



## INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

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

# IIPI Newsletter

### Adani Power's Resolution Plan for Lanco Amarkantak gets CoC's Approval

The Committee of Creditors (CoC) has reportedly approved the Resolution Plan submitted by Adani Power Ltd. to acquire Lanco Amarkantak Power Ltd. According to media reports, the Resolution Professional has recently issued a letter of intent to Adani Power.

Lanco Amarkantak owns and operates a 2x300 MW (600 MW) thermal power plant (Phase-I) at Pathadi Village in Korba District of Chhattisgarh. The Phase-I capacity is tied up with Haryana and Madhya Pradesh DISCOMs under long term Power Purchase Agreements. It is also setting up 2x660 MW (1320 MW) expansion capacity under Phase-II.

**For More Details, Please Visit:**

<https://www.cnbcv18.com/market/adani-power-share-price-lanco-amarkantak-power-approves-resolution-plan-submitted-apl-19199261.htm>



**March 11, 2024**

**Volume 09, Number 11**

## CONTENTS

**News Update**  
**News Roundup**  
**Upcoming Event**  
**Event Photographs**

## News Update

*\*For Internal Circulation Only*

*\*Knowledge SBU Initiative*

### NCLT has power to order release of property attached by ED after approval of Resolution Plan: Bombay High Court

The Bombay High Court has ruled that once a Resolution Plan is approved by the NCLT, it has the power to order the release of properties of the Corporate Debtor attached by the Enforcement Directorate (ED). The Court further clarified that protection afforded by Section 32A would become available only when the Resolution Plan is so approved, and such a Resolution Plan meets the other necessary ingredients to qualify for the immunity, namely, that there is a clean break with a change in ownership of, and control over, the Corporate Debtor.

The judgement was pronounced on a petition filed by resolution applicants in the case of DSK Southern Projects Pvt. Ltd., which was undergoing insolvency process. In this matter, ED had filed a case against Corporate Debtor for cheating, which was part of the scheduled offence in the ED's case under the Money Laundering Act.

Subsequently, the agency attached the company's properties. These properties, worth ₹32 crores, continued to be attached even after the commencement of CIRP. In the petition before the High Court, the resolution applicants contended that despite the NCLT order, the ED did not release the properties. Bombay High Court, while allowing the petition, stated that Section 32A of the IBC 2016 states that no action can be taken against the properties of a corporate entity concerning the offence committed before the initiation of CIRP.

**For More Details, Please Visit:** <https://lawbeat.in/news-updates/nclt-can-order-release-property-attached-ed-after-resolution-plan-approved-bombay-high-court>

## News Roundup

### MCA makes presentations to Cabinet on Cross-border and Group Insolvency

The Ministry of Corporate Affairs (MCA) has reportedly made representations to the Union cabinet regarding Cross-border and Group Insolvency. Group insolvency norms are needed for effective implementation of cross-border insolvency rules and thus both are linked, said the media report. Group insolvency refers to clubbing the assets and liabilities of all companies in a corporate group and undertaking resolution proceedings, before dealing with each firm. Shri Sudhaker Shukla, Whole Time Member (WTM) of the Insolvency and Bankruptcy Board of India (IBBI) had recently said that increasingly, the government has realised that without Group Insolvency the aspect of Cross-Border Insolvency “will not work at all”.

**For More Details, Please Visit:** <https://www.financialexpress.com/business/industry-cross-border-and-group-insolvency-norms-shortly-after-polls-3417498/>

### Greater Noida builder revived under ‘Reverse Insolvency Order’ from NCLT

RG Luxury Homes, in Greater Noida West, was launched in 2010 with a deadline to complete the project in 2014. However, the construction work was stalled due to a fund crisis and a group of homebuyers filed CIRP petition in NCLAT in 2019. In February 2020, NCLT issued a "reverse insolvency order" regarding 1,900 units of the Phase-1 which was affected due to the insolvency proceedings and directed the promoters to complete the construction under the supervision of the Resolution Professional. The builder has not secured occupancy certificates (OCs) from the Greater Noida Industrial Development Authority (GNIDA) for 854 flats in four towers and has rolled out possession to homebuyers.

**For More Details, Please Visit:**

<https://economictimes.indiatimes.com/industry/services/property/-construction/noida-housing-project-pulled-back-from-insolvency-now-offers-possession-to-buyers/articleshow/108369448.cms?from=mdr>

### Rene Benko, an Austrian property tycoon and one of the country’s richest men, filed for insolvency

Austrian investor Rene Benko, founder of the Signa property and retail group and one of Austria’s richest men, has reportedly filed for insolvency. According to media reports, the insolvency petition has been filed for his inability to pay fees linked to the insolvency of Signa Group's holding company. However, this is not a private insolvency but rather insolvency as a business owner. As per a media report, Benko is personally liable with his own private wealth, estimated in 2023 to be around \$6 billion.

**For More Details, Please Visit:** <https://www.dw.com/en/austrian-property-tycoon-rene-benko-files-for-insolvency/a-68464903>



### Settle disputes by second week of April: NCLAT’s ultimatum to YEIDA and Suraksha Group

According to media reports, the NCLAT has said if the parties -- YEIDA (Yamuna Expressway Industrial Development Authority) and Suraksha Group, are not able to settle their disputes by the second week of April 2024, it will proceed ahead. The Resolution Plan of Suraksha Group to acquire Jaypee Infratech was approved by NCLT in March 2023, however, the process has not moved ahead as YEIDA and Jaiprakash Associates, promoter of Jaypee Infratech, have challenged the Plan before NCLAT.

However, the counsellor of YEIDA urged the court that the issues will be sorted out by the second week of April. “We make it clear that even if by the next date, no settlement is brought on record, Appeal shall be proceeded to be heard on merits,” said NCLAT.

**For More Details, Please Visit:**

<https://www.ndtvprofit.com/business/adani-power-gets-creditor-nod-for-acquiring-insolvent-lanco-amarkantak>

## EVENT PHOTOGRAPHS



*Webinar on "Emerging Jurisprudence -- Recent Case Laws" organized by IIIPI on March 08, 2024.*



*9th Batch of EDP (For IPs) Mastering "Avoidance/Pufe Forensics" Under IBC (Online) organized by IIIPI from 5th to 7th March 2024.*

### **IIIPI's 10th Batch of EDP (For IPs) Mastering legal skills, pleadings, and court processes under IBC (Online) from March 20**

The four days program titled "10th Batch of Executive Development Program (For IPs) Mastering legal skills, pleadings, and court processes under IBC (Online)" will be conducted from 20th to 23rd March 2024. This 14-hour program will have 14 hours CPE credit for insolvency professionals (IPs). The last date for registration by 4 PM on 19th March 2024. However, the IPs are advised to register early due to limited seats.

**For More Details, Please Visit:**

<https://www.iiipicai.in/forthcoming-events/>