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Info Capsule

THE INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (IBBI) NOTIFIES REGULATIONS FOR HANDLING OF GRIEVANCES AND COMPLAINTS¹

The Insolvency and Bankruptcy Board of India (IBBI) has notified the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 in the Gazette of India on December 7, 2017. The Regulations enable a Stakeholder, namely, debtor, creditor, claimant, service provider, resolution applicant or any other person having an interest in an insolvency resolution, liquidation, voluntary liquidation or bankruptcy transaction under the Insolvency and Bankruptcy Code, 2016 (Code), to file a grievance or a complaint against a Service provider, namely, insolvency professional agency, insolvency professional, insolvency professional entity or information utility. The Regulations provide for an objective and transparent procedure for disposal of grievances and complaints by the IBBI, that does not spare a mischievous service provider, but does not harass an innocent service provider.

A Stakeholder may file a grievance that shall state the details of the conduct of the service provider that has caused the suffering to the aggrieved; details of suffering, whether pecuniary or otherwise, the aggrieved has undergone; how the conduct of the service provider has caused the suffering of the aggrieved; details of his efforts to get the grievance redressed from the service provider; and how the grievance may be redressed.

A Stakeholder may file a complaint in the Specified Form along with a fee of Rupees Two Thousand and Five Hundred (Rs.2,500). A complaint needs to state the details of the alleged contravention of any provision of the Code, or rules, regulations, or guidelines made there under or circulars or directions issued by the IBBI by a Service provider or its associated persons; details of alleged conduct or activity of the Service provider or its associated persons, along with date and place of such conduct or activity, which contravenes the provision of the law; and details of evidence in support of alleged contravention. If the complaint is not frivolous or malicious, the fee will be refunded.

Where the IBBI is of the opinion that there exists a prima facie case, it may order an inspection under sub-regulation (3) of Regulation 3, order an investigation under sub-regulation (2) of Regulation 7 or issue a Show Cause Notice under sub-regulation (2) of Regulation 11 of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017, as may be warranted and the matter shall be proceeded accordingly.

The Regulations are effective from 7th December, 2017. These are available at www.mca.gov.in and www.ibbi.gov.in.

¹ Available at: http://ibbi.gov.in/webadmin/pdf/whatsnew/2017/Dec/press%20release-Complaint%20handling_2017-12-09%2012:16:40.pdf

NATIONAL CONFERENCE ON E-COURTS PROJECT E-FILING FACILITY LAUNCHED²

The eCommittee, of the Supreme Court of India in association with the Department of Justice (DoJ) of the Government of India held a two day National Conference in New Delhi on December 2 and 3 in which all the Central Project Coordinators of various High Courts connected with the ongoing National eCourts Project along with eCommittee Members, senior officers from DoJ, NIC and many other senior Judicial officers participated. The Conference was chaired by the Hon'ble Mr. Justice Madan B. Lokur the Judge-In-Charge of eCommittee and co-Chaired by Dr. Alok Srivastava, Secretary DoJ. The Conference focused on the progress, sharing of best practices, experiences, important issues and emerging challenges under the Project.

The eCourts Mission Mode Project (Phase I 2010-15; Phase II 2015-19) is a national eGovernance project for ICT enablement of district and subordinate courts of the country. It is being implemented by the Government of India with a total outlay of 1670 crores (Phase II). The major objectives of the Project are to make whole judicial system ICT enabled by putting in place adequate and modern hardware and connectivity; automation of workflow management in all courts; electronic movement of records from taluka/trial to appeal courts; installation of video conferencing (VC) facility and recording of witness through Video Conferencing; connecting all courts in the country to the National Judicial Data Grid (NJDG) through WAN and additional redundant connectivity; citizen centric facilities such as electronic filing, e-payment and use of mobile applications in all courts; touch screen based kiosks in each court complex, full computerisation of State and district level judicial and service academies and centres.

Specific targets set under the Project include: computerization of all the courts (around 20400) and DLSA and TLSC; WAN and cloud connectivity in 3500 court complexes; full Installation and use of Video Conferencing facility at 3000 Court Complexes and 1150 prisons; charting out key identified citizen services like electronic filing, daily orders, delivery of decrees, online case status in all the district courts etc.

The best practices of High Courts of Punjab & Haryana, Himachal Pradesh, Karnataka, Rajasthan and Andhra Pradesh were shared by the CPCs of these States during the Conference. The Hon'ble Judge in-Charge while expressing satisfaction on the progress called for continued sincere efforts needed be made to achieve the remaining targets. Secretary (Justice) Dr. Alok Srivastava stressed the importance of definite timelines and better coordination at the High Court Level. The Secretary later launched e-Filing software developed by eCommittee, for district courts and High Courts. e-Filing software has the facility to e-sign uploaded documents. Through e-Filing software, registered advocates and registered parties or persons will be able to file their cases in the district courts. Further, a demonstration was made by NIC Pune of a new version of Case Information System CIS 3.0. In the new improved version, various tools relating to court management, case management and judicial planning and monitoring will also be shown. The new version of CIS will be released and deployed soon.

Use of National Judicial Data Grid (NJDG) for Judicial planning and monitoring, generating various statistical reports for administration and policy decisions, was demonstrated. A need was expressed that management users may be created for principal district judges as well as for portfolio judges.

Success story of recently launched mobile application (eCourts services) was shared with the participants. It was brought to the notice of all the concerns that besides advocates, institution, organizations, common litigants is using the services of mobile app successfully. The mobile app has reached close to the figure of 3 lakhs downloads.

Automated Mailing Service recently launched for the benefit of litigants and lawyers, was well applauded. It was noted that all the developments of all the cases relating to particular litigants

² Available at: <http://pib.gov.in/newsite/erelease.aspx>

and lawyers, are communicated by a single mail with the help of Automated Mailing Service. Apart from this, cause list services, case status services, next dates, filing registration scrutiny and objectives are some important events where automated mails are being sent to the registered mail address to the litigants and lawyers. Within short time, the figures of events sent through mails has reached to 40 Lakhs.

SMS push service has been widely used across the country by the litigants and lawyers. This SMS service is more popular in remote areas where mobile phones without internet facility, are used by the litigants and lawyers. Similarly, SMS pull service is made operational recently. Anybody can send CNR no. to 9766899899 and in response, he would get the case status.

It was well appreciated that as per the data available on eTaal, number of electronic transactions, transacted under eCourts Project are very high and are amongst top 5 performers with number of electronic transactions being more than 40 crores.

Team ICSI

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