भारतीय दिवाला और शोधन अक्षमता बोर्ड

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2020

भारतीय दिवाला और शोधन अक्षमता बोर्ड (समापन प्रक्रिया) (दूसरा संशोधन) विनियम, 2020

सं. आई.बी.आई./2020-2021/बी.एल./बी.जी.060—भारतीय दिवाला और शोधन अक्षमता बोर्ड, दिवाला और शोधन अक्षमता संहिता, 2016 (2016 का 31) की धारा 240 के साथ पठित धारा 196 की उपधारा (1) के बंध (त) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दिवाला और शोधन अक्षमता बोर्ड (समापन प्रक्रिया) विनियमन, 2016 का और संशोधन करने के लिए निम्नलिखित विनियम बनाता है, अर्थात्—

1. (1) इन विनियमों का संक्षिप्त नाम भारतीय दिवाला और शोधन अक्षमता बोर्ड (समापन प्रक्रिया) (दूसरा संशोधन) विनियम, 2020 है।

   (2) ये 17 अप्रैल, 2020 से प्रवृत्त हुए समझें जाएं।

2. भारतीय दिवाला और शोधन अक्षमता बोर्ड (समापन प्रक्रिया) विनियमन, 2016 में विनियम 47 के पदावली, निम्नलिखित विनियम अंतःस्थापित किया जाएगा, अर्थात्—
1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Liquidation Process) (Second Amendment) Regulations, 2020.
(2) They shall be deemed to have come into force from the 17th April, 2020.

2. In the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, after regulation 47, the following regulation shall be inserted, namely:

“Exclusion of period of lockdown.

47A. Subject to the provisions of the Code, the period of lockdown imposed by the Central Government in the wake of Covid-19 outbreak shall not be counted for the purposes of computation of the time-line for any task that could not be completed due to such lockdown, in relation to any liquidation process.”.

Dr. M. S. SAHOO, Chairperson

[ADVT.-III/4/Exty./13/2020-21]

Note: The Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 were published vide notification No. IBBI/2016-17/GN/REG005 dated 15th December, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, vide No. 460 on 15th December, 2016 and were last amended by the Insolvency and Bankruptcy Board of India (Liquidation Process) (Amendment) Regulations, 2020 vide notification No. IBBI/2019-20/GN/REG053, dated the 6th January, 2020 in the Gazette of India, Extraordinary, Part III, Section 4, No. 06 on 6th January, 2020.

Explanatory Memorandum

The Governing Board of the Insolvency and Bankruptcy Board of India decided on 17th April, 2020 to amend the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016. The notification amending the regulations could not be published in the Gazette of India, due to the nationwide lockdown declared by the Central Government w.e.f. 25th March, 2020, in the wake of the outbreak of Covid-19. The amendment regulations were, therefore, published on the website of the Board for it to be effective from the 17th April, 2020, with a note that the same shall be published in the Gazette of India as soon as the Government Press accepts the notification for publication. The intention of the Governing Board was to bring into force the amended regulations with effect from the 17th April, 2020.

It is certified that, since the amended regulations provide clarity to the stakeholders in regard to the model time-line in the completion of various tasks in the liquidation process, no person is being adversely affected by giving retrospective effect.