

**B.A. LL.B. (HONS.) DEGREE SEVENTH SEMESTER EXAMINATION, DECEMBER 2020**

**LAW OF BANKRUPTCY AND INSOLVENCY**

**Question carries 10 marks**

**Module 1**

**(Time 10.00 a.m.- 10.45 a.m (35 minutes for writing and 10 minutes for uploading)**

**I. A.** Explain, in the light of relevant statutory provisions and judicial dicta, the role of the Insolvency and Bankruptcy Board of India in respect of Insolvency Professionals.

**OR**

**I. B.** Explain the regulation of Insolvency professional Agencies in India.

**Module 2**

**(Time 10.45 a.m.-11.30 a.m (35 minutes for writing and 10 minutes for uploading)**

**II.A.** Ajax Ltd. has defaulted on the loan taken from XYZ Bank Ltd. The Bank intends to invoke provisions of the SARFAESI Act, but before it could do that Ajax Ltd. approaches the NCLT filing an application for initiating insolvency proceedings. Advise the bank explaining the legal position in respect of the IBC proceedings vis-à-vis the contemplated SARFAESI proceedings.

**OR**

**II.B.** The committee of creditors of LOST Ltd. facing insolvency proceedings refuses to accept any of the resolution plans presented to it by the resolution applicant. Ajay, a promoter of LOST Ltd., wants to approach the NCLT challenging the decision of the committee of creditors. Advise Ajay.

### **Module 3**

**(Time 11.30a.m.-12.15p.m.(35 minutes for writing and 10 minutes for uploading)**

**III.A.** While moratorium has been declared pursuant to the insolvency proceedings against IMPEX Ltd., its landlord has, citing non-payment of dues, stopped the supply of water and electricity to the registered office. The Insolvency Professional approaches the NCLT for the restoration of water and electricity supply. Decide whether the NCLT can order restoration of the water and electricity supply citing the effect of moratorium without paying the landlord his past, current and future dues?

**OR**

**III.B.** Critically comment on the change brought in by IBC, 2016 on the revival of sick companies.

### **Module 4**

**(Time 12.15p.m.-1.00p.m.(35 minutes for writing and 10 minutes for uploading)**

**IV.A.** Explain the procedure for the initiation of corporate insolvency process by the operational creditor.

**OR**

**IV.B.** Comment on the legitimacy of the procedure laid down under the IBC, 2016 for the distribution of assets of the insolvent corporate debtor.

### **Module 5**

**(Time 1.00 p.m.-1.45p.m.(35 minutes for writing and 10 minutes for uploading)**

**V.A.** Explain the provisions under the IBC, 2016 on the aspect of cross border insolvency.

**OR**

**V.B.** Explain the provisions for the distribution of assets of a bankrupt as contemplated under the IBC, 2016.