

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

Structuring Platform Investments in India For Foreign Investors

March 31, 2025

India's Oil & Gas Sector— at a Glance?

March 27, 2025

Artificial Intelligence in Healthcare

March 27, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Audio

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against "Unfiltered" Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

Click here to view Hotline archives.

Video

Vyapak Desai speaking on the danger of deepfakes | Legally Speaking with Tarun Nangia | NewsX

April 01, 2025

**Vaibhav Parikh, Partner, Nishith
Desai Associate on Tech, M&A, and
Ease of Doing Business**

March 19, 2025

**SIAC 2025 Rules: Key changes &
Implications**

February 18, 2025