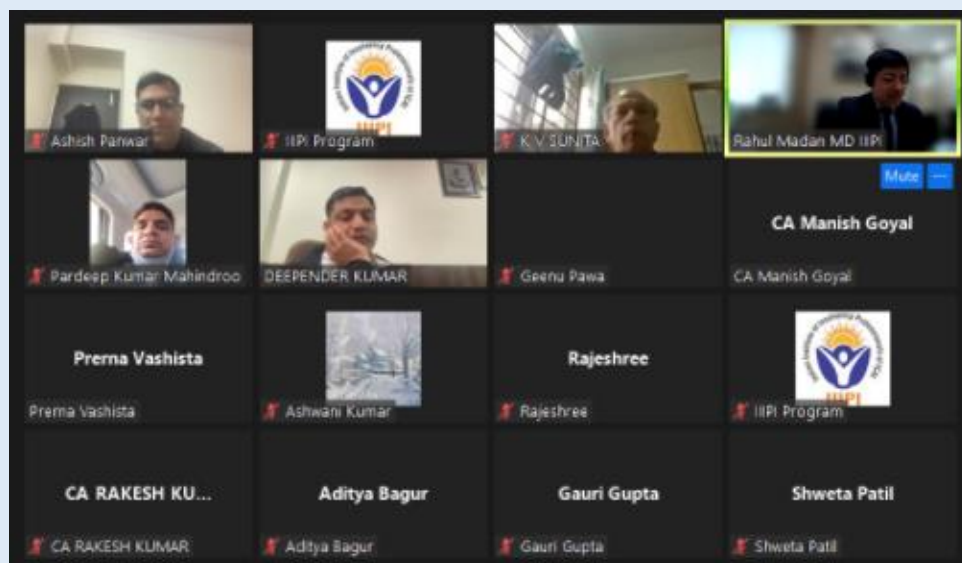
For More Details, Please Visit:

<https://www.bbc.com/news/uk-wales-59959763>

Event Photograph



Shri Santosh Shukla, Executive Director, IBI addressing Webinar on 'Common Issues on Monitoring/Inspection and Disciplinary Matters' Organized by IIPi on January 14, 2022.



Snapshot of the ongoing LIE Preparatory Classroom (Virtual) Program on 14th January, 2022



IIPi to Organize an Executive Development Program (EDP) for IPs from 19th-22nd January, 2022

IIPi is organising an Executive Development Programme (EDP) virtually for IPs that will focus on mastering legal skills, pleadings, and court proceedings under IBC, 2016. The four-days' programme, from 19th to 22nd January, aims to highlight narratives on legal drafting and pleadings, filing petitions and applications under IBC, deciphering landmark judgments, appearing before the adjudicating authorities, and moot courts before Hon'ble NCLT/NCLATs.

Last date to register for the programme is 18th January till 04:00 pm. Further details are available at the IIPi website.

For More Details, Please Visit:

EDP-LEGAL-SKILLS-Jan-2022.png
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