

(viii) प्ररूप 6 में, भाग III के पश्चात्,-

(क) “[कारपोरेट आवेदक का नाम] [भुगतान के साधनों का उल्लेख करें] के माध्यम से [तारीख] को इस आवेदन के लिए अपेक्षित फीस का भुगतान कर दिया गया है]” शब्दों के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्:-

“[कारपोरेट आवेदक का नाम] [भुगतान के साधनों का उल्लेख करें] के माध्यम से [तारीख] को इस आवेदन के लिए अपेक्षित फीस का भुगतान कर दिया गया है और इस आवेदन की एक प्रति बोर्ड के रजिस्ट्रीकृत कार्यालय को रजिस्ट्रीकृत डाक/स्पीड पोस्ट/दस्ती तौर पर/इलेक्ट्रॉनिक माध्यमों द्वारा भेज दी गई है”;

(ख) ‘अनुदेशों’ के अधीन, ‘उपाबंध IX; के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्,-

“उपाबंध X प्रमाण जिसके आवेदन की एक प्रति बोर्ड के लिए भेज दी गई है।”;

[फा. सं. 30/20/2018-दिवाला अनुभाग]

ज्ञानेश्वर कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, भाग II, खंड 3, उप-खंड (i) सा.का.नि. संख्या 1108(अ) तारीख 30 नवंबर, 2016 द्वारा प्रकाशित किए गए थे और संख्या सा.का.नि. 222(अ) तारीख 14 मार्च, 2019 की अधिसूचना द्वारा संशोधित किए गए थे।

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 24th September, 2020

G.S.R. 583(E).—In exercise of the powers conferred by clauses (c), (d), (e) and (f) of sub-section (2) of section 239 read with sections 7, 8, 9 and 10 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Central Government hereby makes the following rules further to amend the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016, namely:-

1. (1) These rules may be called the Insolvency and Bankruptcy (Application to Adjudicating Authority) (Amendment) Rules, 2020.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. In the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016,-

(i) in rule 4, for sub-rule (3), the following sub-rule shall be substituted, namely: -

“(3) The applicant shall serve a copy of the application to the registered office of the corporate debtor and to the Board, by registered post or speed post or by hand or by electronic means, before filing with the Adjudicating Authority.”;

(ii) in rule 6, for sub-rule (2), the following sub-rule shall be substituted, namely: -

“(2) The applicant under sub-rule (1) shall serve a copy of the application to the registered office of the corporate debtor and to the Board, by registered post or speed post or by hand or by electronic means, before filing with the Adjudicating Authority.”;

(iii) in rule 7, for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) the applicant under sub-rule (1) shall serve a copy of the application to the Board by registered post or speed post or by hand or by electronic means, before filing with the Adjudicating Authority.”;

(iv) in FORM 1:-

(a) after Part - V, for the words, “[Name of the financial creditor] has paid the requisite fee for this application through [state means of payment] on [date]”, the following shall be substituted, namely:-

“[Name of the financial creditor] has paid the requisite fee for this application through [state means of payment] on [date] and served a copy of this application by registered post/speed post/by hand/electronic means to the registered office of the corporate debtor and to the Board.”;

(b) under the ‘Instructions’, after ‘Annex IV’, the following shall be inserted, namely: -

“Annex V Proofs of serving a copy of the application (a) to the corporate debtor, and (b) to the Board.”

(v) in FORM 2, for the serial number (iii), the following shall be substituted, namely: -

“(iii) disclose that I am currently having the following assignments in hand:

Sl. No.	Assignment as	Number of ssignment(s)	No.	Name of corporate debtor	Date of commencement of process	Expected date of closure of process
Corporate Processes						
1	IRP		1			
			2			
			3			
2	RP		1			
			2			
			3			
3	Liquidator (including voluntary liquidations)		1			
			2			
			3			
4	Authorised Representative		1			
			2			
			3			
Individual Processes						
5	Resolution Professional					
6	Bankruptcy Trustee					
7	Any other”.					

(vi) in FORM 5, after Part – V: -

(a) for the words “[Name of the operational creditor] has paid the requisite fee for this application through [state means of payment] on [date]”, the following shall be substituted, namely: -

“[Name of the operational creditor] has paid the requisite fee for this application through [state means of payment] on [date] and a copy of this application has been served by registered post/speed post/by hand/electronic means to the registered office of the corporate debtor and to the Board”;

(b) under the ‘Instructions’, -

(I) for the portion beginning with “Annex III Copy of the relevant accounts” and ending with “operational debtor, if available.”, the following shall be substituted, namely:-

“Annex III Form 5A, if available, from the banks/financial institutions that maintains relevant accounts of the operational creditor.”;

(II) after “Annex VI”, the following shall be inserted, namely: -

“Annex VII Proofs of serving a copy of the application (a) to the corporate debtor, and (b) to the Board.”

(vii) after Form 5, the following Form shall be inserted, namely: -

“Form 5A

[Under section 9(3)(c) of the Code]

(To be issued on the letter head of the Bank / Financial Institution)

To whomsoever it may concern

Based on a request of(*name and address of person*), having an account(s) bearing No..... at branch of bank/financial institution, it is certified that the following amounts have been credited in the last three years to this account on behalf of corporate debtor (*name and address of the corporate debtor from whom the amount is supposed to be credited*).

Date of credit	Amount of credit (Rs.)

(Signature and Name of issuing authority)

Date :

Place :”

(viii) in Form 6, after Part III, -

(a) for the words, “[*Name of the corporate applicant*] has paid the requisite fee for this application through [*state means of payment*] on [*date*]”, the following shall be substituted, namely: -

“[*Name of the corporate applicant*] has paid the requisite fee for this application through [*state means of payment*] on [*date*] and a copy of this application has been served by registered post/speed post/by hand/electronic means to the Board.”

(b) under the ‘Instructions’, after ‘Annex IX’, the following shall be inserted, namely: -

“Annex X Proof that a copy of the application has been served to the Board.”

[F. No. 30/20/2018-Insolvency Section]

GYANESHWAR KUMAR SINGH, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i), *vide* G.S.R. 1108(E) dated the 30th November, 2016 and amended *vide* notification no. G.S.R. 222(E) dated the 14th March, 2019.