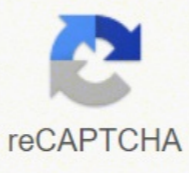




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## Insolvency and bankruptcy code 2016 pdf icai online application form

[Regulation 3(3) of the IBBI (Insolvency Professionals) Regulations, 2016] For syllabus, registration process for the examination please visit: ( National Insolvency Programme IBBI is yet to notify this Programme. Qualifications and Experience to Register as an Insolvency Professional Step I. Step II. He must, however, discontinue employment when he wishes to have an Authorisation for Assignment. After his enrolment as professional member, he is required to complete the mandatory 50 hours Pre-Registration Educational Course from an IPA. He may surrender Authorisation for Assignment when he wishes to take up employment. [Regulation 5(b) of the IBBI (Insolvency Professionals) Regulations, 2016]. (b) Regulation 7(2)(h) of the IBBI (Insolvency Professionals) Regulations, 2016 requires an Insolvency Professional to abide by the Code of Conduct at all the times. © Copyright 2020 . Chartered Accountant, Company Secretary, Cost Accountant and Advocate who has enrolled as a member of respective Institute/Bar Council and has ten years of experience [Regulation 5(c)(iv) of the IBBI (Insolvency Professionals) Regulations, 2016]. Rs. 14,160/- (Enrolment Fees - Rs. 2000/- + Annual membership fees - Rs. 10000/- + GST @ 18%) Rs. 8260/- (Enrolment Fees - Rs. 2000/- + Annual membership fees - Rs. 5000/- + GST @ 18%) (2) Annual Membership Fees of IIPi - a) Annual Membership Fee is Rs. 10,000/- (Rupees Ten Thousand only) plus GST @ 18% and stands due w.e.f. 01. April of each year. (b) The rejection of the application shall be communicated to the applicant stating the reasons for such rejection, within thirty days of the receipt of the application, excluding the time given for removing the deficiencies or presenting additional documents or clarification by the IIPi, as the case may be. Regulation 5(c)(iii) of the IBBI (Insolvency Professionals) Regulations, 2016. Download ICAI Revised January 2022 Edition of FAQ on Insolvency and Bankruptcy Code 2016 Click Here >> ----- Similar Posts: ----- Guidelines: Eligibility Criteria/Procedure for Enrolment A. Proclaimed Offenders under Section 82 of the Code of Criminal Procedure, 1973. Whether the name of the professional member appears in the databases of Ministry of Corporate Affairs regarding: i. The person who has one of the above qualifications must pass the Limited Insolvency Examination conducted by IBBI. (e) After examination of the application, IIPi shall give an opportunity to the applicant to remove the deficiencies, if any, in the application. IV. The syllabus, format, qualifying marks and frequency of the Limited Insolvency Examination shall be published on the website of the Board at least three months before the examination. Since the last revision in 2019, several amendment in Regulations, Judicial Pronouncements etc. For this purpose, the applicant needs to provide his DIN (if he has one) or must declare that he has no DIN. Whether a regulator ICAI, ICAI (Cost), ICSI, or Bar Council, RVO has initiated any criminal proceeding against the professional member and is pending for disposal? have taken place necessitating a revised edition. The revised Edition consists of 700+ Questions and Answers, judicial pronouncements etc. Whether the professional member had an unblemished service with the last employer if he was in employment? A student who completes the GIP will be eligible for registration as insolvency professional under the Insolvency and Bankruptcy Code 2016, without having to wait to acquire the 10-year experience as required by the Code at present. Clause 9 of the Bye Laws of IIPi states that no individual shall be enrolled as a professional member with IIPi if he is not eligible to be registered as an Insolvency Professional with the Board. Regulation 4 of the IBBI (Insolvency Professionals) Regulations, 2016 specifies the eligibility criteria to register as an IP. (d) Before enrolling a person as its Professional Member IIPi is required to verify the followings: 1. For details please click on . C. The Insolvency and Bankruptcy Code, 2016 had been enacted with a purpose to consolidate and amend the laws relating to reorganisation and insolvency resolution of corporate persons, partnership firms and individuals and align Indian law at par with the best practices being followed Internationally. The web site is hosted by Acmehosting. (b) The Membership Committee shall pass an order disposing of the appeal in the manner it deems expedient, within thirty days of the receipt of the appeal. Step III. Thereafter, he will be eligible to apply for Registration as an Insolvency Professional with IBBI. Procedure for Enrolment as a Professional Member (a) IIPi shall examine the application in accordance with the applicable provisions of the Code, and rules, regulations and guidelines thereunder. No part of the contents available in any IIPi publication may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior permission, in writing, from IIPi. IBBI has yet to notify this programme. Limited Insolvency Examination IBBI is notifying syllabus for the Limited Insolvency Examination from time to time. Graduate Insolvency Programme The GIP is the first of its kind programme for those aspiring to take up the discipline of insolvency professional as a career or seeking to take up other roles in the value chain, in India and in foreign jurisdictions. (j) IIPi will issue a Certificate of Membership to the enrolled member. Provided that if a person has been convicted of any offence and sentenced in respect thereof to imprisonment for a period of seven years or more, he shall not be eligible to be registered; (e) he is an undischarged insolvent, or has applied to be adjudicated as an insolvent; (f) he has been declared to be of unsound mind; or (g) he is not a fit and proper person. V. Step IV. Step V. b) Further, the Annual Membership fees should be received by IIPi on or before 30th April of each year without imposing any penalty. c) Members delaying the payment of Annual Membership Fee beyond 30th April shall be referred to the competent authority for necessary action. Before, there were multiple overlapping laws and adjudicating forums dealing with financial failure and insolvency of companies and individuals in India. The Insolvency and Bankruptcy Code, 2015 was introduced in Lok Sabha in December, 2015 and referred to the Joint Parliamentary Committee. The applicant must submit a Conduct Certificate from his last employer. Appeal against the order of Application for Enrolment (a) An applicant aggrieved of a decision rejecting his application may appeal to the Membership Committee of the Agency within thirty days from the receipt of such decision. III. All rights reserved to the IIPi. Illustration 2 Where an individual has experience of 6 years under item (a) of sub-clause (iv) and experience of four years under item (d) of sub-clause (iv), he shall be considered as having total experience of 10 years for the purposes of sub-clause (iv). Whether the professional member has been penalised by a market regulator i.e. SEBI and CCI in the last three years? b) The fees payable to IIPi at the time of apply for Enrolment with IIPi Sl. No. 1st April to 30th September 1st October to 31st March 1. The publication was revised in the year 2019. For Credit Information, the applicant must provide his CIBIL report after obtaining the same from a registered Credit Information Company. A person should have the following qualifications to register as an Insolvency Professional. Whether the name of professional member appears in the list of defaulters of RBI/Credit Information Company. Follow Us administrator February 8, 2022 ICAI ICAI FAQ on Insolvency and Bankruptcy Code 2016. Revised January 2022 Edition ICAI FAQ on Insolvency and Bankruptcy Code 2016 The Corporate Laws & Corporate Governance Committee of the Institute of Chartered Accountants of India (ICAI) in 2017 brought out a comprehensive and a handy book titled as Frequently Asked Questions (FAQs) on the Insolvency and Bankruptcy Code, 2016 to provide guidance to its chartered accountants and other stakeholders for clear interpretation and understanding of the new law. He is required to apply for enrolment as a professional member with an Insolvency Professional Agency (IPA) within twelve months before the date of his passing the Limited Insolvency Examination [Regulation 5(a) of the IBBI (Insolvency Professionals) Regulations, 2016]. • Successfully completed the National Insolvency Programme, as may be approved by the IBBI [Regulation 5(c)(i) of the IBBI (Insolvency Professionals) Regulations, 2016]. Eligibility to Register as an Insolvency Professional (IP) with IBBI /Enrol Professional Member with IIPi I. E. Fees to Indian Institute of Insolvency Professionals of ICAI (IIPi) (1) Enrolment Fees - a) One-time non-refundable Enrolment Fee of Rs. 2000/- (Rupees Two Thousand only) plus GST @ 18% to be paid along with the Enrolment Form. (f) IIPi may require an applicant to submit additional documents, information, or clarification that it deems fit, within reasonable time. Explanation: For determining whether an individual is fit and proper under these Regulations, IBBI may take account of any consideration as it deems fit, including but not limited to the following criteria- (i) integrity, reputation and character, (ii) absence of convictions and restraint orders, and (iii) competence, including financial solvency and net worth. VI. Whether any disciplinary proceedings are pending, or any disciplinary action has been taken at any time in the preceding three years against the professional member by the ICAI, ICSI, ICAI(Cost), or Bar Council, RVO of which he is a Member. (i) The primary acceptance of the application shall be communicated to the applicant, along with the enrolment number. After due consultation process, the Joint Committee submitted its Report to the Hon'ble Parliament which was subsequently passed by both the Houses of Parliament in May 2016 as the Insolvency and Bankruptcy Code, 2016 which got assent of the President of India on 28th May, 2016. Illustration 1 Where an individual has experience of nine years under sub-clause (iii) and experience of six years under sub-clause (iv), he shall be considered having experience of fifteen years for the purposes of sub-clause (iii). D. The Code is one of the major economic reform Code initiated by the Government in the year 2015. According to this Regulation, no individual shall be eligible to be registered as an insolvency professional if he:- (a) is a minor; (b) is not a person resident in India; (c) does not have the qualification and experience specified in Regulation 5 or Regulation 9, as the case may be; (d) has been convicted by any competent court for an offence punishable with imprisonment for a term exceeding six months or for an offence involving moral turpitude, and a period of five years has not elapsed from the date of expiry of the sentence. Explanation 2.- For the purpose of computing, - (a) the total experience of 10 or 15 years under sub-clause (iii), there shall be included experience of any period under sub-clause (iv); (b) the total experience of 10 years under sub-clause (iv), there shall be included experience of any period under any of the items of that sub-clause. Insolvency Professional Section 206 of the Insolvency and Bankruptcy Code, 2016 (Code) provides as follows: "No person shall render his services as insolvency professional under this Code without being enrolled as a member of an insolvency professional agency and registered with the Board." B. (c) Clause 23 of the Code of Conduct reads as follows: "An insolvency professional must not engage in any employment when he holds a valid Authorisation for Assignment or when he is undertaking an assignment." This would enable an individual to seek registration as an Insolvency Professional even when he is in employment. "(iii) Experience of - (a) ten years in the field of law, after receiving a Bachelor's degree in law; (b) ten years in management, after receiving a Master's degree in Management or two year full time Post Graduate Diploma in Management; or (c) fifteen years in management, after receiving a Bachelor's degree, from a university established or recognised by law or an Institute approved by All India Council of Technical Education; or" (ii) after sub-clause (iv), the following shall be inserted, namely: - "Explanation 1.- For the purposes of this regulation, only professional and managerial experience shall be considered. II. (g) IIPi may reject an application if the applicant does not satisfy the criteria for enrolment or does not remove the deficiencies or submit additional documents or information to its satisfaction, for reasons recorded in writing. • Successfully completed the Graduate Insolvency Programme GIP, as may approved by the IBBI [Regulation 5(c)(ii) of the IBBI (Insolvency Professionals) Regulations, 2016]. Directors disqualified under section 164 of the Companies Act, 2013, or is.





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