

Please check whether you have got the right question paper.

Q.1. Write answers in two sentences:

(20)

- a) Who is an indigent person?
- b) What is 'default' as defined in IBC?
- c) To whom will the provisions of IBC apply?
- d) What is the definition of corporate person under IBC?
- e) Who is the adjudicating authority under IBC in respect of (a) corporate persons (b) individuals
- f) What do you understand by financial information in relation to a person?
- g) When is a corporate debtor deemed to have given a preference to make the transaction a preferential transaction?
- h) What is the time period for fast track corporate insolvency resolution process?
- i) When does the disqualification to which a bankrupt is subject under IBC cease to have effect?
- j) Who can apply for withdrawal of funds from Insolvency and Bankruptcy Fund under IBC?

Q.2. Write short notes on any four:

(20)

- a) Information utility and its obligations
- b) Bankruptcy order
- c) After acquired property
- d) Proof of debts (in respect of bankruptcy for individuals and partnership firms)
- e) Liquidation Estate
- f) Insolvency Professionals

Q.3. Answer any two:

(12)

- a) 'Fresh Start Process' is available under IBC for individuals and partnership firms.
 - i) Who can apply? What conditions are stipulated?
 - ii) To whom such application shall be made?
- b) IBC enables an operational creditor of a company to initiate Corporate Insolvency Resolution Process against the company.
 - i) Who is an operational creditor?
 - ii) When can an operational creditor file an application for corporate solvency resolution against a company?
- c) IBC provides for constitution of 'Fund of the Insolvency and Bankruptcy Board':
 - i) What amounts will be credited thereto?
 - ii) What expenses shall be meted out of this Fund.

Q.4. Answer in detail any four :

(48)

- a) Examine the functions and powers of the Insolvency and Bankruptcy Board of India.
- b) Explain the civil procedure as to suits by indigent persons.
- c) Explain the provisions of IBC regarding administration and distribution of the estate of the bankrupt.
- d) What is an insolvency professional agency? Explain the registration procedure for such agency.
- e) Explain offences and penalties under the part "Insolvency Resolution and Liquidation for corporate persons."
- f) Discuss the functions and rights of Bankruptcy trustee.

(3 Hours)

- N. B. :** (1) All questions are **compulsory**.
(2) **Figures** to the right **indicate marks**.
(3) Give **reasons / case law** wherever **necessary**.

1) Answer the following in not more than **two** sentences each : 20

- 1) What is meant by a 'secured creditor'?
- 2) When can the foreigner be adjudged as insolvent by Indian Courts?
- 3) Can the petitions of insolvency be withdrawn?
- 4) What is 'offer of settlement'?
- 5) What do you mean by 'core services' as provided under the Insolvency and Bankruptcy Law?
- 6) Can the partnership firm be adjudged as insolvent? Give reason.
- 7) What are the powers of Interim Receiver?
- 8) What are the two main conditions which must be fulfilled before a person can be adjudged as insolvent by the court?
- 9) What do you understand by onerous property?
- 10) Define 'Bankruptcy'.

2) Write short note on **any four** of the following : 20

- 1) Extension Clause of the PIA, 1920
- 2) Grounds to set aside insolvency petition
- 3) Declaration of final dividend
- 4) Interim receiver
- 5) Protection Order
- 6) Offences by debtors

3) Solve **any two** of the following with reasons : 12

- 1) A person 'P' was adjudged insolvent as per the PIA, 1920 and thereafter an official receiver was appointed. However 'P' without the knowledge of the official receiver moved away the properties in his possession.
 - i) How will 'P' be treated for such movement of properties?
 - ii) What provision has been made regarding the publication of the order of adjudication?

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- 2) Mr. 'A' is adjudged insolvent and is required to apply for discharge within a stipulated time. Mr. 'A' applies for discharge accordingly.
- What are the consequences of a discharge if the insolvent is discharged by the court?
 - When can discharge be refused by the court?
- 3) Mr. K supplied goods and executed some work for Mr. M. Mr. K didn't receive the price for the same. For the price of goods supplied and work executed by Mr. K, he want to sue Mr. M. But Mr. K is poor and is not in a position to pay court fees.
- Explain whether Mr. 'K' can file a pauper suit? Advice Mr. 'K'.
 - If Mr. K is adjudged an insolvent, can Mr. K sue Mr. M for the price? Explain.
- 4) Answer the following in detail (**any four**) : 48
- Who is a Secured Creditor? What are the rights conferred upon a secured creditor by the Prov. Ins. Act, 1920?
 - What are the powers of the court invested with insolvency jurisdiction under the P.I. Act, 1920?
 - Provable and Non-Provable debts under the P. I. Act, 1920. Write in detail
 - When is the official receiver appointed by the court? What are the duties and powers of such official receiver? Discuss.
 - Write the detailed provisions relating to "Composition and Scheme of Arrangement" under P. I. Act, 1920.
 - What do you mean by the term discharge? Explain the various provisions that are discussed in PIA, 1920 with respect to the order of discharge.
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May 2017

Q. P. Code : 11505

(3 Hours)

(Total Marks : 100)

2017-18

- N. B. :** (1) All questions are **compulsory**.
 (2) **Figures** to the right indicate marks.
 (3) Give **reasons / case law** wherever **necessary**.

1) Answer the following in not more than **two** sentences each : **20**

1. Who is the "Secured Creditor"?
2. Which Courts in India have Insolvency jurisdiction?
3. Define two objects of Insolvency law.
4. Who is a judgement debtor?
5. What do you understand by "Dividend"?
6. What is after acquired property?
7. What is Surplus?
8. When can an insolvency petition be dismissed?
9. Who is an Interim receiver?
10. What is meant by the "act of insolvency"?

2) Write short note on **any four** of the following : **20**

1. "Insolvency Notice" under section 9 of the PTI Act
2. Vesting of property
3. Creditors petition
4. Avoidance of Voluntary transfer
5. Small Insolvencies
6. Disqualification of Insolvent

3) Solve **any two** of the following with reasons : **12**

1. On the petition of 'B', a Creditor of 'A' is declared as Insolvent by the Court;
 - i) Explain the power of the court to stay proceedings pending against 'A'.
 - ii) When can the court appoint special manager?
2. ABC Private Limited is a Company registered under the Companies Act. It has committed defaults in the repayment of loans to its creditors.
 - i) Can the creditors file an Insolvency petition against the Company?
 - ii) What is an Insolvency petition?

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3. A debtor 'X' makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally.

- i) State and explain the consequences of 'X's transfer
- ii) What is fraudulent preference?

4) Answer the following in detail (any four) :

48

1. What is a discharge? When can absolute discharge be refused?
 2. Discuss the powers and duties of Official Assignee and Official Receiver.
 3. On what grounds can an adjudication order be annulled? What are the effects of such an order?
 4. Explain suits by indigent persons.
 5. Explain proof of debts and distribution of dividends.
 6. Explain powers of receivers as to antecedent status
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