HISTORICAL EVOLUTION OF CCI APPROVAL REQUIREMENTS UNDER THE IBC: FROM LEGISLATIVE SILENCE TO STATUTORY MANDATE

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ABSTRACT

This chapter traces the regulatory evolution of Competition Commission of India (CCI) prior approval requirements within India's Corporate Insolvency Resolution Process (CIRP), spanning the enactment of the Insolvency and Bankruptcy Code, 2016 through the Supreme Court's judgment in Independent Sugar Corporation Ltd. v. Girish Sriram Juneja in January 2025. The IBC's initial silence on the sequencing of CCI approval created substantial uncertainty for resolution applicants and insolvency professionals working within the Code's compressed timelines. The Insolvency and Bankruptcy Code (Second Amendment) Act, 2018 addressed this gap by inserting a proviso to Section 31(4) of the Code, mandating that CCI clearance be obtained before the Committee of Creditors votes on any resolution plan involving a qualifying combination. Despite the apparent clarity of that text, the NCLT and NCLAT consistently treated the requirement as directory rather than mandatory, permitting post-CoC but pre-NCLT approval in the interest of CIRP expediency. The chapter examines tribunal-level reasoning in ArcelorMittal India Pvt. Ltd. v. Abhijeet Guhathakurta and Makalu Trading v. Rajiv Chakraborty, assesses how the Competition (Amendment) Act, 2023 altered the regulatory landscape, and analyses the Supreme Court's majority and dissenting opinions in Independent Sugar. The Court ultimately settled the controversy by affirming the proviso's mandatory character, relying in part on the CCI's empirical record of processing combination applications within sixteen to thirty working days. The chapter situates this jurisprudential history within the broader structural challenge of coordinating India's insolvency and competition law regimes and reflects on the systemic costs of legislative silence at the intersection of two major economic regulatory frameworks.

Keywords: Insolvency and Bankruptcy Code; Competition Commission of India; Section 31(4); mandatory versus directory; CIRP; combinations; Independent Sugar

2.1 Introduction

The introduction of the Insolvency and Bankruptcy Code, 2016 (henceforth "IBC" or "the Code") marked a major step towards reforming the scattered system of insolvency resolution prevailing in India. At the crux of the Code is the concept of Corporate Insolvency Resolution Process (CIRP), whereby the financially struggling firm is rescued through a resolution plan or wound up in a well-managed manner. The Code received accolades for bringing together a plethora of laws that were being governed by various courts/tribunals, resulting in endless litigations without any recovery of the debt owed by the debtor. [1]

The fact remains that corporate insolvency cases often entail deals which result in combinations as per the competition laws of the country. Under Indian laws, such combinations are subject to approval from the Competition Commission of India (CCI). However, the issue that remained undecided after the enactment of the IBC was that of when should CCI approval be sought during the insolvency resolution process?

This chapter outlines the entire history of the issue in terms of legislation and jurisprudence, beginning with the silence of the Code of 2016, continuing with the amendment of 2018 that brought in the proviso to Section 31(4), and then going on to include many years of debates at the level of tribunals, before culminating in the final determination of the dispute by the Supreme Court in the case of Independent Sugar Corporation Ltd. v. Girish Sriram Juneja in January 2025. [2]

2.2 The Pre-IBC Landscape and the Regulatory Background

Prior to the passage of the IBC, the system prevailing in India for handling cases of corporate insolvency could have been best characterized as a maze. The process was scattered among several jurisdictions; for instance, the BIFR under the Sick Industrial Companies (Special Provisions) Act, 1985, the Debt Recovery Tribunals under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, civil courts under the Code of Civil Procedure, 1908, as well as the Company Courts under the Companies Act, 1956 and later under the Companies

[1]Prior to the IBC, the insolvency framework was spread across the Sick Industrial Companies (Special Provisions) Act 1985, the Companies Act 2013, the SARFAESI Act 2002 and the RDDBFI Act 1993. See Bankruptcy Law Reforms Committee, *Report of the Bankruptcy Law Reforms Committee: Volume I: Rationale and Design* (Ministry of Finance, November 2015), Ch 1.

[2]Independent Sugar Corp. Ltd. v. Girish Sriram Juneja, (2025) INSC 124 (India Jan. 29, 2025).

Act, 2013. This meant that each of these jurisdictions had different procedural aspects, different timelines, and often conflicted with each other. [3]

Consequently, what was the outcome? Creditors were recovering hardly anything from the cases, while it would take years of court hearings, thus resulting in further depreciation of their claim due to litigation. All these issues were documented in great detail by the Bankruptcy Law Reforms Committee set up in 2014.

On the other hand, competition law in India was a relatively recent introduction into the country's regulatory framework. The Competition Act of 2002 came as a successor to the older Monopolies and Restrictive Trade Practices Act of 1969 and brought into existence the CCI. The Act mandates, under Sections 5 and 6, that all mergers, acquisitions, and amalgamations exceeding certain thresholds of asset size and turnover have to compulsorily undergo pre-merger notification and receive CCI's approval before becoming effective.[4] Failure to comply with this requirement automatically makes such combinations void and subjects them to heavy penalties.

It must be stated at this juncture that the problem was fundamentally one of structure. It is clear from the statute that Parliament, while enacting the IBC and bringing about the CIRP regime, had deliberately put into place an extremely tight time frame for resolving matters in insolvency, extending to only 180 days, with limited possibilities of an extension of another 90 days. This was done to guard against the destruction of asset value through the prolonged process of insolvency. However, Parliament did not consider that many of the proposed resolutions might entail transactions falling within the ambit of the CCI's combination thresholds.

2.3 The 2016 Code's Silence: The First Source of Confusion

Soon after the enactment of the IBC and commencement of the CIRP proceedings, the practitioners were faced with another loophole. The IBC, as originally drafted, made no mention of the timeline within which the CCI clearance should be obtained in connection with the insolvency process. Section 31, as originally framed, referred to the approval of resolution

[3]Ministry of Finance, Government of India, Report of the Bankruptcy Law Reforms Committee 17–23 (Nov. 2015).
[4]Competition Act, No. 12 of 2003, §§ 5–6 (India).

plans wherein the Adjudicating Authority (NCLT) was required to sanction a resolution plan approved by the CoC, in accordance with Section 30(2). There was, however, no special process mentioned for combinations requiring CCI clearance. [5]

This silence gave rise to several practical difficulties. First, there was genuine uncertainty about what constituted a "binding agreement" for purposes of triggering CCI's notification requirement under the Competition Act. The Competition Act requires parties to notify a combination before it takes effect, but in an insolvency context, the agreement is not bilateral in the conventional sense. The resolution plan is submitted by the resolution applicant and then approved or rejected by the CoC. It was unclear whether the filing of the plan, the CoC vote in favour of the plan, or the NCLT's final order constituted the relevant trigger point for notification purposes.

Second, even if the trigger point was identified, there was no clarity on how the CCI approval process would fit within the 180-day CIRP timeline. The Competition Act permitted the CCI up to 210 working days to process combination notifications in complex cases, later reduced to 150 days by the Competition (Amendment) Act, 2023. Even in straightforward cases, the standard review period was 30 working days. Fitting any of these timelines into the CIRP window was complicated and potentially unworkable in contested cases.

Third, there was uncertainty about whether the fast-track routes under competition law would apply to insolvency-driven combinations. The "green channel" route, which allows automatic approval for combinations without horizontal or vertical overlaps between the parties, was of limited use in most CIRP-driven transactions.[6] This is because the acquisition of an insolvent entity frequently involves competitors or entities operating in the same supply chain, meaning the conditions for the green channel are rarely met.

The effect of all this was that the Resolution applicants and the Insolvency professionals ended up improvising on the whole issue. There were people who sent in the CCI notices before the CoC; there were those who waited until after the CoC. There were even those who consulted the CCI through informal means. None of this was done according to any particular pattern, and the possibility of a regulatory review loomed over any resolution process that had been

[5]Anshuman Sakle, Dhruv Rajain & Ruchi Verma, Second Amendment to Insolvency and Bankruptcy Code, 2016: Addressing the Conundrum Around CCI Clearance, Practical Law. (Competition L.) 82 (2019).
[6]Navigating the Contours of CCI Approval Under Section 31(4) of IBC, TCCLR (Feb. 2025).

completed.

2.4 The Insolvency Law Committee Report, 2018

Realizing the increasing challenges in implementing the IBC, the Ministry of Corporate Affairs created the Insolvency Law Committee on 16 November 2017, headed by the Secretary, Ministry of Corporate Affairs. [7]

The objectives of this committee were many; to review all problems associated with implementing the Code. One of the many issues that the Committee looked at was the interaction between the IBC and other laws, such as competition law. The recommendations made by this committee in 2018 on the issue of the CCI were nuanced. They pointed out the problem that had emerged due to the lack of a prescribed trigger or time frame for getting CCI approval. Importantly, it recorded an informal arrangement between the Ministry of Corporate Affairs and the CCI, under which the CCI had committed to processing combination notifications arising from CIRP proceedings within 30 working days, a relatively tight window that the CCI appeared willing to accommodate given the time-sensitive nature of insolvency resolution.[8]

On the basis of these findings, the Committee recommended that the CCI approval requirement be legislatively clarified and made a specific part of the CIRP framework, rather than being left to be governed solely by the Competition Act. The recommendation was that CCI approval, where required, should be obtained prior to the CoC's vote on the resolution plan. The logic was straightforward: the CoC's vote is the central commercial decision in the CIRP, the point at which a resolution plan is accepted or rejected. It would make little commercial sense for the CoC to approve a plan that is subsequently blocked or materially modified by the CCI. Getting CCI approval first would allow the CoC to vote on a plan whose regulatory viability was already confirmed.

2.5 The 2018 Amendment: Insertion of the Proviso to Section 31(4)

Acting on the recommendations of the Insolvency Law Committee, the Ministry of Corporate Affairs notified the Insolvency and Bankruptcy Code (Second Amendment) Act, 2018 on 17

[7]Ministry of Corporate Affairs, Government of India, Notification (Nov. 16, 2017).
[8]Insolvency Law Committee, Ministry of Corporate Affairs, Report of the Insolvency Law Committee 42–45 (Mar. 2018).

August 2018.[9] Among other changes, the Amendment introduced a new sub-section (4) to Section 31 of the IBC, which governs the process of approval of resolution plans.

The proviso to the new sub-section reads as follows:

"...where the resolution plan contains a provision for combination, as referred to in Section 5 of the Competition Act, 2002 (12 of 2003), the resolution applicant shall obtain the approval of the Competition Commission of India under that Act prior to the approval of such resolution plan by the committee of creditors."[10]

The language of this proviso is, on its face, unambiguous. The phrase "prior to the approval of such resolution plan by the committee of creditors" sets out a clear sequence: CCI approval first, CoC vote second. The amendment was instantly welcomed by practitioners and commentators as a significant clarification that resolved the uncertainty that had persisted since 2016. For the first time, the IBC expressly acknowledged the CCI's role in the resolution process and prescribed the stage at which that role must be completed.[11]

Another important implication of the amendment was that it had a dual effect, which needed to be highlighted. By placing the provision relating to the requirement of getting CCI's approval under Section 31, rather than Section 30 that deals with the submission of the plan, the legislature intended that the burden would fall on the resolution applicant, i.e., the one who has actually filed the plan and not on the resolution professional or CoC.

As a result, since August 2018, any resolution applicant making proposals for an acquisition above the combination thresholds prescribed by CCI needs to approach CCI for approval before the CoC meets to approve the resolution plan. Ideally, the filing of the case needs to take place sufficiently ahead of time such that the CCI completes its assessment of the merger well before the date of CoC's meeting. [12]

[9]Insolvency and Bankruptcy Code (Second Amendment) Act, 2018, Gazette Notification S.O. 4077(E), Aug. 17, 2018 (India).
[10]Insolvency and Bankruptcy Code, No. 31 of 2016, § 31(4) proviso (India).
[11]Anshuman Sakle, Dhruv Rajain & Ruchi Verma, Second Amendment to Insolvency and Bankruptcy Code, 2016: Addressing the Conundrum Around CCI Clearance, Practical Lawyer (Competition L.) 82 (2019);
[12]Insolvency Law Committee, Ministry of Corporate Affairs, Report of the Insolvency Law Committee (Mar. 2018).

2.6 Post-Amendment Practice and the Emerging Gap Between Law and Reality

Despite the clear wording of the amendment, the years that followed 2018 demonstrated an enormous gap between the mandatory provision and the real situation on the ground. In large measure due to the imperative that CIRPs be concluded before the expiry of the outer timeframe of 330 days (being 180 plus 90 days extension plus exclusions in court), applicants to resolution, resolution practitioners, and tribunals alike started leaning towards a more liberal approach to Section 31(4). As will become evident shortly, the consequence was that the proviso became largely optional.

2.6.1 The Mandatory vs. Directory Debate

In legal parlance, statutory obligations are either classified as being "mandatory" or "directory". The former describes those statutory obligations whose non-observance makes the very act void or invalid. The latter, on the other hand, describes those obligations which must necessarily be complied with, although their non-observance would not make an act void. Historically, the courts have used this classification contextually, considering the legislative intent behind the statutory provision and the practical effect of compliance and non-compliance with such requirements.

The NCLT and NCLAT started viewing the proviso to Section 31(4) as a directory obligation. In this view, the ideal thing to be done prior to the CoC voting on the resolution plan was to seek approval from the CCI. However, non-compliance with this statutory obligation would not render the plan invalid. What would be required would be approval from the CCI prior to the order of the NCLT confirming the plan.

2.6.2 ArcelorMittal India Pvt. Ltd. v. Abhijeet Guhathakurta

The most influential early articulation of the directory interpretation came in *ArcelorMittal India Pvt. Ltd. v. Abhijeet Guhathakurta*, decided by the NCLAT. In that case, the CoC had voted in favour of ArcelorMittal's resolution plan for Essar Steel before CCI clearance had been obtained. The NCLAT upheld the plan, reasoning that the CoC was entitled to approve a resolution plan "subject to" regulatory approvals being obtained subsequently. The Tribunal observed that the Committee of Creditors, which looks into the viability, feasibility and commercial aspects of the plan, may approve the resolution plan subject to such approval from

the Commission being obtained.[13]

There is some practical wisdom in this reasoning as well. The Essar Steel case was certainly one of the most complicated CIRP cases ever in the country because of the importance of the steel manufacturer and the fact that the resolution plan had been challenged in several forums beforehand. Any attempt to render void or postpone the CoC voting process due to a mere procedural issue would have had extremely harmful effects on all parties involved. The solution offered by the NCLAT avoids such an outcome.

2.6.3 Makalu Trading v. Rajiv Chakraborty

This construction of the provision was further buttressed in the decision of Makalu Trading v. Rajiv Chakraborty, wherein the NCLAT reiterated its position that a resolution plan would not violate Section 31(4) of the IBC as long as CCI approval was secured prior to the approval of such resolution plan by the Adjudicating Authority, which in this case meant the final order of the NCLT. [14]

This change in the sequence of operations addressed the problem but also raised several new questions. The decoupling of the CCI approval process from the CoC vote effectively enabled the CoC to accept a resolution plan without being aware of whether such a resolution plan could be implemented as intended under the Competition Act. In the event that the CCI rejected the resolution plan altogether or modified the resolution plan in such a way as to require divestment of certain assets, for example, the resolution plan already approved by the CoC may have to be redone in its entirety, possibly necessitating a new vote of the CoC.

2.6.4 The Competition (Amendment) Act, 2023 and the Timeline Problem

A further development in this period came from the Competition (Amendment) Act, 2023, which made significant changes to the combination review framework. Among other reforms, the 2023 Amendment reduced the CCI's outer review timeline from 210 working days to 150 working days and introduced a deal value threshold for notification alongside the existing assets and turnover thresholds.[15]

[13]ArcelorMittal India Pvt. Ltd. v. Abhijeet Guhathakurta, Company Appeal (AT) (Insolvency) No. 526 of 2018 (NCLAT).
[14]Understanding the Approval of Resolution Plans Involving Combinations by CCI, FICL L. Rev. (Mar. 2022)
[15]Competition (Amendment) Act, 2023 (India).

From an IBC perspective, the reduction of the outer CCI review timeline was a welcome development because it narrowed the potential clash between the two regulatory clocks. However, 150 working days remained a significant period in a CIRP context, and in complex cases involving companies with large market shares, the CCI's review of competitive effects could take considerable time. The IBC's 330-day outer limit and the CCI's 150-working-day outer limit could still come into conflict, especially if the CCI notification was filed late in the CIRP process.

It is worth noting at this point that the empirical record did not support the most alarming predictions about CCI delays. The CCI's Annual General Report for 2023-2024 disclosed that combination applications were being processed, on average, in 16 working days, and that no proposal had ever taken more than 30 working days for approval. All 101 combination proposals reviewed in that reporting period were cleared within 30 working days.[16] This data significantly weakened the practical argument that mandatory pre-CoC CCI approval would cause unacceptable delays in the CIRP, a point that would later become significant in the Supreme Court's reasoning in *Independent Sugar*.

2.7 The Hindustan National Glass CIRP and the Road to the Supreme Court

The case that ultimately forced the Supreme Court to resolve the mandatory versus directory controversy arose from the Corporate Insolvency Resolution Process of Hindustan National Glass and Industries Limited (HNGIL). The HNGIL CIRP is instructive not only for the legal questions it raised but also because it illustrates the kind of market structure that makes competition law scrutiny particularly important in insolvency-driven acquisitions.

HNGIL was, at the time of its insolvency, one of the largest manufacturers of glass packaging in India, holding approximately 60 per cent of the market share in the glass packaging industry. The CIRP was initiated in October 2021. Given HNGIL's dominant position in the market, any acquisition of the company would necessarily involve a combination requiring CCI scrutiny: the combination thresholds under the Competition Act would inevitably be triggered, and the competitive effects of any acquisition would be significant regardless of who the acquirer was.[17]

[16]Competition Commission of India, Annual Report 2023–2024 (2024).

[17]Independent Sugar Corporation Ltd. v. Girish Sriram Juneja (n 2), factual background as summarised in the majority

The Resolution Professional received resolution plans from multiple applicants, including Independent Sugar Corporation Limited (INSCO) and AGI Greenpac Limited (AGI). The Request for Submission of Resolution Plans (RFRP) issued by the Resolution Professional explicitly required that CCI approval for any combination be obtained prior to the resolution plan's approval by the CoC, correctly reflecting the statutory requirement under the proviso to Section 31(4) of the IBC.

AGI Greenpac's plan was ultimately preferred by the CoC. However, AGI had not obtained CCI approval before the CoC voted on the plan. Following the CoC vote in its favour, AGI filed a combination notification with the CCI and voluntarily agreed to divest one of HNGIL's plants as a remedy to address competition concerns. The CCI approved the combination on that basis.

INSCO challenged the approval of AGI's plan before the NCLT, arguing that the failure to obtain CCI approval before the CoC vote was a statutory violation that invalidated the plan under Section 31(4). The NCLT dismissed the challenge. On appeal, the NCLAT also upheld AGI's plan, relying on its earlier directory interpretation and observing that CCI approval had ultimately been obtained before the NCLT's confirmation order.[18] INSCO then appealed to the Supreme Court, setting the stage for the most important judicial pronouncement on the CCI-IBC interface since the 2018 amendment.

2.8 Independent Sugar Corporation Ltd. v. Girish Sriram Juneja (2025): The Supreme Court Resolves the Controversy

On 29 January 2025, a three-judge bench of the Supreme Court of India comprising Justice Hrishikesh Roy, Justice Sudhanshu Dhulia, and Justice S.V.N. Bhatti delivered its judgment in *Independent Sugar Corporation Ltd. v. Girish Sriram Juneja* [(2025) INSC 124]. The majority, constituted by Justice Roy and Justice Dhulia, ruled in favour of INSCO, holding that the proviso to Section 31(4) imposes a mandatory requirement and that CCI approval must be obtained before, not after, the CoC votes on the resolution plan.[19]

judgment of Roy and Dhulia JJ.

[18] Ibid.

[19] Ibid

2.8.1 The Majority's Reasoning

The majority's reasoning rested primarily on the plain meaning of the statutory text. The proviso uses the phrase "prior to the approval of such resolution plan by the committee of creditors". The majority held that this language was clear and unambiguous, and that no purposive or contextual interpretation could override a provision whose meaning was evident from its words. The principle that the literal rule of interpretation is the appropriate tool when the statute's language is plain was applied directly.[20]

The majority also examined the legislative history behind the 2018 amendment. The amendment was introduced specifically to address the regulatory gap that had existed since 2016. The Insolvency Law Committee had recommended a clear sequencing rule, namely CCI approval before CoC vote, and Parliament had enacted it in exactly those terms. To read the provision as directory would be to undo the amendment's specific purpose entirely, which could not have been the legislature's intent.

The Court also rejected the argument that mandatory pre-CoC CCI approval would cause unacceptable delays to the CIRP. Pointing to the CCI's track record of processing combination applications within 16 to 30 working days, the majority found that the practical disruption argument was not borne out by evidence. Resolution applicants who filed CCI notifications promptly alongside their resolution plans could generally expect CCI clearance well within the time available before the CoC meeting. The NCLAT's reasoning, the majority held, had conflated practical inconvenience with legal impossibility.

The consequences in the HNGIL case were significant. The majority set aside the NCLAT's judgment and invalidated AGI Greenpac's resolution plan. The CoC was directed to reconsider only those plans that had obtained the requisite CCI approval before the original CoC voting date.[21] Since AGI had not done so, its plan was disqualified.

2.8.2 Justice Bhatti's Dissent

The dissenting view of Justice Bhatti makes an insightful point, which would be useful for this research paper. The dissent was of the opinion that the obligation of Section 31(4) is directory

[20]Ibid.
[21]Ibid.

and not mandatory, and the judgment made by the majority was commercially disproportionate.

Justice Bhatti reasoned that competition law clearance is inherently time-consuming and that in complex cases, requiring CCI approval before the CoC vote would create significant practical obstacles for resolution applicants. The commercial wisdom of the CoC, a principle the Supreme Court has affirmed in multiple cases as a doctrine of considerable importance, should not be fettered by the requirement to await a regulatory clearance whose outcome is uncertain at the time the CoC must make its commercial judgement. The dissent also argued that the legislature's purpose was to ensure that competition law compliance formed part of the resolution process, not to create a rigid sequencing rule capable of derailing otherwise sound resolutions.[22]

While the dissent was not the winning view, it captures a genuine tension that the majority's ruling did not fully resolve: the tension between procedural rigidity and commercial practicality in a context where both are important values. This tension, as will be explored in the subsequent chapters of this dissertation, ultimately led the government to reconsider the statutory framework itself.

2.9 A Critical Assessment of the Historical Evolution

Observations drawn from the above-mentioned history can be listed regarding the dissertation's requirements.

First, the initial gap that developed within the legislation cannot be regarded as an inadequacy in drafting; rather, it can be considered a lack of coordination of the important regulatory frameworks. While creating the IBC, its drafters were interested primarily in developing a system of insolvency, the interplay between the insolvency legislation and the competition law was of minor importance at that stage. Indeed, this is the common practice in the legislative history of India.

Second, the 2018 amendment was a genuine and necessary improvement, but its implementation was undermined by tribunal-level interpretation that prioritised pragmatic outcomes over statutory compliance. The NCLT and NCLAT's directory interpretation was motivated by real and legitimate concerns about CIRP timelines. But it had the effect of

[22]Independent Sugar Corp. Ltd. v. Girish Sriram Juneja, (2025) INSC 124 (India Jan. 29, 2025).

rendering a clearly worded statutory requirement effectively optional for nearly seven years after its enactment.

Third, Independent Sugar has reaffirmed the rule of law from a legal technicality standpoint by giving effect to the statutory words. Nevertheless, the outcome of this decision may have come at considerable economic costs in the case at hand and may have raised questions about the manner in which the entire insolvency resolution system could deal with the sequencing problem in the future. Notably, the discussion of CCI's actual processing time in the decision is worth mentioning, in that the Court's emphasis on the fact that CCI processes combinations within 16 to 30 working days implies that the practical problem at issue is less than that suggested by the criticism.

Fourth, perhaps more importantly, the entire timeline of events seems to speak to the inherent problem in operating two regulatory systems simultaneously on a timely basis. In the case at hand, the IBC's clock started ticking upon filing for the CIRP; the clock under the Competition Act began ticking upon filing of the notification. In other words, while this may appear like a mere procedural question in some form, it touches on substantive issues regarding the comparative importance of two economic instruments: insolvency resolution and competition law enforcement.

2.10 Conclusion

In other words, the history of the requirement of CCI prior approval under the IBC can be summed up in three acts: the first one took place during 2016-2018 when no legislative guidance was provided; the second one took place in 2018-2025 and featured a statutory mandate undermined by the tribunal interpretation due to considerations of timing in the CIRP and thus loss of clarity; finally, the last act began with the Supreme Court judgment in January 2025 and has featured a return of the original statute to its literal meaning.

This history highlights the critical importance of competition concerns in large-scale insolvencies in India, since many insolvency cases involved companies with notable market power (e.g., Essar Steel and Hindustan National Glass). In other words, the regulation of corporate bankruptcy requires coordination with antitrust concerns for both the sake of the competition law itself and efficient resolution of the bankruptcy case.

It should be mentioned that the next chapters will analyse how well the current scheme, developed as a result of the Independent Sugar ruling and its aftermath, achieves an appropriate balance in terms of ensuring the effectiveness of both the competition law and CIRPs.