

Insolvency and Bankruptcy Hotline

July 25, 2024

CAN A CREDIT CONTAINED IN AN ARBITRAL AWARD BE USED TO INITIATE CORPORATE INSOLVENCY RESOLUTION PROCESS UNDER INDIA'S INSOLVENCY AND BANKRUPTCY CODE, 2016?

This article was first published in *Insolvency and Restructuring International* Vol 18 No. 1 (May 2024).



International Bar Association
the global voice of the legal profession

India's Supreme Court has held that a final judgment or decree from a court or tribunal serves as a valid proof of debt for initiating insolvency proceedings under the Insolvency and Bankruptcy Code, 2016. In this article, we explain the framework of corporate insolvency resolution process, whether the credits contained in the arbitral award can be used to initiate the insolvency process under Indian law, whether there is a distinction between a foreign seated award and a domestic award in relation to the ability to use the credit for initiation of the insolvency process. We also explore the category of debt for claims arising from such awards, and examine how decree holders may opt for initiating insolvency proceedings instead of filing for enforcement and execution proceedings.

Please click [here](#) for our detailed article.

Authors:

- Adimesh Lochan, Arjun Gupta and Alipak Banerjee

You can direct your queries or comments to the relevant member.

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Evolution of Generative AI

July 11, 2024

From Capital to Impact: Role of Blended Finance

June 15, 2024

Opportunities in GIFT City

June 14, 2024

Research Articles

Private Client Insights - Sustainable Success: How Family Constitutions can Shape Corporate Governance, Business Succession and Familial Legacy

January 25, 2024

Private Equity and M&A in India: What to Expect in 2024?

January 23, 2024

Emerging Legal Issues with use of Generative AI

October 27, 2023

Audio

Pursuing Remedies against Non-signatories in Investment Agreements

July 03, 2024

Why is the ad industry unhappy with MIB's self-declaration mandate?

June 18, 2024

Incorporation of arbitral clause by reference: Position in India and other Asian Jurisdictions

June 12, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

Self Declaration Certificate For Ads: Decoding The Complexities Of Ad Regulations

July 08, 2024

**Future of India-Mauritius tax treaty –
Impact of new Protocol on M&A
deals and Private Equity structures**

April 23, 2024

**Q&A 2024 Protocol to the Mauritius
India Tax Treaty**

April 22, 2024