

**IBBI
UPDATES**

1. Computation of fee payable for delay in filings under regulation 40B of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016

On **December 04, 2020** The Insolvency and Bankruptcy Board of India (IBBI) vide **Clarification No. No. IBBI/CIRP Forms/2020** clarified that IBBI has received few emails from IPs seeking clarification on the subject matter. From the regulation 40B(4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations) that a fee has to be paid for delay after October 01, 2020. The said regulation reads as under:

“The filing of a Form under this regulation after due date of submission, whether by correction, updation or otherwise, shall be accompanied by a fee of five hundred rupees per Form for each calendar month of delay after 1st October, 2020.”

Therefore, it is clarified that fee is payable for the period that lapses between the due date of filing a Form or 1st October, 2020, whichever is later, and the actual date of filing the said Form.

It has been decided to refund the excess fee paid in below three situations:

- (i) fee has been paid for delay in submission of Form, which was on account of technical glitches;
- (ii) fee has been paid twice for filing the same Form; and
- (iii) fee has been paid for the delay from the due date. It has been decided to refund the excess fee paid in these three situations

The link for the aforesaid Regulations is as mentioned below:

<https://ibbi.gov.in/uploads/legalframework/60e18951f684c85b59ab3485e25081aa.pdf>

2. MCA Extends IBC suspension by another 3 months till 24 March 2021

On December 22, 2020 the Ministry of Corporate Affairs has extended period of 3 months further from December 25, 2020 to 24th March 2021, the suspension of filing of applications for Corporate Insolvency Resolution Process (CIRP) of a Corporate Debtor under Section 7 (Application by Financial Creditor), Section 9 (Application by Operational Creditor) and Section 10 (Application by the Corporate Debtor) of IBC, 2016.

The Government had earlier extended the suspension of insolvency proceedings for any COVID-19 related default by a period of three months, until the last week of December, 2020.

The link for the aforesaid notification is as under:

<https://ibbi.gov.in/uploads/legalframework/df55d4f612f270d6c637ee4b3c8131c8.pdf>

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