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Reserve Bank of India vide notification dated January 16, 2024, has issued Master Circular- Exposure Norms and Statutory / Other Restrictions - UCBs

- RBI vide notification dated January 16, 2024, has issued Master Circular- Exposure Norms and Statutory / Other Restrictions – UCBs.
- The updated Master Circular consolidates all the instructions / guidelines on the subject issued till date.
- The Master Circular is herein attached.

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Securities Exchange Board of India vide notification dated January 12, 2024, has issued Changes in reporting for Ease of doing Business

- SEBI vide notification dated January 12, 2024, has issued Changes in reporting for Ease of doing Business.
- SEBI has taken various measures to safeguard investors' collateral lying with the stock brokers. Clause 15 of SEBI master circular on stock brokers ("master circular") dated May 17, 2023 safeguards against misutilisation of clients' funds. Clause 42 safeguards against the use of one clients' collateral for another. Stock Exchanges and Clearing Corporations draw various reports from the stock brokers for this purpose.
- The notification is enclosed herewith.

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Suraksha Realty Ltd. v. Anuj Bajpai, 2023 SCC OnLine NCLAT 2171

Date of Judgment: 1st November 2023

Suraksha Realty Ltd. (appellant) had filed a claim of INR 19,93,21,632, including the interest, against a Corporate Debtor which was based on a loan agreement of 2014 and share pledge. The Resolution Professional (RP) rejected the claim, which led to filing of an Interim Application (IA). The RP contended that the application was time-barred because there was no formal claim that adhered to Regulation 12 of the IBBI Regulations was made. There was no reflection of the claim in the Corporate Debtor's books arising from the 2014 loan agreement and there was no submission as per the time period provided.

The Corporate Insolvency Resolution Process (CIRP) started on 31st December, 2019. Even though the deadline for filing the claim was 18th March 2020 which was being published by the RP on 2nd January 2020, the deadline was missed by the Appellant. A resolution Plan was approved by the Committee of Creditors (CoC) on 20th March, 2021 after which the Appellant filed the claim on 4th October 2022 with IA 1758 of 2022 filed before the claim. The National Company Law Tribunal (NCLT) had dismissed the claim. Citing precedents, they underlined how crucial it is to follow deadlines in bankruptcy procedures. The NCLT stated that admitting a claim after the CoC approved it would compromise the CIRP procedure as a whole.

The appellant contended that the Adjudicating Authority might still take their claim into consideration while the application for Resolution Plan approval was still pending. The court upheld the Adjudicating Authority's ruling, stating that claims are not eligible for consideration following clearance by the CoC. The appeal was denied by the court for lack of merit.



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An appeal was made for directions to accept the claim as a Financial Debt under Section 5(8) of the Insolvency and Bankruptcy Code, 2016 in November 2023. The Tribunal relying on *M/s. R.P.S. Infrastructure Limited Vs. Mukul Kumar and Anr.* held, that it was established that the claim was filed after CoC plan approval, and the Appellant failed to show its reflection in the Corporate Debtor's records. Thus, the Tribunal concluded that Financial Debt Claim under Section 5(8) of the Insolvency and Bankruptcy Code cannot be entertained after the Resolution Plan is approved by Committee of Creditors.

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please email us at info@lexfavios.com

Contact details

Sumes Dewan

Managing Partner

Lex Favios

Email: sumes.dewan@lexfavios.com

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