

Insolvency and Bankruptcy Board of India

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Press Release

Release of publication ‘Understanding the Insolvency and Bankruptcy Code, 2016: Analysing developments in jurisprudence’.

Hon’ble Mr. Justice M. M. Kumar, President, National Company Law Tribunal (NCLT) released a publication titled *‘Understanding the Insolvency and Bankruptcy Code, 2016: Analysing developments in jurisprudence’*, jointly prepared by the Insolvency and Bankruptcy Board of India and Vidhi Centre for Legal Policy. This tracks legislative and judicial developments on fifteen select issues that have been heavily litigated and provides settled legal position along with the rationale for the same. The publication is available at www.ibbi.gov.in. The release of the publication was followed by a Roundtable Discussion on ‘Legal developments and challenges under the Insolvency and Bankruptcy Code, 2016’.

2. In his address on the occasion, Mr. Justice Kumar emphasised the need for creating awareness among the stakeholders on the legal issues emanating from the Code. He expressed satisfaction over settlement of several such issues in the last two years. He urged the committee of creditors (CoC) to act with diligence and care in the interest of all stakeholders and strive for revival and rehabilitation of the corporate debtor undergoing corporate insolvency resolution process. Mr. Justice Kumar called for higher engagement of the Insolvency Professional Agencies in development and regulation of insolvency professionals.

3. Dr. M. S. Sahoo, Chairperson, IBBI explained that the Code aims at improving availability of credit and thereby availability of all forms of credit, including bank loan, non-bank loan, corporate debt, secured credit, unsecured credit, etc. The corporate finance is dominated by secured loans from banks today, because of the protection available under the law for such credit. If the Code grants excessive protection to one kind of credit, the market of that category of credit may expand while market for all other categories may disappear. This may not be consistent with the objective of the Code.

4. The distinguished panellists at the Roundtable included: Dr. T. K. Viswanathan, Chairman, Bankruptcy Law Reforms Committee; Mr. Suharsh Sinha, Partner, AZB & Partners, Advocates & Solicitors; Mr. Uday Khare, Partner, Cyril Amarchand Mangaldas; Mr. Nilanjan Sinha, Head (Legal), ICICI Bank; Ms. Nitu Poddar, Senior Associate Vinod Kothari & Company; Ms. Swarupama Chaturvedi, Advocate; Ms. Anjali Anchayil, Senior Associate, JSA; and Ms. Shreya Parkash, Research Fellow, Vidhi Centre for Legal Policy.