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भारतीय दिवाला और शोधन अक्षमता बोर्ड

अधिसूचना

नई दिल्ली, 3 अक्टूबर, 2022

भारतीय दिवाला और शोधन अक्षमता बोर्ड (आदर्श उप-विभिन्न और दिवाला व्यवसायिक एजेंसियों का शासी बोर्ड) (संशोधन) विनियम, 2022

सं. आई.बी.बी./2022-23/बी.एन./आर.ई.बी.100—भारतीय दिवाला और शोधन अक्षमता बोर्ड, दिवाला और शोधन अक्षमता संहिता, 2016 (2016 का 31) की धारा 240 के साथ पठित धारा 196, 203 और धारा 205 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दिवाला और शोधन अक्षमता बोर्ड (आदर्श उप-विभिन्न और दिवाला व्यवसायिक एजेंसियों का शासी बोर्ड) विनियमन, 2016 का और संशोधन करने के लिए निम्नलिखित विनियम बनाता है, अर्थातः:

1. (1) इन विनियमों का संधिम नाम भारतीय दिवाला और शोधन अक्षमता बोर्ड (आदर्श उप-विभिन्न और दिवाला व्यवसायिक एजेंसियों का शासी बोर्ड) (संशोधन) विनियम, 2022 है।

2. (2) वे राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

भारतीय दिवाला और शोधन अक्षमता बोर्ड (आदर्श उप-विभिन्न और दिवाला व्यवसायिक एजेंसियों का शासी बोर्ड) विनियमन, 2016 (जिन्हें इसमें इसके पावकात "मूल विनियम" कहा गया है) की अनुसूची में,-

(i) खंड 9 में,-

(क) विनियमन खंड को उपखंड (1) के रूप में पुनर्व्यवस्थापित किया जाएगा,
(b) These regulations may be called the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) ( Amendment) Regulations, 2022.

1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 (hereinafter referred to as ‘the principal regulations’), in the Schedule,

(i) in clause 9,

(a) the existing clause shall be renumbered as “9. (1),”

(b) after sub-clause (1), the following shall be inserted, namely:

“(2) No insolvency professional entity, recognised by the Board under regulation 13 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016, shall be enrolled as a professional member if it is not eligible to be registered as an insolvency professional with the Board.”

(ii) in clause 10, in sub-clause (1), for the words “an individual”, the words “an individual or an insolvency professional entity recognised by the Board under regulation 13 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016” shall be substituted.

(iii) in clause 12, in sub-clause (1), after item (fa), the following shall be inserted, namely:

“(fb) details of the partners or directors, as the case may be, where the professional member is an insolvency professional entity;”

(iv) in clause 12A,

(a) in sub-clause (2), for the words “he”, the words “the professional member”, shall be substituted.

(b) after the sub-clause (2), the following proviso shall be inserted, namely:

“Provided that the item (c), item (e) and item (g)(iii) shall not be applicable for a professional member, which is an insolvency professional entity registered as an insolvency professional.”

(v) in sub-clause (8) of clause 10, sub-clause (7) of clause 12A, sub-clause (1) of clause 13, sub-clause (b) of clause 20, sub-clause (1) of clause 26, clause 27, clause 28 and clause 30, for the word “his”, the word “its” shall be substituted.

(vi) in sub-clause (1) of clause 12, sub-clause (2) of clause 12A, and clause 20, for the word “him”, the word “it” shall be substituted.

RAVI MITAL, Chairperson

[ADVT.-III/4/Exty./305/2022-23]

Note: The Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 were published vide notification No. IBBI/2016-17/GN/REG001 dated 21st November, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, No. 421 on 22nd November, 2016 and were last amended by the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Third Amendment) Regulations, 2021 published vide notification No. IBBI/2021-22/GN/REG076 dated 22nd July, 2021, in the Gazette of India, Extraordinary, Part III, Section 4, No. 293 on 22nd July, 2021.