

Set C- Paper 4: The Insolvency and Bankruptcy Code, 2016

Relevant Amendment for SPOM tests from May 2026 onwards

For May 2026 and onwards for SPOM tests for Set C-Paper 4: The Insolvency and Bankruptcy Code, 2016, students are advised to refer the Study Material of March 2024 Edition to be read with the relevant amendments notified till 31st October 2025.

Following are the relevant amendments for SPOM tests from May 2026 onwards with respect to the Regulations covered in the Study Material. Students are advised to refer these amendments.

1.Vide Notification No. IBBI/2024-25/GN/REG115 dated 13th August 2024, the Insolvency and Bankruptcy Board of India (Inspection and Investigation) (Amendment) Regulations, 2024 came into effect from 13th August 2024.

Regulation as given in the Study Material	Amended Regulation with effect from 13 th August 2024	Remarks
Disposal of Show-cause notice - Regulation 13 of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 provides that- (1) The Disciplinary Committee, after providing an opportunity of being heard to the noticee, shall dispose of the show-cause notice by a reasoned order. (2) The Disciplinary Committee shall endeavour to dispose of the show-cause notice within a period of 35 days of the date of the issuance of the show cause notice	Disposal of Show-cause notice - Regulation 13 of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 provides that- (1) The Disciplinary Committee, after providing an opportunity of being heard to the noticee, shall dispose of the show-cause notice by a reasoned order. (2) The Disciplinary Committee shall endeavour to dispose of the show-cause notice within a period of sixty days from the due date for receipt of reply to the show-cause notice.	In Sub- regulation (2) of Regulation 13, for the words " <i>thirty-five days of the date of the issuance of the show-cause notice</i> "; the words " sixty days from the due date for receipt of reply to the show-cause notice " are substituted.

		Refer Study Material Page No. 5.31 and 5.32
(3)	(3)	
(4)	(4)	
(5)	(5)	
(6)	(6)	
(7)	(7)	

2. Vide Notification No. IBBI/2023-24/GN/REG113 dated 15th February 2024, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2024 came into effect from 15th February 2024.

Vide Notification F.NO. IBBI/2024-25/GN/REG122, dated 3rd February 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2025 came into effect from 3rd February 2025.

Vide Notification F. NO. IBBI/2025-26/GN/REG127, dated 26th May 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fourth Amendment) Regulations, 2025 came into effect from 26th May 2025.

Regulation as given in the Study Material	Amended Regulation with effect from 15th February 2024/3rd February 2025/26th May 2025	Remarks
<p>1. Meetings of the CoC – Regulation 18</p> <p>A resolution professional may convene a meeting of the committee as and when he considers necessary and shall convene a meeting if a request to that effect is made by members of the committee representing 33% of the voting rights.</p> <p>Explanation: For the purposes of sub- regulation (2) it is</p>	<p>Meetings of the CoC – Regulation 18</p> <p>(1) A resolution professional shall convene a meeting of the committee before lapse of thirty days from the last meeting:</p> <p>Provided that the committee may decide to extend the interval between such meetings subject to the condition that there shall be at least one meeting in each quarter.</p> <p>Explanation: For the purposes of sub- regulation (2) it is</p>	<p>Sub- regulation (1) of Regulation 18 substituted vide amendment with effect from 15th February 2024</p> <p>Refer Study Material Page No. 3.65</p>

clarified that meeting (s) may be convened under this sub-regulation till the resolution plan is approved under sub-section (1) of section 31 or order for liquidation is passed under section 33 and decide on matters which do not affect the resolution plan submitted before the Adjudicating Authority.

(3) A resolution professional may place a proposal received from members of the committee in a meeting, if he considers it necessary and shall place the proposal if the same is made by members of the committee representing at least 33% of the voting rights.

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(3) A resolution professional may place a proposal received from members of the committee in a meeting, if he considers it necessary and shall place the proposal if the same is made by members of the committee representing at least 33% of the voting rights.

(4) Where the corporate debtor has any real estate project, the committee may direct the resolution professional to invite the 'competent authority' as defined in clause (p) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) related to such project to attend such meeting(s) of the committee, as the committee may decide, without voting rights, for providing inputs on matters associated with the development of such project

In Regulation 18, after sub-regulation (3), the following sub-regulation (4) inserted vide amendment with effect from 3rd February 2025:
"(4) Where the corporate debtor has any real estate project, the committee may direct the resolution professional to invite the 'competent authority' as defined in clause (p) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) related to such project to attend such meeting(s) of the committee, as the committee may

	<p>(5) The committee may direct the resolution professional to invite the providers of interim finance to attend as observers without voting rights, such meeting(s) of the committee, as the committee may decide.</p>	<p>decide, without voting rights, for providing inputs on matters associated with the development of such project."</p> <p>Refer Study Material Page No. 3.66</p> <p>In Regulation 18, after sub-regulation (4), sub-regulation (5) inserted vide amendment with effect from 26th May 2025:</p> <p>"(5) The committee may direct the resolution professional to invite the providers of interim finance to attend as observers without voting rights, such meeting(s) of the committee, as the committee may decide."</p> <p>Refer Study Material Page No. 3.66</p>
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3. Vide Notification F.NO. IBBI/2024-25/GN/REG122, dated 3rd February 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2025 came into effect from 3rd February 2025.

Vide Notification F. NO. IBBI/2025-26/GN/REG127, dated 26th May 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fourth Amendment) Regulations, 2025 came into effect from 26th May 2025.

Regulation as given in the Study Material	Amended Regulation with effect from 3 rd February 2025/26 th May 2025	Remarks
<p>Request for resolution plans [Regulation 36B of IBBI (Resolution Process for Corporate Persons) Regulations, 2016]</p> <p>(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(4A) The request for resolution plans shall require the resolution applicant, in case its resolution plan is approved under sub-section (4) of section 30, to provide a performance security within the time specified therein and such performance security shall stand forfeited if the resolution applicant of such plan, after its approval by the Adjudicating Authority, fails to implement or contributes to the failure of implementation of that plan in accordance with the terms of the plan and its implementation schedule.</p>	<p>Request for resolution plans [Regulation 36B of IBBI (Resolution Process for Corporate Persons) Regulations, 2016]</p> <p>(1)</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(4A) The request for resolution plans shall require the resolution applicant, in case its resolution plan is approved under sub-section (4) of section 30, to provide a performance security within the time specified therein and such performance security shall stand forfeited if the resolution applicant of such plan, after its approval by the Adjudicating Authority, fails to implement or contributes to the failure of implementation of that plan in accordance with the terms of the plan and its implementation schedule:</p> <p>Provided that where the corporate debtor has any real estate project, the committee may relax the requirement to provide for performance security for an association or group of allottees in such real estate project, representing not less than</p>	<p>In Regulation 36B, in sub-regulation (4A) vide amendment with effect from 3rd February 2025:</p> <p>(i) for the words and mark "implementation schedule.", the words and mark "implementation schedule:", substituted</p> <p>(ii) the following proviso inserted-</p> <p>"Provided that where the corporate debtor has any real estate project, the committee may relax the requirement to provide for performance security for an association or group of allottees in such</p>

ten per cent. or one hundred creditors out of the total number of creditors in a class, whichever is lower.

real estate project, representing not less than ten per cent. or one hundred creditors out of the total number of creditors in a class, whichever is lower."

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Explanation I.— For the purposes of this sub-regulation, "performance security" shall mean security of such nature, value, duration and source, as may be specified in the request for resolution plans with the approval of the committee, having regard to the nature of resolution plan and business of the corporate debtor.

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Explanation II. – A performance security may be specified in absolute terms such as guarantee from a bank for Rs. X for Y years or in relation to one or more variables such as the term of the resolution plan, amount payable to creditors under the resolution plan, etc.

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(5)

(5)

(6)

(6)

(6A) If the resolution professional, does not receive a resolution plan in response to the request under this regulation, he may, with the approval of the committee, issue request for resolution

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In Regulation 36B, sub-regulation (6A) omitted vide amendment with effect from 26th May 2025.

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plan for sale of one or more of assets of the corporate debtor. (7)	(7)	
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4. Vide Notification F.NO. IBBI/2024-25/GN/REG122, dated 3rd February 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2025 came into effect from 3rd February 2025.

Vide Notification F. NO. IBBI/2025-26/GN/REG127, dated 26th May 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fourth Amendment) Regulations, 2025 came into effect from 26th May 2025.

Vide Notification F. NO. IBBI/2025-26/GN/REG128, dated 4th July 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fifth Amendment) Regulations, 2025 came into effect from 4th July 2025.

Regulation as given in the Study Material	Amended Regulation with effect from 3 rd February 2025/26 th May 2025/4 th July 2025	Remarks
<p>Mandatory contents of the resolution plan [Regulation 38 of IBBI (Resolution Process for Corporate Persons) Regulations, 2016]</p> <p>(1) The amount payable under a resolution plan -</p> <ul style="list-style-type: none"> ➤ to the operational creditors shall be paid in priority over financial creditors; and ➤ to the financial creditors, who have a right to vote under sub-section (2) of section 21 and did not vote in favour of the resolution plan, shall be paid in 	<p>Mandatory contents of the resolution plan [Regulation 38 of IBBI (Resolution Process for Corporate Persons) Regulations, 2016]</p> <p>(1) The amount payable under a resolution plan -</p> <ul style="list-style-type: none"> ➤ to the operational creditors shall be paid in priority over financial creditors; and ➤ to the financial creditors, who have a right to vote under sub-section (2) of section 21 and did not vote in favour of the resolution plan, shall be paid in priority over financial 	<p>In Regulation 38 vide amendment with effect from 26th May 2025:</p> <p>in sub-regulation (1)-(a) In clause (b), for the word and mark "plan.", the</p>

<p>priority over financial creditors who voted in favour of the plan.</p> <p>(1A)</p> <p>(1B)</p> <p>(2) A resolution plan shall provide:</p> <p>(a) the term of the plan and its implementation schedule;</p> <p>(b) the management and control of the business of the corporate debtor during its term; and</p> <p>(c) adequate means for supervising its implementation.</p> <p>(d) provides for the manner in which proceedings in respect of avoidance transactions, if any, under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code, will be pursued after the approval of the resolution plan and the manner in which</p>	<p>creditors who voted in favour of the plan:</p> <p>Provided that where a resolution plan provides for payment in stages, the financial creditors who did not vote in favour of the resolution plan shall be paid at least pro rata and in priority over financial creditors who voted in favour of the plan, in each stage.</p> <p>(1A)</p> <p>(1B)</p> <p>(2) A resolution plan shall provide:</p> <p>(a) the term of the plan and its implementation schedule;</p> <p>(b) the management and control of the business of the corporate debtor during its term; and</p> <p>(c) adequate means for supervising its implementation.</p> <p>(d) provides for the manner in which proceedings in respect of avoidance transactions, if any, under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code, will be pursued after the approval of the resolution plan and the manner in which the proceeds, if any, from such</p>	<p>word and mark "plan:" substituted. (b) after clause (b), the following proviso inserted:</p> <p>"Provided that where a resolution plan provides for payment in stages, the financial creditors who did not vote in favour of the resolution plan shall be paid at least pro rata and in priority over financial creditors who voted in favour of the plan, in each stage."</p> <p>Refer Study Material Page No. 3.76</p>
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the proceeds, if any, from such proceedings shall be distributed:

Provided that this clause shall not apply to any resolution plan that has been submitted to the Adjudicating Authority under sub-section (6) of section 30 on or before the date of commencement of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2022.

proceedings shall be distributed:

Provided that this clause shall not apply to any resolution plan that has been submitted to the Adjudicating Authority under sub-section (6) of section 30 on or before the date of commencement of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2022.

(2A) A resolution plan shall not provide for assignment of any avoidance transactions under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code that were not:

(a) disclosed in the information memorandum; and

(b) intimated to all prospective resolution applicants under sub-regulation (3A) of regulation 35A before the last date for submission of resolution plans:

Provided that this sub-regulation shall not apply to any resolution plan that has been submitted to the Adjudicating Authority under sub-section (6) of section 30 on or before the date of commencement of the Insolvency and

In Regulation 38, after sub-regulation (2), the following sub-regulation inserted vide amendment with effect from 4th July 2025:

"(2A) A resolution plan shall not provide for assignment of any avoidance transactions under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code that were not:

(b) disclosed in the information memorandum; and

(b) intimated to all prospective resolution applicants under sub-regulation (3A) of regulation 35A before the last

**Bankruptcy Board of India
(Insolvency Resolution
Process for Corporate
Persons) (Fifth
Amendment) Regulations,
2025**

**date for submission
of resolution plans:
Provided that this
sub-regulation shall
not apply to any
resolution plan that
has been submitted
to the Adjudicating
Authority under sub-
section (6) of section
30 on or before the
date of
commencement of
the Insolvency and
Bankruptcy Board of
India (Insolvency
Resolution Process
for Corporate
Persons) (Fifth
Amendment)
Regulations, 2025."**

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- (3) A resolution plan shall demonstrate that –
- it addresses the cause of default;
 - it is feasible and viable;
 - it has provisions for its effective implementation;
 - it has provisions for approvals required and the timeline for the same; and
 - the resolution applicant has the capability to implement the resolution plan.

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- it addresses the cause of default;
 - it is feasible and viable;
 - it has provisions for its effective implementation;
 - it has provisions for approvals required and the timeline for the same; and
 - the resolution applicant has the capability to implement the resolution plan.

(4)(a) The committee shall consider setting up a monitoring committee

In Regulation 38, sub-regulations (4) and (5) and its proviso which

for monitoring and supervising the implementation of the resolution plan.

(b) The monitoring Committee may consist of the resolution professional or any other insolvency professional, or any other person, including representatives of the committee and representatives of resolution applicant(s), as its members:

Provided that where the resolution professional is proposed to be part of the monitoring committee, the monthly fee payable to him shall not exceed the monthly fee received by him during the corporate insolvency resolution process.

(c) The monitoring committee shall submit quarterly reports to the Adjudicating Authority regarding the status of implementation of resolution plan.

were inserted vide amendment with effect from 15th February 2024, are now substituted vide amendment with effect from 3rd February 2025 with the following sub-regulation:

(4)(a) The committee shall consider setting up a monitoring committee for monitoring and supervising the implementation of the resolution plan.

(b) The monitoring Committee may consist of the resolution professional or any other insolvency professional, or any other person, including representatives of the committee and representatives of resolution applicant(s), as its members: Provided that where the resolution professional is proposed to be part of the monitoring committee, the monthly fee payable to him shall not exceed

		<p>the monthly fee received by him during the corporate insolvency resolution process.</p> <p>(c) The monitoring committee shall submit quarterly reports to the Adjudicating Authority regarding the status of implementation of resolution plan.</p> <p>Refer Study Material Page No. 3.77</p>
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5. Vide Notification No. IBBI/2023-24/GN/REG113 dated 15th February 2024, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2024 came into effect from 15th February 2024.

Vide Notification NO. F. NO. IBBI/2025-26/GN/REG128, dated 4th July 2025, the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fifth Amendment) Regulations, 2025 came into effect from 4th July 2025.

Regulation as given in the Study Material	Amended Regulation with effect from 15th February 2024/4th July 2025	Remarks
<p>1. The IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.</p> <p>Regulation 36(2) provides that the information shall contain the following details of the corporate debtor:</p>	<p>1. The IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.</p> <p>Regulation 36(2) provides that the information shall contain the following details of the corporate debtor:</p>	<p>In regulation 36, in sub-regulation (2), after clause (h), the following clause inserted vide amendment with effect from 4th July 2025:</p> <p>"(ha) details of all identified avoidance transactions, if any, under Chapter III or fraudulent or wrongful trading under Chapter VI of</p>

<ul style="list-style-type: none"> ◆ assets and liabilities including contingent liabilities with such description, as on the insolvency commencement date, as are generally necessary for ascertaining their values. <p>Explanation: 'Description' includes the details such as date of acquisition, cost of acquisition, remaining useful life, identification number, depreciation charged, book value, geographical coordinates of fixed assets and any other relevant details.</p> <ul style="list-style-type: none"> ◆ the latest annual financial statements; ◆ audited financial statements of the corporate debtor for the last two financial years and provisional financial statements for the current financial year made up to a date not earlier than fourteen days from the date of the application; 	<ul style="list-style-type: none"> ◆ assets and liabilities including contingent liabilities with such description, as on the insolvency commencement date, as are generally necessary for ascertaining their values. <p>Explanation: 'Description' includes the details such as date of acquisition, cost of acquisition, remaining useful life, identification number, depreciation charged, book value, geographical coordinates of fixed assets and any other relevant details.</p> <ul style="list-style-type: none"> ◆ the latest annual financial statements; ◆ audited financial statements of the corporate debtor for the last two financial years and provisional financial statements for the current financial year made up to a date not earlier than fourteen days from the date of the application; 	<p>Part II of the Code and subsequent filings before Adjudicating Authority, as referred under sub-regulation (3A) of regulation 35A"</p> <p>Refer Study Material Page No. 3.57</p>
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- ◆ a list of creditors containing the names of creditors, the amounts claimed by them, the amount of their claims admitted and the security interest, if any, in respect of such claims;
- ◆ particulars of a debt due from or to the corporate debtor with respect to related parties;
- ◆ details of guarantees that have been given in relation to the debts of the corporate debtor by other persons, specifying which of the guarantors is a related party;
- ◆ the names and addresses of the members or partners holding at least one per cent stake in the corporate debtor along with the size of stake;
- ◆ details of all material litigation and an ongoing investigation or proceeding initiated by Government and statutory authorities;

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- ◆ particulars of a debt due from or to the corporate debtor with respect to related parties;
- ◆ details of guarantees that have been given in relation to the debts of the corporate debtor by other persons, specifying which of the guarantors is a related party;
- ◆ the names and addresses of the members or partners holding at least one per cent stake in the corporate debtor along with the size of stake;
- ◆ details of all material litigation and an ongoing investigation or proceeding initiated by Government and statutory authorities;
- ◆ **details of all identified avoidance transactions, if any, under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code and subsequent filings before Adjudicating Authority, as referred under sub-**

regulation (3A) of regulation 35A.

- ◆ the number of workers and employees and liabilities of the corporate debtor towards them;
- ◆ company overview including snapshot of business performance, key contracts, key investment highlights and other factors which bring out the value as a going concern over and above the assets of the corporate debtor such as brought forward losses in the income tax returns, input credit of GST, key employees, key customers, supply chain linkages, utility connections and other pre-existing facilities
- ◆ Details of business evolution, industry overview and key growth drivers in case of a corporate debtor having book value of total assets exceeding one hundred crores rupees as per the last available financial statements

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- ◆ company overview including snapshot of business performance, key contracts, key investment highlights and other factors which bring out the value as a going concern over and above the assets of the corporate debtor such as brought forward losses in the income tax returns, input credit of GST, key employees, key customers, supply chain linkages, utility connections and other pre-existing facilities
- ◆ Details of business evolution, industry overview and key growth drivers in case of a corporate debtor having book value of total assets exceeding one hundred crores rupees as per the last available financial statements

◆ **fair value:**

Provided that the committee may decide not to disclose the fair value if, for reasons to be recorded in writing, it considers such non-disclosure to be

In Regulation 36(2) clause- "**fair value**" and its proviso: "**Provided that the committee may decide not to disclose the fair value if, for reasons to be recorded in writing, it considers**

<p>◆ other information, which the resolution professional deems relevant to the committee.</p>	<p>beneficial for the resolution process.</p> <p>◆ other information, which the resolution professional deems relevant to the committee.</p>	<p>such non-disclosure to be beneficial for the resolution process”, inserted vide amendment with effect from 15th February 2024</p> <p>Refer Study Material Page No. 3.57</p>
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