



**LEGAL ‘*KISSE*’
OF LAST WEEK**

NOVEMBER 20 – NOVEMBER 26

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Legal 'Kisse' of Last Week

INSOLVENCY AND BANKRUPTCY CODE, 2016

- **RP can change the category of creditor from 'Financial Creditor' to 'Related Financial Creditor': NCLAT.**
 - **Citation:** *Revolution Infocom Private Limited Vs Sandwoods Infratech Projects (P) Limited* //Company Appeal (AT) (Insolvency No. 1259 of 2022// NCLAT.
 - **Link to Citation:**
<https://ibbi.gov.in/uploads/order/292632944347d37ad86c4c24baf8bb8c.pdf>

- **NCLAT reiterates that no direction shall be given to the Liquidator to conduct fresh valuation for the land sold to the bidder if there is no defect in the valuation report: NCLAT.**
 - **Citation:** *DD Real Estate Private Limited Vs Mr. Sajeve Bhushan Deora & Ors.* // Company Appeal (AT) (Insolvency) No. 600 of 2021// NCLAT.
 - **Link to Citation:**
<https://ibbi.gov.in/uploads/order/548dedf18f81aad93872c2dc489318da.pdf>

- **NCLAT reiterates that amount due to Noida be treated as an 'Operational Debt' and therefore Noida is to be considered as an 'Operational Creditor' and not a 'Financial Creditor': NCLAT.**
 - **Citation:** *Greater Noida Industrial Development Authority Vs Prabhjit Singh Soni & Anr.* //Company Appeal (AT) (Insolvency) No. 867 of 2021// NCLAT.
 - **Link to Citation:**
<https://ibbi.gov.in/uploads/order/7f7d1e411f6d1525e7ed4cc12a52c905.pdf>

- **If there is a pre-existing dispute regarding the billing discrepancies arising out of inflated invoices, in such a case CIRP proceedings cannot be initiated: NCLAT.**
 - **Citation:** *Gaurav Dhawan Vs EE Limited & Anr* //Company Appeal (AT) (Insolvency) No. 650of 2022// NCLAT.
 - **Link to Citation:**
<https://ibbi.gov.in/uploads/order/2639a230a54d9d2e23b6515ac09df028.pdf>



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- **The Application under Sec 9 cannot be rejected on the said ground that there is no signature of Insolvency Resolution Professional being a curable defect: NCLAT.**
- **Citation:** *Rahul Arunprasad Patel Vs State Bank of India ||Company Appeal (AT) (Insolvency) No. 774 of 2022|| NCLAT.*
- **Link to Citation:**
<https://ibbi.gov.in/uploads/order/7b1590a5ab48216814d3aebda741dfc4.pdf>

ARBITRATION AND CONCILIATION

- **Whether agreement containing the arbitration clause is novated by subsequent agreement or not cannot be adjudicated under Section 11 of the Act: Delhi High Court.**
- **Citation:** *PVR Limited v. Imperia Wishfield Private Limited || ARB.P. 829/2022 || Neutral Citation: 2022/DHC/005052 || Delhi High Court.*
- **Link to Citation:** http://164.100.69.66/jupload/dhc/592/judgement/23-11-2022/59223112022AA8292022_124035.pdf

- **Delhi High Court reaffirms watchword 'when in doubt, do refer' while appointment of arbitrator in the proceedings under Section 11 of the Act.**
- **Citation:** *PVR Limited (Supra)*
- **Link to Citation:** http://164.100.69.66/jupload/dhc/592/judgement/23-11-2022/59223112022AA8292022_124035.pdf

COMPANIES ACT, 2013

- **Sections 206-210 of the Act do not contain a bar on the Registrar calling for information or conducting an inspection or inquiry if the Registrar comes across additional material information: Calcutta High Court.**
- **Citation:** *Shree Radhe Tea Plantation Pvt Ltd and Anr. vs Registrar of Companies || W.P.A. 23115 of 2022 || Calcutta High Court.*
- **Link to Citation:**



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https://hcservices.ecourts.gov.in/ecourtindiaHC/cases/display_pdf.php?filename=zDLovBVSUw02H8XukOjXfOlzE9%2FIOAyuGkidt%2B%2BvfHXvZQl4R%2B4gOW%2B4AWflba8j&caseno=WPA/23115/2022&cCode=3&appFlag=

COMMERCIAL

- **Madras High Court prescribes test to ascertain whether interim relief sought in Commercial Suit will fall under the exception to Section 12A of the Act: Madras High Court.**
- **Citation:** *Mr. K Varathan vs Mr. Prakash Babu Nakundhi Reddy* // C.S. (Comm. Div.) No. 202 of 2022 // Madras High Court.
- **Link to Citation:**
<https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/697304>

