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The Future of Insolvency Practice: Technology, ESG and New-Age Business

The insolvency landscape globally and in India is undergoing seismic transformation. The confluence of artificial intelligence, blockchain-powered transparency, ESG-integrated restructuring, and new-age digital business models is fundamentally redefining the contours of insolvency practice. This article examines how insolvency professionals (IPs), resolution applicants, creditors, and the adjudicating authority ecosystem must adapt to a world where corporate failure itself is no longer merely a financial phenomenon—it is simultaneously a governance, environmental, and social event. Drawing on developments under the Insolvency and Bankruptcy Code, 2016 (IBC), international frameworks, IBBI regulatory evolution, and global best practices, this paper charts a roadmap for the next decade of insolvency practice in India.

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INTRODUCTION

THE EVOLVING ARCHITECTURE OF INSOLVENCY

The Insolvency and Bankruptcy Code, 2016 (IBC) represented India's most significant structural reform in creditor-debtor relations since independence. Enacted to address the twin challenges of non-performing assets (NPAs) plaguing the banking sector and the absence of time-bound resolution mechanisms, IBC fundamentally altered the governance of corporate distress. In less than a decade, it has resolved over ₹3.16 lakh crore for creditors, transforming India's ranking in the World Bank's Ease of Doing Business index on the 'Resolving Insolvency' parameter from 136th (2016) to 52nd (2023).

Yet, the very dynamism that characterises the modern economy—platform businesses, intangible-heavy corporations, ESG-linked debt instruments, cross-border digital operations—poses fundamental questions that the existing insolvency architecture was not designed to answer. A fintech startup with no fixed assets but a million users, a renewable energy SPV bound by green bond covenants, or a multinational with interlinked data centres across jurisdictions: each represents a qualitatively different insolvency challenge than the steel or power sector cases that defined IBC's early jurisprudence.

The future of insolvency practice, therefore, lies at the intersection of three great forces: technological disruption, ESG imperatives, and the governance challenges of new-age businesses. This article traces each of these trajectories, analyses their convergence, and proposes a forward-looking framework for insolvency professionals, regulators, and policymakers.

TECHNOLOGY AS THE NEW OPERATING SYSTEM OF INSOLVENCY

a) Artificial Intelligence and Machine Learning in Resolution

The sheer complexity of modern insolvency proceedings—thousands of creditors, voluminous contracts, multi-jurisdictional assets, intertwined group structures—creates an information processing challenge that is increasingly beyond unaided human capacity. Artificial Intelligence (AI) and Machine Learning (ML) tools are being deployed across every stage of the insolvency lifecycle:

- **Due Diligence Automation:** AI-powered contract review platforms such as Kira Systems and Luminance can process thousands of contracts in hours, flagging change-of-control clauses, cross-default provisions, and material adverse change (MAC) clauses critical to the resolution professional's assessment.

- **Claim Verification:** ML models can cross-verify creditor claims against ledger data, detecting duplicate submissions, inflated claims, and intercompany transfers that may indicate preferential transactions.

- **Asset Valuation:** Computer vision and satellite imagery analytics are being used to assess plant condition, infrastructure deterioration, and real estate values—particularly useful when the corporate debtor's management is uncooperative or the assets are geographically dispersed.

- **Predictive Analytics for Resolution Outcomes:** ML models trained on historical IBC cases can

predict resolution timelines, likely haircuts, and probability of liquidation—informing both resolution applicants' bidding strategies and creditors' decisions on resolution plans.

- **Natural Language Processing (NLP) for Case Management:** NLP tools can extract relevant orders from the NCLT and NCLAT databases, helping IPs track judicial precedents relevant to their specific case in real time.

The IBBI's iRP platform and the e-voting mechanism for Committee of Creditors (CoC) decisions already represent early digitisation. The logical next step is an AI-assisted CoC analytics dashboard that presents real-time liquidation value scenarios versus resolution plan value comparisons, enabling more informed decision-making by lenders.

b) Blockchain Technology: Trust, Transparency, and Traceability

Blockchain offers transformative possibilities for insolvency proceedings by creating immutable, transparent, and auditable records of all transactions and decisions. Its relevance to insolvency practice spans several dimensions:

Application Area	Current Challenge	Blockchain Solution
Claims Registry	Duplicate / fraudulent claims difficult to detect	Immutable creditor registry with timestamped filings
Asset Tracing	Asset stripping before insolvency commencement	Real-time on-chain ownership trails
Resolution Plan Voting	Proxy manipulation, vote confidentiality concerns	Smart contract-based CoC voting with audit trail
Distribution to Creditors	Manual disbursement, priority disputes	Smart contract waterfall distribution by priority
Cross-Border Asset Recovery	Lack of jurisdictional coordination	Shared blockchain ledger among jurisdictions

Estonia's e-residency ecosystem and Singapore's Courts' use of distributed ledger technology (DLT) for case management offer instructive models. For India, the Ministry of Corporate Affairs' MCA21 V3.0 portal and the IBBI's Information Utilities (IUs) framework—particularly the National E-Governance Services Ltd. (NeSL)—are natural candidates for blockchain integration.

c) RegTech and SupTech: Compliance Reimagined

The regulatory compliance burden on insolvency professionals—mandatory reporting to IBBI, CoC submissions, NCLT filings, public announcements, and resolution plan disclosures—is substantial. Regulatory Technology (RegTech) solutions can automate compliance calendars, generate IBBI-compliant reports, and flag procedural deviations in real time, reducing the risk of technical invalidation of proceedings.

Supervisory Technology (SupTech), deployed by the IBBI itself, can enable pattern recognition across thousands of active cases—identifying abnormal timelines, unusual CoC voting patterns, or suspicious related-party transactions warranting deeper scrutiny. This positions the IBBI to evolve from a reactive regulator to a proactive, data-driven supervisor.

POLICY PERSPECTIVE

The Reserve Bank of India's regulatory sandbox framework and SEBI's InvIT/REIT regulatory innovations provide precedents for IBBI to establish a regulatory sandbox for InsurTech-backed credit insurance and AI-driven resolution tools in insolvency proceedings.

d) Digital Assets and Crypto in Insolvency: An Emerging Frontier

The collapse of FTX (2022), Celsius Network (2022), and Voyager Digital (2022) globally demonstrated that digital asset insolvencies present entirely novel challenges: the characterisation of crypto assets (property vs. currency vs. security), the treatment of hot and cold wallet holdings, identification of beneficial ownership through pseudonymous blockchain addresses, and the enforcement of claims across stateless digital networks.

With the growth of Web3 enterprises, NFT platforms, and cryptocurrency exchanges in India, the IBBI and the MCA must proactively develop a framework addressing: (i) the classification of digital assets in a corporate debtor's estate; (ii) the appointment of technically qualified IPs for crypto-native entities; and (iii) international cooperation protocols for cross-chain asset recovery.

ESG AND INSOLVENCY: A TRANSFORMATIVE CONVERGENCE

a) The ESG-Distress Nexus: Understanding Corporate Failure Through a New Lens

Environmental, Social, and Governance (ESG) factors are no longer peripheral to corporate performance—they are increasingly causative of corporate distress. The following categories of ESG-driven corporate failures are already visible:

- **Environmental Regulatory Failure:** Companies in extractive industries, thermal power, and chemical manufacturing facing stranded asset risks due to climate policy shifts, carbon taxes, and environmental litigation. The closure of multiple coal-dependent power plants under financial stress illustrates how environmental transition can accelerate insolvency.

- **Social Licence to Operate Loss:** Companies facing mass consumer boycotts, employee strikes, or community opposition due to labour violations, unsafe working conditions, or human rights abuses. Social risk materialising as financial distress.
- **Governance Failure as Insolvency Trigger:** The IL&FS crisis (2018), the PMC Bank collapse (2019), DHFL's implosion—each traceable to governance deficits: tunnelling, related-party abuse, Board capture, and auditor complicity.
- **ESG-Linked Debt Covenant Violations:** With the growth of green bonds, sustainability-linked loans (SLLs), and social bonds in India's debt market, breaches of ESG covenants (e.g., failure to meet renewable energy targets or Scope 3 emission reduction milestones) are emerging as new triggers for accelerated repayment clauses and credit events.

b) ESG Integration in the Resolution Process

The IBC's resolution framework is predominantly financial—maximising value for creditors within a defined timeline. ESG integration challenges this paradigm in important ways:

Firstly, resolution plans submitted under Section 30 of the IBC currently require disclosure of financial projections but have no mandatory ESG due diligence requirement. This creates a risk of value-destructive outcomes where a resolution applicant with a poor ESG track record acquires a corporate debtor, only to face regulatory action, reputational damage, or ESG-linked debt defaults post-acquisition. The IBBI should consider requiring resolution applicants to submit an ESG compliance statement as part of the information memorandum process.

> The insolvency practice of the next decade will be unrecognisable compared to the formative years of IBC implementation.

Secondly, the liquidation value versus going concern value dichotomy in IBC must now incorporate ESG stranded asset risk. An infrastructure asset with significant carbon liability may have a market value far below its book value once environmental provisioning is accounted for. Registered Valuers under the IBBI (Mechanism for Issuing Regulations) Rules must be equipped to perform ESG-adjusted valuations.

Thirdly, ESG considerations should inform the priority waterfall in resolution. Unpaid wages (Social), environmental remediation liabilities (Environmental), and governance restitution orders should receive explicit recognition in the resolution plan framework.

GLOBAL BEST PRACTICE

The European Union's Corporate Sustainability Reporting Directive (CSRD) and the UK's FRC's revision of corporate governance codes now explicitly require disclosure of material ESG risks in distress scenarios. India's BRSR (Business Responsibility and Sustainability Reporting) framework mandated by SEBI should be extended to cover insolvency disclosures.

c) Green Restructuring: The Next Frontier

'Green restructuring' refers to the incorporation of sustainability transition plans into corporate rescue frameworks. Rather than merely restoring pre-distress financial parameters, a green restructuring aims to restructure the corporate debtor's business model toward environmental sustainability as a condition or component of the resolution plan.

The concept has gained traction in Europe. The EU's Business Rescue and Insolvency Directive (Directive 2019/1023) and the European Central Bank's climate-related financial risk guidelines have catalysed frameworks where banks prefer restructuring plans that include credible net-zero transition commitments. In India, with SEBI's green bond framework, RBI's climate risk disclosures for regulated entities, and the government's ambitious renewable energy targets, green restructuring presents a significant opportunity.

Practical implications for Indian insolvency practice include:

- Resolution plans for energy sector CDPs could include a phased transition from coal to renewable energy as part of the operational restructuring.
- Green bond issuance post-resolution to finance sustainable capex, with ESG covenant compliance monitoring built into the restructured entity's governance framework.
- Carbon credit monetisation as a new source of resolution value—particularly for land-intensive or forestry-linked corporate debtors.
- Collaboration with international climate finance institutions (IFC, ADB Green Finance) to co-finance resolution plans for climate-relevant assets.

d) ESG Due Diligence for Insolvency Professionals

An IP of the future must be competent to:

- Identify environmental liabilities (contaminated land, emission non-compliance penalties) as part of the estate asset-liability assessment.
- Evaluate supply chain labour practices and social obligations that may affect the corporate debtor's going concern value.

- Assess governance structures for recovery of fraudulent transactions under Section 66 of IBC (fraudulent trading) and Section 45 (avoidance of preferential transactions) using ESG governance diagnostics.
- Engage with ESG rating agencies to obtain a baseline sustainability assessment of the corporate debtor to inform the information memorandum.

NEW AGE BUSINESSES: INSOLVENCY FOR THE DIGITAL ECONOMY

a) The Insolvency of Intangible-Heavy Enterprises

Traditional insolvency law developed in an era of industrial capitalism, where corporate value resided primarily in physical assets: land, machinery, inventory, buildings. The liquidation-as-safety-net model presupposed that if a resolution failed, asset liquidation would recover meaningful value. In the digital economy, this presupposition fails catastrophically.

A unicorn startup may have a valuation of ₹10,000 crore based on its user base, data moats, algorithm IP, and network effects—none of which appear on its balance sheet at anything close to their economic value. Upon insolvency, the liquidation of its physical assets (servers, office furniture) may yield under ₹50 crore. The 'missing' ₹9,950 crore—the intangible value—evaporates upon insolvency commencement, as:

- User trust collapses, triggering user migration to competitors.
- Key talent exercises golden parachute clauses and departs.
- Partnerships and API access agreements include insolvency termination triggers.
- Data assets may be subject to privacy regulations preventing their monetisation without user consent.

b) Platform Economy Insolvency: Users, Data, and Network Effects

Platform businesses—e-commerce marketplaces, fintech lending platforms, social networks, sharing economy operators—have multi-sided market structures that create unique insolvency challenges:

Stakeholder	Nature of Claim / Interest	IBC Treatment Gap
Platform Users	Pre-paid wallet balances, in-platform credits, undelivered orders	Currently treated as unsecured operational creditors with minimal recovery
Marketplace Sellers	Goods delivered, payments pending through platform escrow	Treatment of platform escrow funds as estate assets vs. trust assets unclear
Data Subjects	Personal data held by corporate debtor	DPDP Act, 2023 obligations: data deletion vs. data asset monetisation conflict
Algorithm / IP Owners	Licensed technology embedded in platform	Ipso facto clauses in IP licences may void licences upon insolvency
Gig Workers	Unpaid earnings, benefits, platform-imposed deductions	Classified as operational creditors with limited priority

c) Startup Ecosystem and Early-Stage Insolvency

The Pre-Packaged Insolvency Resolution Process (PPIRP) introduced through the IBC Amendment Ordinance of 2021 (for MSMEs) represents a significant innovation: creditor-debtor negotiation precedes formal insolvency commencement, saving time and preserving going concern value. The PPIRP framework needs to be:

- Extended beyond MSMEs to cover startups and early-stage technology companies.
- Supported by a digital-first process architecture—all filings, claims, and plan submissions through a dedicated startup PPIRP portal.
- Integrated with SEBI's framework for distressed startup equity restructuring, including down-round ESOP treatment and preference share waterfall reconfigurations.
- Connected to India's insolvency ecosystem with venture debt providers, angel networks, and secondary venture capital funds that can provide DIP (Debtor-in-Possession) financing.

d) The IBC (Amendment) Bill, 2025: Structural Overhaul and Legislative Imperatives

Introduced in the Lok Sabha on 12 August 2025, the Insolvency and Bankruptcy Code (Amendment) Bill, 2025 (Bill No. 107 of 2025) represents the most comprehensive legislative overhaul of India's insolvency framework since the IBC's original enactment in 2016. Developed after three years of intensive stakeholder consultations, recommendations of the Insolvency Law Committee, and judicial experience across thousands of CIRP proceedings, the Amendment Bill directly addresses the systemic inefficiencies, jurisprudential ambiguities, and structural gaps that have impeded the Code's promise of time-bound, value-maximising, and creditor-centric resolution.

The Bill's most consequential structural innovation is the introduction of a new Chapter IV-A establishing the Creditor-Initiated Insolvency Resolution Process

(CIIRP) — an out-of-court mechanism enabling creditors and debtors to negotiate resolution frameworks for genuine business failures without immediate recourse to the Adjudicating Authority. This represents a significant philosophical shift from the existing court-centric, adversarial model toward a creditor-debtor collaborative architecture, broadly aligned with global best practices under the UNCITRAL Legislative Guide on Insolvency Law and the United Kingdom's Restructuring Plan framework. On the CIRP front, the Amendment Bill substantially curtails the discretion of the Adjudicating Authority in admitting applications under Section 7, limiting examination to three exhaustive grounds: the occurrence of default, completeness of the application, and absence of disciplinary proceedings against the proposed Resolution Professional. This legislative override directly responds to the Supreme Court's expansive reading in Vidarbha Industries Power Ltd. v. Axis Bank Ltd. (2022), which had introduced judicial discretion perceived to dilute the creditor-rights orientation of the Code. Strict statutory timelines are also mandated: the Adjudicating Authority must admit or dismiss applications within 14 days; NCLAT must dispose of appeals within three months; and liquidation proceedings must conclude within 180 days, extendable by 90 days upon reasoned order.

The Amendment Bill introduces enabling frameworks for two hitherto unaddressed structural challenges. First, under the proposed Section 59C, the Central Government is empowered to prescribe rules for coordinated group insolvency proceedings, enabling common NCLT benches, shared resolution professionals, and integrated committees of creditors across inter-linked corporate debtors — a long-overdue legislative response to the complexity witnessed in the Videocon Group, SREI Group, and Lavassa Group proceedings. Second, enabling provisions for a structured cross-border insolvency framework are incorporated, drawing on UNCITRAL Model Law principles and empowering the Central Government to prescribe conditions for administering cross-border proceedings — a development that acquires particular significance in the context of digital-economy enterprises and is examined in greater detail in section 4.4 below.

The Amendment Bill also strengthens the preferential, undervalued, fraudulent, and extortionate credit (PUFE) transaction framework significantly. Creditors are now empowered to file avoidance applications directly under the amended Section 47 where the Resolution Professional or Liquidator fails to act; related-party asset transfers lose their safe-harbour protection under the amended Section 49; and liquidators are authorised to file applications for fraudulent or wrongful trading under Section 66. The clean slate principle under Section 31 is codified with retrospective declaratory effect, providing certainty regarding the extinguishment of pre-resolution claims and overcoming litigation uncertainty on settled resolutions. The waterfall priority mechanism under Section 53 is clarified to confine government dues strictly to the fifth and sixth distribution priority levels, resolving the controversy arising from the Rainbow Papers judgment that had threatened creditor recovery certainty. For insolvency practice, the Amendment Bill's additional contributions include CoC supervisory authority over liquidation proceedings, a penalty framework for vexatious litigation under the new Section 64A, expanded service provider definitions incorporating registered valuers within IBBI's regulatory ambit, and enabling provisions for integrating personal guarantor assets into the resolution plan with CoC approval. When enacted, the Amendment Bill will fundamentally reshape the operating environment for insolvency professionals, resolution applicants, and adjudicating authorities—demanding greater procedural discipline, faster decision-making, and internationally integrated practice capabilities.

e) Cross-Border Insolvency in the Age of Digital Globalisation

India's adoption of Chapter V of the UNCITRAL Model Law on Cross-Border Insolvency through the IBC (Amendment) Act, 2021 (for certain categories of corporate debtors) marks a watershed moment in the development of the code. However, the operationalisation of cross-border recognition—particularly for digital and platform businesses with assets distributed across cloud infrastructure, intellectual property registered in multiple jurisdictions, and creditors spanning multiple countries—requires further elaboration.

Key challenges include:

- Recognition of foreign main proceedings (COMI determination) for companies with cloud-native operations, where the 'centre of main interests' may be genuinely ambiguous.
- Recovery of assets parked in tax-efficient jurisdictions (Mauritius, Singapore, Netherlands) through layered holding structures—a common feature of Indian startup funding architectures.
- Aligning with US Chapter 11 and Chapter 15 proceedings, UK administration processes, and Singapore's Judicial Management framework when the same group entity is subject to insolvency proceedings in multiple jurisdictions simultaneously.
- The mutual recognition of information utility data across jurisdictions—an area where bilateral frameworks between India, Singapore, UAE, and UK could yield significant efficiency gains.

REGULATORY EVOLUTION: IBBI, NCLT, AND THE FUTURE FRAMEWORK

a) IBBI's Transformation Agenda

The Insolvency and Bankruptcy Board of India (IBBI) has demonstrated remarkable regulatory agility since its establishment in 2016. From its initial framework of Corporate Insolvency Resolution Process (CIRP) regulations, it has progressively added Pre-Packaged Insolvency (PPIRP) regulations, Personal Guarantor insolvency framework, IBBI (Information Utilities) Regulations, and an increasingly robust IP disciplinary framework.

The trajectory of IBBI's evolution over the next decade should encompass:

Reform Area	Proposed Development
Digital Infrastructure	Integrated IBBI Digital Platform: single-window for case management, claims filing, CoC communication, IP reporting, and NCLT interface
ESG Disclosures	Mandatory ESG assessment in Information Memorandum; environmental liability register for corporate debtors in extractive / industrial sectors
AI Regulation	Guidelines for AI-assisted valuation tools; disclosure requirements when AI tools are used in due diligence
IP Competency	Mandatory ESG and technology certification for IPs handling digital / green sector CDPs; CPE requirements updated
Startup Framework	PPIRP extension to startups; DIP financing framework; fast-track liquidation for zero-asset digital entities
Cross-Border	Bilateral insolvency cooperation agreements with Singapore, UK, UAE; COMI guidelines for digital businesses

b) NCLT Capacity Building for Technology-Intensive Cases

The National Company Law Tribunal (NCLT) faces a significant capacity challenge in adjudicating insolvency matters involving complex technology businesses, digital assets, algorithmic valuations, and ESG-linked disputes. Several measures are essential:

- **Specialised Technology and Digital Assets Bench:** Modelled on the US Bankruptcy Court's pilot programme for complex financial instruments, dedicated NCLT benches with technology advisors for cases involving digital assets, platform businesses, and AI-intensive operations.
- **Expert Witness Framework:** Formalised protocols for the deposition of data scientists, ESG valuation experts, cybersecurity specialists, and blockchain forensic experts as technical witnesses in NCLT proceedings.
- **Expedited Discovery for Digital Evidence:** Digital forensics discovery protocols that account for cloud-stored evidence, encrypted communications, and algorithmic audit trails—replacing paper-intensive processes.
- **NCLT-IBBI Data Interface:** Real-time sharing of case status data between NCLT and IBBI for the proactive identification of proceedings at risk of breaching statutory timelines.

THE INSOLVENCY PROFESSIONAL OF TOMORROW

a) A Multi-Disciplinary Competency Framework

The complexity of modern insolvency demands a multi-disciplinary practitioner who combines:

Competency Domain	Specific Capabilities Required
Financial Expertise	Forensic accounting, business valuation (DCF, comparable company, intangible asset valuation), financial modelling
Legal Acumen	IBC jurisprudence, commercial contracts, cross-border insolvency law, intellectual property law
Technology Literacy	AI/ML applications in due diligence, blockchain fundamentals, cybersecurity risk assessment, data privacy law (DPDP Act)
ESG Proficiency	Environmental liability assessment, BRSR framework, green finance instruments, social impact measurement
Governance & Ethics	Corporate governance diagnostics, fraud detection, director liability analysis, forensic investigation
Stakeholder Management	CoC negotiation, employee relations, public communication in high-profile cases, media management

LESSONS FROM MUNICIPAL INSOLVENCY PRACTICE

Urban local bodies do not fall under IBC, yet the financial distress of municipal corporations—characterised by over-leveraged balance sheets, unfunded pension liabilities, infrastructure asset impairment, and governance deficits—shares structural characteristics with corporate insolvency. The State Finance Commission framework, Comptroller and Auditor General oversight, and the 16th Central Finance Commission's urban fiscal transfer architecture collectively constitute a quasi-insolvency resolution framework for municipalities.

Three insights from municipal finance that have direct relevance to the future of corporate insolvency practice:

- **ESG is Already Embedded in Public Finance:** PMC's green bond issuance, its BRSR-inspired sustainability disclosures, and its ESG-linked project financing for the SNAP sewage treatment scheme demonstrate that sustainability is not an add-on but an integral dimension of public investment. Corporate insolvency professionals must similarly internalise ESG as core to their practice, not peripheral.

- **Technology Transforms Accountability:** SAP FICO implementation at PMC transformed financial reporting from a retrospective exercise to a real-time governance tool. Similarly, AI and blockchain integration in insolvency proceedings will transform resolution from a retrospective value recovery exercise to a forward-looking governance intervention.

- **Stakeholder Complexity Demands Governance Sophistication:** A municipal corporation managing the competing interests of citizens, elected representatives, state government, creditors (bondholders), the CAG, and international development finance institutions navigates stakeholder complexity that mirrors the CoC-IP-NCLT-creditor ecosystem in corporate insolvency. The lessons of transparent communication, documented decision-making, and proactive regulatory engagement apply equally to both domains.

WAY FORWARD FOR LENDERS AND FINANCIAL CREDITORS

- Integrate ESG-risk stress testing into credit appraisal and early warning system (EWS) frameworks to identify ESG-driven distress signals before insolvency commencement.

- Include ESG covenant maintenance as a standard feature of sustainability-linked loans (SLLs) and green bonds, with structured workouts that incorporate transition plans.

- Develop internal capability to assess intangible asset values in digital-native corporate debtors, including platform network effects, data asset valuation, and algorithmic IP.

CONCLUSION

The insolvency practice of the next decade will be unrecognisable compared to the formative years of IBC implementation. The corporate failures of the future will not be the familiar steel plant or power distribution company—they will be platform unicorns with invisible assets, renewable energy SPVs bound by green covenants, and AI-driven fintechs whose value lies in algorithms rather than assets.

The insolvency professional who will thrive in this environment is not merely technically competent in the mechanics of CIRP—they are ESG-literate, technology-fluent, governance-sophisticated, and globally connected. They understand that a distressed corporate debtor is not just a financial problem to be solved but a governance, environmental, and social event to be managed with wisdom, speed, and integrity.

The IBC has given India a world-class insolvency framework. The task of the next decade is to future-proof it—through regulatory evolution, professional capacity building, technological integration, and ESG embedding—so that it remains fit for purpose in an economy that is digital, sustainable, and deeply interconnected with the global financial system.

As insolvency professionals, Company Secretaries are uniquely positioned at the intersection of law, governance, finance, and ethics—the precise quadrant where the future of insolvency practice will be defined. The time to prepare is now.

REFERENCES:

i. *Armour, J. & Moss, G. (eds.) (2018), Principles of Financial Regulation, Oxford University Press.*

ii. *Bankruptcy Law Reforms Committee Report (2015), Ministry of Finance, Government of India (Chairperson: T.K. Viswanathan).*

iii. *Bhanu Murthy, K.V. (2019), 'ESG in Indian Corporate Governance: Emerging Frontiers', Vikalpa: The Journal for Decision Makers, IIM Ahmedabad.*

iv. *Committee of Creditors of Essar Steel India Ltd. v. Satish Kumar Gupta & Ors. (2019) SCC Online SC 1478, Supreme Court of India.*

v. *Digital Personal Data Protection Act, 2023, Ministry of Law and Justice, Government of India.*

vi. *EU Business Rescue and Insolvency Directive (Directive 2019/1023), Official Journal of the European Union.*

vii. *Goode, R. (2011), Principles of Corporate Insolvency Law (4th ed.), Sweet & Maxwell, London.*

viii. *IBBI Annual Report 2022–23, Insolvency and Bankruptcy Board of India, New Delhi.*

ix. *IBC (Amendment) Bill, 2025 (Bill No. 107 of 2025), introduced in Lok Sabha on 12 August 2025, Ministry of Law and Justice, Government of India.*

x. *INSOL International (2022), Digital Assets and Insolvency: A Discussion Paper, INSOL International, London.*

xi. *Insolvency and Bankruptcy Code, 2016 (as amended up to 2025), Ministry of Law and Justice, Government of India.*

xii. *KPMG (2023), ESG and Credit Risk: The Emerging Nexus, KPMG Global Financial Services.*

xiii. *Reserve Bank of India (2023), Report on Climate Risk and Sustainable Finance, RBI, Mumbai.*

xiv. *SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 – BRSR Framework Circular (2021, 2023), Securities and Exchange Board of India.*

xv. *Swiss Ribbons Pvt. Ltd. & Anr. v. Union of India & Ors. (2019) 4 SCC 17, Supreme Court of India.*

xvi. *Task Force on Climate-related Financial Disclosures (TCFD) Recommendations Report, 2017, Financial Stability Board.*

xvii. *UNCITRAL Model Law on Cross-Border Insolvency (1997) and 2019 Practice Guide, UN Commission on International Trade Law.*

xviii. *Vidarbha Industries Power Ltd. v. Axis Bank Ltd. (2022) SCC Online SC 841, Supreme Court of India.*

xix. *Westbrook, J.L. et al. (2010), A Global View of Business Insolvency Systems, World Bank / Martinus Nijhoff.*

xx. *Wood, P. (2018), Principles of International Insolvency (3rd ed.), Sweet & Maxwell, London.*

xxi. *World Bank Doing Business Report 2020 – Resolving Insolvency Indicators, World Bank Group, Washington D.C.*

xxii. *World Economic Forum (2023), Future of Financial Services: AI in Credit and Restructuring, World Economic Forum, Davos.*

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