













CA ABHISHEK BANSAL

# CA Final **LIVE** At Home

## Fastrack- Nov. 2021

Law	Audit
 7:30 AM to 9:30 AM	 7:30 PM to 9:30 PM
 45-50 Hours	 45-50 Hours
 Monday to Saturday	 Monday to Saturday
 19th July, 2021 to 14th Aug, 2021	 19th July, 2021 to 14th Aug, 2021
 Law handwritten colorful notes	 Audit typed coloured chart book
₹ 5,900	₹ 5,900
<b>Combo Rs. 11,210</b>	

- 100% English especially for South Indian Students
- Backup will be given in case of missed lecture

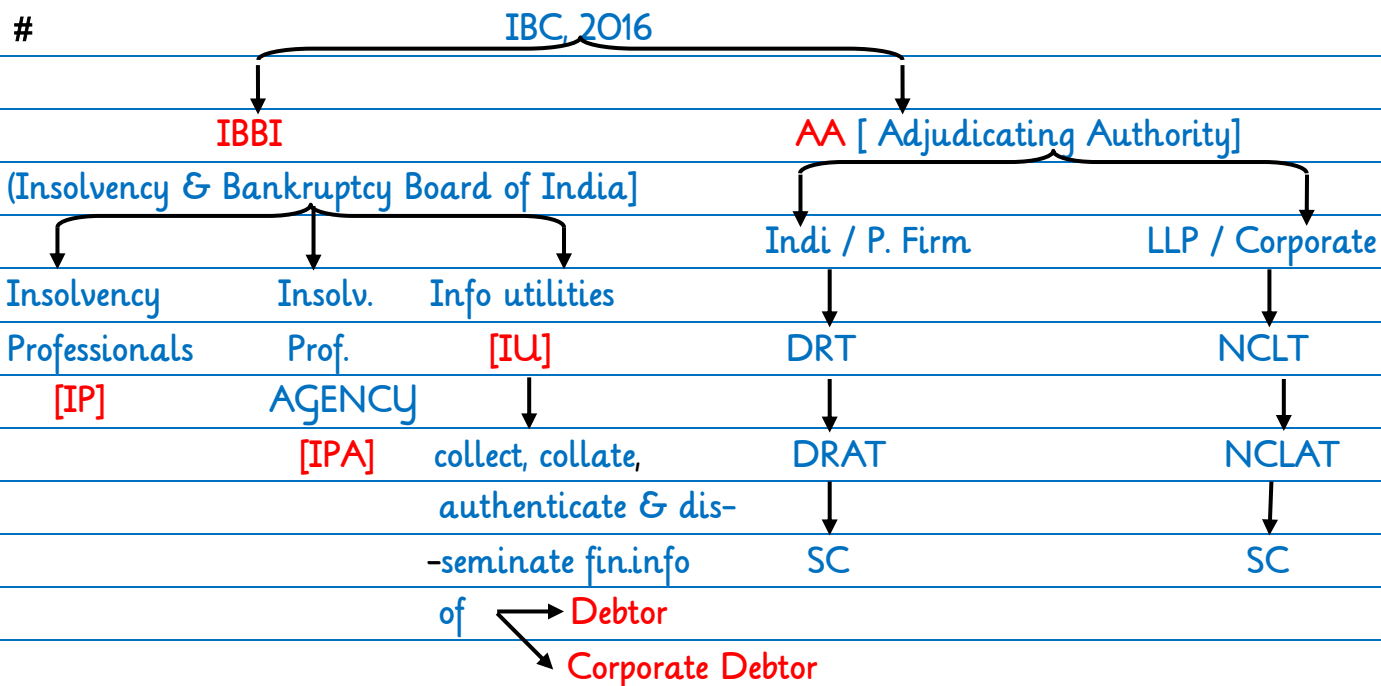
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# Insolvency & Bankruptcy Code, 2016

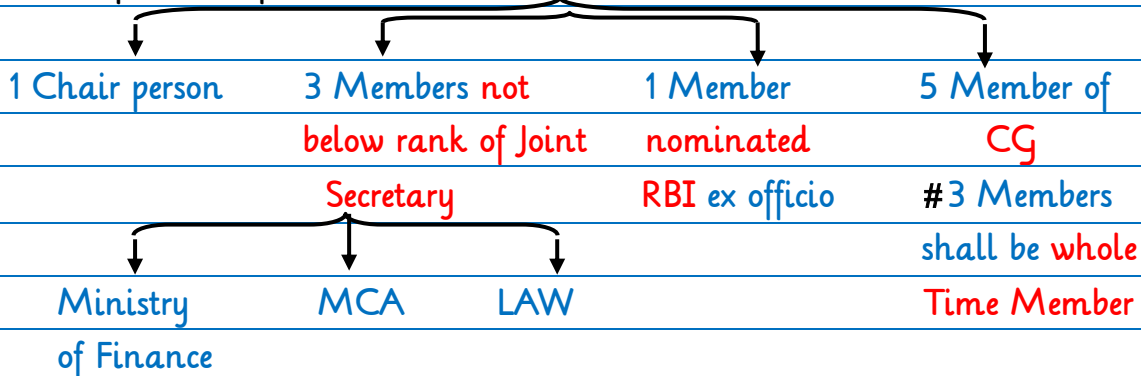
# Insolvency is 'STATE' where **ASSETS < LIABILITIES** & Individual / Co. is **unable to pay**

debts → present  
→ near future

Insolvency → Individual → Bankruptcy  
→ Corporate → Liquidation



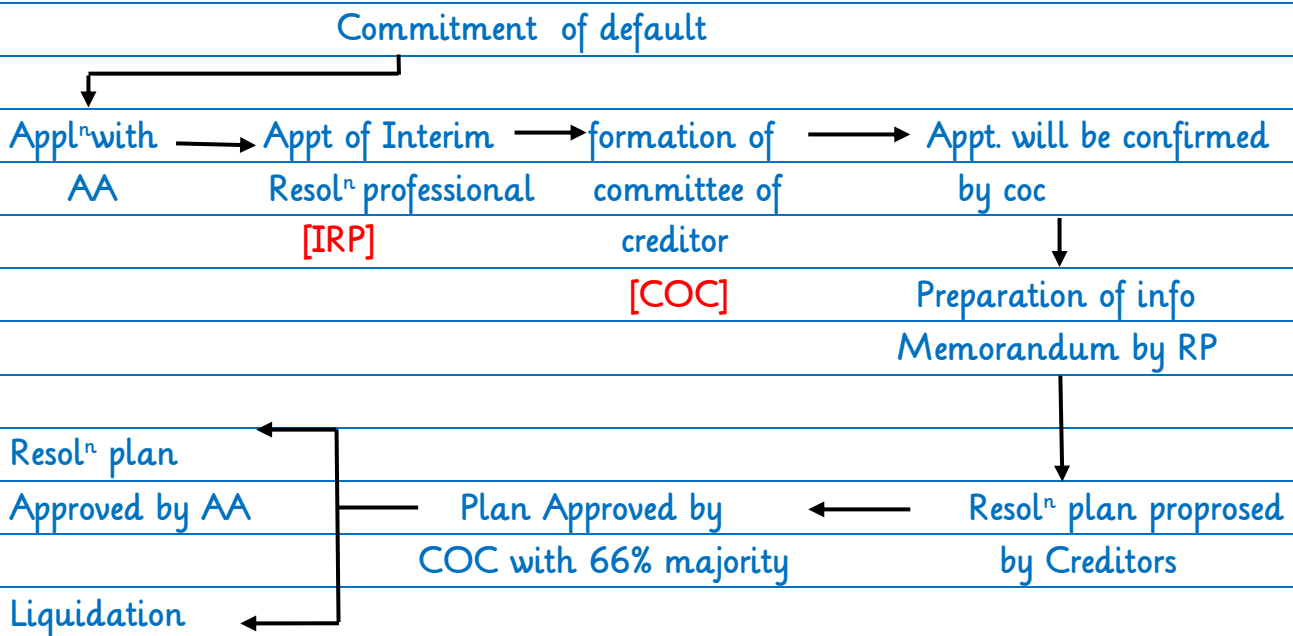
# Composition of Board : [ Total 10 Members ]



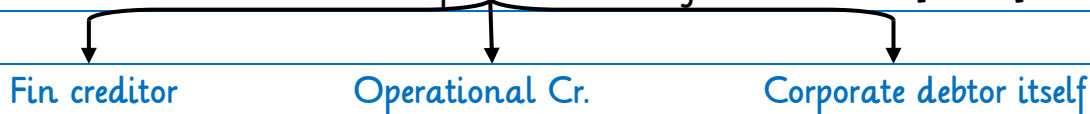
# Applicability of Code :

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Co. incorp	Other Co.	LLP	Such other	Personal	P.Firm	Individuals,
Under Co's	Governed		body incorp	guarantors	&	other than
Act, 2013/	by any spl.		Under any law	to Corp	Proprietor	person
Any previous	Act		as CG may	debtors	ship Firms	referred in (E)
Law.			Notify			

IBC shall not apply to Banking, Insurance Co. & Financial Institution

# Insolvency Process Overview :# Amount of default is **Min Rs 1 Crore** [ corporate debtor] (Amendment)

Notification S.O. 1205(E) dated 24th March, 2020

Persons who can initiate Corporate Insolvency Resol<sup>n</sup> Process [ CIRP]

## # Financial Creditor: (Also refer Amendment No 2 – At the end)

→ FC →   
     singly → appl<sup>n</sup> → before AA when default occurred  
     jointly

→ FC + Appl<sup>n</sup> →   
     Record of default  
     Name of RP  
     Any other info.

→ AA < 14 days of receipt of appl<sup>n</sup> decide

→ Default = occurred	→ Default not occurred
→ Appl <sup>n</sup> = complete	→ Appl <sup>n</sup> = incomplete
→ No disciplinary proceedings Against RP	→ Disciplinary proceedings = pending
↓ ACCEPT	↓ REJECT

# Before Rejection → Rectification < 7 days

→ CIRP = commence = appl<sup>n</sup> = admitted

AA → communicate The order →   
     FC } < 7 days of Admission  
     CD }       of       Rejection

## # Operational Creditor :

→ Default ✓ → OC → demand notice + copy of Invoice → Corporate Debtor  
     < 10 days

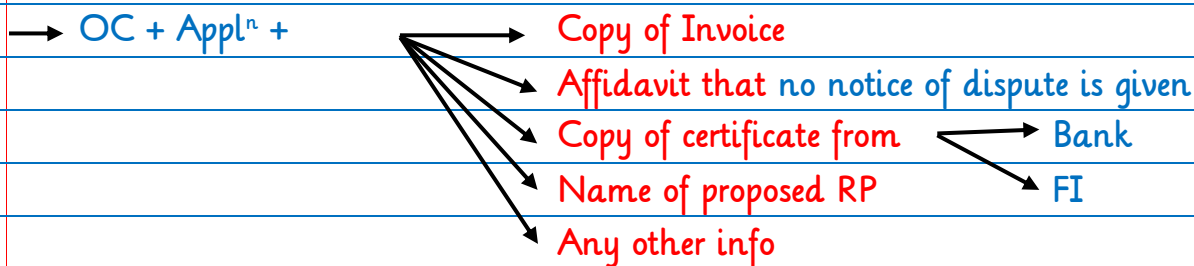
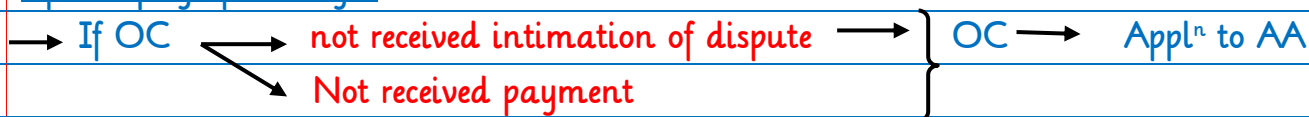
Existence of Dispute

Repay unpaid operational debt

Elec. Trf

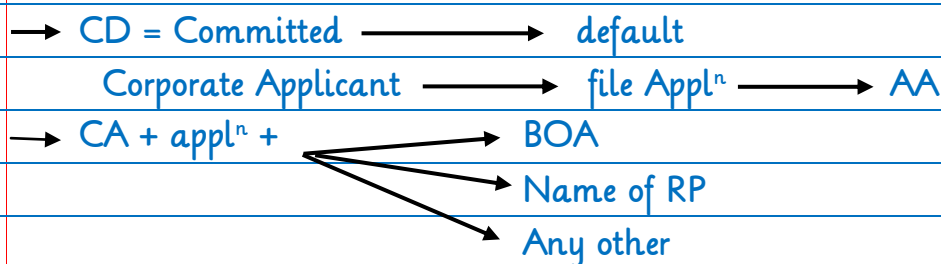
Cheque copy

### After Expiry of 10 days :



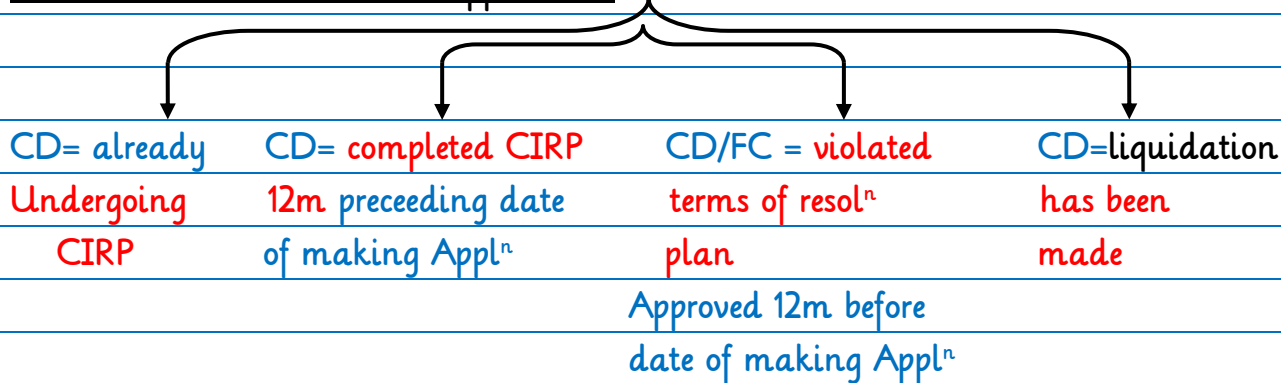
→ AA < 14 days ..... [ Same as FC → Previous chart ]

### # Corporate Debtor [CD] :



→ AA < 14 days ..... [ Same as FC      Previous chart ]

Persons not entitled to make application :



For the purposes of this section, a corporate debtor includes a corporate applicant in respect of such corporate debtor.

For the purposes of this section, it is hereby clarified that nothing in this section prevent a corporate debtor referred to in clauses (a) to (d) from initiating corporate insolvency resolution process against another corporate debtor. (Amendment)

Time Limit for Completion of CIRP:

# Date of Admission of Application  $\xrightarrow{\text{180 Days + Max 90 days (Extension)}}$  = CIRP completed (Refer Amendment 1 at the end)

# Extension :

Resol<sup>n</sup> passed by vote of 66% Voting shs at COC  $\longrightarrow$  Resol<sup>n</sup> Prof.  $\longrightarrow$  Appl<sup>n</sup>  $\longrightarrow$  AA= If satisfied  $\longrightarrow$  Grant extension of Max 90days

Declaration of Moratorium & Public Announcement :

AA  $\longrightarrow$  After admission Pf Appl<sup>n</sup>  $\longrightarrow$  By order

By order branches into:

- Declare a Moratorium
- Cause public announcement < 3 days
- Appoint IRP

Appoint IRP branches into:

- Initiation of CIRP
- Call for submission of claims from creditors

Moratorium Period :

# Commencement Of CIRP  $\xrightarrow{\text{180 days}}$  Completion of CIRP

This period = Moratorium period (MP)

During this period all suits against CD = Abeyance

# AA  $\longrightarrow$  prohibit acts by order during MP

For the purposes of this sub-section, it is hereby clarified that notwithstanding anything contained in any other law for the time being in force, a license, permit, registration, quota, concession, clearances or a similar grant or right given by the Central Government, State Government, local authority, sectoral regulator or any other authority constituted under any other law for the time being in force, shall not be suspended or terminated on the grounds of

insolvency, subject to the condition that there is no default in payment of current dues arising for the use or continuation of the license, permit, registration, quota, concession, clearances or a similar grant or right during the moratorium period. (Amendment)

Where the interim resolution professional or resolution professional, as the case may be, considers the supply of goods or services critical to protect and preserve the value of the corporate debtor and manage the operations of such corporate debtor as a going concern, then the supply of such goods or services shall not be terminated, suspended or interrupted during the period of moratorium, except where such corporate debtor has not paid dues arising from such supply during the moratorium period or in such circumstances as may be specified. (Amendment)

# MP will cease  $\longrightarrow$  when?

AA approves  
Resol<sup>n</sup> plan

OR

Passes order  
for liquidation

# Appointment, Tenure of IRP<sup>ni</sup> (Interim Resol<sup>n</sup> Professional)

The Adjudicating Authority shall appoint an interim resolution professional on the insolvency commencement date. (Amendment)

Max Term  $\longrightarrow$  till RP is appointed

Within 3 days of appointment  $\longrightarrow$  Public Announcement✓

# Key Roles of IRP :

Issuance of  
Public Notices

Resol<sup>n</sup>  
process

Collation  
of claims reced.

Constitution  
Of COC

Conduct 1<sup>st</sup>  
meeting of COC

# Powers of IRP :

Mgmt of  
Affairs

Exercise of powers  
of BOD / partners

Reporting of  
officers / Managers

Instructions to  
Fin. Institutions

[ BOD – Powers-  
Stand suspended ]

[ Report to IRP  
& provide docs ]

[ FI-act on instructions  
of IRP ]

\* Public Announcement → Requiring claims for creditors

↓  
Creditor submit their claims

↓  
IRP

→ verify

→ Determine financial portion

↓  
Constitute a 'COC'

↓ Within 7 days

1<sup>st</sup> Meeting of COC'

# Committee of Creditors :

• All financial creditors of corporate debtor.

• If FC = Related party, then FC shall not have right of representation/  
voting in meeting of COC.

# Meeting of COC :

Resol<sup>n</sup> professional

↓  
Notice of meeting

↓  
Members of COC

↓  
Members of suspended  
BOD/partners  
( but cannot vote )

↓  
Operational Creditors

- If Agg due > 10% of debt
- No right to vote

Meeting of COC

→ In persons

OR

→ Electronic means

Quorum : Members

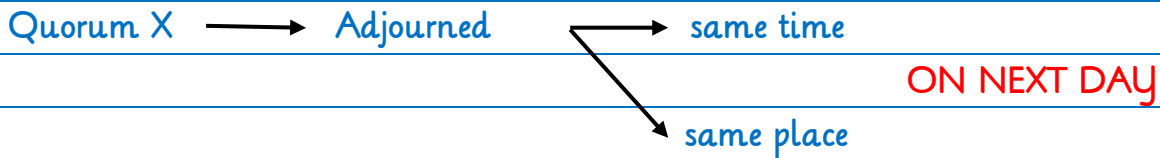
→ Min 33% (1/3<sup>rd</sup>)

Of voting rights

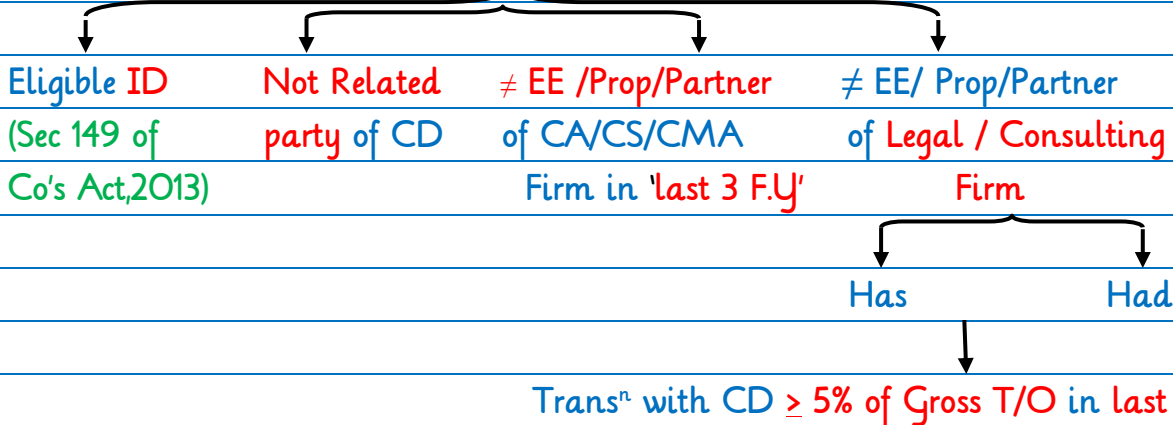
→ in person

→ Audit / Video means

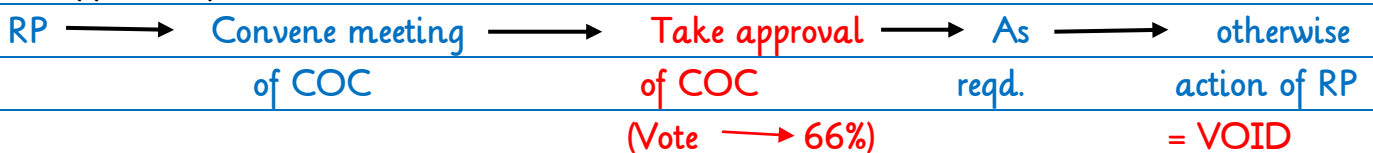




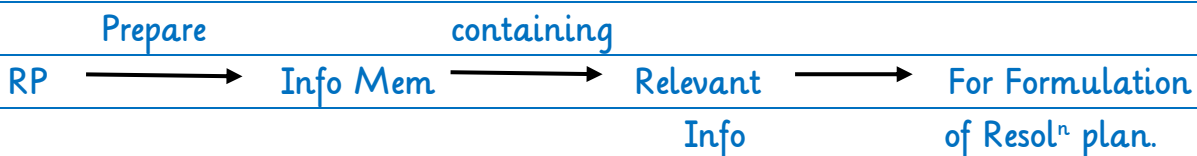
### # Eligibility of Insolvency Professional to be Appointed as RP :



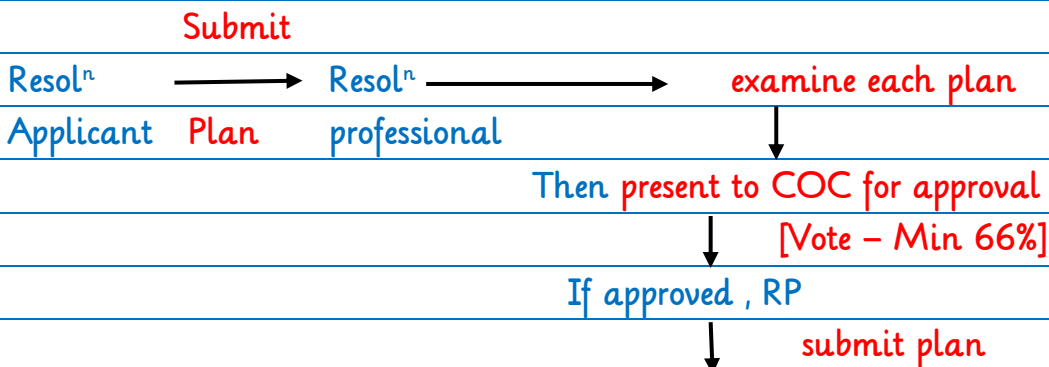
### # Approval if COC :

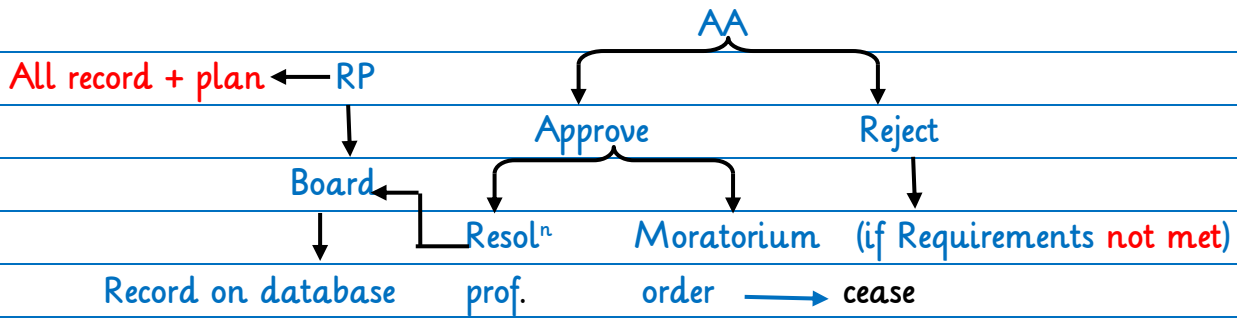


### # Preparation of Info Memorandum :

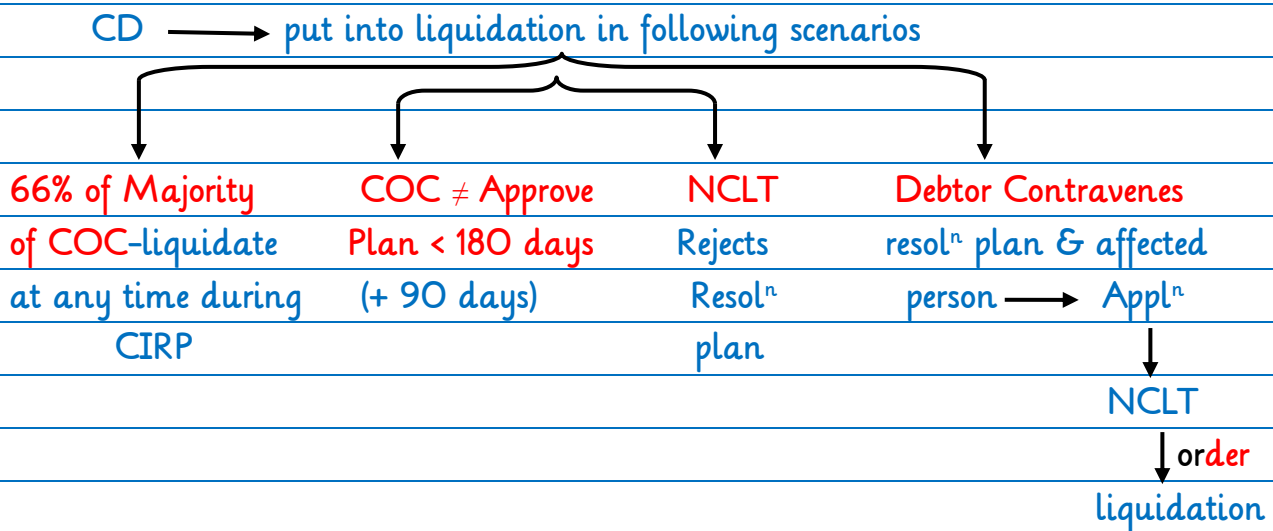


### # Resolution Plan :





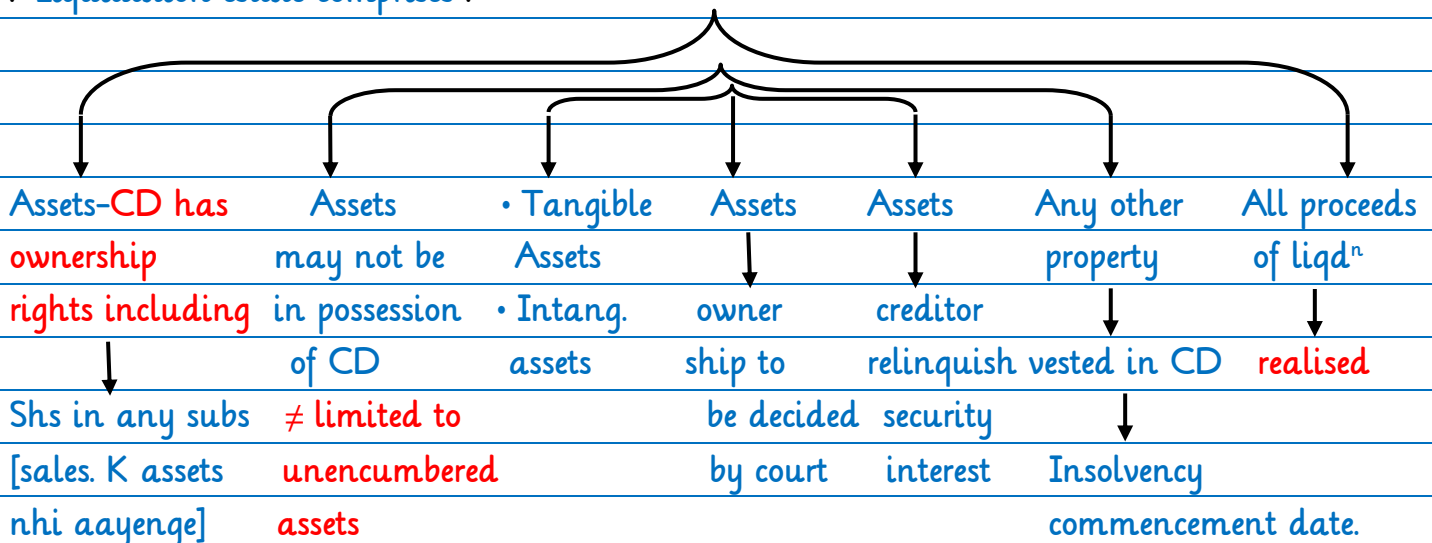
### # Liquidation Process :



### # Comprising of Liquidation Estate :

• Liquidator shall hold liquidation estate as a fiduciary for benefit of creditors

• Liquidation estate comprises :



• Exceptions :

Assets owned By third party But Possession=CD  
 Assets in security collateral held by Fin. service providers  
 Personal assets of Any SH or partner of CD  
 Assets of any Indian or Foreign subsidiary of CD  
 Any other specified by Board

- Assets held in trust
- Bailment contracts
- Sums due to any workman or employee
- From PF / Pension Fund & Gratuity
- Other Contractual arrangements - only use of asset
- Other Assets - Specified by CG.

# Priority of Claims :

CIRP & Liqd<sup>n</sup> Costs  
 Debts rank equally  
 Wages & unpaid dues to E'ees 12 m Before liqd<sup>n</sup> Comm.date  
 Unsecured creditor  
 Dues rank equally  
 Remaining debts  
 PSH  
 ESH  
 Due to CG/SG  
 Sec. Cr. (shortfall)

\* workmen's dues = 24 m preceeding liqd<sup>n</sup> comm. date  
 secured creditor

## # Fast track Insolvency Resolution of Corporate Persons :

• Fasttrack Insolvency Resol<sup>n</sup> → process → complete → expeditious manner

### • Application by Corporate Debtor [CD]

Assets & Income      CD with such class of crs/  
Below a level      Amt of debt      Such other category  
of corporate persons

As notified by CG

• Time period for completion → 90 days + 45 days (Extension)  
If AA satisfied, & Appl<sup>n</sup> = Aggrieved party.

The Ministry of Corporate Affairs has notified that the fast track process shall apply to the following categories of corporate debtors:

1. A small company, as defined under clause (85) of section 2 of the Companies Act, 2013; or
2. A Startup (other than the partnership firm), as defined in the notification dated 23rd May, 2017 of the Ministry of Commerce and Industry; or.
3. An unlisted company with total assets, as reported in the financial statement of the immediately preceding financial year, not exceeding Rs.1 crore

## Sec 59 : Voluntary Liquidation of Corporate Persons :

(1) A corporate person ≠ defaulted may initiate liqd<sup>n</sup> Voluntarily.

(2) Following = conditions :

(a) declaration that MAJORITY OF DIRS have made full inquiry into AOC

& are of opinion that → there are no debts  
→ They will debts in full from proceeds of liquidation.

(b) Co ≠ liquidated to defraud any person

- (3) Declaration shall be accompanied with
- Audited FS
  - Record of Bus. operation
  - for Incorp period
  - 2 yrs
- L  
A  
T  
E  
R
- (4) A report of valuation of asset = submitted
- (5) Within 4 years of declaration
- a) SR = passed
    - liquidation
    - App<sup>n</sup> of liquidator
  - b) If AOA stated voluntary liquidation = Mem. Resol<sup>n</sup> ✓
  - c) If AOA States → CD → liquidated on event of occurrence of event
    - Approved by 2/3<sup>rd</sup> of creditors in value
- (6) Co. → ROC → < 7 days of Resol<sup>n</sup> / Creditors Approval
- (7) Liquidation = commence when resol<sup>n</sup> = passed
- (8) If Assets = completely liquidated,
- Liq<sup>r</sup> → Appl<sup>n</sup> → AA for dissolution
- (9) AA → order for dissolution → copy → submitted < 14 days to the authority with which it is regd.

### Amendments:

#### 1. Exclusion:

In section 12 which deals with the Time-limit for completion of insolvency resolution process.  
– Following provisos have been added after the proviso to section 3:

"Provided further that the corporate insolvency resolution process shall 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) Act, 2019".

**2. Application by FC**

[Provided that for the financial creditors, referred to in clauses (a) and (b) of sub-section (6A) of section 21, an application for initiating corporate insolvency resolution process against the corporate debtor shall be filed jointly by not less than one hundred of such creditors in the same class or not less than ten per cent. of the total number of such creditors in the same class, whichever is less:

Provided further that for financial creditors who are allottees under a real estate project, an application for initiating corporate insolvency resolution process against the corporate debtor shall be filed jointly by not less than one hundred of such allottees under the same real estate project or not less than ten per cent. of the total number of such allottees under the same real estate project, whichever is less:

Provided also that where an application for initiating the corporate insolvency resolution process against a corporate debtor has been filed by a financial creditor referred to in the first and second provisos and has not been admitted by the Adjudicating Authority before the commencement of the Insolvency and Bankruptcy Code (Amendment) Act, 2020, such application shall be modified to comply with the requirements of the first or second proviso within thirty days of the commencement of the said Act, failing which the application shall be deemed to be withdrawn before its admission.]

For the purposes of this sub-section, a default includes a default in respect of a financial debt owed not only to the applicant financial creditor but to any other financial creditor of the corporate debtor.

**3. Section 29A – Person's Ineligible to be Resolution Applicant**

According to Section 29A, a person suffering from the disqualifications as mentioned hereunder shall not be eligible to submit a resolution plan. Further, any other person acting jointly or in concert with the prospective resolution applicant shall not be covered under the following disqualifications –

- i. the person is an undischarged insolvent;
- ii. the person is a wilful defaulter in terms of the RBI Guidelines issued under the Banking Regulation Act, 1949;
- iii. the person has an account, or an account of a corporate debtor under the management or control of such person or of whom such person is a promoter, classified as non-performing asset in accordance with RBI Guidelines issued under the Banking Regulation Act, 1949 and at least a period of 1 (One) year has lapsed from the date of

such classification till the date of commencement of the corporate insolvency resolution process of the corporate debtor: Provided that the person shall be eligible to submit a resolution plan if such person makes payment of all overdue amounts with interest thereon and charges relating to non-performing asset accounts before submission of resolution plan;

- iv. the person has been convicted for any offence punishable with imprisonment for 2 (Two) years or more;
- v. the person is disqualified to act as a director under the Companies Act, 2013;
- vi. the person is prohibited by SEBI from trading in securities or accessing the securities markets;
- vii. the person has been a promoter or in the management or control of a corporate debtor in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and an order has been made by the adjudicating authority under the provisions of the Code;
- viii. a person who has executed an enforceable guarantee in favour of a creditor, in respect of a corporate debtor against which an application for insolvency resolution made by such creditor has been admitted under the Code;
- ix. a person who has been subject to the above listed disabilities under any law in a jurisdiction outside India;
- x. connected persons, i.e. persons connected to the person disqualified under any of the aforementioned points, such as those who are promoters or in management or control of the resolution applicant, or will be promoters or in management or control of the business of the corporate debtor during the implementation of the resolution plan, the holding company, subsidiary company, associate company or related party of the above referred persons – exception has been carved out for scheduled banks, asset reconstruction companies registered with RBI under Section 3 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and alternative investment funds registered with SEBI.

#### 4. NBFC Clarification:

Vide Notification S.O. 4139(E) dated 18th November, 2019, in exercise of the powers conferred by section 227 of the Insolvency and Bankruptcy Code, 2016, the Central Government in consultation with the Reserve Bank of India notifies that the insolvency resolution and liquidation proceedings of the Non-banking finance companies (which include housing finance companies) with asset size of Rs.500 crore or more, as per last audited balance sheet, shall be undertaken in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 read with the Insolvency and Bankruptcy (Insolvency and Liquidation Proceedings of Financial Service Providers and Application to Adjudicating Authority) Rules, 2019 and the applicable Regulations



CA FINAL NOV 2020



# CONGRATULATIONS!

Sr. No.	Name	LAW
1	Bhavik Singhal	75
2	Shailja	72
3	Vinayak	72
4	Meet Jain	70
5	Anirudh	68
6	Meet Parekh	68
7	Amar Hivrade	66
8	Sameep	66
9	Yash Bhansali	62
10	Yash Golecha	63
11	Rohit Kalantri	61
12	Deepti Garg	61
13	Mansi Andhari	61
14	Yash Jain	61
15	Saurabh Lodha	61
16	Ayushi Jain	61

Sr. No.	Name	ECO LAW
1	Anuj Agarwal	76
2	Dhwani	73
3	Shagun Sharma	73
4	Sushit Sood	72
5	Kamakshi Sanghai	71
6	Khushbhu Nagar	71
7	Yash Bhansali	70
8	Yash Golecha	70
9	Sonu Sheron	70
10	Raviraj Singh	62

Sr. No.	Name	AUDIT
1	Shailja	59
2	Mansi Andhari	59

& many more



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CA FINAL JAN 21 RESULT

# CONGRATULATIONS!



ALL INDIA RANK  
(AIR) **29<sup>th</sup>**

SHUBHAM KAKHANI



ALL INDIA RANK  
(AIR) **36<sup>th</sup>**

PRANCHAL KASERA

Sr. No.	Name	LAW
1	Shubham Kakhani	74
2	Hitesh Rajesh Soni	71
3	Ritik Pachori	68
4	Abhishek Arora	65
5	Shoyal Shukla	64
6	Nikhil Rathit	64
7	Neha Gupta	64
8	Laxmikant Bohra	62
9	Pranchal Kasera	61
10	Devansh Unadhyay	60

Sr. No.	Name	AUDIT
1	Saipriya Sridhar Chari	66
2	Pranchal Kasera	51

Sr. No.	Name	ECO LAW
1	Rithik Pachori	60



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November 2020 - CA FINAL RESULTS

# CONGRATULATIONS!



ABHIJEET MUTHA

ALL INDIA RANK  
(AIR)

21



ANIRUDH

ALL INDIA RANK  
(AIR)

28



MEET JAIN

ALL INDIA RANK  
(AIR)

45



CA ABHISHEK BANSAL





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## CA FINAL NOV-19 RESULTS

**AIR 29**



**Akansha Shah**

**AIR 36**



**Chinmaya Dave**

**AIR 48**



**Tushar Gadodia**

**AIR 50**



**Snehal Agarwal**

### LAW EXEMPTIONS

Sr. No	Name	Law Exemptions
1	TUSHAR GADODYA	78
2	SULTAN SABITH	78
3	BHAAVYA	73
4	RISHABH RAKESH JAIN	70
5	AMAN SONI	70
6	MEET SANGOI	70
7	SHREYANSH CHAUDHARY	70
8	VAISHALI JOHAR	69
9	NIDHI SHAH	69
10	KOMAL BHANDARI	69
11	HARSHALI SONI	69
12	ANAND SINGH	68
13	GAUTAM INDORIA	67
14	CHINMAYA DAVE	66
15	PULKIT BANSAL	66
16	AISHWARYA KOLI	66
17	ANKITA AJMERA	66
18	MOHIT LOONKAR	66
19	SUKANYA JAYARAM	65
20	JAYA PATEL	65
21	AKANKSHA KALANI	65
22	HARSHIT AJAY SHAH	65
23	NIKITA PRADEEPBHAI FOTARIYA	65
24	AJAY GURRAM	64
25	MAMTA MEHTA	64
26	MOHIT KUMAR BANSAL	64
27	SNEHAL MAHESH AGARWAL	64
28	AKANKSHA SHAH	63
29	NIKHAR MAHIDHAR	63
30	SHRUTI AGARWAL	63
31	POOJA	63
32	SHIVAM MITTAL	62
33	ATIN VYAS	62
34	VIVEK SHARMA	62
35	SALUSALINI SANJEEV JHA	62

Sr. No	Name	Law Exemptions
36	Ish Goel	62
37	Kavita Patel	62
38	Dhir Dilip Hingad	61
39	Dhruvi Gandhi	61
40	Nabila Asif	61
41	Udit Kotak	61
42	Shruti	61
43	Aditya Sharma	61
44	Hitesh Borana	61
45	Sujain Girish Jain	61
46	Sonali Manohar Kanda	60
47	Vishwa Surana	60
48	Saurabh	60
49	Priyanka	60
50	Utkarsh	60
51	Lokesh Goel	60
52	Vinay Gautam	60
53	Kajal S	60
54	Shubham aGarwal	60
55	DEVANSHI	60

### AUDIT EXEMPTIONS

Sr. No	Name	Audit Exemptions
1	KOMAL BHANDARI	69
2	SONAKSHI SAMTANI	65
3	HETA SHAH	64
4	CHINMAYA DAVE	64
5	SHRUTI AGARWAL	60
6	SAURABH	60



**Prof. ABHISHEK BANSAL**

**STILL COUNTING...**



# CONGRATULATIONS TO ALL MY STUDENTS SCORING 60+ IN LAW/AUDIT.

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## CA FINAL RESULTS MAY 19

### LAW EXEMPTIONS



**Prof. ABHISHEK BANSAL**

### AUDIT EXEMPTIONS

Sr. No	Name	Audit Exemptions
1	SHAHRUK	66
2	ASHUTOSH MORAJKAR	66
3	BHAVESH MANIYAR	66
4	MEHUL PARMAR	63
5	ANKIT KUMAR PARWAL	60

Sr. No	Name	Law Exemptions	Sr. No	Name	Law Exemptions
1	RAKESH	76	36	GAGAN LODHA	63
2	PAVAN MUNDADA	73	37	JAFAR MARUF	63
3	MANTHAN PARIK	72	38	PRİYAL UNJIYA	63
4	HETWI HARIYA	72	39	ASHUTOSH MORAJKAR	62
5	TASNIM GOAWALA	72	40	BADAL	62
6	DEVANDRA DIXIT	71	41	BHAVIN MAKWANA	62
7	HARSH LONEAL	71	42	DHRUV BHATIA	62
8	HARSHIT GANDHI	71	43	GARIMA JAIN	62
9	KEDAR GATANI	70	44	KARAN BADLANI	62
10	MOHIT PARIYANI	70	45	PARTH	62
11	SIDDHANT JAIN	70	46	PRACHI JAIN	62
12	URMI VIPUL SHAH	70	47	RASHMI DANGI	62
13	URMI SHAH	70	48	SHALIN RATHI	62
14	ARCHIT GOEL	69	49	SHAHRUK	61
15	RAGHAV SONI	69	50	ADITYA	61
16	AJIT KUMAR	69	51	ARTI KHETAN	61
17	SHAIFUDDIN BOHRA	68	52	AYUSH SHARAF	61
18	JAY DESAI	67	53	CHIRAG RUPANI	61
19	JYOTI MISHRA	67	54	FALGUNI SHARMA	61
20	NIKITA CHAUHAN	67	55	GONWANT	61
21	ANJALI ITHKULLA	66	56	MAGDELINE	61
22	ANKIT KUMAR PARWAL	66	57	MOHIT YADAV	61
23	RINKY GUPTA	66	58	NAYAN JAIN	61
24	SHOBHANA GARG	66	59	NISHEE ZAVERI	61
25	ANJALI YADAV	65	60	NUSRAT	61
26	ARPIT JAIN	65	61	PRİYAL SHAH	61
27	DHWANI SHAH	65	62	SHALINI	61
28	JULIE	65	63	ZAFAR KHAN	61
29	NIKITA BHANDARI	65	64	ARCHANA MODI	60
30	SUKESH KASHYAP	65	65	ANKIT BHATTAD	60
31	ISHANKA AGARWAL	65	66	PRADEEP JOSHI	60
32	JAMIL	64	67	REVATHI	60
33	PRADEEP SINGH	64	68	SHARAD JOSHI	60
34	PROOVAN SHETIA	64	69	HARSH MODI	60
35	AYUSH KOTHARI	64		STILL COUNTING....	

**TAJ PARTY DUE FOR STUDENTS SCORING 70 OR ABOVE.**

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**Siddham Manisha Jain**

**More than 75 Students have got exemptions and still counting....**

**CA FINAL MAY 2019**

**HEARTIEST CONGRATULATIONS TO  
ALL OF YOU**

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