

## **Insolvency and Bankruptcy Board of India**

**No. IBBI/PR/2024/03**

**20<sup>th</sup> January, 2024**

### **Press Release**

**Insolvency and Bankruptcy Board of India in association with INSOL India organises International Conclave 2024 on “*The Insolvency and Bankruptcy Code, 2016 – Looking Ahead*” on 20<sup>th</sup> January, 2024 at Le Meridien, New Delhi.**

The Insolvency and Bankruptcy Code, 2016 (Code) focuses on a market-directed, time bound mechanism for resolution of insolvency aiming at maximising value of assets of the corporate debtor, promote entrepreneurship and balancing the interest of all the stakeholders. Over the past seven years, the IBC has earned its place as one of the most significant pieces of legislation in recent times.

2. To trace the journey of reforms in the insolvency resolution process and pave the way forward the Insolvency and Bankruptcy Board of India in association with INSOL India organised an International Conclave 2024 on the theme ‘The Insolvency and Bankruptcy Code, 2016 – Looking Ahead’ on 20th January 2024 at Le Meridien, New Delhi.

3. Hon’ble Justice Ashok Bhushan Chairperson, National Company Law Appellate Tribunal graced the occasion as Chief Guest. While delivering the keynote address, he noted that the journey of IBC from its inception to its current implementation showcases India's dedication to establishing a resilient, transparent, and effective insolvency framework. The Code has fortified itself, bolstered by the collaborative endeavours of stakeholders, judicial guidance, and the foresight of policymakers.

4. Hon’ble Chief Justice (Retd.) Shri Ramalingam Sudhakar, Hon’ble President, National Company Law Tribunal graced the occasion as Guest of Honour. He recited the core mantra of the Code as ‘Resolve and evolve’. He noted that from January 2017 till 17<sup>th</sup> January 2024, 942 resolution plans were approved; in Financial Year 2022-23, 197 resolution plans were approved and in the current Financial Year 2023-24 till 19<sup>th</sup> January 2024, 225 resolution plans have been approved under the Code. He applauded IBBI for rolling out meticulous regulatory regime in consideration with the larger economic narrative of the nation.

5. Dr. Manoj Govil, Secretary, Ministry of Corporate Affairs delivered Special Address. He acknowledged that the performance of the Code has been significantly better than other regimes available for dispute resolution. He noted that the highest number of resolutions since the enactment of Code were witnessed in the financial year 2022-23. He highlighted that the success of the Code can be measured by drastic reduction in gross non-performing assets; increase in resolutions; behavioural change and change in relationship of debtors and creditors. He also noted that the establishment of the IBBI has brought expertise and efficiency to the insolvency proceedings.

6. Mr. Ravi Mital, Chairperson, IBBI in his special address emphasized the need for continuous innovation in the ecosystem by all the stakeholders. He noted that in the insolvency regime in India, eighty percent of the cases can be dealt through the standardised process, however, twenty percent cases are to be dealt with innovation. He highlighted that it is critical to consider second-

generation reforms like Group Insolvency, pre-packaged insolvency resolution process and resolution involving multiple plans.

7. Mr. Dinkar Venkatasubramanian, President, INSOL India delivered the Welcome address which stressed on three factors as performance indicators for the Code - inflow of credit flow; reduction in gross non-performing assets and promptness in protection of value. Mr. Scott Atkins, President INSOL International, in his opening remarks, applauded the Code to be a breakthrough legislation ushering the insolvency regime in India. He emphasised that pre-packaged insolvency resolution process is vital, and the role of mediation is critical in the insolvency ecosystem.

8. The Conclave included five panel discussions. The Panel discussion – I was on the theme “Out of Court and hybrid mechanisms of restructuring (Mediation, Pre-Insolvency, Schemes and Pre-packs)”. The eminent speakers of the session included Mr. Sudhaker Shukla, Whole time member, IBBI; Mr. Abizer Diwanji, Head, Financial Services, Ernst & Young; Mr. Avinash Kulkarni, CEO, IDRCL; Mr. Sumant Batra, Founder, ILA; Mr. Sushil Nair, Managing Partner, Drew & Napier, Singapore and Mr. Scott Atkins, President, INSOL International. The session delved into out-of-court and hybrid mechanisms of restructuring, offering a broader perspective on Mediation, Pre-packs, and out-of-court settlements.

9. The Panel Discussion – II was on the theme “Group Insolvency”. The esteemed speakers included Mr. Sandip Garg, Whole time member, IBBI; Mr. Ashish Chhawchharia, Partner, Grant Thornton Bharat; Ms. Tine Abraham, Partner, Trilegal; Mr. Gaurav Gupte, Partner, Cyril Amarchand Mangaldas and Mr. Ilya Kokorin, Assistant Professor of Law, Leiden University, Netherlands. The panel engaged in a thorough discussion, unravelling the intricacies and complexities of corporate structures, emphasizing the necessity for an efficient resolution mechanism aligned with global insolvency practices.

10. The Panel Discussion – III was on the theme “Insolvency in Asset Lean / Services sector Insolvency”. The distinguished speakers included Mr. Shiv Anant Shanker, CGM, IBBI; Mr. Nilang Desai, Partner, AZB & Partners; Ms. Sheila Ng, Partner, Rajah & Tann, Singapore; Mr. Richard Heis, MD, Interpath Advisory, UK and Mr. Ashwin Bishnoi, Partner, Khaitan & Co. The panel shed light on the intricacies of insolvency within asset lean and service sectors, with a spotlight on the aviation and real estate industries, currently prominent in insolvency discussions. The panel deliberated over intense topics inclusive of insolvency of services company vis-à-vis asset heavy company; reasons for insolvency of an asset lean company; consideration of prepacks for asset lean companies; insolvencies of crypto companies; experience of legal counsel in insolvency of airline companies; and insolvency in infrastructure services sector and probable regime for insolvencies of service companies.

11. The Panel Discussion – IV was on the theme “Ease of Compliance – Disclosures by IPs”. The august speakers included Mr. Santosh Shukla, Executive Director, IBBI; Mr. Anoop Rawat, Partner, Shardul Amarchand Mangaldas; Mr. Rahul Madaan, MD, IIIP ICAI; Ms. Pooja Bahry, Insolvency Professional; Mr. Avil Jerome Menzes, Insolvency Professional and Mr. Udayraj Patwardhan, Insolvency Professional. The panel explored the compliance requirements for insolvent companies; intricacies of Insolvency Professional (IP) compliances; alleviation of compliance burden from IPs; multiplicity of compliances & regulatory oversight for the IPs; and use of technology to ease compliance burden on IPs; exploring strategies to minimize

disruptions to their daily activities while maximizing data capture and record-keeping for the Board.

12. The Panel Discussion – V was on the theme “Funding Insolvency Estate: Litigation Funding”. The eminent speakers included Mr. Jitesh John, Executive Director, IBBI; Ms. Pooja Mahajan, Managing Partner, Chandiook & Mahajan; Mr. Arvindran Manosegaran, Investment Manager, Omni Bridgeway, Singapore; Ms. Kanika Sharma, MD, Fulcrum Capital, Dubai; Mr. Joseph Durkin, Senior Vice President, Burford Capital and Mr. Ritin Rai, Senior Counsel, Supreme Court of India. The panel deliberated on legal landscape for litigation funding in India; prevalent models of litigation finance in Dubai; Singapore enabled litigation finance in the context of funding insolvency estate; advantages of litigation funding for a resolution professional or liquidator under IBC and role of IBBI in developing the market of litigation funding in India.

13. Large number of stakeholders of the IBC ecosystem, including insolvency professionals, legal firms, consulting firms, financial creditors, service providers, professionals, regulators, academia and government officers joined the Conclave both in physical as well as online mode.

14. Shri Jayanti Prasad Whole Time Member IBBI concluded the conclave with summarised closing remarks and thanked all present at the event.



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