



**The IBBI Notifies about the Fees being paid to
Interim Resolution Professionals and Resolution
Professionals**

On 13th September 2022, the Insolvency and Bankruptcy Board of India (IBBI) notified Notification No. IBBI/2022-23/GN/REG091 in regard to the IBBI (Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2022, in the exercise of powers conferred through Section 196 Sub-Section (1) Clause (aa) and Clause (t) to be read with Section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016).

The Insolvency and Bankruptcy Board of India hereby issued the following regulations further to amend the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, which are as follows -

- The latest amendment is to be referred to as the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2022.
- The amendment is to come into force on the date of its publication in the Official Gazette.
- In the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter referred to as 'the principal regulations'), the word "Schedule" shall be substituted with the word and mark "Schedule-I", wherever it is appearing.
- In the principal regulations, after Regulation 34A, Regulation 34B is to be inserted, which states the *"Fee to be paid to the interim resolution professional and resolution professional"*.
- In the principal regulations, after Schedule-I, Schedule II is to be inserted, which states the Maximum Fixed Fee to be paid to the interim resolution professional or the resolution professional, as the case may be, for the period which is applicable from the appointment as interim resolution professional or resolution professional, till the time of –

(a) submission of application for approval of resolution plan under section 30;

(b) submission of application to liquidate the corporate debtor under section 33;

(c) submission of application for withdrawal under section 12A; or

(d) order for closure of corporate insolvency resolution process; whichever is earlier.

QUANTUM OF CLAIMS ADMITTED	MINIMUM FEE PER MONTH (RS. IN LAKH)
Less than or equal to Rs. 50 crore	1
More than Rs.50 crore but less than or equal to Rs.500 crore	2
More than Rs.500 crore but less than or equal to Rs.2,500 crore	3
More than Rs.2,500 crore but less than or equal to Rs.10,000 crore	4
More than Rs.10,000 crore	5

The notification further states the Performance-linked incentive fee for timely resolution where the resolution plan is submitted to the Adjudicating Authority within the specified period from the insolvency commencement date performance-linked incentive fee is to be paid to the resolution professional after approval of such resolution plan by the Adjudicating Authority on commencement of payment to creditors by the resolution applicant.

TIME PERIOD FROM INSOLVENCY COMMENCEMENT DATE	FEE AS % OF REALISABLE VALUE
Less than or equal to 165 days	1
More than 165 days but less than or equal to 270 days	0.75
More than 270 days but less than or equal to 330 days	0.5
More than 330 days	0

The notification also states the Performance-linked incentive fee for value maximisation, which is to be paid to the resolution professional at the rate of 1% of the amount by which the realisable value is higher than the liquidation value after approval of the resolution plan by Adjudicating Authority on commencement of payment to creditors by the resolution applicant.

Official Notification Attached - [here](#)



Sushree Dash
Legal Researcher