DSE (stream)- Commercial Law and Corporate Governance

Insolvency and Bankruptcy Code: Law and Practice

Course title & Code	Credits	Credit distribution of the course			Eligibility criteria	Pre-requisite of the course (if any)
		Lecture	Tutorial	Practical/ Practice		
Insolvency and Bankruptcy Code: Law and Practice	4	3	1	0	Pass in Class XII	NIL

Learning Objectives:
The course aims to equip the students with awareness about the insolvency resolution processes available for corporate persons under IBC along with relevant case laws.

Learning Outcomes:
After completion of the course, learners will be able to:
1. Explain the need for new insolvency and bankruptcy code and framework provided thereunder.
2. Describe various types of insolvency resolution processes available in the country for corporate persons.
3. Interpret the process of cirps.
4. Analyse the situations when liquidation order is passed.
5. Summarize the concepts of adjudication and appeals under the code.

Course Contents:

Unit 1: Introduction to Insolvency and Bankruptcy Code (7 hours)
Historical Background; Report of the Bankruptcy Law Reforms Committee; Need for the Insolvency and Bankruptcy Code, 2016; Definitions: financial creditors, operational creditors, corporate debtor, moratorium, Interim Resolution Professional (IRP), Resolution Professional; Ecosystem of Insolvency and Bankruptcy Code, 2016: Insolvency and Bankruptcy Board of India (IBBI), Insolvency Professional Agency (IPA), Information Utilities (IU), Adjudicating Authority (AA)

Unit 2: Insolvency Resolution Processes for Corporate Persons (9 hours)
Types of Insolvency Resolution Processes: Corporate Insolvency Resolution Process, Fast Track Corporation Insolvency Resolution Process, Pre-packaged Insolvency Resolution Process

Unit 3: Corporate Insolvency Resolution Process (CIRP) (16 hours)
Flowchart of the CIRP; Commencement of the CIRP; procedure; timeline for admission and completion of Insolvency Resolution Process; withdrawal of application; appointment, tenure, powers, and duties of IRP; Committee of Creditors (CoC): composition, representation, meetings, voting; Resolution Professional; Resolution Plan; CIRP costs; Approval

Unit 4: Liquidation, Dissolution, Adjudication and Appeals (13 hours)
a) Liquidation and Dissolution of Corporate Persons (9 hours) Order of liquidation by AA: Initiation of Liquidation; Powers and duties of Liquidator; Liquidation Estate; Distribution of assets; Dissolution of corporate debtor; Voluntary liquidation
b) Adjudication and Appeals for Corporate Persons (4 hours) Jurisdiction of National Company Law Tribunal; Grounds for appeal to National Company law Appellate Tribunal against order of liquidation; Appeal to Supreme Court.

Exercises:
The learners are required to:
1. Enlist the reasons behind the introduction of IBC
2. Differentiate between ppirps and cirps
3. Draw a timeline chart of the complete process of CIRP
4. Prepare a list of latest cases where liquidation was ordered (source: IBBI website)
5. Enquire into the number of benches and composition of NCLT and NCLAT from the website of the NCLT.

Suggested Readings:
- IBBI & IFC. 2021. Understanding the IBC: Key Jurisprudence and Practical Considerations: A Handbook.
- Lahiri, S. 2021. Guide to Corporate Insolvency. Commercial Law Publishers (India) Pvt. Ltd
- Insolvency: Law and Practice, Study Material, ICSI.
- Taxmann's Insolvency and Bankruptcy Law Manual, 15th edition, 2022.

Note: Suggested readings will be updated by the Department of Commerce and uploaded on Department's website.