

Insolvency and Bankruptcy Board of India

No. IBBI/PR/2023/05

04th May, 2023

PRESS RELEASE

The Insolvency and Bankruptcy Board of India invites comments from the public on the Regulations notified under the Insolvency and Bankruptcy Code, 2016

Section 240 of the Insolvency and Bankruptcy Code, 2016 (Code) empowers the Insolvency and Bankruptcy Board of India (IBBI) to make regulations. For this purpose, IBBI has evolved a transparent and consultative process. It has been the endeavour of the IBBI to effectively engage stakeholders in the regulation making process. The process factors in ground realities, secures ownership of regulations and produces regulations robust and precise, relevant to the market needs at particular time.

2. Public consultation enables collective choice and hence plays an important role in the evolution of the regulatory framework. The participation of the public, particularly the stakeholders in the insolvency ecosystem ensures that the regulations are informed by the legitimate needs of those interested in and affected by the regulations. In a dynamic environment, despite the best of efforts and intentions, a regulator in such novel and emerging regulatory regime may not always be able to address the ground realities. Further, the stakeholders may contemplate, at leisure, the important issues in the extant regulatory framework that hinder transactions and offer alternate solutions to address them. This is akin to *crowdsourcing of ideas*. This enables every idea to reach the regulator. Consequently, the universe of ideas available with the regulator would be much larger and the possibility of a more conducive regulatory framework would be much higher. Therefore, IBBI also welcomes public comments on the regulations already notified under the Code.

3. Keeping in view the above, IBBI invites comments from the public, including the stakeholders, on the regulations already notified under the Code till date. The comments received between 4th May, 2023 and 31st December, 2023 shall be processed together and following the due process, regulations will be modified to the extent considered necessary. It will be the endeavour of the IBBI to notify modified regulations by 31st March, 2024 and bring them into force on 1st April, 2024.

4. For providing comments, please follow the process as under:

- a. Visit IBBI's website, www.ibbi.gov.in;
- b. Select "Public Comments";
- c. From the drop-down menu, select "comments on regulations";
- d. Provide your Name, and Email ID;
- e. Select the stakeholder category, namely, -
 - i. Corporate Debtor;
 - ii. Creditor to a Corporate Debtor;
 - iii. Insolvency Professional;
 - iv. Insolvency Professional Agency;

- v. Insolvency Professional Entity;
- vi. Personal Guarantor to a Corporate Debtor;
- vii. Proprietorship firms;
- viii. Partnership firms;
- ix. Academics;
- x. Investors;
- xi. Others.

5. Select the regulations, you wish to make a comment upon, from the drop down menu, as under:

- a. IBBI (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016;
- b. IBBI (Insolvency Professional Agencies) Regulations, 2016;
- c. IBBI (Insolvency Professionals) Regulations, 2016;
- d. IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016;
- e. IBBI (Liquidation Process) Regulations, 2016;
- f. IBBI (Information Utilities) Regulations, 2017;
- g. IBBI (Fast Track Insolvency Resolution for Corporate Persons) Regulations, 2017;
- h. IBBI (Inspections and Investigations) Regulations, 2017;
- i. IBBI (Voluntary Liquidation Process) Regulations, 2017;
- j. IBBI (Mechanism for Issuing Regulations) Regulations, 2018;
- k. IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019;
- l. IBBI (Bankruptcy Process for Personal Guarantors to Corporate Debtors) Regulations, 2019
- m. IBBI (Pre-packaged Insolvency Resolution Process) Regulations, 2021.

6. Please note that the selected regulations can be found by clicking the *pdf* icon right next to the “select regulations” option.

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

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

8. If you have selected “General Comments”, please select one of the following options:

- a. Inconsistency, if any, between the provisions within any regulations (intra-regulations);
- b. Inconsistency, if any, between the provisions in different regulations (inter-regulations);

- c. Inconsistency, if any, between the provisions in any regulations with those in the rules;
- d. Inconsistency, if any, between the provisions in any regulations with those in the Code;
- e. Inconsistency, if any, between the provisions in any regulations with those in any other law;
- f. Any difficulty in implementation of any of the provisions in any regulations;
- g. Any provision that should have been provided in any regulations, but has not been provided;
- h. Any provision that has been provided in any regulations, but should not have been provided.

and then write comments in the “Write Comment” box.

9. If you have selected “Specific Comments”, please select regulation number and then sub-regulation number, and write comments in the “Write Comment” box, under the selected regulation / sub-regulation number.

10. You can make comments on more than one regulation, or more than one regulation / sub regulation number, by clicking on more comments and repeating the process outlined above from point 7 onward.

11. Click ‘Submit’, after entering the image text in the box provided on the portal, if you have no more comments to make.

Illustration

If you are a creditor to a corporate debtor and wish to make a specific comment on sub-regulation (1) of regulation (6) relating to eligibility for appointment of Liquidator as specified in the IBBI (Voluntary Liquidation Process) Regulations, 2017. The steps that you need to follow are:

- i. Visit IBBI’s website, www.ibbi.gov.in;
- ii. Select “Public Comments”;
- iii. From the drop-down menu, select “comments on regulations”;
- iv. Provide your Name and Email ID;
- v. Select the stakeholder category, which in this case is “Creditor to a Corporate Debtor”;
- vi. Select the regulations, which in this case is “IBBI (Voluntary Liquidation Process) Regulations, 2017”;
- vii. Select “Specific Comments”;
- viii. Select the regulation / sub-regulation number, which in this case is “Regulation (6)” and “Sub Regulation (1)”;
- ix. Write your comments in the box “Write Comment”;

- x. If you wish to give a comment on another regulations, or another regulation number of the same regulations, repeat the process from 'vi.' onward by clicking the icon "More Comments";
- xi. Click 'Submit', after entering the image text in the box provided on the portal and after you have given all your comments.
