INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI
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IIIPI Newsletter

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Amendment in IBBI (IPs) Regulations

The Insolvency and Bankruptcy Board of India (IBBI) has issued a Notification dated April 03, 2025, titled BBI (Insolvency Professionals) (Amendment) Regulations, 2025.

As per this amendment, in the IBBI (Insolvency Professionals) Regulations, 2016, in Regulation 5, in clause (a), for the word "twelve", the words and the mark "twenty-four" shall be substituted. This amendment has been made by the IBBI in exercise of the powers conferred to it by sections 196 and 207 read with section 240 of the IBC, 2016.

For More Details, Please Visit:
https://ibbi.gov.in/uploads/legalframework/523cf46054e993a3066ed3d7c451327b.pdf

News Update

**For Internal Circulation Only*
**Knowledge SBU Initiative*

Delhi High Court rules out prosecution of the CD after approval of the Resolution Plan by NCLT

Delhi High Court has held that once a resolution plan is approved by the NCLT and a change in management occurs, the corporate debtor cannot be prosecuted for offences committed prior to commencement of the Corporate Insolvency Resolution Process (CIRP). The Court also quashed a complaint filed by the Enforcement Directorate (ED) against Bhushan Power & Steel Limited (BPSL), for money laundering related to bank fraud of ₹470 billion ($5.4 billion).

In this case, while BPSL, the Corporate Debtor (CD) was undergoing through CIRP, the Central Bureau of Investigations (CBI) registered criminal cases against BPSL for corruption, cheating and forgery. Subsequently, the Enforcement Directorate (ED) registered a complaint against BPSL under laws for the prevention of money laundering. Meanwhile, the Resolution Plan was approved by NCLT. On an appeal, the NCLAT ordered the ED to release the assets of the CD. During the process, an amendment was introduced to the insolvency law through ordinance that extended protection to CDs from criminal proceedings once a Resolution Plan is approved.

The court quashed ED's proceedings against the CD for offenses committed before commencement of the CIRP. However, it clarified that erstwhile promoters, directors and key managerial persons responsible for offences committed before commencement of the CIRP initiation do not receive any protection.

For More Details, Please Visit: *https://law.asia/corporate-debtor-prosecution-protection/*

News Roundup

26 bidders including Adani, Patanjali and Vedanta competing to acquire Jaiprakash Associates under the IBC

According to media reports, 26 bidders including Adani Group, Vedanta Group, Patanjali Ayurveda etc. have submitted their expression of interest (EOI) to takeover Jaiprakash Associates Ltd. (JAL) which is undergoing the Corporate Insolvency Resolution Process (CIRP). JAL has major real estate projects like Jaypee Greens in Greater Noida, a part of Jaypee Greens Wish Town in Noida, and the Jaypee International Sports City, which is strategically located near the upcoming Jewar International Airport. JAL was admitted into the CIRP via an NCLT order dated June 3, 2024. The creditors have submitted claims amounting ₹57,185 crore of which the biggest claim is by National Asset Reconstruction Company Ltd (NARCL) which acquired the loan of a consortium of banks led by the State Bank of India (SBI).

For More Details, Please Visit:
https://www.etnownews.com/companies/jaiprakash-associates-insolvency-anil-agarwal-gautam-adani-in-race-for-bankrupt-jals-acquisition-list-of-26-bidders-article-151357518

IBBI Amends "Form H" under Schedule I of IBBI (CIRP) Regulations 2016

Through a Gazette Notification dated April 03, 2025, the IBBI has substituted "Form H" in IBBI (CIRP) Regulations, 2016 in Schedule -I, with "Form H Compliance Certificate". These amendments have been made in exercise of the powers conferred to the IBBI by clause (t) of sub-section (1) of section 196 read with Section 240 of the Insolvency and Bankruptcy Code, 2016. The amended Form comprised of details of the CIRP, reasons for not filing application for approval of Resolution Plan within 180 days of CIRP initiation, details of documents related to Successful Resolution Applicant (SRA), details of implementation of the Resolution Plan, Realizable Amount etc.

For More Details, Please Visit:
https://ibbi.gov.in/uploads/legalframwork/19c6f3252850f5bd0512d68898680e78.pdf

Japan's bankruptcy filings hit 11-year high in FY2024-25: Tokyo Shoko Research (TSR)

TSR, Japan's credit research firm, has reported that the bankruptcy filings in FY 2024-25 reached to 10,144 cases, which is the highest in 11 years. The number of bankruptcies in the 12 months to March was the largest since fiscal 2013's 10,536 and grew by 12% from the previous year. Most industries, except for the financial and transportation sectors, had more bankruptcies than in the previous year. However, the total amount of debt in bankruptcy was 2.37 trillion yen ($16.08 billion) in fiscal 2024, down from 2.46 trillion yen in fiscal 2023, as relatively more small- and mid-sized firms went bankrupt.

For More Details, Please Visit: *https://www.investing.com/news/economy-news/japans-bankruptcy-filings-hit-11year-high-in-fy202425-tsr-tally-shows-3972533*

Cabinet Note soon on amendments to the IBC: Media Reports

According to a media report, the Central Government is set to float a cabinet note within the next two weeks, outlining key amendments to the Insolvency and Bankruptcy Code, 2016 (IBC). The bill may be tabled during the upcoming monsoon session of the Parliament.

"The Government may also introduce a 165-day resolution window, significantly shorter than the current 330-day limit under CIRP, to facilitate swifter settlements," said the media report. The other major amendments could be related to the introduction of a Creditor-Led Resolution Process (CLRP), Pre-Packaged Insolvency to larger corporates and Group Insolvency. However, Cross-Border Insolvency and insolvency framework for real estate sector may be considered in the next phase.

For More Details, Please Visit:
https://www.businesstoday.in/latest/economy/story/govt-to-soon-float-cabinet-note-on-ibc-amendments-bill-likely-in-monsoon-session-470946-2025-04-07

EVENT PHOTOGRAPH

Webinar on "Emerging Jurisprudence- Recent Case Laws" organized online by IIIPI on April 04, 2025.

IIIPI's 14th Batch EDP on Mastering "Avoidance/ PUFE Forensics Under IBC" from 15th April

The 14th Batch of Executive Development Program (EDP) on Mastering "Avoidance/PUFE Forensics Under IBC" will be conducted from 15th April to 17th April 2025. This 18-hour program will be conducted over 3 days and will have CPE:12 hours. The last date of registration is 14th April 2025. As the registration is on 'First Come First Serve Basis', applicants are advised to register early to avoid last minute hurdles.

Please click to register https://app.iiipicai.in/regpayments/

For More Details, Please Visit: *https://www.iiipicai.in/wp-content/uploads/2025/03/FLYER-PUFE-EDP-14th-batch.pdf*