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Citing Settlement, NCLAT Delhi stays BPTP Ltd. Insolvency Process.

The NCLAT, Principal Bench, while adjudicating an appeal filed in *Sudhanshu Tripathi v M/s RBCL Projects Pvt. Ltd. & Anr.*, has stayed the initiation of CIRP against BPTP Ltd which was ordered by the NCLT Delhi Bench On November 14, 2022.

The NCLAT ordered the stay after the Parties have entered settlement and the Operational Creditor also made a statement that it has already received the amount under the Settlement.

The next date of hearing is November 23, 2022.

**For More Details,
Please Visit:**

<https://www.livelaw.in/news-updates/nclat-stays-insolvency-process-against-bptp-ltd-as-parties-enter-settlement-214564>

News Update

**For Internal Circulation Only*

**Knowledge SBU Initiative*

Moratorium under IBC does not take away ED's power to order Attachment of Property under PMLA.

Delhi High Court while adjudicating “*Rajiv Chakraborty, Resolution Professional of EIEL Vs. Directorate of Enforcement*” case stated that the provisions of the money laundering Act are not subservient to the moratorium provision comprised in Section 14 of IBC.

The Court was of the view that acceptance of contention that Section 14 would take away ED's power to order attachment of property would not only run contrary to the legislative policy but also undermine the efforts of the legislature to combat the offense of money laundering. The court further said PMLA proceedings are not akin or similar to steps that may be taken by a creditor pursuing an ordinary monetary claim.

The Court was of the view that the act of attachment does not result in the effacement of rights in property, it would clearly stand and survive outside the scope of a moratorium or an action relating to an action in respect of a debt due or payable. The Resolution Professional was open to approach the competent authorities under the PMLA for such reliefs in respect of tainted properties as may be legally permissible.

It was also held that the rights of ED over the properties would stand restricted to the extent of the observations made in the ruling as well as in the judgement made in *Deputy Director of Enforcement, Delhi v. Axis Bank & Ors* case.

For More Details, Please Visit: <https://www.livelaw.in/news-updates/ed-power-attach-under-pmla-not-fall-ambit-ibc-delhi-high-court-213901>

News Roundup

The CoC of HDIL Group approves the resolution plans for six realty projects

The resolution plans submitted by the RP on November 11, 2022 has been approved by the CoC of HDIL Group. The CoC voted for Adani Properties Pvt Ltd for Project BKC, while a consortium of Khyati Realtors and Dosti Realty for Majestic Towers in Nahur, Whispering Towers in Mulund and Premier Residences in Kurla. The committee also approved the resolution plan by Adani Properties for HDIL's Shahad Maharal Lands, while voted for Dev Land and Housing Pvt Ltd's plan for HDIL Towers.

During the resolution process, it was decided to invite resolution plans for 10 verticals. Application is being filed with Hon'ble NCLT for the initiation of liquidation of remaining four verticals for which no compliant resolution plan is received

For More Details, Please Visit: <https://www.hindustantimes.com/cities/mumbai-news/adani-group-gets-project-bkc-3-others-get-4-projects-in-hdil-insolvency-resolution-101668540327768.html>

Insolvency Petition against Reliance Power withdrawn

Piramal Capital and Housing Finance Ltd has withdrawn the insolvency proceedings against Reliance Power Ltd. after out-of-court settlement between both the companies over loan default by Reliance Power and its subsidiary Reliance Natural Resources Ltd (RNRL) has been agreed to.

RNRL defaulted on a loan of Rs 526 crore obtained from erstwhile DHFL. The RNRL was merged with Reliance Power in 2010 whereas the Primal Group acquired DHFL and merged it with Piramal Capital and Housing Finance in 2021.

For More Details, Please Visit: https://economictimes.indiatimes.com/industry/energy/power/piramal-capital-and-housing-finance-withdraws-insolvency-proceedings-against-reliance-power/articleshow/95547514.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

Joules set to file for Insolvency after rescue attempts fail

After failing to secure bridge financing or raise equity, British retailer Joules Group Plc is set to file for Insolvency. The shares of the company has been suspended on London Stock Exchange.

The retailer has more than 130 stores across the UK with a presence in the US and Canada. The insolvency shall put nearly 1600 jobs at risk. It is the second major UK retailer insolvency in the space of a week after Made.com Group Plc became insolvent and was sold to Next Plc.

For More Details, Please Visit: <https://www.bloomberg.com/news/articles/2022-11-14/joules-set-to-file-for-insolvency-after-rescue-attempts-fail?leadSource=uverify%20wall>



Birla Sun Life, Nippon Life merger talks fails in RCap insolvency

Aditya Birla Capital and Japan-based Nippon Life failed to negotiate merger terms in the Reliance Nippon Life Insurance Company (RNLIC) insolvency proceedings.

Nippon Life, the 49 % partner in RNLIC, was considering a merger between Reliance Nippon Life and Birla Sun Life Insurance, a part of Aditya Birla Capital but Nippon Life didn't agreed to the reduced stake of 10 % post resolution.

According to IRDAI guidelines, an entity cannot float two life or non-life insurance entities. Thus, it would be mandatory for Birla Sun Life to merge with Reliance Nippon Life if its promoter emerges a successful bidder for RCap.

The last date for submitting binding bids for Reliance Capital and its subsidiaries is November 28.

For More Details, Please Visit: <https://www.thehindubusinessline.com/money-and-banking/rcap-insolvency-birla-sun-life-nippon-life-merger-talks-fail/article66137289.ece>