

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವೃಥ ೨೦ ಕೇಶಾಪ್ತ ೨೦೧೯(e-Office), ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17-10-2019.

ದಿನಾಂಕ: 06-08-2019 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Insolvency and Bankruptcy Code (Amendment) Act, 2019 (26 of 2019) ನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 06th August, 2019/Shravana 15, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th August, 2019, and is hereby published for general information:—

THE INSOLVENCY AND BANKRUPTCY CODE
(AMENDMENT) ACT, 2019

No. 26 OF 2019

[5th August, 2019.]

An Act further to amend the Insolvency and Bankruptcy Code, 2016.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Insolvency and Bankruptcy Code (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

31 of 2016. 2. In section 5 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the principal Act), in clause (26), the following *Explanation* shall be inserted, namely:— Amendment of section 5.

“*Explanation.*—For the removal of doubts, it is hereby clarified that a resolution plan may include provisions for the restructuring of the corporate debtor, including by way of merger, amalgamation and demerger;”.

Amendment of section 7.

3. In section 7 of the principal Act, in sub-section (4), the following proviso shall be

of default and passed an order under sub-section (5) within such time, it shall record

Amendment of section 12.

4. In section 12 of the principal Act, in sub-section (3), after the proviso, the following

mandatorily be completed within a period of three hundred and thirty days from the insolvency commencement date, including any extension of the period of corporate insolvency resolution process granted under this section and the time taken in legal proceedings in relation to such resolution process of the corporate debtor:

Provided also that where the insolvency resolution process of a corporate debtor is pending and has not been completed within the period referred to in the second proviso, such resolution process shall be completed within a period of ninety days from the date of commencement of the Insolvency and Bankruptcy Code (Amendment)

Amendment of section 25A.

5. In section 25A of the principal Act, after sub-section (3), the following sub-section

3A) Notwithstanding anything to the contrary contained in sub-section (3), the authorised representative under sub-section (6A) of section 21 shall cast his vote on behalf of all the financial creditors he represents in accordance with the decision taken by a vote of more than fifty per cent. of the voting share of the financial creditors he represents, who have cast their vote:

Provided that for a vote to be cast in respect of an application under section 12A, the authorised representative shall cast his vote in accordance with the provisions of sub-section (3)

Amendment of section 30.

6.

(a) in sub-section (2), for clause (b)

b) provides for the payment of debts of operational creditors in such

(i) the amount to be paid to such creditors in the event of a liquidation of the corporate debtor under section 53; or

(ii) the amount that would have been paid to such creditors, if the amount to be distributed under the resolution plan had been distributed in accordance with the order of priority in sub-section (1) of section 53,

whichever is higher, and provides for the payment of debts of financial creditors, who do not vote in favour of the resolution plan, in such manner as may be specified by the Board, which shall not be less than the amount to be paid to such creditors in accordance with sub-section (1) of section 53 in the event of a liquidation of the corporate debtor.

Explanation 1.

distribution in accordance with the provisions of this clause shall be fair and equitable to such creditors.

Explanation

that on and from the date of commencement of the Insolvency and Bankruptcy Code (Amendment) Act, 2019, the provisions of this clause shall also apply to

(i) where a resolution plan has not been approved or rejected by the Adjudicating Authority;

(ii) where an appeal has been preferred under section 61 or section 62 or such an appeal is not time barred under any provision of law for the time being in force; or

(iii) where a legal proceeding has been initiated in any court against

(b) in sub-section (4)

the order of priority amongst creditors as laid down in sub-section (1) of section 53,

inserted.

7. In section 31 of the principal Act, in sub-section (1)

local authority to whom a debt in respect of the payment of dues arising under any law for

inserted.

8. In section 33 of the principal Act, in sub-section (2), the following *Explanation* Amendment of section 33

Explanation

the committee of creditors may take the decision to liquidate the corporate debtor, any time after its constitution under sub-section (1) of section 21 and before the confirmation of the resolution plan, including at any time before the preparation of the information

9. In section 240 of the principal Act, in sub-section (2), in clause (w), for the words Amendment of substituted.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

BANSI DHAR DUBEY
Digitally signed by BANSI DHAR DUBEY
DN: cn=BANSI DHAR DUBEY, o=GOVT OF INDIA, email=BANSI.DHAR@nic.gov.in

P.R. 56
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಶ್ರೀನಿವಾಸ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.