

## **Dealing with Avoidance Transactions**

3.13.1 The Governing Board considered the Board Note.

3.13.2 The Governing Board approved the proposals made in the Note with the following suggestions:

(a) The items 1 and 2 in table under Para 6 may provide that “

(i) the IBBI shall pursue the applications in case of closure of CIRP by withdrawal under section 12A,

(ii) The creditor concerned shall pursue the applications, where it has been filed by it; and

(iii) The IBBI shall file and pursue the application or may direct the IP concerned to file or pursue application, where it is satisfied that application has not been made or is not being pursued properly, based on information, complaint or otherwise.

(b) The MCA may be requested to consider amending the Code to provide for the approval contained in Para 3.13.3(a) above; and

(c) Pending amendment to the Code, the IBBI may have a mechanism to (i) track filing of applications and failure to file applications, (ii) direct RP to file applications, and (iii) file prosecution, wherever warranted.