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*Advocates & Solicitors*

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***Insolvency and Bankruptcy Board of India vide circular dated March 04, 2023, has issued amendment in Serving of copy of applications to the Board, as mandated under Rules 4, 6 and 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.***

- IBBI vide circular dated March 04, 2023, has issued amendment in Serving of copy of applications to the Board, as mandated under Rules 4, 6 and 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.
- Accordingly, for convenience of applicants, the Board has made available a facility on its website at <https://ibbi.gov.in/en/intimation-applications/apply-iaa> for serving a copy of the application online to the Board vide Circular No. IBBI/IU/35/2020 dated 29th October 2020.
- This Accordingly, to ensure filing of authentic information with the Board and further enable Board to share information relating to the application for initiation of CIRP with the IU efficiently, the format has been revised. The revised format is at Annexure A. A step-by-step guide for submission of the application is at Annexure B. On submission of the application online, the applicant shall get an acknowledgment. The applicants are encouraged to avail of this facility.
- The provisions of this circular shall supersede IBBI's Circular No. IBBI/IU/35/2020 dated 29th October 2020. This is issued in exercise of the powers under clause (k) of sub-section (1) of section 196 of the Insolvency and Bankruptcy Code, 2016.
- The Circular is herein attached.

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***Securities Exchange board of India vide circular dated March 08, 2023, has provided Amendment to Securities and Exchange Board of India (Buy-back of Securities) Regulations, 2018("Buy-back Regulations")***

- SEBI vide circular dated March 08, 2023, has provided Amendment to Securities and Exchange Board of India (Buy-back of Securities) Regulations, 2018("Buy-back Regulations").
- As per new amendment the regulations shall be made effective for all buy-back offers where the Board of Directors of the company approve resolution with respect to Buy-back on or after 30th day of the date of notification of this amendment in the official gazette (i.e. March 09, 2023).
- The circular is herein attached.

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***Securities Exchange board of India vide circular dated March 16, 2023, has provided Common and simplified norms for processing investor's service requests by RTAs and norms for furnishing PAN, KYC details and Nomination***

- SEBI vide circular dated March 16, 2023, has provided Common and simplified norms for processing investor's service requests by RTAs and norms for furnishing PAN, KYC details and Nomination.
- It shall be mandatory for all holders of physical securities in listed companies to furnish PAN, Nomination, Contact details, Bank A/c details and Specimen signature for their corresponding folio numbers.
- The circular is herein attached.

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**DEFICIENT STAMP DUTY ON LOAN AGREEMENT NOT AN EMBARGO TO ADMIT SECTION 7 PETITION: NCLT MUMBAI**

The National Company Law Tribunal, Mumbai Bench (“NCLT”) comprising of Shri Kuldip Kumar Kareer (Judicial Member) and Smt. Anuradha Sanjay Bhatia (Technical Member), while adjudicating a petition filed in Kotal Mahindra Bank Ltd. v. M/s Hybro Foods Private Limited has reiterated that the deficiency in stamping of loan agreements is does not place an embargo to file a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016.

**BRIEF FACTS OF CASE**

Hybro Foods Private Limited availed a Credit Facility Loan from Religare Finvest Limited with a case credit limit of Rs. 11,00,00,000/- at a floating reference rate of 13% p.a. Religare entered into an assignment agreement with Kotak Mahindra Bank Limited (“Financial Creditor”) on 09.10.2019 vide which the debt along with the rights and liabilities of the Original Lender were assigned to the Financial Creditor.

The Corporate Debtor defaulted on the repayment schedule and the Financial Creditor subsequently demanded back the outstanding amount and declared the loan account of the Corporate Debtor as a Non-Performing Asset. The Corporate Debtor failed to repay the outstanding loan amount and thereafter filed a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 seeking CIRP of Corporate Debtor. The Corporate debtor alleged that the Petition was not maintainable since the Assignment Deed itself was unstamped and any right sought to be enforced from the same ought to not to be



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entertained.

### **CONCLUSION**

The Hon'ble NCLT placing reliance on Madras High Court Judgment in SpiceJet Limited v. Credit Suisse AG 2022 SCC OnLine MAD 112, which stated that it is not relevant if the document sought to be relied upon a sufficiently stamped or not. The thing which is to be verified is that whether the debt is bonafide disputed and whether the said defence is a substantial one. The Section 7 petition was held to be maintainable and subsequently admitted.

**Case Title: Kotak Mahindra Bank Ltd. v. M/s Hybro Foods Private Limited**

**Case No. C.P. (IB) No. 295 of 2022**

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### **Contact details**

**Sumes Dewan**

*Managing Partner*

*Lex Favios*

Email: [sumes.dewan@lexfavios.com](mailto:sumes.dewan@lexfavios.com)

Tel: 91-11-32084941 (D) 91-11-41435188/45264524