

- (a) whether the functioning of the Board for Industrial and Financial Reconstruction (BIFR) has slowed down because of large number of vacancies unfilled and if so, the details thereof;
- (b) whether the Government has proposed to constitute a National Company Law Tribunal (NCLT) to see all pending cases presently before BIFR;
- (c) if so, the details thereof; and
- (d) the time by which the proposed NCLT is likely to be constituted?

Answer

The Minister of State in the Ministry of Finance

(SHRI JAYANT SINHA)

(a) The present sanctioned strength of Board for Industrial and Financial Reconstruction (BIFR) is one Chairman and two Members. Functioning of BIFR was affected due to vacancies of Chairman/Members. Orders for appointment of Chairman and one Member have been issued on 29.01.2016 and 01.03.2016, respectively.

(b) to (d): Ministry of Corporate Affairs has informed that the Companies Act, 2013 provides for constitution of the National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT). As per the provision of Section 434 of the said Act, any proceeding or any reference made or inquiry pending to or before BIFR shall stand abated. The company in respect of which the reference or inquiry stands abated may make a reference to NCLT under the provisions of the Companies Act, 2013. The process for setting up of these bodies in a phased manner is underway. These bodies are likely to be constituted in the next financial year.
