

**Insolvency and Bankruptcy Board of India
(New Delhi)**

7th June 2023

**Discussion Paper: Simplification of Enrolment and Registration Process for Ease of Entry
in the Insolvency Profession**

This paper solicits public comments on the following issues to simplify the enrolment and registration process: -

- I. Simplification of Enrolment of membership and registration process;
- II. Modification in exam and Pre-Registration Educational Course (PREC) requirements.
- III. Streamlining the exit and attendant compliance obligations pursuant to: -
 - (a) Suspension of the professional member by the Insolvency Professional Agency (IPA),
 - (b) Surrender of professional membership by the Insolvency Professional (IP) with IPA and /or surrender of certificate of registration with the Insolvency and Bankruptcy Board of India ('IBBI/ Board'),
 - (c) Expulsion of the Professional Member by IPA, or
 - (d) Demise of an IP (Individual) and winding up or dissolution of an entity.

Introduction

2. The insolvency profession is a unique profession which came into existence for the first time with the enactment of the Insolvency and Bankruptcy Code, 2016 (the Code). Under the extant regulatory framework, the IPA is the frontline regulator of the insolvency profession to enrol the professional member and the Board is the principal regulator to grant the certificate of registration, to enable the IP to take assignment under the Code.

3. Under section 196(1)(aa) of the Code, the Board is responsible to promote the development of, and regulate, the working and practices of, insolvency professionals in furtherance of the purposes of the Code. Further, section 196(1)(b) empowers the Board to specify the minimum eligibility requirements for registration of IPs and section 196(1)(e) empowers the Board to lay down by regulations the minimum curriculum for the examination of the IPs for their enrolment as members of the IPAs. The Board has specified the framework to regulate the entry and exit requirement for insolvency professional through IBBI (Insolvency Professionals) Regulations, 2016 (IP Regulations) and the IBBI (Model Byelaws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 (Model Bye-Laws Regulations). While the Model Bye Laws Regulations deal with the process of enrolment, issuance/ renewal/ suspension of authorisation for assignment, oversight of professional members, etc. by the IPA, the IP Regulations deal with the process of registration, regulation, and oversight of IPs by the Board.

4. From time to time, the Board has been taking measures for easing out compliance requirements without compromising on the legitimate stipulations. The experiences gained in promotion of this profession further entail few more measures to be taken to simplify the entry and exit norms in the profession. As a continued endeavour to reform the entry and exit requirements, this paper attempts to reform the enrolment and registration process by addressing duplicity and simplify

the exit requirements without compromising the desired levels of professional acumen. The proposed measures will augment the initiatives as emphasised by the 32nd Standing Committee on Finance and widely discussed during the 'Colloquium on Functioning and Strengthening of the IBC Ecosystem' held in November 2022.

Policy Statement I(A). Modification in post application exam and PREC requirements

5. The extant regulatory framework mandates multiple requirements for entry into the insolvency profession. IP Regulations provide for the entry requirements as following: -

- a) Regulation 5(a) provides for the passing of Limited Insolvency Examination (LIE/ examination) within 12 months before date of application for enrolment. The purpose of this examination is to test the knowledge of individuals in the areas of insolvency, bankruptcy, and allied subjects.
- b) Regulation 5(b) provides for completion of PREC after his enrolment as professional member. The purpose of PREC (50-hour course) is to impart multi-disciplinary skills, including theoretical and practical knowledge on the Code and allied subjects, which are expected to be possessed by the IP. As these skills could not be tested adequately through insolvency examination, the provision for PREC was introduced.
- c) Regulation 5(c) stipulates the required experience which is in the range from 10 years to 15 years in the field of law, management, chartered accountant as a member of ICAI, company secretary as a member of ICSI, cost accountant as a member of ICMAI or advocate enrolled with the Bar Council except for the individual who has successfully completed GIP.

6. There are also additional skill upgradation/ entry requirements post registration like (i) continuous professional education, (ii) obtaining authorisation for assignment from IPA before accepting or undertaking any assignment.

7. As the examination, that commenced w.e.f. 31st December 2016, had the limitation of evaluating applicants through an objective-based test, the requirement of PREC before applying for registration was introduced in March 2018. This was aimed to ensure that the applicants remain abreast with recent developments. The exposure to practical aspects holds prominence in the insolvency profession given the stakes involved in the processes under the Code. The existing requirements ensure this to a large extent by mandating 10/15 years of prior experience and familiarising with the practical aspects through the PREC. In this context, it is pertinent to note that the requirement of passing an objective based examination and time gap in undergoing PREC undermines the objective of ensuring adequate practical exposure to applicants. Also, the extant examination is an objective-based test which does not evaluate the practical experience of the applicant.

8. Since the insolvency profession is unique, dynamic and involves intricacies in the conduct of processes, the PREC, being a practical-oriented course, if followed by an assessment examination, is considered more relevant to ensure that the applicants remain updated, the practical aspects are expounded, knowledge and application of knowledge is tested, and limitation of objective type question of examination may be mitigated. This will ensure that

applicants are properly trained and thereafter evaluated before proceeding for registration. The stipulation regarding time limit between completion of PREC and applying for registration will also ensure that applicants are updated with latest developments of this dynamic ecosystem. Thus, to facilitate ease of entry into the profession, it is considered expedient that the PREC may be conducted after enrolment but before applying for registration as an insolvency professional with the requirement of course assessment at the end of PREC. Therefore, the professional member applying for registration shall be required to have successfully completed the PREC with the course assessment exam.

Policy Statement I(B). Conduct of PREC

9. The PREC is presently being conducted by the IPAs, independently as well as jointly. Thus, it is likely that the delivery may differ from one IPA to another IPA. In order to standardise the delivery of PREC, it is also felt expedient that the PREC may be conducted through a specialised institution(s)/ agency/ organisation, as may be specified by the Board.

10. The delivery of PREC through specialised institution will ensure uniformity, focussed delivery approach and qualitative entry level practical training through a specialised institution/ agency/ organisation. The IPAs will continue to offer valuable support to these institutions in conduct of the PREC and imparting trainings to the professional members.

Domestic Scenario

Securities and Exchange Board of India ('SEBI')

11. The SEBI (Certification of Associated Persons in the Securities Markets) Regulations, 2007 provides for requirement of obtaining certificate by the associated persons for engagement or employment with certain class of intermediaries. The certificate can be obtained by passing a certification examination, obtaining classroom credits through attending classes or delivering formal classroom sessions, as may be specified by the National Institute of Securities Markets ('NISM'). It may be observed that similar provision of examination, PREC, continuing professional education, etc. exist in regulatory framework for IPs.

Proposal

12. It is proposed that: -

- a) The applicant enrolled with the IPA will successfully complete PREC which will include an course assessment exam at the end of the course.
- b) The PREC will be conducted by specialised institution (s) as may be specified by the Board.
- c) The curriculum of PREC will be decided by the Board with due emphasis on the practical training aspects, including exit assessment exam.
- d) The registration should be obtained within 12 months from successful completion of PREC.

Economic Analysis

13. It is envisaged that the proposed modification in exam and comprehensive PREC requirements will provide a focused approach and ease out the multiple requirements for entry into the profession. It will ensure that the applicants would be well versed with theoretical and

practical aspects and multi-disciplinary skills delivered through the specialised institution, without compromising the quality. It will also ensure that the knowledge will be updated, practical aspects will be tested, and limitation of objective type question of examination will be mitigated. Overall, this will ease entry into the insolvency profession. There is no substantial additional cost of compliance of regulations instead the cost associated with the insolvency examination will be reduced, which is beneficial for the applicant.

Policy Statement II. Simplification of Enrolment and Registration Process

14. Section 206 of the Code prohibits any person from rendering services as IP without being enrolled as a member of an IPA and registered with the IBBI. The Model Bye-Laws Regulations provide that no individual/ insolvency professional entity shall be enrolled by the IPA as its professional member if it is not eligible to be registered as an IP with the Board. Thus, enrolment is a pre-condition for registration. The IP Regulations provide for the professional member to apply to the Board in the Form A for registration. Consequently, the applicant who intends to become an IP has to apply twice i.e., for enrolment with the IPA and registration with the Board despite the submission of information being common.

15. It is also pertinent to note that the eligibility requirements for enrolment are same as for registration. However, if the applicant intends to get registration as an IP, he has to undergo two separate processes for seeking enrolment and thereafter registration upon completion of PREC. This results in duplication of process to be followed by the applicant from enrolment till registration.

16. Further, while Model Bye Laws Regulations provide for timeline to decide and intimate rejection of application for membership, there are no timelines for deciding the acceptance.

Proposal

17. It is proposed to introduce a straight-through approach for both enrolment and registration process to run in one pass: -

- (a) The applicant may submit a unified application form for enrolment and registration to the IPA. The IPA may accept or reject the application.
- (b) The acceptance of application shall be communicated to the applicant, along with a certificate of membership, within sixty days of receipt of the application, excluding the time given by the IPA for submitting additional documents, information, or clarification by the applicant.
- (c) In case the professional member intends to seek registration as an IP, he shall undergo PREC and shall pay non-refundable application fee to the IBBI within 12 months from successful completion of PREC.
- (d) Upon payment of fee, the IPA may require the professional member to submit additional documents, information, or clarification that it deems fit and verify and forward the application along with its recommendation for grant of certificate of registration, within 30 days from the date of payment of fee by the professional member to the Board, excluding the time given by the IPA for submitting additional documents, information, or clarification by the applicant.

- (e) The application shall be processed by the Board in terms of extant provisions in IP Regulations.
- (f) As the unified application is being processed at IPA, the extant overall timeline of 60 days is proposed to be reduced to 30 days from the date of receipt of application from IPA.
- (g) The flowchart of existing and proposed manner of enrolment and registration process is placed as **Annexure-I**.

Economic Analysis

18. It is envisaged that the proposed simplification of enrolment and registration process will ensure a simpler, faster, and user-friendly process for the applicants. This will reduce duplication of application submission requirements. As a consequence, it will reduce the number of stages required for registration as an IP. This will bring in transparency, accountability, and faster processing of applications on the part of IPAs and the Board by streamlining the administrative processes.

Policy Statement III. Exit from Professions and streamlining attendant compliances: -

- (a) Suspension of the Professional Member by the IPA**
- (b) Surrender of Professional Membership by the IP with IPA and/ or surrender of certificate of registration with the IBBI**
- (c) Expulsion of the Professional Member by IPA**
- (d) Demise of an IP (Individual)**

19. In terms of clause 24(2)(b) of schedule of bye-laws under regulation 3 read with regulation 2(1)(c) of Model Bye-Laws Regulations, the order passed by the Disciplinary Committee ('DC, IPA') shall inter alia include suspension of the professional membership for a certain period of time. Further, in terms of clause 27 of schedule of bye-laws under regulation 3 read with regulation 2(1)(c) of Model Bye-Laws Regulations, IPA is required to intimate the Board upon acceptance of request for surrender of professional membership. The Board is also receiving intimations from IPs, their associates, and IPAs regarding demise of an IP for cancellation of their registration. Furthermore, in terms of clause 27 and clause 30 of Model Bye-Laws Regulations, a professional member can surrender its membership with IPA or be expelled by the IPA in certain situations.

20. The Regulations are silent about certain compliance obligations of such professional members who surrender membership or get expelled by IPA. Further the regulations are silent about procedures in certain modes of exit. Such matters are regarding: -

- (a) Suspension of Membership:** IPA may, by order, suspend the professional member for certain period. However, there is no explicit provision regarding consequential impact on registration and related compliances.
- (b) Surrender of Professional Membership by the IP with IPA**
 - (i) On acceptance of application for surrender of the professional membership, the IPA is required to strike off the name of concerned IP from the register of its members.

However, the registration of individual with the IBBI remains active as the existing regulations are silent about the consequential impact on status of registration.

- (ii) At present, there are limited checks and balances which are to be ensured by the IPA before striking name of professional member from register of its members. This includes fee pending with IPA, pending grievance or disciplinary proceeding before IPA or Board and replacement of IP being detrimental such any ongoing process being handled by him. However, other compliances like payment of fee to the Board, filings, disclosures, etc. remain unverified due to absence of stipulations in the regulations.
- (c) **Exit from profession by surrendering certificate to the Board** -There may be instances where an IP may desire to surrender his registration with IBBI while retaining his membership with IPA. IP Regulations and Model Bye-laws Regulations are silent as to how to deal with such situations and consequential actions about pending actions, fulfilment of fee obligations, etc.
- (d) **Expulsion from Professional Membership by IPA:** A professional member can be expelled by the IPA in situations like becoming ineligible under bye-laws, etc. In such cases, the name of IP would be struck from register of members of IPA and such member would be rendered ineligible to continue as IP. However, there is no explicit provision regarding consequential impact on registration and related compliances.
- (e) **Demise of an IP (Individual):** There are no explicit provisions in the IP Regulations and Model Bye-laws Regulations on status of professional membership and registration, upon demise of an IP who is an individual or upon winding up or dissolution of an entity registered as an IP.

Securities and Exchange Board of India

21. The SEBI (Intermediaries) Regulations, 2008, *inter-alia* provides the procedure for action on expulsion from membership of the stock exchange(s) or clearing corporation(s) or termination of all depository agreements with depository(ies). It also provides for exit by surrender of registration to SEBI and the effect of debarment, suspension, cancellation, or surrender.

Proposal

22. It is proposed to amend Model Bye-Laws Regulations to provide –

- A. The acceptance of application for surrender of professional membership and/ or surrender of certificate of registration, shall be subject to the conditions that the professional member: -
 - (i) has no grievance or disciplinary proceeding pending against it before the Board;
 - (ii) complies with requirements, as on the date of application for surrender of professional membership with respect to-
 - a) payment of fee to the IPA and the Board;
 - b) pending disciplinary actions;
 - c) filings and disclosures to the IPA and the Board;
 - d) the arrangements made for the maintenance, preservation and transfer of records and other documents required to be maintained under the relevant regulations;
- and

- e) any other requirements, as stipulated under the Code, rules made thereunder, regulations, circulars, directions, or guidelines issued by the IPA and the Board, from time to time.
 - (iii) has not been appointed as an interim resolution professional, resolution professional, liquidator or authorised representative or bankruptcy trustee for a process under the Code, or the appointment of another IP may not be detrimental to such process.
- B. While expelling the professional member, the IPA may consider whether the professional member satisfies the requirements *inter alia* that with regard to-
- a) payment of fee to the IPA and the Board;
 - b) filings and disclosures to the IPA and the Board;
 - c) the arrangements made for the maintenance, preservation and transfer of records and other documents required to be maintained under the relevant regulations;
 - d) grievance or pending disciplinary actions; and
 - e) other requirements, as stipulated under the Code, regulations, circulars, directions, or guidelines issued by the IPA and/or the Board.
- C. Upon receipt of intimation of demise/ winding up/ dissolution, as the case may be, of the professional member, the name of the professional member shall be struck from the registers of the IPA, and the same shall be intimated to the Board.
23. It is proposed to amend IP Regulations to provide that: -
- (a) IPA shall inform the Board within one working day of taking following actions: -
 - (i) suspension of the professional member;
 - (ii) surrender of professional membership and/ or surrender of certificate of registration;
 - (iii) recommending acceptance of application for surrender of certificate of registration;
 - (iv) expulsion of the professional member;
 - (v) receiving intimation of demise/ winding up/ dissolution, as the case may be, of the professional member.
 - (b) Upon receipt of intimation from the IPA regarding: -
 - (i) suspension of professional member, the Board may consider to take appropriate action if the suspension is on account of contravention of requirements of the Code/ Regulations, circulars, directions, or guidelines issued by the IPA and/or the Board.
 - (ii) surrender or expulsion of professional member or recommendation for surrender of membership, the Board may issue a notice to such professional member calling upon it to explain as to why the certificate of registration, granted under the regulations, should not be cancelled. The decision in such cases would be administrative action under section 196 based on written submission(s), if any, received within a period not exceeding twenty-one days from the date of service of notice. The Board shall communicate its decision within thirty days from date of receipt of written submissions and if necessary, issue direction to the IP to complete the ongoing assignments, make pending compliances including payment of fee, etc.
 - (iii) demise / winding up/ dissolution, as the case may be, of the professional member, the registration of such IP shall be deemed to have been cancelled from the date of such demise/ winding up/ dissolution, as the case may be.

- (c) In case of surrender of certificate of registration by the IP to the Board, the procedure as sated in point b(ii) shall be followed.
- (d) On and from the date of cancellation of the certificate of registration, the IP concerned, or its heirs/ assign shall take action relating to any record(s) or document(s) or assets that may be in custody or control of such IP, within the time period and in the manner, as may be required under the relevant regulations or as may be directed by the Board.

Economic Analysis

24. The proposed amendment is envisaged to address the procedural gaps in the status of registration of an IP upon suspension of the professional member, surrender of professional membership with IPA, expulsion of the professional member and upon receipt of intimation of demise/ winding up/ dissolution of IP. This will bring clarity on the status of professional membership/ enrolment and registration and related compliances which are required to be done by the IPs.

Public comments

25. The Board accordingly solicits comments on the proposals discussed above and the draft Model Bye-Laws Regulations and IP Regulations are placed in the Annexure-II and Annexure-III, respectively.

26. This is issued in pursuance to regulation 4 of the Insolvency and Bankruptcy Board of India (Mechanism for Issuing Regulations) Regulations, 2018. After considering the comments, the Board proposes to make regulations under clauses (a), (aa), (b), (e) and (t) of sub-section (1), sub-section (2) of section 196 of the Code.

Submission of comments

27. Comments may be submitted electronically by 28th June 2023. For providing comments, please follow the process as under:

i. Visit IBBI website, www.ibbi.gov.in;

ii. Select 'Public Comments'.

iii. Select '**Discussion paper – Simplification of Enrolment and Registration Process and Related Compliances for Ease of Entry in the Insolvency Profession**'.

iv. Provide your Name, and Email ID;

v. Select the stakeholder category, namely, -

- a) Corporate Debtor;
- b) Personal Guarantor to a Corporate Debtor;
- c) Proprietorship firms;
- d) Partnership firms;
- e) Creditor to a Corporate Debtor;
- f) Insolvency Professional;
- g) Insolvency Professional Agency;
- h) Insolvency Professional Entity;
- i) Academics;
- j) Investor; or
- k) Others.

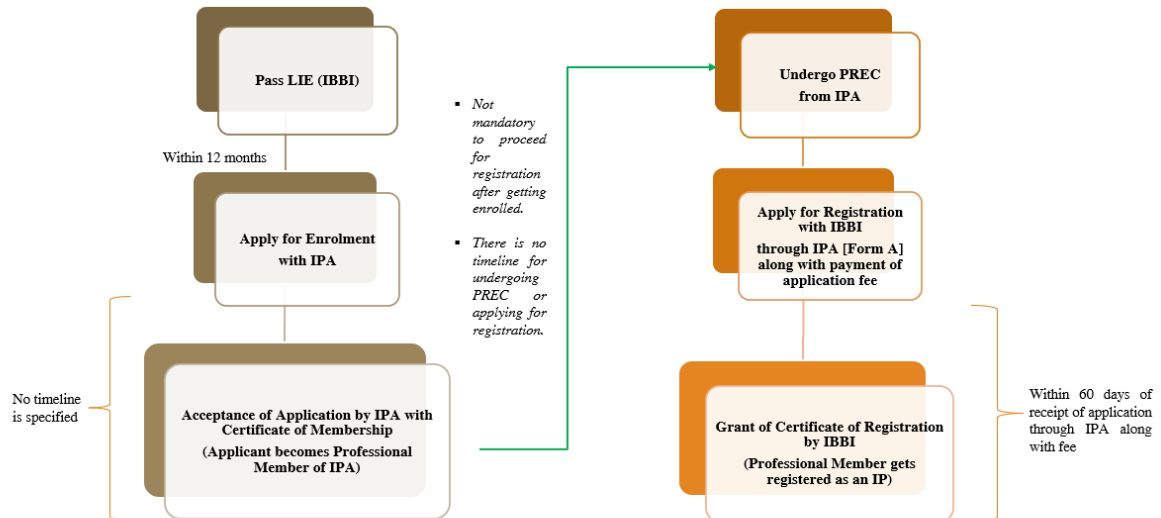
vi. Select the kind of comments you wish to make, namely,

- a) General Comments; or
- b) Specific Comments.

- vii. If you have selected 'General Comments', please select one of the following options:
- a) Inconsistency, if any, between the provisions within the regulations (intra regulations);
 - b) Inconsistency, if any, between the provisions in different regulations (inter regulations);
 - c) Inconsistency, if any, between the provisions in the regulations with those in the rules;
 - d) Inconsistency, if any, between the provisions in the regulations with those in the Code;
 - e) Inconsistency, if any, between the provisions in the regulations with those in any other law;
 - f) Any difficulty in implementation of any of the provisions in the regulations;
 - g) Any provision that should have been provided in the regulations, but has not been provided;
- or
- h) Any provision that has been provided in the regulations but should not have been provided.
- And then write comments under the selected option.
- viii. If you have selected 'Specific Comments', please select para/regulation number and then sub-para/sub-regulation number and write comments under the selected para/sub-para or regulation/sub-regulation number.
- ix. You can make comments on more than one para/sub-para, by clicking on More Comments and repeating the process outlined above.
- x. Click 'Submit' if you have no more comments to make.

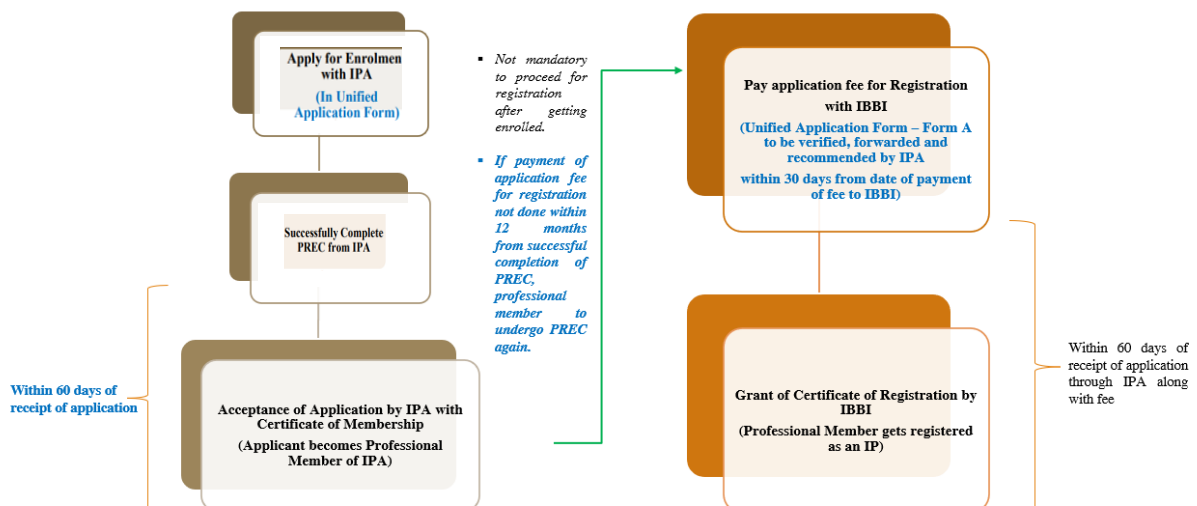
FLOWCHART OF EXISTING AND PROPOSED PROCEDURE OF ENROLMENT AND REGISTRATION PROCESS

i. Existing Process



Note:
 (a) LIE- Limited Insolvency Examination, MC- Membership Committee, PREC – Pre-Registration Educational Course
 (b) For simplicity, rejection provisions have not been depicted in the flowchart

ii. Proposed Process



Note:
 (a) LIE- Limited Insolvency Examination, MC- Membership Committee, PREC – Pre-Registration Educational Course
 (b) For simplicity, rejection provisions have not been depicted in the flowchart
 (c) Blue colour indicates proposed changes

**GAZETTE OF INDIA
EXTRAORDINARY
PART III, SECTION 4
PUBLISHED BY AUTHORITY
NEW DELHI, JUNE 2023**

**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA
DRAFT NOTIFICATION**

New Delhi, the ... June 2023

Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2023

No. IBBI/2023-24/.....—In exercise of the powers conferred by sections 196 and 205 read with section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Insolvency and Bankruptcy Board of India hereby makes the following regulations further to amend the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016, namely: -

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, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule issued under Regulation 3 read with Regulation 2(1)(c) of 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’), –

(i) in para VI, in clause 10,

(a) for sub-clause (1), the following shall be substituted, namely: -

“(1) An individual or an insolvency professional entity may apply for enrolment as a professional member by submitting an application in Form A and Form AA, respectively, of the Second Schedule to Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016, in such manner and with such fees as may be specified by the Agency.”

(b) in clause (7), after the words “to these bye laws” the words “*within sixty days of receipt of application excluding the time given for the purposes stated in clause (6)*” shall be inserted,

(ii) in para XI,

(a) the clause 28 shall be substituted by the following: -

*“28. (1) The acceptance of application for surrender of professional membership or shall be subject to the condition that the professional member—
(a) has no grievance or disciplinary proceeding pending against it before the Agency or the Board; or*

(b) complies with requirements, as on the date of application for surrender of professional membership, with respect to-

(i) payment of fee to the Agency and the Board;

(ii) default or pending disciplinary actions;

(iii) filings and disclosures to the Agency and the Board; and

(iv) the arrangements made for the maintenance, preservation and transfer of records and other documents required to be maintained under the relevant regulations; and

(v) other requirements, as stipulated under the Code, regulations, circulars, directions or guidelines issued by the Agency and the Board, from time to time.

(c) has been appointed as an interim resolution professional, resolution professional, liquidator or authorised representative or bankruptcy trustee for a process under the Code, and the appointment of another insolvency professional may not be detrimental to such process.”

(b) clause 29 shall be omitted.

RAVI MITAL, Chairperson
[ADVT.-]

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) (Second Amendment) Regulations, 2022 published *vide* notification No. IBBI/2022- 23/GN/REG101 dated 31st October 2022, in the Gazette of India, Extraordinary, Part III, Section 4, No. 535 on 31st October 2022.

**THE GAZETTE OF INDIA
EXTRAORDINARY
PART III, SECTION 4
PUBLISHED BY AUTHORITY
New Delhi, , ---- JUNE 2023**

**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA
DRAFT NOTIFICATION**

New Delhi, the ---- June 2023

Insolvency and Bankruptcy Board of India (Insolvency Professionals) (Amendment) Regulations, 2023

No. IBBI/2023-24/GN/REG---- In exercise of the powers conferred by sections 196, 207 and 208 read with section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Insolvency and Bankruptcy Board of India hereby makes the following regulations further to amend the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016, namely: -

1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Insolvency Professionals) (Amendment) Regulations, 2023.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 (hereinafter referred to as ‘the principal regulations’),

(i) in regulation 3, the sub-regulation (2) and (3) shall be omitted.

(ii) in regulation 5,

a. clause (a) shall be omitted.

b. For clause (b) , following shall be substituted , namely: -

“(b) has, after his enrolment as professional member with the insolvency professional agency, successfully completed a pre-registration educational course, as may be required by the Board, from an institution, as may be designated by the Board,; and”

(iii) in regulation 6, -

a. In sub-regulation (1), after the words “*Second Schedule to these Regulations*” the words “*through the insolvency professional agency of which he is enrolled as a member,*” shall be inserted;

- b. In sub-regulation (1A), after the words “*Form AA of Second Schedule*” the words “*through the insolvency professional agency of which he is a member,*” shall be inserted;
- c. In sub-regulation (2) and (3), for the word “Board,” the words “*insolvency professional agency*”; shall be substituted;
- d. The existing sub-regulation (4) shall be renumbered as sub-regulation (6) and new sub-regulations (4) and (5) shall be inserted as under:-
 - “(4) *The insolvency professional agency shall verify and forward the application to the Board within thirty days from the date of request of applicant for grant of a certificate of registration, excluding the time given by the insolvency professional agency for submitting additional documents, information, or clarification by the professional member.*
 - “(5) *The Board may require the applicant to submit, within reasonable time, additional documents, information or clarification that it deems fit.*”
- (iv) in regulation 7, in sub-regulation (1) for the words “*sixty days*” the words “*thirty days*” shall be substituted;
- (v) in regulation 10,
 - (a) in sub-regulation (1),
 - i. after clause (c), the word “or” shall be omitted.
 - ii. after clause (d), the following clauses shall be inserted, namely:-
 - “(e)*suspends the professional membership;*
 - “(f)*accepts the request of surrender of professional membership;*
 - “(g)*expels from professional membership; or*
 - “(h)*receives intimation of demise of an individual or winding up or dissolution of a company, limited liability partnership or registered partnership firm.*”
 - (b) in sub -regulation (2), after the words, bracket and figure “sub-regulation (1) “the words “*and for cases referred to in clauses (e), (f) and(g) and (h) thereof, it may, if deems expedient to do so, proceed in accordance with regulation 10 B.*”
- (vi) After regulation 10, the following regulations shall be inserted, namely: -
 - “10A. Surrender of certificate of registration.**
 - (1) An insolvency professional may surrender its certificate of registration by making a request to the Board, in writing along with the certificate of registration in original.
 - (1) *The Board may accept the request for surrender of certificate of registration having due regard to the factors that the insolvency professional –*
 - (a) *has no grievance or disciplinary proceeding pending against it before the Board; or*
 - (b) *complies with requirements, as on the date of request, with respect to-*
 - (i) *payment of fee to the insolvency professional agency and the Board;*
 - (ii) *contraventions if any, or pending disciplinary actions;*
 - (iii) *filings and disclosures to the Board; and*

- (iv) the arrangements made for the maintenance, preservation and transfer of records and other documents required to be maintained under the relevant regulations; and*
- (v) other requirements, as stipulated under the Code, regulations, circulars, directions or guidelines issued by the Board, from time to time.*
- (c) has been appointed as an interim resolution professional, resolution professional, liquidator or authorised representative or bankruptcy trustee for a process under the Code, and the appointment of another insolvency professional may not be detrimental to such process.”*

(3) The Board may, within thirty days of receipt of the request for surrender of certificate of registration, accept such request and upon acceptance, the name of insolvency professional shall be struck from the records of the Board.

(4) On and from the date of surrender of the certificate, the concerned person shall not represent itself to be a holder of certificate for carrying out the activity for which such certificate had been granted.

10B. Special procedure for action on suspension, surrender, expulsion, etc.

- (1) While disposing of the matter under this regulation, the Board shall not be bound by the procedure specified in regulation 11.*
- (2) On receipt of information clause (e) of sub-regulation (1) of regulation 10, the Board may, without prejudice to its right to take any action for contravention of provisions of the Code, or rules or regulations made, or circulars or guidelines issued thereunder, continue the registration of the insolvency professional.*
- (3) On receipt of information under clause (f) and (g) of sub-regulation (1) of regulation 10, the Board may issue a notice, if required, to such professional member calling upon it to explain as to why the certificate of registration, granted under the regulations, should not be cancelled.*
- (4) The professional member may make written submission(s), if any, within a period not exceeding twenty-one days from the date of service of notice.*
- (5) The Board shall communicate its decision within thirty days from date of receipt of written submissions under sub-regulation (3).*
- (6) If considered necessary, the Board may issue direction to complete the ongoing assignments, make pending compliances including payment of fee, etc.*
- (7) On receipt of information under clause (h) of sub-regulation (1) of regulation 10, the registration of such insolvency professional with the Board shall be deemed to have been cancelled from the date of demise or winding up or dissolution, as the case may be.*
- (8) On and from the date of cancellation of the certificate of registration, under this regulation, the legal heirs or assign of the insolvency professional shall take action relating to any record(s) or document(s) or assets that may be in custody or control of such insolvency professional, within the time period and in the manner, as may be required under the relevant regulations or as may be directed by the Board.”*

3. In principal regulations, in Second Schedule, for Form A, the following form shall be substituted, namely: -

**“FORM A
Part 1**

[Under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 and Regulation 10 of Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 and]

To
The Managing Director,
<name of the insolvency professional agency>

<Please affix a recent ----->
--

Subject: Application for enrolment as professional member and registration as insolvency professional

Sir / Madam,

I hereby apply for -

- (a) enrolment as a professional member with the <name of the insolvency professional agency> under regulation 10 of Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016; and
- (b) registration as an insolvency professional under section 207 of the Insolvency and Bankruptcy Code, 2016 read with regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016.

My details are as under:

A. PERSONAL DETAILS

- 1 Title (Mr. / Mrs. / Ms. / Other):
- 2. Name (as per PAN / Aadhaar):
- 3. Father’s Name:
- 4. Mother’s Name:
- 5. Date of Birth:
- 6. Place of Birth:
- 7. PAN:
- 8. AADHAAR No. (if available):
- 9. Passport No. (if available):
- 10. GSTIN (if available):
- 11. DIN / DPIN (if available):
- 12. Address for Correspondence (*Note: This shall be recorded as the registered address*):
- 13. Permanent Address:
- 14. E-mail Address (*Note: This shall be recorded as the registered e-mail address*):

15. Mobile No. (Note: This shall be recorded as the registered mobile number):

16. Residential Status: Person resident in India/ Person resident outside India (strike off whichever is not applicable) [in terms of section 3 (24) or 3 (25) of Insolvency and Bankruptcy Code, 2016]

B. EDUCATIONAL, PROFESSIONAL AND INSOLVENCY EXAMINATION QUALIFICATIONS

i. Educational Qualifications

[Please provide educational qualifications from Bachelor's degree onwards]

Sl. No.	Educational qualification	University /College	Year of Passing	Marks Secured (%)	Grade/ Class	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)

ii. Professional Qualifications

[in terms of regulation 5(c)(iv) of IP Regulations]

Sl.No.	Professional Qualification	Institute/ Professional Body	Membership No. / Enrolment No. (as the case may be)	Date of registration/ enrolment	Remarks, if any
(1)	(2)	(3)	(4)	(5)	(6)

iii. Insolvency Examinations

Sl.No.	Name of the examination /programme	Whether qualified or not? (Yes / No)	Name of the Institute	Marks (%) /Grade/Class (if applicable)	Date of passing	Remarks, if any
1	National Insolvency Programme					
2	Graduate Insolvency programme					

iv. Are you a registered valuer? (Yes/No) If yes,

(a) IBBI Registration No. _____

(b) Name of Registered Valuer Organisation (RVO) _____ and,

(c) RVO enrolment No. _____

C. WORK EXPERIENCE

(i) Are you presently in practice / employment? (*Practice / Employment*)

(ii) Total period in practice (years and completed months): yy / mm

(iii) Total period in employment (years and completed months): yy / mm

(iv) Details of experience (from the date of enrolment as an Advocate / Chartered Accountant/ Company Secretary / Cost Accountant / After Bachelors' Degree)

Sl. No.	From Date (dd-mm-yyyy)	To Date (dd-mm-yyyy)	Employment		/ Practice		Area of Work
			Name of Employer	Designation	Advocate/ CA/CS/CM A	Name of Firm and Firm Registration Number, if applicable	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

D. ADDITIONAL INFORMATION

1. Have you ever been convicted for an offence? (Yes / No)

If yes, please give complete along with current status.

2. Is any criminal proceedings pending against you? (Yes / No)

If yes, please give complete details along with current status.

3. Have you ever been adjudged as an insolvent/bankrupt, or applied to be declared so?

(Yes / No) If yes, please give complete details along with current status.

4. Is there any disciplinary proceeding pending against you or has been taken against you at any time in the preceding three years by the ICAI, ICSI, ICAI (Cost), Bar Council or RVO?

(Yes /No) If yes, please give complete details along with current status.

5. Have you ever applied for Enrollment with any Insolvency Professional Agency? (Yes / No) If yes, please give details.

Date of application	
Name of the IPA	
Reason of Rejection	
Date of Rejection	

6. Please provide any additional information that may be relevant for determining fit and proper person eligibility.

E. ATTACHMENTS

1. Copy of proof of residence
2. Copy of PAN card, Aadhaar card and Passport
3. Copy of GST Registration Certificate
4. Copy of DIN/ DPIN allotment letter
5. Copies of documents in support of educational qualification, professional qualification and insolvency examination.
6. Copies of documents demonstrating practice as –
 - (i) a chartered accountant registered with the Institute of Chartered Accountants of India;
 - (ii) a company secretary registered with the Institute of Company Secretaries of India;
 - (iii) a cost accountant registered with the Institute of Cost Accountants of India; or
 - (iv) an advocate enrolled with the Bar Council.
7. Copies of certificate of employment from the employer(s), specifying the period of such employment
8. Financial statements / Income-tax Returns for the last three years.
9. Copy of certificate of professional membership Registered Valuer Organisation
10. Evidence of deposit / payment of applicable fee.
11. Details of information with respect to conviction, criminal proceedings, insolvency/bankruptcy order, disciplinary proceedings/actions and any other additional information relevant for the application, as may be applicable (including brief facts, copy of relevant orders and present status thereof) as separate enclosures.

F. UNDERSTANDING

I understand and agree that my enrolment with the <name of insolvency professional agency> does not entitle me to the registration, which is subject to my complying with various requirements of the Insolvency and Bankruptcy Board of India.

G. AFFIRMATIONS

I affirm that I am eligible to be enrolled as a professional member and registered as an insolvency professional under the IBBI (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 and the IBBI (Insolvency Professionals) Regulations, 2016 read with section 207 of the Insolvency and Bankruptcy Code, 2016.

2. I affirm that the information furnished by me in this application is correct and complete to the best of my knowledge and belief.

3. I undertake to comply with the requirements of the Insolvency and Bankruptcy Code, 2016, rules, regulations, guidelines and circulars issued thereunder, the bye-laws of the insolvency professional agency with which I am enrolled and directions given by the Board and the Governing Board of such insolvency professional agency and to furnish any additional information as and when called for by the Board or Insolvency Professional Agency.

Name and signature of applicant

Place :

Date :]

Part-2

TO BE SUBMITTED BY THE INSOLVENCY PROFESSIONAL AGENCY

To,
The Executive Director (IP Division)
Insolvency and Bankruptcy Board of India

Subject: Application for registration as an insolvency professional

Sir / Madam,

The application for registration received from [Name of the applicant] after obtaining the membership [professional membership number], under section 207 of the Insolvency and Bankruptcy Code, 2016 read with regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 [IP Regulations] is hereby submitted to the Board.

We have verified as under:

Sr. No.	Verification	Finding
1	Whether the applicant has submitted all the required details under regulation 4 and 5 of IP regulations (as applicable) in its application and completed the payment for registration as per requirement specified under the 6 (1) of IP Regulations?	(Yes/No) (Receipt No.)
2	Whether the applicant has completed the pre-registration educational course as per regulations and obtained the completion certificate in this regard?	(Yes/No) (Date of certificate) If Yes, give details and supporting document.
3	Whether the insolvency professional agency has granted the professional membership to the applicant after complying with eligibility requirement to become an insolvency professional?	(Yes/No) (Enrolment No) If Yes, give details and supporting document.
4	Whether any disciplinary proceedings are pending, or any disciplinary action has been taken at any time in the preceding three years against the professional member by the ICAI, ICSI, ICAI(Cost), Bar Council or RVO of which applicant is a member.	Yes / No. If Yes, give details and supporting document.

5	Whether a regulator ICAI, ICAI (Cost), ICSI, or Bar Council has initiated any criminal proceeding against the professional member and is pending for disposal?	Yes / No. If Yes, give details and supporting document.
6	Whether the professional member had an unblemished service records with the last employer if he was in employment?	Yes / No. If Yes, give details and supporting document.
7	In case, DIN / DPIN has been furnished by the professional member, whether the status thereof has been verified along with nature of designation held by the professional member?	Yes / No. If Yes, give details and supporting document.
8	Whether the name of the professional member appears in the database of Ministry of Corporate Affairs regarding: i. Directors disqualified under section 164 of the Companies Act, 2013, or ii. Proclaimed Offenders under section 82 of the Code of Criminal Procedure, 1973.	Yes / No. If Yes, give details and supporting document.
9	Whether the professional member has been penalised by a SEBI or CCI in the last three years?	Yes / No. If Yes, give details and supporting document.
10	Whether the name of professional member appears in the list of defaulters of RBI / Credit Information Company?	Yes / No. If Yes, give details and supporting document.
11	Whether the professional member has been convicted of any offence?	Yes / No. If Yes, give details and supporting document.

We have verified the above details submitted by <name of the applicant> who is our professional member with <professional membership no.> and confirm these to be true and correct. We recommend registration of <name of the applicant> as an insolvency professional with IBBI.

(Name and Signature)

Authorised Officer of the Insolvency Professional Agency

(Seal of the Insolvency Professional Agency).

Place:

Date:”

4. In principal regulations, in Second Schedule, for Form AA, the following form shall be substituted, namely: -

“FORM AA

[Under regulation 10 of Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 and Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016]

Part - 1

To

The Managing Director,

<name of the insolvency professional agency>

Subject: Application for enrolment as professional member and registration as insolvency professional

Sir/Madam,

I, being duly authorized for the purpose, hereby apply on behalf of [*name of the applicant entity*], recognised by the Board as an insolvency professional entity with recognition number [*recognition number*], having registered address at [*registered address of the applicant entity*]

I hereby apply for –

- (i) enrolment as a professional member with the <name of the insolvency professional agency> under regulation 10 of Insolvency and Bankruptcy Board of India (Model Bye- Laws And Governing Board of Insolvency Professional Agencies) Regulations, 2016;
- (ii) registration as an insolvency professional under section 207 of the Insolvency and Bankruptcy Code, 2016 read with regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016.

I hereby enclose proof (certified copy of Board/ Partner’s Resolution) that I am authorized to make this application and correspond with the Board in this respect.

ADDITIONAL INFORMATION

2. Whether the applicant entity is a subsidiary, joint venture or associate of another company or body corporate? (Yes/ No)

If yes, please give complete details of such company or body corporate.

3. Whether the applicant entity is undergoing or has undergone an insolvency resolution process? (Yes/ No)

If yes, please give complete details along with current status.

4. Whether the applicant entity is an undischarged bankrupt? (Yes/ No)

If yes, please give complete details along with current status.

5. Whether the applicant entity is a fit and proper person in terms of regulation 4(g) of IP Regulations? (Yes/ No)

If No, please give complete details along with current status.

6. Whether all the partners or directors, as the case may be, of the applicant entity are fit and proper person in terms of regulation 4(g) of IP Regulations? (Yes/ No)

If yes, please give complete details along with current status.

7. Please provide any additional information that may be relevant.

AFFIRMATION

8. I, on behalf of [*name of the applicant entity*], affirm that the applicant entity has at all times complied with regulations 12 and 13 of the IP Regulations.

9. I, on behalf of [*name of the applicant entity*], affirm that the applicant is eligible to be enrolled as a professional member and registered as an insolvency professional.

10. I, on behalf of [*name of the applicant entity*], hereby affirm that –

- i. all information contained in this application is true and correct in all material respects,
- ii. no material information relevant for the purpose of this application has been suppressed, and
- iii. registration granted in pursuance of this application may be cancelled summarily if any information submitted herein is found to be false or misleading in material respects at any stage.
- iv. the applicant entity may be derecognised if any information submitted herein is found to be false or misleading in material respects at any stage.

11. I, hereby confirm that the applicable fee has been paid to the agency vide [*please enter the payment details along with date of making the payment*] and enclose proof thereof.

12. If granted enrolment, I, on behalf of [*name of the applicant entity*], undertake to comply with the requirements of the Code, the rules, regulations or circulars or guidelines issued thereunder, and such other terms and conditions as may be imposed by the Agency or the Board while granting the certificate of professional membership or subsequently.

Yours faithfully,

Authorized Signatory

(Name)

(Designation)

(Insolvency Professional Registration Number-----)

(Name of the Insolvency Professional Entity-----)

(Recognition Number of the Insolvency Professional Entity----)

Place:

Date :

ATTACHMENTS

1. Certified copy of Board / Partners' Resolution authorising the person to make this application and correspond with the Board in this respect.

2. Copy of Certificate of Recognition.

3. Copy of Certificate of Professional Membership issued by the Insolvency Professional Agency

Part-2
TO BE SUBMITTED BY THE INSOLVENCY PROFESSIONAL AGENCY

To,
The Executive Director (IP Division)
Insolvency and Bankruptcy Board of India

Subject: Application for registration as an insolvency professional

Sir / Madam,

The application for registration received from [Name of the applicant] after obtaining the membership [professional membership number], under section 207 of the Insolvency and Bankruptcy Code, 2016 read with regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 [IP Regulations] is hereby submitted to the Board.

2. We have verified the details furnished by the professional member <name of the entity>, who is our professional member with <professional membership no.>. We hereby confirm that: -

- (i) the entity has _____ number of partners or directors, as the case may be as on the date of forwarding application to the Board.
- (ii) the entity complies with the eligibility requirements laid down under regulation 12 and 13 of IP Regulations.

3. We recommend registration of <name of the applicant> as an insolvency professional with the Board.

(Name and Signature)
Authorised Officer of the Insolvency Professional Agency
(Seal of the Insolvency Professional Agency).

Place:

Date:

ATTACHMENTS

1. Certified copy of Board / Partners' Resolution authorising the person to make this application and correspond with the Board in this respect.
2. Copy of Certificate of Recognition.
3. Copy of Certificate of Professional Membership issued by the Insolvency Professional Agency."

RAVI MITAL, Chairperson
[ADVT. -]

Note: The Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 were published *vide* notification No. IBBI/2016-17/GN/REG003 dated 23rd November, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, No. 424 on 23rd November, 2016 and were last amended by the Insolvency and Bankruptcy Board of India (Insolvency Professionals) (Fourth Amendment) Regulations, 2022 published *vide* notification No. IBBI/2022-23/GN/REG099, dated 28th September, 2022 (w.e.f. 28.09.2022) in the Gazette of India, Extraordinary, Part III, Section 4, No. 472 on 28th September, 2022.
