

Snapshot of Amendments in the IBBI Regulations

IBBI Notifications dated 31.01.2024

IBBI (Voluntary Liquidation Process) Regulations

Disclosure w.r.t. pending proceedings in DoS	<ul style="list-style-type: none"> Disclosure about pending proceedings before statutory authorities, and pending litigations, in respect of CD to be given with Director's affidavit along with an affirmation in the affidavit that- <ul style="list-style-type: none"> the CD has made sufficient provision to meet the obligations arising on account of pending matters
"annual status report" to "status report"	<ul style="list-style-type: none"> From the list of documents which the liquidator has to prepare, in the "annual status report", the word "annual" has been omitted. If applies, status report to also contain reasons for not completing the VL process within timeline prescribed
Timeline for holding meeting of contributories	<ul style="list-style-type: none"> If the VL process is not concluded within the time limit of 90/270 days, as the case may be, meeting of contributories to be called within 15 days from the conclusion of every 90/270 days Status report to be filed with the Board within 7 days from the date of meeting of contributories
Corporate Voluntary Liquidation A/c	<ul style="list-style-type: none"> Process relating to claim from "Corporate Voluntary Liquidation Account" by the stakeholders prior to dissolution of the CD and after dissolution of the CD has been prescribed

IBBI (Insolvency Professionals) Regulations

IP resignation	<ul style="list-style-type: none"> An IP may resign as an IRP/RP/liquidator as the case may be subject to the recommendation of: <ul style="list-style-type: none"> CoC in case of CIRP Consultation committee in liquidation process debtor or creditor in the insolvency resolution process of personal guarantor to the CD And approval of NCLT
Relaxation in the Code of Conduct for IP	<ul style="list-style-type: none"> Relaxation in case of IPEs w.r.t. from appointment of partners or directors of IPE, as the case may be, for any work relating to any of its assignments handled Excluding work related to valuation and audit of the CD

IBBI (Bankruptcy Process for Personal Guarantors to CD) Regulations

Eligibility to act as a bankruptcy trustee	The IPE of which IP is a partner or a director, or any other partner or director of such IPE which represents any party in the bankruptcy process is now allowed to act as a bankruptcy trustee
Appointment of the professionals by the bankruptcy trustee.	An IP who has acted or is acting as an IRP, a RP or a liquidator in respect of the corporate debtor can now be appointed by the bankruptcy trustee as professional

IBBI (Insolvency Resolution Process for Personal Guarantors to CD) Regulations

Eligibility of RP in insolvency process of personal guarantor of CD	IRP/RP/liquidator of the CD is now permitted to be appointed as RP in the insolvency resolution process for personal guarantors to CDs
Placing repayment plan before creditors	The RP shall place the repayment plan(as u/s 105) in a meeting of the creditors for its consideration. Where no repayment plan has been received within period stipulated u/s 106,the RP shall notify the same in a meeting of creditors .

IBBI (Model Bye-Laws and Governing Board of IPAs) Regulations

Validity of authorisation for assignment (AFA)	<ul style="list-style-type: none"> AFA shall be valid for 1 year from the date of issuance/ renewal, as the case may be. Provided that- AFA issued or renewed shall be valid till 30.06 of the year where the expiry falls from 01.01 to 30.06, or till 31.12 of the year where the expiry of the period of 1 year falls from 01.07 to 31.12. If the professional member attains the age of 70 years during this period, AFA shall be valid till such date.
-------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Vinod Kothari & Company
Kolkata | Mumbai | Delhi | Bengaluru
resolution@vinodkothari.com

Reach us on social media :    