



भारतीय दिवाला और शोधन अक्षमता बोर्ड

Insolvency and Bankruptcy Board of India

Know About

Insolvency And Bankruptcy Board of India

(As of September 2022)

ESTABLISHMENT

The Insolvency and Bankruptcy Board of India (IBBI) is a statutory body established on 1st October, 2016 in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 (Code). It is headquartered in New Delhi, having two offices, one at Mayur Bhawan, Connaught Circus and the other at Jeevan Vihar, Parliament Street.

The IBBI is one of the key pillars of the ecosystem responsible for implementation of the Code. It has responsibility to provide regulatory framework for insolvency resolution processes of corporates, firms and individuals. Further, it also exercises regulatory oversight over Insolvency Professionals (IPs), Insolvency Professional Agencies (IPAs), Insolvency Professional Entities (IPEs), and Information Utilities (IUs) and promotes and develops institutions and markets for distressed assets in furtherance of the objectives of the Code.

COMPOSITION OF THE GOVERNING BOARD

The affairs of the IBBI are governed by a Governing Board constituted by the Central Government. The Governing Board consists of (a) a Chairperson; (b) three members from amongst the officers of the Central Government not below the rank of Joint Secretary or equivalent, one each representing the Ministry of Finance, Ministry of Corporate Affairs and Ministry of Law and Justice; (c) one member nominated by the Reserve Bank of India; (d) three whole-time members; and (e) two part-time members.

WHAT IT DOES

The IBBI

- is a unique regulator, which regulates insolvency profession as well as insolvency processes.
- makes and administers regulations for various processes under the Code, namely, corporate insolvency resolution, pre-packaged insolvency resolution process, fast track resolution, corporate liquidation, voluntary liquidation, fresh start, individual insolvency resolution and individual bankruptcy.
- has the responsibility to promote the development of, and regulate the working and practices of the IPs, IPAs, and IUs and other institutions in furtherance of the purposes of the Code.

- collects, organises, and disseminates relevant data and information about each insolvency and bankruptcy process and conducts and promotes research and studies in the area of insolvency and bankruptcy.
- acts as the ‘Authority’ under the Companies (Registered Valuers and Valuation Rules), 2017 (RV Rules) for regulation and development of the profession of valuers in the country. As the Authority, it registers and regulates Registered Valuers (RVs) and Registered Valuers Organisations (RVOs).

DUTIES AND FUNCTIONS

Section 196 of the Code entrusts the IBBI with broadly three sets of functions.

A. QUASI-LEGISLATIVE FUNCTIONS

The IBBI has made the following regulations as on 30th September, 2022 to regulate the processes and service providers under the Code:

Sl.	Regulations
1	IBBI (Model Bye-laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016
2	IBBI (Insolvency Professional Agencies) Regulations, 2016
3	IBBI (Insolvency Professionals) Regulations, 2016
4	IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016
5	IBBI (Liquidation Process) Regulations, 2016
6	IBBI (Engagement of Research Associates and Consultants) Regulations, 2017
7	IBBI (Advisory Committee) Regulations, 2017
8	IBBI (Procedure for Governing Board Meetings) Regulations, 2017
9	IBBI (Voluntary Liquidation Process) Regulations, 2017
10	IBBI (Information Utilities) Regulations, 2017
11	IBBI (Inspection and Investigation) Regulations, 2017
12	IBBI (Fast Track Insolvency Resolution Process for Corporate Persons) Regulations, 2017
13	IBBI (Employees’ Service) Regulations, 2017
14	IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017
15	IBBI (Mechanism for Issuing Regulations), Regulations, 2018
16	IBBI (Bankruptcy Process for Personal Guarantors to Corporate Debtors) Regulations, 2019
17	IBBI (Insolvency Process for Personal Guarantors to Corporate Debtors) Regulations, 2019
18	IBBI (Pre-packaged Insolvency Resolution Process) Regulations, 2021

B. EXECUTIVE FUNCTIONS

Registration and Professional Development: The IBBI registers and regulates service providers for the insolvency processes and takes measures for professional development and expertise through education, examination, training, and continuous professional education. The details of the service providers is given below.

(Number)

Sl.	Service Provider	At the end of						
		Mar, 2017	Mar, 2018	Mar, 2019	Mar, 2020	Mar, 2021	Mar, 2022	Sep, 2022
1	Insolvency Professionals	977* + 96	1812	2456	3004	3504	4044	4175
2	Insolvency Professional Entities	03	75	48	69	83	91	96
3	Insolvency Professional Agencies	03	03	03	03	03	03	03
4	Information Utilities	00	01	01	01	01	01	01
5	Registered Valuer Organisations	NA	NA	11	12	16	16	16
6	Registered Valuers	NA	NA	1186	3030	3967	4637	4973 [#]

* These registrations had validity of six months and expired by 30th June, 2017.

Registration of 2 RVs has been cancelled and 1 RV is suspended.

Examinations: The IBBI conducts the following examinations online for registration of IPs and RVs. It has facilitated development of study material for these examinations, which are available for free download.

Sl.	Examination	Com-menced on	No. of Attempts made by Candidates as on						
			Mar, 2017	Mar, 2018	Mar, 2019	Mar, 2020	Mar, 2021	Mar, 2022	Sep, 2022
1	Limited Insolvency Examination	31-12-16	1183	14171	19496	23541	27259	29663	30639
2	Valuation Examination (Land and Building)	31-03-18	NA	NA	9469	13249	17282	20404	24106
3	Valuation Examination (Plant and Machinery)	31-03-18	NA	NA	1665	2422	3415	4169	4941
4	Valuation Examination (Securities or Financial Assets)	31-03-18	NA	NA	4496	9291	13709	16590	19146

Capacity Building and Advocacy & Awareness: The IBBI

- has promoted a two-year full-time course, namely, the Graduate Insolvency Programme (GIP) to produce a cadre of IPs of the highest quality and standards. The Indian Institute of Corporate Affairs has been authorised to offer GIP. First two batches have successfully completed the course. The third batch has proceeded with internships while the fourth batch commenced classes from 1st July, 2022.
- has also granted approval to the National Law Institute University, Bhopal, to offer the two-year GIP programme starting from the 2022-23 academic year.
- organises workshops - basic and advanced - for IPs and other stakeholders to train them to be abreast with latest developments in the law, rules, regulations and emerging jurisprudence.
- organises several advocacy and awareness programmes for the benefit of stakeholders of the IBC ecosystem.

The details of capacity building programmes and advocacy and awareness programmes are as under:

(Number)

Programmes	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Apr-Sep, 2022
Workshops for IPs	01	02	07	15	03	14	3
Training programmes for Market Participants	-	09	02	03	03	12	14
Roundtables with Stakeholders	08	45	25	20	19	12	6
Advocacy and Awareness Programmes	-	-	10	105	48	85	36
Programmes where Members and Senior Officers Participated	36	78	82	66	84	53	12
Total	45	134	126	209	157	176	71

Monitoring of processes: The IBBI monitors the ongoing processes under the Code, the details of which are as under:

(Number)

Process	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Apr-Sep, 2022
Corporate Insolvency Resolution Process							
CIRPs at the beginning of the Year	0	36	539	1064	1815	1627	1755
Commenced	37	707	1157	1989	536	885	582
Closed by:							
Appeal/Review/Settled	1	94	153	344	91	103	60
Withdrawal under Section 12A	0	0	97	217	162	171	93
Approval of Resolution Plan	0	19	77	136	121	143	57
Commencement of Liquidation	0	91	305	541	350	340	180
Ongoing at the end of the Year	36	539	1064	1815	1627	1755	1947
Liquidation Process							
Liquidations at the beginning of the Year	0	0	90	375	812	1020	1243
Commenced [#]	0	91	305	542	349	340	180
Final Report Submitted	0	1	20	105	141	117	45
Ongoing	0	90	375	812	1020	1243	1378
Voluntary Liquidation Process							
Voluntary Liquidations at the beginning of the Year	0	0	173	301	437	505	561
Commenced	0	184	232	273	251	302	109
Withdrawn	0	0	06	01	02	03	01
Final Report Submitted	0	11	98	136	181	243	145
Ongoing	0	173	301	437	505	561	524

[#] This excludes 18 cases where liquidation order has been set aside by NCLAT/ SC.

Monitoring of Service Providers: The IBBI monitors the conduct of service providers as well as the RVs, RVEs and RVOs. The status of inspections conducted as on 30th September, 2022 is as under:

Inspections	(Number)					
	2017-18	2018-19	2019-20	2020-21	2021-22	Apr-Sep, 2022
Ordered	05	13	59	71	118	67
Completed	03	06	31	62	59	126
Ongoing	02	09	37	46	105	46

Handling complaints: As on 30th September, 2022, the Board has received 6370 complaints, of which 6223 have been disposed of. The details of status of complaint and grievance redressal as on 30th September, 2022 is as under:

Complaints and Grievances	(Number)											
	2017-18		2018-19		2019-20		2020-21		2021-22		Apr-Sep, 2022	
	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed	Re-ceived	Dis-posed
Under Regulation	18	0	111	51	153	177	268	260	276	279	123	124
Through CPGRAM/PMO/MCA/Other Authorities)	06	0	333	290	239	227	358	378	574	570	173	168
Through Other Modes	22	02	713	380	1268	989	990	1364	611	784	134	180
Total	46	02	1157	721	1660	1393	1616	2002	1461	1633	430	472

Research and Publications: The IBBI

- engages with academia to spread awareness and harness intellectual inputs on insolvency regime by way of essay competition, research promotion, internships, moot courts, quiz, etc.
- disseminates data and information for researchers and other stakeholders at regular intervals on its website. The website had about 20,890 orders and about 15,845 media reports at the end of September, 2022. At the end of September, 2022, the website had 69,892 subscribers, who are receiving daily updates on their emails.
- has published 23 issues of IBBI Quarterly Newsletters capturing the latest developments, policy initiatives and evolving jurisprudence surrounding the theme of insolvency.
- has made available study material for all four examinations - Limited Insolvency Examination and Valuation Examinations for three asset classes (Land and Building, Plant and Machinery, Securities or Financial Assets), with the assistance of stakeholders.
- has published four annual publications, namely, (a) Insolvency and Bankruptcy Code - A Miscellany of Perspectives, in October, 2019; (b) Insolvency and Bankruptcy Regime in India: A Narrative, in October, 2020; (c) Quinquennial of Insolvency and Bankruptcy Code, 2016 in October, 2021; and (d) IBC- Idea, Impressions and Implementation in October, 2022.
- has published a Handbook "Understanding the IBC: Key Jurisprudence and Practical considerations" in collaboration with IFC.
- has released a publication "Understanding the Insolvency and Bankruptcy Code, 2016: Analysing developments in jurisprudence" in June, 2019.
- has published an e-book Insolvency and Bankruptcy Code, 2016-5 years of facilitating ease of exit.

- has released customised ‘My Stamp’ on the ‘Insolvency and Bankruptcy Code, 2016’ to commemorate five years of successful implementation of the Code.
- launched the IBBI Research Initiative, 2019 to promote research and discourse in areas relevant for the evolving insolvency and bankruptcy regime in general, and that in India.
- launched a Working Paper Series for all officers/RAs/Consultants of IBBI in August, 2020 to promote in-house research.
- has published a compendium of section-wise jurisprudence on IBC up to September, 2021.
- has published a “Handbook on Ethics for Insolvency Professionals: Ethical and Regulatory Framework” in collaboration with British High Commission.
- has published a book ‘Insolvency: Now and Beyond’ in collaboration with the Foreign Commonwealth Development Office, UK.
- has published a book ‘Anusandhan: Exploring New Perspectives on Insolvency’ containing 26 research papers that emerged out of the first International Research Conference organised by IBBI and IIM Ahmedabad.

C. QUASI-JUDICIAL FUNCTIONS

The Code provides for a Disciplinary Committee (DC) to dispose of Show Cause Notices (SCNs) issued to service providers and to impose a monetary penalty, or suspend or cancel the registration, as may be warranted. The RV Rules empower the Authorised Officer of the Board to dispose SCNs issued to RVs / RVEs. Till 30th September, 2022, 158 SCNs have been issued and the DC / Authorised Officer has disposed of 140 of them, as under:

(Number)

Show Cause Notices	2017-18	2018-19	2019-20	2020-21	2021-22	Apr-Sep 2022
Issued	04	09	15	54	29	47
Disposed	0	11	08	52	20	49
Balance	04	02	09	11	20	18

COURT CASES

A new law is typically settled in its early years. The IBBI is respondent and petitioner/applicant/complainant in several matters before various courts and tribunals. The details of the matters as on 30th September, 2022, is as under:

(Number)

Matters Before	2017-18			2018-19			2019-20			2020-21			2021-22			Apr-Sep, 2022		
	Filed	Dis-posed	Pen-ding#	Filed	Dis-posed	Pen-ding#	Filed	Dis-posed	Pen-ding#	Filed	Dis-posed	Pen-ding#	Filed	Dis-posed	Pen-ding#	Filed	Dis-posed	Pen-ding#
Supreme Court	12	0	12	37	14	35	22	23	34	10	07	37	05	06	36	4	0	40
High Courts	05	0	05	44	19	30	40	21	49	98	30	117	76	32	161	39	22	178
NCLAT	03	0	03	15	10	08	07	13	02	08	01	09	09	07	11	6	6	11
NCLT	04	0	04	13	10	07	20	17	10	47	14	43	90	16	117	67	27	157
Special Courts	0	0	0	07	0	07	15	0	22	15	0	37	18	0	55	0	0	55
Total	24	0	24	116	53	87	104	74	117	178	52	243	198	61	380	116	55	441

Pending with Courts / Tribunals.

OTHER INFORMATION

The year-wise details of panels of IPs, RTI requests, orders gathered and published etc. is given as under:

Sl.	Particulars	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Apr-Sep, 2022
1	No. of Panels of IPs Prepared	0	02	03	04	05	02	01
2	No. of RTI Requests Handled	0	71	236	230	310	333	184
3	No. of Orders Gathered and Published on Website	53	1392	3413	6667	3045	3864	2623
4	No. of Public Announcements and Invitations of Expression of Interests Published on Website	0	877	2733	4442	2056	2264	1514
5	No. of Discussion Papers Floated	07	11	09	20	05	10	08

RECOGNITION

- Global Restructuring Review (GRR) Award for the 'Most Improved Jurisdiction' for the year 2018 awarded to India.
- India made a leap in the 'resolving insolvency' parameter of the World Banks' Ease of Doing Business Survey for the year 2019, improving 56 places to reach 52 from 108 in the last year among 190 countries.
- In the 2020 edition of the Global Innovation Index, released in September, 2020, India's rank in 'Ease of Resolving Insolvency' improved to 47 from 95 in the previous year.

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