

THE GAZETTE OF INDIA  
EXTRAORDINARY  
PART III, SECTION 4  
PUBLISHED BY AUTHORITY  
NEW DELHI, 23<sup>rd</sup> JULY, 2019

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA  
NOTIFICATION

New Delhi, 23<sup>rd</sup> July, 2019

**Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies)  
(Amendment) Regulations, 2019**

**No. IBBI/2019-20/GN/REG044.**- In exercise of the powers conferred by sections 196, 199, 200, and 201 read with section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Insolvency and Bankruptcy Board of India hereby makes the following regulations further to amend the Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) Regulations, 2016 namely:-

1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) (Amendment) Regulations, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) Regulations, 2016, in regulation 5, in sub-regulation (2), for clause (c), the following clause shall be substituted, namely: -

“(c) pay an annual fee of five lakh rupees to the Board, within fifteen days from the date of commencement of the financial year:

Provided that no annual fee shall be payable in the financial year in which an insolvency professional agency is granted registration or renewal, as the case may be:

Provided further that without prejudice to any other action which the Board may take as permissible under the Code, any delay in payment of fee by an insolvency professional agency shall attract simple interest at the rate of twelve percent per annum until paid.

*Illustration*

(a) Where an insolvency professional agency is registered on 1<sup>st</sup> December, 2016 upon receipt of an application fee of ten lakh rupees along with the application for registration, no further fee is required to be paid for the financial year 2016-17. The annual fee of five lakh rupees becomes due on 1<sup>st</sup> April, 2017 and shall be paid by 15<sup>th</sup> April, 2017 for the financial year 2017-18. It becomes similarly due on 1<sup>st</sup> April, 2018 to be paid by 15<sup>th</sup> April, 2018, on 1<sup>st</sup> April, 2019 to be paid by 15<sup>th</sup> April, 2019, on 1<sup>st</sup> April, 2020 to be paid by 15<sup>th</sup> April, 2020 and on 1<sup>st</sup> April, 2021 to be paid by 15<sup>th</sup> April, 2021. Thereafter, the insolvency professional agency may apply for renewal of registration along with an application fee of five lakh rupees. If renewal is granted, there will be no annual fee for 2021-22.

(b) Where the annual fee is paid on 20<sup>th</sup> April, 2017, interest at the rate of twelve percent per annum shall be paid for the delay of five days.”.

Dr. M. S. Sahoo  
Chairperson  
[ADVT . - \_\_\_\_\_]

**Note:** The Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) Regulations, 2016 were published *vide* notification No. IBBI/2016-17/GN/REG002 on 21<sup>st</sup> November, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, No. 420 dated 21<sup>st</sup> November, 2016 and were subsequently amended by the Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) (Amendment) Regulations, 2018 *vide* notification No. IBBI/2018-19/GN/REG33 dated 11<sup>th</sup> October, 2018 in the Gazette of India, Extraordinary, Part III, Section 4, No. 381 dated 11<sup>th</sup> October, 2018.

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**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA  
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New Delhi, 23<sup>rd</sup> July, 2019**

**Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2019**

**No. IBBI/2019-20/GN/REG043** .- In exercise of the powers conferred by sections 196, 203 and 205 read with section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Insolvency and Bankruptcy Board of India hereby makes the following regulations further to amend the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016, namely:—

1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 (hereinafter referred to as the principal regulations), in regulation 5, in sub-regulation (8), for the words “seventy years”, the words “seventy-five years” shall be substituted.

3. In the principal regulations, in the Schedule, -

(i) in clause 4, in sub-clause (1), for item (a), the following items shall be substituted, namely:-

‘(a) “assignment” means any assignment of an insolvency professional as interim resolution professional, resolution professional, liquidator, bankruptcy trustee, authorised representative or in any other role under the Code;

(aa) “authorisation for assignment” means an authorisation to undertake an assignment, issued by an insolvency professional agency to an insolvency professional, who is its professional member, in accordance with its bye-laws;

(ab) “certificate of membership” means the certificate of membership of the Agency granted under bye-law 10;’;

(ii) in clause 12, in sub-clause (1), after item (f), the following item shall be inserted, namely:-

“(fa) date of issue, renewal, suspension, revocation of suspension, cancellation and acceptance of surrender of authorisation for assignment and authorisation number;”;

(iii) after clause 12, the following clauses shall be inserted, namely: -

**“12A. Authorisation for Assignment.**

- (1) The Agency, on an application by its professional member, may issue or renew an authorisation for assignment.
- (2) A professional member shall be eligible to obtain an authorisation for assignment, if he-
  - (a) is registered with the Board as an insolvency professional;
  - (b) is a fit and proper person in terms of the *Explanation* to clause (g) of regulation 4 of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016;
  - (c) is not in employment;
  - (d) is not debarred by any direction or order of the Agency or the Board;
  - (e) has not attained the age of seventy years;
  - (f) has no disciplinary proceeding pending against him before the Agency or the Board;
  - (g) complies with requirements, as on the date of application, with respect to-
    - (i) payment of fee to the Agency and the Board;
    - (ii) filings and disclosures to the Agency and the Board;
    - (iii) continuous professional education; and
    - (iv) other requirements, as stipulated under the Code, regulations, circulars, directions or guidelines issued by the Agency and the Board, from time to time.
- (3) An application for issue or renewal of an authorisation for assignment, shall be in such form, manner and with such fee, as may be provided by the Agency:

Provided that an application for renewal of an authorisation for assignment shall be made any time before the date of expiry of the authorisation, but not earlier than forty-five days before the date of expiry of the authorisation.

- (4) The Agency shall consider the application in accordance with the bye-laws and either issue or renew, as the case may be, an authorisation for assignment to the professional member in Form B or reject the application with a reasoned order.
- (5) If the authorisation for assignment is not issued, renewed or rejected by the Agency within fifteen days of the date of receipt of application, the authorisation shall be deemed to have been issued or renewed, as the case may be, by the Agency.
- (6) An authorisation for assignment issued or renewed by the Agency shall be valid for a period of one year from the date of its issuance or renewal, as the case may be, or till the date on which the professional member attains the age of seventy years, whichever is earlier.
- (7) An applicant aggrieved of an order of rejection of his application by the Agency may appeal to the Membership Committee within seven days from the date of receipt of the order.
- (8) The Membership Committee shall pass an order disposing of the appeal by a reasoned order, within fifteen days of the date of receipt of the appeal.”;

(iv) after clause 23, the following clause shall be inserted, namely: -

“23A. The authorisation for assignment shall stand suspended upon initiation of disciplinary proceedings by the Agency or by the Board, as the case may be.”;

(v) in clause 24, in sub-clause (2), after item (b), the following item shall be inserted, namely:-

“(ba) cancellation of authorisation for assignment;”;

(vi) for clause 26, the following clause shall be substituted, namely: -

**“Surrender of Authorisation for Assignment.”**

26. (1) A professional member shall make an application to surrender his authorisation for assignment to the Agency at least thirty days before he-

(a) becomes a person resident outside India;

(b) takes up an employment; or

(c) starts any business, except as specifically permitted under the Code of Conduct, and upon acceptance of such surrender, the same shall be intimated to the Board by the Agency within one working day of acceptance of surrender.

(2) No application for surrender of authorisation for assignments shall be accepted by the Agency, if -

(a) the authorisation for assignment has been suspended;

(b) an assignment is continuing; or

(c) name of the professional member is included in any panel prepared by the Board for undertaking assignment.”;

(vii) in the Annexure, after FORM A, the following Form shall be inserted, namely: -

**“FORM B  
AUTHORISATION FOR ASSIGNMENT  
(Under bye-law 12A of the Agency’s Bye-laws)**

No. ....

Date .....

This authorisation for assignment is issued to [insert name], who is enrolled as a professional member of the [insert name of insolvency professional agency] with professional membership no. [insert number] and registered with the Insolvency and Bankruptcy Board of India as an insolvency professional with registration no. [insert number] under the Insolvency and Bankruptcy Code, 2016.

2. This authorisation is valid from [insert date] to [insert date]. / This authorisation is renewed on [insert date] and is valid till [insert date]. (Strike off if not applicable).

Sd/-

For and on behalf of [name of insolvency professional agency]

Place:.....

Date:.....”.

Dr. M. S. Sahoo  
Chairperson  
[ADVT . - \_\_\_\_\_]

**Note:** The Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 were published *vide* notification No. IBBI/2016 -17/GN/REG001 dated 21<sup>st</sup> November, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, No. 421 on 22<sup>nd</sup> November, 2016 and were subsequently amended by the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2018 published *vide* notification No. IBBI/2018-19/GN/REG35 in the Gazette of India, Extraordinary, Part III, Section 4, No. 383 on 11<sup>th</sup> October, 2018.