

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Edition No. 295 Week 39– September 18 2023 to September 24 2023

1

Companies Act 2013 during the week

Rules -0; Circulars - 0; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
NIL				

S. No	NEWS ON MCA
NIL	

2

SEBI during the week

Master Circulars – 0; Circulars– 1; NSE Circular – 0; BSE Circular – 0; Press Release - 0

S. No	Date of Issue	Rules/Circular/ Notification/ Order	Contents thereof	Gist thereof
1	20-09-2023	Circular	Redressal of investor grievances through the SEBI Complaint Redressal (SCORES) Platform and linking it to Online Dispute Resolution platform	SEBI has issued circular on Redressal of investor grievances on SEBI's Complaint Redressal System (SCORES) platform and its linkage to an Online Dispute Resolution platform providing clarification and framework for handling of investor grievances received through SCORES by Entities and monitoring of the redressal process by designated bodies.

S.No	NEWS ON SEBI
1.	NIL

3

RBI during the week

Notifications - 0; Master Directions –0 ;Master Circulars –0;Press Release:1

S.No	Date of Issue	Rules/Circular/ Notification/ Order / Press release	Subject	Gist thereof
1	21-09-2023	Press Release	Draft Master Direction on treatment of Wilful Defaulters and Large Defaulters	<ul style="list-style-type: none"> • RBI have released Draft Master Direction on treatment of Wilful Defaulters and Large Defaulters which expands the scope for Regulated Entities which can classify borrowers as wilful defaulters, broadens the definition of wilful default, refines the identification process and mandates a review and finalization on wilful default aspects within six months on account of being classified as non-performing asset. • It also addresses the treatment of wilful default loans sold to Asset Reconstruction Companies and their status under the Insolvency and Bankruptcy Code. • The comments from REs and other stakeholders may be submitted by 31.10.2023.

S.No	NEWS ON RBI
	NIL

4

IBC during the week

Press Release – 0; Master Direction – 0; Notification – 3; Circulars – 0; Order -0

S.No	Date of Issue	Rules/Circular/ Notification / Order/Press release	Subject	Gist thereof
1	18-09-2023	Notification	Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2023	<p>IBBI amended the existing regulations governing insolvency professionals and insolvency professional agencies (IPAs). Below are the features of the amendments:</p> <ul style="list-style-type: none"> ✓ An Individual registering as an Insolvency Professional shall apply to the board through the Insolvency Professional agency in which he is a member in Part II of Form A instead of applying independently and an Insolvency Professional Entity registering as an Insolvency Professional shall apply to the board through the Insolvency Professional agency in which it is a member in Part II of Form AA instead of applying independently.

				<ul style="list-style-type: none"> ✓ Time limit for providing the Insolvency Professional's certificate of registration by the IBBI has been reduced to 30 days instead of 60 days. ✓ The IBBI vide this notification has provided for circumstances in which the Insolvency Professional Agency may refuse to accept the surrender of membership by any professional member and circumstances in which a professional member shall be expelled by the Insolvency Professional Agency.
2	18-09-2023	Notification	Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2023	<p>IBBI amends the Insolvency and Bankruptcy Board of India (IRP for Corporate Persons) Regulations, 2016 (CIRP Regulations) to streamline the insolvency resolution process. Below amendments are introduced vide the CIRP Amendment Regulations:</p> <ul style="list-style-type: none"> ✓ Details of debt, default and limitation to be provided by the Applicant in respect of applications filed under section 7 & 9. ✓ IBBI has vide this amendment, provided with procedures to be followed by the Resolution professional in taking control and custody of the corporate debtor and has also

				<p>provided for the promoters and suspended directors of the corporate debtor to provide Assistance and cooperation to the Resolution Professional.</p> <ul style="list-style-type: none"> ✓ IBBI has revised the timelines for submission of claims in Corporate Insolvency Resolution Process by revising the last date for submission of claims from up to the date of issue of request for resolution plans under regulation 36B or ninety days from the insolvency commencement date, whichever is later. However, the creditor shall provide reasons for delay in submitting the claim beyond the period of ninety days from the insolvency commencement. ✓ Resolution Professional to provide reason to IBBI for delay in verification of claims. IBBI has also provided with the procedure to be followed by the Resolution Professional for the claims that are received seven days prior to the COC meeting convened for voting of the Resolution Plan or Liquidation of the Corporate Debtor. IBBI has also provided for the process to be followed for such claims that are received pursuant to Regulation 12(1)
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				<ul style="list-style-type: none"> ✓ IBBI has vide this amendment, provided for revised regulation and process for Authorized representatives for a class of creditors. The said amended regulations also provide for fee payable to the Authorised Representative of the class of creditors for attending the meetings of the COC and the meetings of the Class of Creditors based on the number of member in the class. ✓ The IBBI has further provided for a timeline of 7 days for submission of details with respect to assignment or transfer by a creditor during Corporate Insolvency Resolution Process. ✓ IBBI has vide this amendment, provided with fresh regulations for audit of the Corporate Debtor during Corporate Insolvency Resolution Process. ✓ IBBI has revised the time lines for providing the information memorandum, evaluation matrix and a request for resolution plans to the Provisional and final list of Resolution Applicants within five days of the date of issue of the final list of Resolution Applicants.
3	18-09-2023	Notification	IBBI (Insolvency Professionals) (Second Amendment) Regulations, 2023	IBBI has introduced the Insolvency and Bankruptcy Board of India (Insolvency Professionals) (Second Amendment)

				<p>Regulations, 2023. Below are the significant changes to the existing framework:</p> <ul style="list-style-type: none"> ✓ 12 months' Time limit has been prescribed for completion of a pre-registration educational course from the date of payment of the non-refundable Application fee. ✓ An Individual registering as an Insolvency Professional shall apply to the board through the Insolvency Professional agency in which he is a member in Part II of Form A instead of applying independently and an Insolvency Professional Entity registering as an Insolvency Professional shall apply to the board through the Insolvency Professional agency in which it is a member in Part II of Form AA instead of applying independently. ✓ Time limit for providing the Insolvency Professional's certificate of registration by the IBBI has been reduced to 30 days instead of 60 days. ✓ IBBI shall issue the communication for refusal of an application to register as an Insolvency Professional within 30 days instead of 45 days provided earlier.
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				<ul style="list-style-type: none"> ✓ Insolvency Professional Entity to intimate the IBBI within a day on the occurrence of the following additional events, <ul style="list-style-type: none"> i. accepts the application for surrender of membership and strikes the name of the professional member from its registers; ii. expels the professional member; or iii. receives intimation of demise of an individual or winding up or dissolution of a company, limited liability partnership or registered partnership firm and strikes the name of the professional member from its registers. ✓ IBBI vide this notification has provided for procedures relating to surrender of Certificate of Registration and Special procedure for action on surrender, expulsion, etc
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S.No	NEWS ON IBC
	NIL

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Others during the week
ICAI – 0; DGFT – 0; NCLT – 0; OTHERS -0

S. No	Date	Rules/Circular/ Notification/Order/ Press Release	Contents thereof	Gist thereof
1			NIL	

S NO	GENERAL NEWS
1	NIL

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Update on Regulated Sector

S.No	Sector	Update
NIL		



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