



भारतीय दिवाला और शोधन अक्षमता बोर्ड
Insolvency and Bankruptcy Board of India

Know About Insolvency and Bankruptcy Board of India

Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Connaught Circus, New Delhi - 110001

www.ibbi.gov.in

Establishment

The Insolvency and Bankruptcy Board of India (IBBI) is a statutory body established on 1st October, 2016 in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 (Code). It is headquartered in New Delhi, having two offices, one at Mayur Bhawan, Connaught Circus and the other at Jeevan Vihar, Parliament Street.

The IBBI is one of the key pillars of the ecosystem responsible for implementation of the Code. It has regulatory oversight over the service providers in the insolvency ecosystem. It also has responsibility to provide regulatory framework for insolvency and resolution processes of corporates and individuals, and to promote and develop working and practices of various institutions, in furtherance of the objectives of the Code.

Though IBBI levies a fee on the service providers, it mostly depends on grants from Government for its sustenance.

Composition of the Governing Board

The affairs of the IBBI are governed by a Governing Board constituted by the Central Government. The Governing Board consists of (a) a Chairperson; (b) three members from amongst the officers of the Central Government not below the rank of Joint Secretary or equivalent, one each representing the Ministry of Finance, Ministry of Corporate Affairs and Ministry of Law & Justice; (c) one member nominated by the Reserve Bank of India; (d) three whole-time members; and (e) two part-time members. The composition at the end of September, 2020 is as under:

Dr. M. S. Sahoo, Chairperson
Dr. Navrang Saini, Whole-time Member
Dr. (Ms.) Mukulita Vijayawargiya, Whole-time Member
Mr. Sudhaker Shukla, Whole-time Member
Dr. Shashank Saxena, Member (Senior Economic Adviser, Ministry of Finance)
Mr. Gyaneshwar Kumar Singh, Member (Joint Secretary, MCA)
Dr. Rajiv Mani, Member (Joint Secretary and Legal Adviser, MoL&J)
Mr. Unnikrishnan A., Member (Legal Adviser, Reserve Bank of India)
Dr. Krishnamurthy Subramanian, Member (CEA, Government of India)
Mr. B. Sriram, Member (Former Managing Director & CEO, IDBI Bank Ltd.)

What It Does

- ⇒ It is a unique regulator, which regulates insolvency profession as well as insolvency processes. It has regulatory oversight over Insolvency Professionals (IPs), Insolvency Professional Agencies (IPAs), Insolvency Professional Entities (IPEs), and Information Utilities (IUs).
- ⇒ It makes and administers regulations for various processes under the Code, namely, corporate insolvency resolution, fast track resolution, corporate liquidation, voluntary liquidation, fresh start, individual insolvency resolution and individual bankruptcy.
- ⇒ It has the responsibility to promote the development of, and regulate the working and practices of the IPs, IPAs, and IUs and other institutions in furtherance of the purposes of the Code.
- ⇒ It collects, organises, and disseminates relevant data and information about each insolvency and bankruptcy process and conducts and promotes research and studies in the area of insolvency and bankruptcy.
- ⇒ It acts as the 'Authority' under the Companies (Registered Valuers and Valuation) Rules, 2017 for regulation and development of the profession of valuers in the country. As the Authority, it registers and regulates registered valuers (RVs) and Registered Valuers Organisations (RVOs).

Duties and Functions

Section 196 of the Code envisages the IBBI with broadly three sets of functions.

A. Quasi-Legislative Functions

The IBBI has made the following regulations as on 30th September, 2020 to regulate the processes and service providers under the Code:

SN.	Regulations
1	IBBI (Model Bye-laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016
2	IBBI (Insolvency Professional Agencies) Regulations, 2016
3	IBBI (Insolvency Professionals) Regulations, 2016
4	IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016
5	IBBI (Liquidation Process) Regulations, 2016
6	IBBI (Engagement of Research Associates and Consultants) Regulations, 2017

SN.	Regulations
7	IBBI (Advisory Committee) Regulations, 2017
8	IBBI (Procedure for Governing Board Meetings) Regulations, 2017
9	IBBI (Voluntary Liquidation Process) Regulations, 2017
10	IBBI (Information Utilities) Regulations, 2017
11	IBBI (Inspection and Investigation) Regulations, 2017
12	IBBI (Fast Track Insolvency Resolution Process for Corporate Persons) Regulations, 2017
13	IBBI (Employees' Service) Regulations, 2017
14	IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017
15	IBBI (Mechanism for Issuing Regulations) Regulations, 2018
16	IBBI (Bankruptcy Process for Personal Guarantors to Corporate Debtors) Regulations, 2019
17	IBBI (Insolvency Process for Personal Guarantors to Corporate Debtors) Regulations, 2019

B. Executive Functions

Registration:

The IBBI registers and regulates service providers for the insolvency processes and takes measures for professional development and expertise through education, examination, training, and continuous professional education. It has been servicing the following service providers over the years:

(Number)

SN.	Service Provider	At the end of				
		Mar, 2017	Mar, 2018	Mar, 2019	Mar, 2020	Sep, 2020
1	Insolvency Professionals	977* + 96	1812	2456	3009	3182
2	Insolvency Professional Entities	03	75	48	69	74
3	Insolvency Professional Agencies	03	03	03	03	03
4	Information Utilities	0	01	01	01	01
5	Registered Valuer Organisations	NA	NA	11	12	14
6	Registered Valuers	NA	NA	670	3030	3410

* These registrations had validity of six months and expired by 30th June, 2017.

Examinations:

The IBBI conducts the following examinations online for registration of IPs and RVs as on 30th September, 2020. It has facilitated development of study material for these examinations, which are available for free download.

(Number)

SN.	Examination	Com-menced on	No. of Attempts made by Candidates in				
			2016-17	2017-18	2018-19	2019-20	2020-21*
1	Limited Insolvency Examination	31-12-16	1183	14171	19496	23541	24757
2	Valuation Examination (Land and Building)	31-03-18	NA	NA	9469	13249	14784
3	Valuation Examination (Plant and Machinery)	31-03-18	NA	NA	1665	2422	2677
4	Valuation Examination (Securities or Financial Assets)	31-03-18	NA	NA	4496	9291	11171

* Upto September, 2020.

Capacity Building and Advocacy & Awareness:

⇒ To further develop the insolvency profession, the IBBI has promoted a two-year full-time course, namely, the Graduate Insolvency Programme (GIP) to produce a cadre of IPs of the highest quality and standards. The Indian Institute of Corporate Affairs has been authorised to offer GIP. The first batch shall be completing the course in June, 2021, while the second batch of GIP commenced on 1st July, 2020.

⇒ The IBBI organises workshops - basic and advanced - for IPs and other stakeholders to train them to be abreast with latest developments in the law, rules, regulations and emerging jurisprudence.

⇒ The IBBI organises advocacy and awareness programmes.

The details of capacity building programmes and advocacy and awareness programmes are as under:

(Number)

Programmes	2016-17	2017-18	2018-19	2019-20	2020-21*
Workshops for IPs	01	02	07	15	01
Training programmes for Market participants	-	09	02	03	-
Roundtables with stakeholders	08	45	25	20	12
Advocacy and Awareness Programmes	-	-	10	105	25
Programmes where Members and Senior Officers Participated	36	78	82	66	44
Total	45	134	126	209	82

* Upto September, 2020.

Monitoring of Processes:

The IBBI monitors the ongoing processes under the Code, the details of which are as under :

(Number)

Process	2016- 17	2017- 18	2018- 19	2019- 20	2020- 21*
Corporate Insolvency Resolution Process (CIRP)					
CIRPs at the beginning of the Year	0	36	540	1071	1966
Commenced	37	705	1152	1953	161
Closed by:					
Appeal/Review/ Settled	01	90	41	224	17
Withdrawal under Section 12A	0	0	95	163	33
Approval of Resolution Plan	0	20	80	135	42
Commencement of Liquidation	0	91	305	536	93
Ongoing at the end of the Year	36	540	1071	1966	1942
Liquidation Process					
Liquidations at the beginning of the Year	0	0	90	375	823
Commenced	0	91	305	536	93
Final Report Submitted	0	01	20	88	23
Ongoing	0	90	375	823	893
Voluntary Liquidation Process					
Voluntary Liquidations at the beginning of the Year	0	0	173	305	453
Commenced	0	184	229	269	65
Final Report Submitted	0	11	97	121	66
Ongoing	0	173	305	453	452

* Upto September, 2020.

Monitoring of Service Providers:

The IBBI monitors the conduct of service providers. The status of inspections conducted as on 30th September, 2020 is as under:

(Number)

Inspections	2017-18	2018-19	2019-20	2020-21*
Ordered	02	10	55	22
Completed	0	03	27	24
Ongoing	02	09	37	35

* Upto September, 2020.

Handling complaints:

As on 30th September 2020, the IBBI has received 3631 complaints, of which 3428 have been disposed of. The details of status of complaint and grievance redressal as on 30th September, 2020 is as under:

(Number)

Complaints and Grievances	2017-18		2018-19		2019-20		2020-21*	
	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed
Under Regulation	18	0	111	51	153	177	102	84
Through CPGRAM/PMO /MCA/Other Authorities)	06	0	333	290	239	227	159	183
Through Other Modes	22	02	713	380	1268	989	507	1045
Total	46	02	1157	721	1660	1393	768	1312

* Upto September, 2020.

Research and Publication: The IBBI

- ⇒ engages with academia to spread awareness and harness intellectual inputs on insolvency regime by way of essay competition, research promotion, internships, moot courts, quiz, etc.
- ⇒ disseminates data and information for researchers and other stakeholders at regular intervals on its website. The website had about 12,000 orders and about 10,000 media reports at the end of March, 2020. At the end of March, 2020, the website had 14,773 subscribers, who are receiving daily updates on their emails.
- ⇒ has published 15 issues of IBBI Quarterly Newsletters capturing the latest developments, policy initiatives and evolving jurisprudence surrounding the theme of insolvency.
- ⇒ has made available study material for all four examinations - Limited Insolvency Examination and Valuation Examinations for three asset classes (Land and Building, Plant and Machinery, Securities or Financial Assets), with the assistance of the stakeholders.
- ⇒ has published two annual publications, namely, (a) Insolvency and Bankruptcy Code - A Miscellany of Perspectives, in October 2019; and (b) Insolvency and Bankruptcy Regime in India: A Narrative, in October, 2020.
- ⇒ has published a Handbook "Understanding the IBC: Key Jurisprudence and Practical considerations" in collaboration with IFC.
- ⇒ has published a publication "Understanding the Insolvency and Bankruptcy Code, 2016: Analysing developments in jurisprudence" in June, 2019.
- ⇒ has launched the IBBI Research Initiative, 2019 to promote research and discourse in areas relevant for the evolving insolvency and bankruptcy regime in general, and that in India.
- ⇒ has launched a Working Paper Series for all officers/RAs/Consultants of IBBI in August, 2020 to promote in-house research.

C. Quasi-Judicial Functions

The Code provides for a Disciplinary Committee (DC) to dispose of Show Cause Notices (SCNs) issued to service providers and to impose a monetary penalty, or suspend or cancel the registration, as may be warranted. Till 30th September, 2020, 70 SCNs have been issued and the DC has disposed of 30 of them, as under:

(Number)

Show Cause Notices	2017-18	2018-19	2019-20	2020-21*
Issued	04	09	14	43
Disposed of	Nil	11	07	12
Balance	04	02	09	40

* Upto September, 2020.

Court Cases

A new law is typically settled in its early years. The IBBI is respondent and petitioner/applicant/complainant in several matters before various courts and tribunals, the details of which, as on 30th September, 2020, are as under:

(Number)

Matters Before	2017-18			2018-19			2019-20			2020-21*		
	Filed	Dis-posed	Pend-ing#	Filed	Dis-posed	Pend-ing#	Filed	Dis-posed	Pend-ing#	Filed	Dis-posed	Pend-ing#
Supreme Court	12	0	12	37	14	35	22	23	34	05	02	37
High Courts	05	0	05	44	19	30	40	23	47	44	10	81
NCLAT	03	0	03	15	10	08	07	13	02	03	0	05
NCLT	04	0	04	13	10	07	20	17	10	18	0	28
Special Courts	0	0	0	07	0	07	15	0	22	04	0	26
Total	24	0	24	116	53	87	104	76	115	74	12	177

* Upto September, 2020.

Pending with Courts / Tribunals.

Other Information

SN.	Particulars	2016-17	2017-18	2018-19	2019-20	2020-21*
1	No. of Panels of IPs Prepared	0	02	03	04	02
2	No. of RTI Requests Handled	0	71	236	230	148
3	No. of Orders Gathered and Browsed	52	1411	3347	6291	1113
4	No. of Public Announcements and Invitations of Expression of Interests Published on Website	0	877	2733	4442	1058
5	No. of Discussion Papers prepared	07	11	09	20	03

* Upto September, 2020.

Recognition

- ⇒ Global Restructuring Review (GRR) Award for the 'Most Improved Jurisdiction' for the year 2018 awarded to India.
- ⇒ India made a leap in the 'resolving insolvency' parameter of the World Bank's Ease of Doing Business Survey for the year 2019, improving 56 places to reach 52 from 108 in the last year among 190 countries.
- ⇒ In the 2020 edition of the Global Innovation Index, India's rank in 'Ease of Resolving Insolvency' improved to 47 from 95 last year.