



09th June 2023 – Issue 409

Ministry of Corporate Affairs vide notification dated June 02, 2023, has issued the Companies (Accounts) Second Amendment Rules, 2023.

- MCA vide notification dated June 02, 2023, has issued the Companies (Accounts) Second Amendment Rules, 2023.
- The Companies (Accounts) Second Amendment Rules, 2023 specify that for the financial year 2022-2023, Form CSR-2 must be filed separately on or before March 31, 2024, after filing the specified forms AOC-4 or AOC-4-NBFC (Ind AS) or AOC-4 XBRL.
- Notification is herein attached.

[Click Here](#)

Ministry of Corporate Affairs vide notification dated June 02, 2023, has issued the Limited Liability Partnership (Amendment) Rules, 2023

- MCA vide notification dated June 02, 2023, has issued the Limited Liability Partnership (Amendment) Rules, 2023.
- Form-3 LLP has been substituted for new Form-3 and shall be effective immediately.
- Notification is herein attached.

[Click Here](#)

Reserve Bank of India vide notification dated June 07, 2023, has issued Expanded the Scope of Trade Receivables Discounting System

- RBI vide notification dated June 07, 2023, has issued Expanded the Scope of Trade Receivables Discounting System.



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- To ease constraints faced by Micro, Small and Medium Enterprises (MSMEs) in converting their trade receivables to liquid funds, the Reserve Bank of India (RBI) had issued the 'Guidelines for the Trade Receivables Discounting System (TReDS)' (updated as on July 2, 2018). The guidelines allow financing / discounting of MSME receivables on "without recourse" basis by permitted financiers. Currently, three entities operate TReDS platforms in the country; one more entity has also been given in-principle authorisation to operate such platform.
- Notification is herein attached.

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HOMEBUYERS CANNOT FILE INTERVENTION APPLICATION UNDER APPLICATION UNDER SECTION 7 OF IBC IS ALLOWED AND CIRP IS COMMENCED: NCLAT DELHI

The Hon'ble National Company Law Appellate Tribunal, Principal Bench (NCLAT) comprising of members Justice Rakesh Kumar Jain (Judicial Member) and Naresh Salecha (Technical Member) has held that homebuyers cannot file intervention application before an application under Section 7 is admitted.

BRIEF FACTS OF THE CASE

M/s Orbis Trusteeship Service Private Limited ("Financial Creditor") filed a application under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("IBC") for initiation of Corporate Insolvency Resolution Process of M/s Kindle Infraheights Pvt. Ltd. ("Corporate Debtor") on account of its failure to resolve the debt of INR 268 cr. (approx). During



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the pendency of the said application, 4 homebuyers approached the NCLT with intervention applications citing a UPRERA Order passed in their favour. Through the intervention application, the homebuyers sought to get the Section 7 Application dismissed on the ground that the same has been filed with the intent to defraud thousands of homebuyers. The NCLT dismissed the intervention applications. The homebuyers approached the NCLAT and relied upon the decision of *Ashmeet Singh Bhatia v. Sundrm Consultants Pvt. Ltd. & Anr.* wherein, it was held that a Section 65 application can be filed even before an application under Section 7 IBC is allowed. The Financial creditor contended that if many homebuyers are allowed to file premature applications, the time for adjudication of Section 7 Application would be hindered.

NCLAT'S DECISION

The NCLAT relying on various decisions of the Appellate Tribunal dismissed the appeal on the ground that in the case of *Ashmeet Singh*, the intervenor had exposure to more than 99% of debt and it was only in exceptional circumstances, the application for intervention was allowed.

Case Title: *Vikash Kumar Mishra & Ors. v. Orbis Trusteeship Service Pvt. Ltd. & Anr.*

Case No: Comp. App. (AT) (Ins) No. 246 of 2023.



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