

Name:	 <b>UPES</b> UNIVERSITY WITH A PURPOSE
Enrolment No:	

**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**Online End Semester Examination, December 2020**

**Course: Bankruptcy and Insolvency** **Semester: VII**  
**Program: BBA LL.B (Hons.) International Trade & Investment Law / Banking, Finance & Insurance Law)**  
**B. Com. LL.B (Hons.) (Taxation Law)**  
**BBA LL.B (Hons.) (Corporate Law)** **Time 03 hrs.**  
**Course Code: CLNL4001** **Max. Marks: 100**

**SECTION A**

1. Each Question will carry 5 Marks
2. Instruction: Complete the statement / Select the correct answer(s)

S. No.	Question	CO
Q 1	True or False and fill in the blank.( 1 mark each) a. The insolvency resolution process provides a collective mechanism for lenders to deal with the overall distressed position of the corporate debtor under the IBC overall process. b. Recovery of Debts Due to Banks and Financial Institutions Act, 1993 was the recommendation of the committee so that there is Special tribunal for recovery claims of financial institutions. c. The important features of Insolvency and Bankruptcy Code is the grant of _____ wherein lenders act will remain waited, while the bankruptcy court takes a view on the possibility of rehabilitation. d. Resolution Professional shall prepare information _____ for the purpose of enabling resolution applicant to prepare a resolution plan. e. Companies Act was amended in 2002, after the critical analysis it is a sad reflection on Indian law-making that the provisions pertaining to shifting of _____ to the NCLT, enacted by the Parliament in 2002, have not been enforced for over 13 years.	CO1
Q2	What is the eligibility criteria of Bankruptcy trustee and grounds of registrations according to IBC, 2016	CO1
Q3	Clarify the concept of fresh start process of individual and partnership firm	CO2
Q4	Substantiate how operational creditor can initiate corporate insolvency resolution process under IBC, 2016	CO1
Q5	Elaborate the role of Interim Resolution Professional under IBC, 2016	CO2
Q6	Explain Voluntary Liquidation process appeal procedure under Insolvency and bankruptcy.	CO3

**SECTION B**

1. Each question will carry 10 marks
2. Instruction: Write short / brief notes

Q 7	Resonance Ltd is a registered company which is going through the liquidation process. Resonance Ltd had a debt of five crores. Wherein there is two banks who have given a loan. Bank P has given 2 crore loan and Bank K has given 1 crore. There are 3 non-financial creditors i.e. X, Y and Z who gave 2 crore altogether. X gave 70 Lakh, Y gave 80 Lakh and Z gave 50 Lakh. When Resonance Ltd was under liquidation process they did not approve the plan as per the Regulation of IBBI and the Committee of creditors had failed to add this in the plan the liquidation cost. During the liquidation process there is 30 lakhs excess liquidation	CO3
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	cost over the liquid assets. Now the question is how the Liquidator is going to call the Creditors for the excess liquidation cost of the liquid assets of Resonance Ltd who is corporate debtor. How the liquidator is going to call for contribute of the excess liquidation cost amongst all the creditors.	
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Q 8	Pradeep who owns a registered firm which is going through the corporate insolvency process as his creditors has filed for insolvency due to default in payment Pradeep of the insolvency has borrowed Rs. 700000/- from sumit which was not paid by Vikram. Vikram had provided goods of Rs. 445590/-. When other creditors file suit for insolvency for default of payment, Vikram also submitted the claim of Rs. 445590/- for his goods. What is the remedy available to the Pradeep and Vikram in this case? Justify with apt provisions and illustration	CO1
Q 9	Dinakaran and Sons is a Limited Liability Partnership which had filed for the CIRP the process was initiated by the Financial creditor, post that insolvency resolution professional was appointed. As per the provision of IBC, Committee of creditors (COC) was incorporate, later the resolution plan was passed by the COC with the majority of 50% voting share of financial creditors which was considered to be feasible and viable to apply as per the opinion of Resolution Professional and COC. Can the CIRP process can go ahead in the given situation and what will happen to the CIRP of Dinakaran and Sons?	CO3
Q 10	Paneri Textile is famous company manufacturing saree all over India, but due to loss in past 2 years it had filed for liquidation process and the liquidator is being appointed for liquidation process. Firstly Liquidator take the charge and control of the liquidation estate of Paneri Textile including all assets of the corporate debtor. During taking the custody of the liquidation estate of Paneri Textile the Liquidator also took the custody of bailed movable property of Sony saree. Sony Saree was the bailor and Paneri Textile was holding that movable property as bailee. Herein the liquidator did not did the investigation and examination during Liquidation process and took the bailed property. Explain the remedy available to Sony saree and Paneri textile in given problem under the IBC, 2016 and IBBI Regulations.	CO3
Q 11	Dee Jay Industries Pvt. Ltd is a registered company which is manufacturing cell phones. ABZ is a Financial Institution who had given a loan to Dee Jay Industries Pvt. Ltd and there is a financial contract between them Dee Jay Industries Pvt. Ltd paid its loan installment from 5 <sup>th</sup> April 2018 to 30 <sup>th</sup> February 2020. Since March 2020 Dee Jay Industries Pvt. Ltd is not able to pay the installment due to economic losses in the pandemic due to covid-19 in the country. ABZ files a for corporate insolvency resolution process against Dee Jay Industries Pvt. Ltd. What is the remedy available to both parties in this conditions? Justify the both sides with IBC provisions in the given pandemic situations.	CO2

**Section C**

1. Each Question carries 20 Marks.
2. Instruction: Write long answer.

Q12	a. Enlighten the detail Liquidation Process of Corporate person with relevant provisions and regulations. b. Describe Bankruptcy order of individual and partnership firms with comprehensive bankruptcy process of the bankrupt under IBC, 2016	CO2 CO2
	Or	
	Critically analyze the interface of Insolvency and Bankruptcy Code on Companies Act, 2013 with relevant illustrations and cases.	CO3

