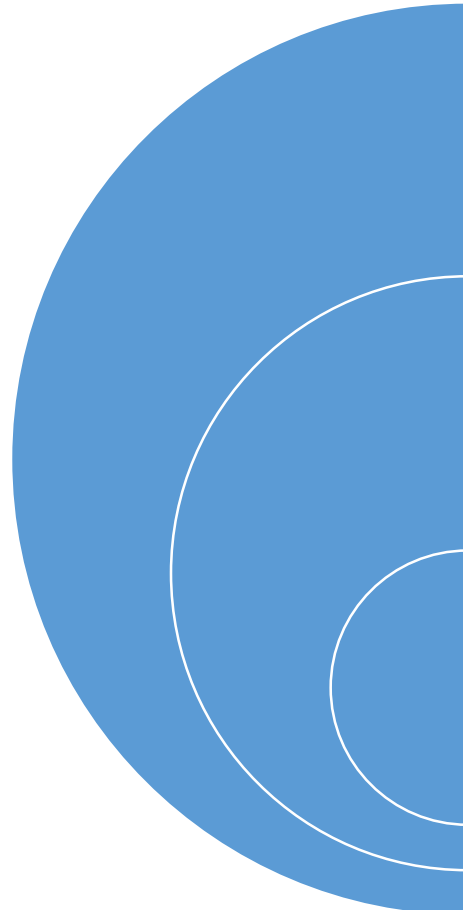


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## CHAPTER VII OFFENCES AND PENALTIES

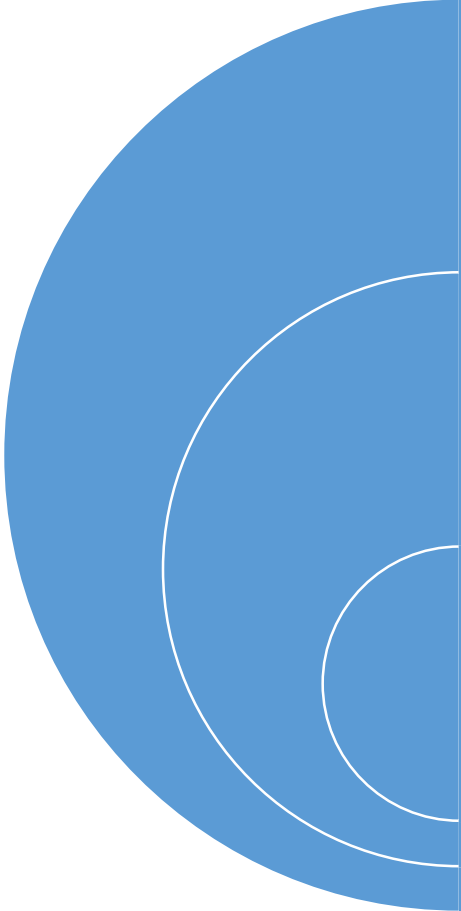
### 68. Punishment for concealment of property. -



(1) Where <b>any officer of the corporate debtor</b> has, –	<ul style="list-style-type: none"><li>• (i) within the twelve months <b>immediately preceding</b> the <b>insolvency commencement</b> date, –</li></ul>
(a) wilfully concealed any property or part of such property of the corporate debtor	<ul style="list-style-type: none"><li>• or concealed any debt due to, or from, the corporate debtor,</li></ul>
of the value of ten thousand rupees or more; or	<ul style="list-style-type: none"><li>• (b) fraudulently removed any part of the property of the corporate debtor of the value of ten thousand rupees or more; or</li></ul>

## CHAPTER VII OFFENCES AND PENALTIES

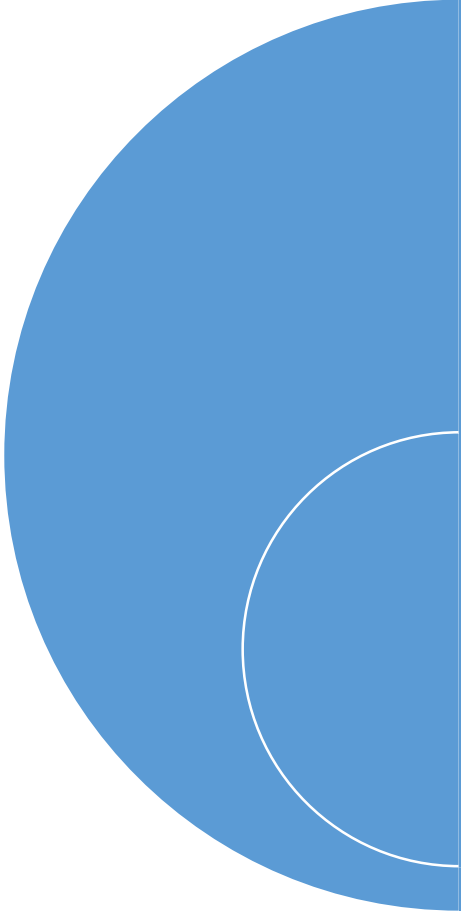
### 68. Punishment for concealment of property. -



1[i] (c) wilfully concealed, destroyed, mutilated or falsified any book or paper affecting or relating to the property of the corporate debtor or its affairs, or
1[i] (d) wilfully made any false entry in any book or paper affecting or relating to the property of the corporate debtor or its affairs, or
1[i] (e) fraudulently parted with, altered or made any omission in any document affecting or relating to the property of the corporate debtor or its affairs, or

## CHAPTER VII OFFENCES AND PENALTIES

### 68. Punishment for concealment of property. -

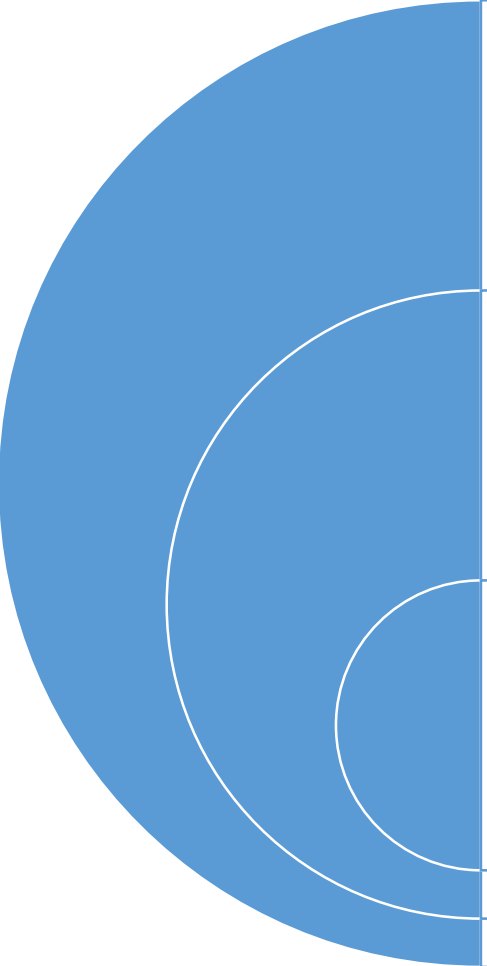


1[i] (f) wilfully created any security interest over, transferred or disposed of any property of the corporate debtor which has been obtained on credit and has not been paid for unless such creation, transfer or disposal was in the ordinary course of the business of the corporate debtor, or

1[i] (g) wilfully concealed the knowledge of the doing by others of any of the acts mentioned in clauses (c), (d) or clause (e); or

# CHAPTER VII OFFENCES AND PENALTIES

## 68. Punishment for concealment of property. -



1 (ii) at any time after the insolvency commencement date, committed any of the acts mentioned in sub-clause (a) to (f) of clause (i)

• or

has the knowledge of the doing by others of any of the things mentioned in sub-clauses (c) to (e) of clause (i);

• or

(iii) at any time after the insolvency commencement date, taken in pawn or pledge, or otherwise received the property knowing it to be so secured, transferred or disposed,

## CHAPTER VII OFFENCES AND PENALTIES

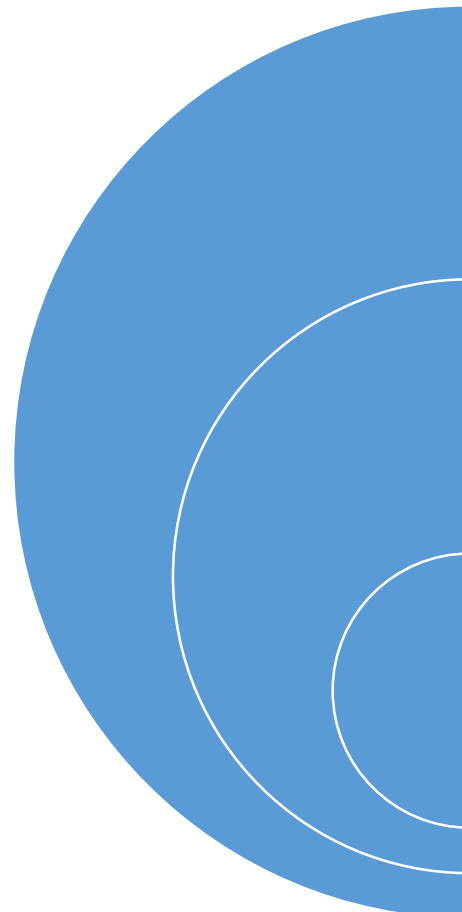
### 68. Punishment for concealment of property. -

such officer shall be punishable with imprisonment for a term

- which shall not be less than three years but which may extend to five years and with fine, which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both:

Provided that nothing in this section shall render a person liable to any punishment under this section if he proves that he had no intent to defraud or to conceal the state of affairs of the corporate debtor.

## 69. Punishment for transactions defrauding creditors.

	If an officer of the corporate debtor or the corporate debtor-	
	(a) has made or caused to be made any gift or transfer of, or charge on, or has caused or connived in the execution of a decree or order against, the property of the corporate debtor;	
	(b)has concealed or removed any part of the property of the corporate debtor	<ul style="list-style-type: none"><li>• within two months before the date of any unsatisfied judgment, decree or order for payment of money obtained against the corporate debtor,</li></ul>

## 69. Punishment for transactions defrauding creditors.

such officer of the corporate debtor or the corporate debtor, as the case may be,

- shall be punishable with imprisonment for a term which shall not be less than one year, but which may extend to five years,
- or with fine which shall not be less than one lakh rupees, but may extend to one crore rupees,
- or with both:

Provided that a person shall not be punishable under this section

- if the acts mentioned in clause (a) were committed more than five years before the insolvency commencement date;
- or if he proves that, at the time of commission of those acts, he had no intent to defraud the creditors of the corporate debtor.



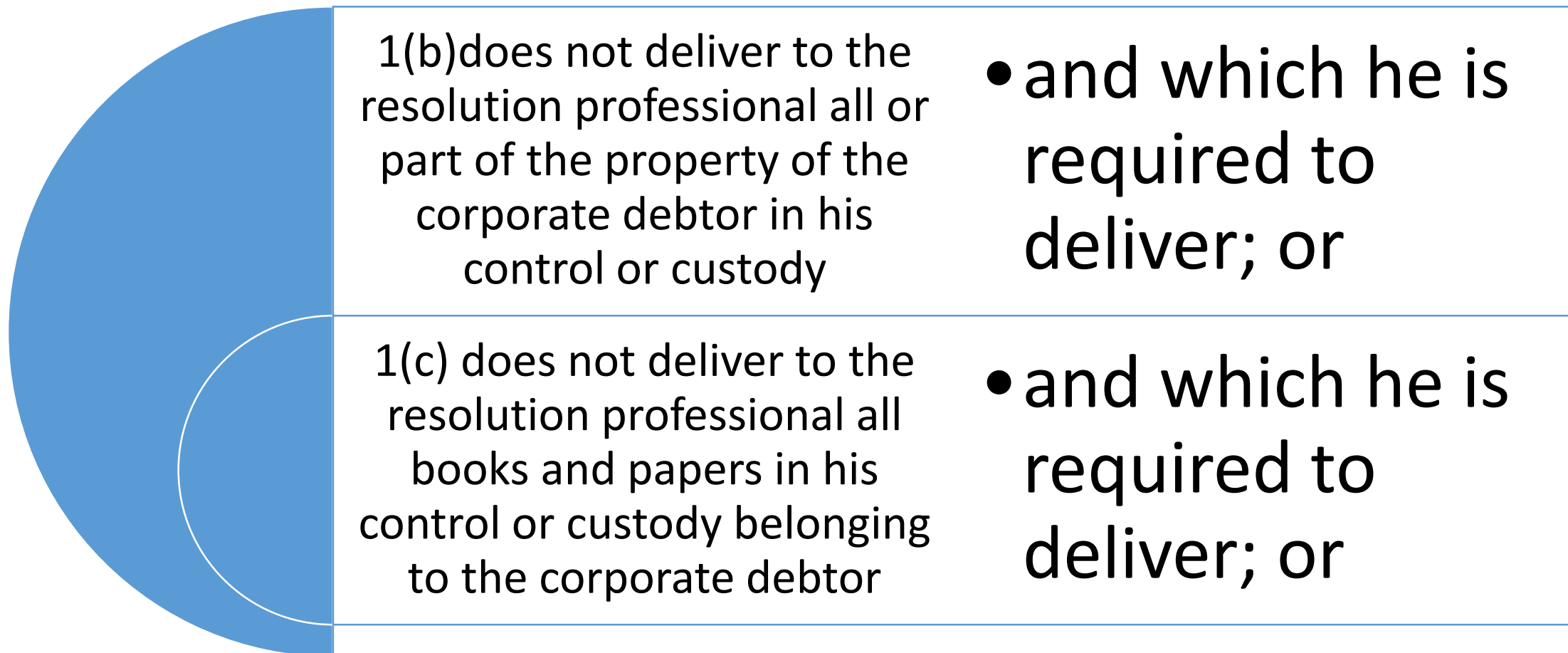
## 70. Punishment for misconduct in course of corporate insolvency resolution process.

(1) On or after the insolvency commencement date, where an officer of the corporate debtor —

(a) does not disclose to the resolution professional all the details of property of the corporate debtor,

- and details of transactions thereof,
- or any such other information as the resolution professional may require; or

## 70. Punishment for misconduct in course of corporate insolvency resolution process.



## 70. Punishment for misconduct in course of corporate insolvency resolution process.

1(d) fails to inform their solution professional

- the information in his knowledge that a debt has been falsely proved by any person during the corporate insolvency resolution process; or

1(e) prevents the production of any book or paper

- affecting or relating to the property or affairs of the corporate debtor; or

## 70. Punishment for misconduct in course of corporate insolvency resolution process.

1(f) accounts for any part of the property of the corporate debtor

- by fictitious losses or expenses,
- or if he has so attempted at any meeting of the creditors of the corporate debtor within the twelve months immediately preceding the insolvency commencement date

he shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to five years, or with fine, which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both:

## 70. Punishment for misconduct in course of corporate insolvency resolution process.

Provided that nothing in this section shall render a person liable to any punishment under this section

- if he proves that he had no intent to do so in relation to the state of affairs of the corporate debtor.

## 70. Punishment for misconduct in course of corporate insolvency resolution process.

(2) If an insolvency professional deliberately contravenes the provisions of this Part,

- he shall be punishable with imprisonment for a term which may extend to six months, or with fine which shall not less than one lakh rupees, but may extend to five lakhs rupees, or with both

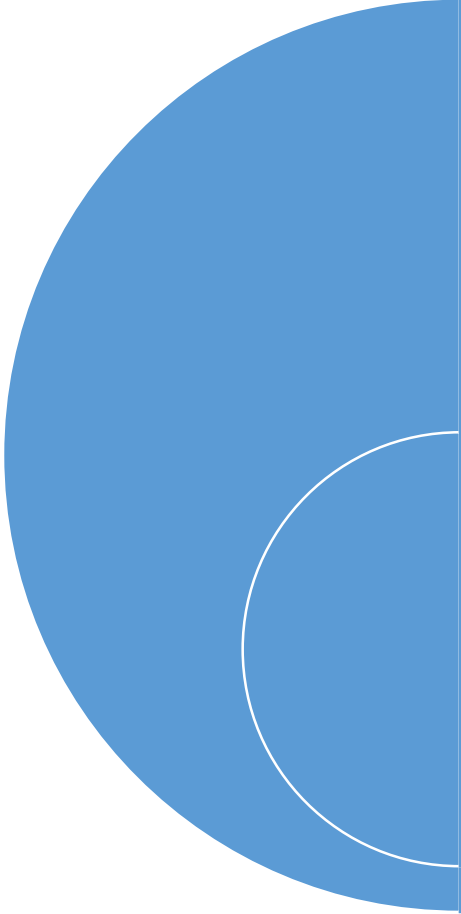
## 71. Punishment for falsification of books of corporate debtor

On and after the insolvency commencement date,

- where any person destroys, mutilates, alters or falsifies any books, papers or securities, or makes
- or is in the knowledge of making of any false or fraudulent entry in any register, books of account or document belonging to the corporate debtor
- with intent to defraud or deceive any person,

he shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to five years, and with fine which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both

## 72. Punishment for wilful and material omissions from statements relating to affairs of corporate debtor. -



Where an officer of the corporate debtor makes any material and wilful omission in any statement relating to the affairs of the corporate debtor,

he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years, or with fine which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both.



## 73. Punishment for false representations to creditors

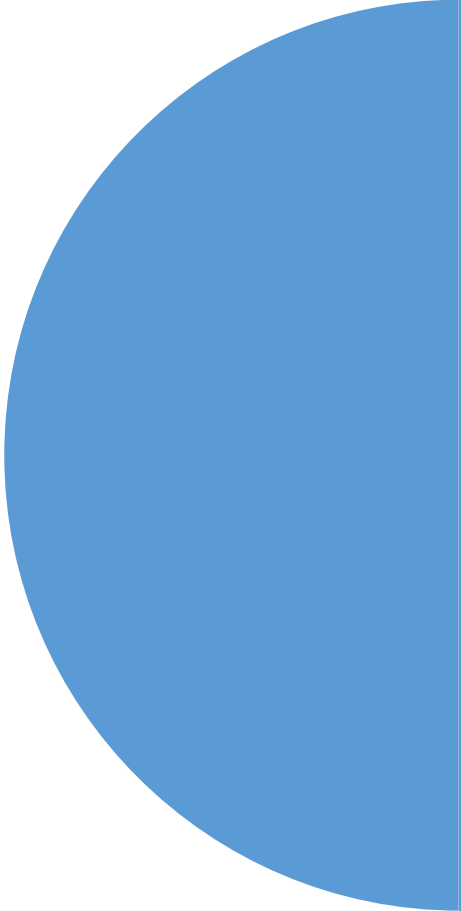
(1) Where any officer of the corporate debtor —

(a) on or after the insolvency commencement date,

makes a false representation or commits any fraud

- for the purpose of obtaining the consent of the creditors of the corporate debtor or any of them to an agreement with reference to the affairs of the corporate debtor,
- during the corporate insolvency resolution process, or the liquidation process;

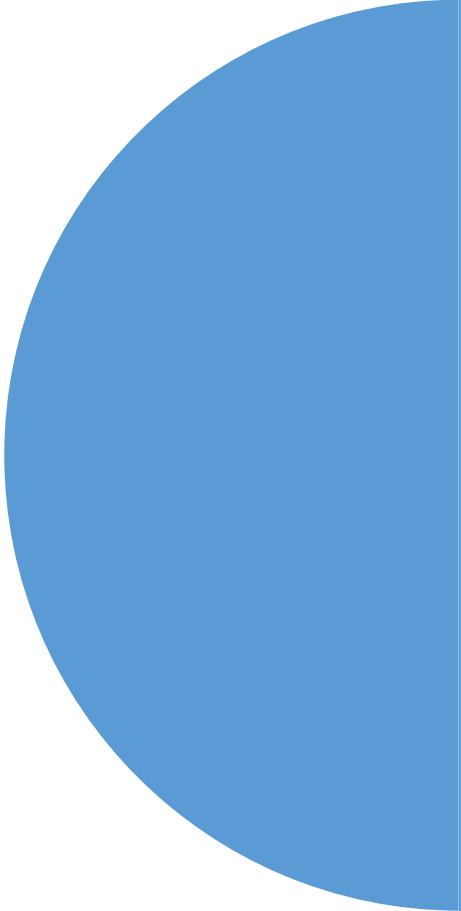
## 73. Punishment for false representations to creditors



1(b) prior to the  
insolvency  
commencement  
date,

- has made any false representation, or committed any fraud, for that purpose,
- he shall be punishable with imprisonment for a term which shall not be less than three years, but may extend to five years or with fine which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both

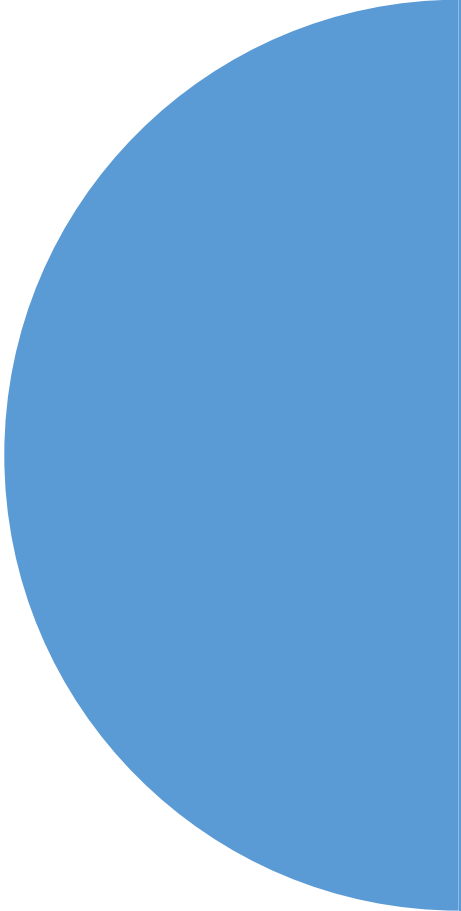
## 74. Punishment for contravention of moratorium or the resolution plan.



(1) Where the corporate debtor or any of its officer violates the provisions of section 14,

- any such officer who knowingly or wilfully committed or authorised or permitted such contravention
- shall be punishable with imprisonment for a term which shall not be less than three years, but may extend to five years or with fine which shall not be less than one lakh rupees, but may extend to three lakh rupees, or with both.

## 74. Punishment for contravention of moratorium or the resolution plan.



(2) Where any creditor violates the provisions of section 14, any person who knowingly and wilfully authorised or permitted such contravention by a creditor

- shall be punishable with imprisonment for a term which shall not be less than one year, but may extend to five years, or with fine which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both

## 74. Punishment for contravention of moratorium or the resolution plan.

(3) Where the corporate debtor, any of its officers or creditors or any person

- on whom the approved resolution plan is binding under section 31,

knowingly and wilfully contravenes any of the terms of such resolution plan or abets such contravention,

such corporate debtor, officer, creditor or person

- shall be punishable with imprisonment of not less than one year, but may extend to five years, or with fine which shall not be less than one lakh rupees, but may extend to one crore rupees, or with both.

## 75. Punishment for false information furnished in application

Where any person furnishes information in the application made under section 7,

- which is false in material particulars, knowing it to be false or omits any material fact, knowing it to be material,
- such person shall be punishable with fine which shall not be less than one lakh rupees, but may extend to one crore rupees.

## 76. Punishment for non-disclosure of dispute or payment of debt by operational creditor

Where- (a) an operational creditor has wilfully or knowingly concealed in an application under section 9

the fact that the corporate debtor had notified him of a dispute in respect of the unpaid operational debt or the full and final payment of the unpaid operational debt;

## 76. Punishment for non-disclosure of dispute or payment of debt by operational creditor

or (b) any person who knowingly and wilfully authorised or permitted such concealment under clause (a)

- such operational creditor or person, as the case may be,

shall be punishable with imprisonment for a term which shall not be less than one year but may extend to five years or with fine which shall not be less than one lakh rupees but may extend to one crore rupees, or with both



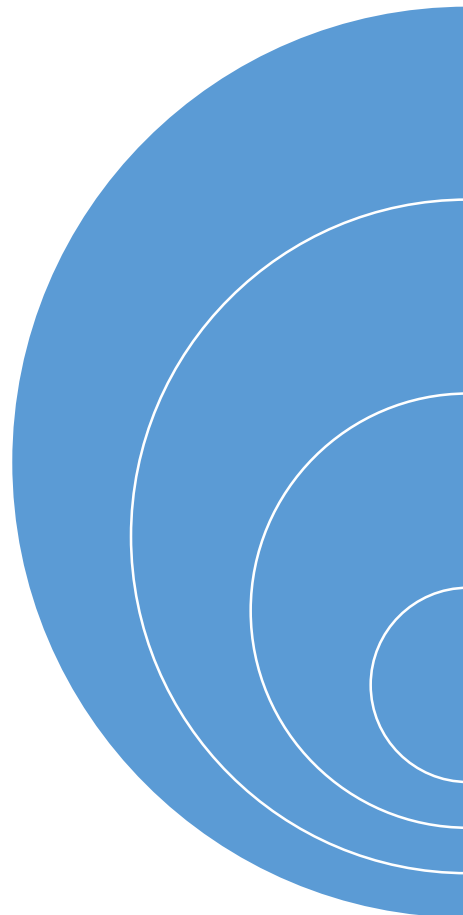
## 77. Punishment for providing false information in application made by corporate debtor. -

Where- (a) a corporate debtor provides information in the application under section 10

- which is false in material particulars, knowing it to be false and omits any material fact, knowing it to be material; or

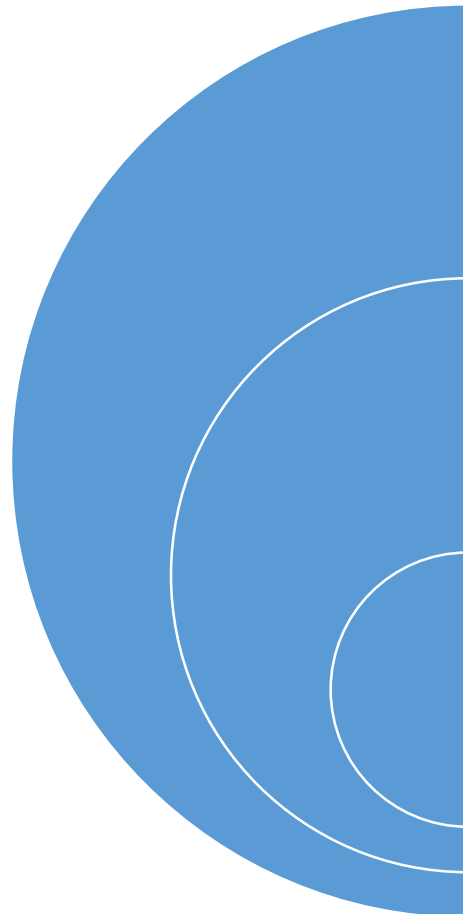
(b) any person who knowingly and wilfully authorised or permitted the furnishing of such information under sub-clause (a)

## 77. Punishment for providing false information in application made by corporate debtor. -



such corporate debtor or person, as the case may be,
shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to five years
and with fine which shall not be less than one lakh rupees, but which may extend to one crore rupees,
or with both.

## 77. Punishment for providing false information in application made by corporate debtor. -



Explanation. – For the purpose of this section & sections 75 & 76,
an application shall be deemed to be false in material particulars in case the facts mentioned or omitted in the application, if true, or not omitted from the application as the case may be,
would have been sufficient to determine the existence of a default under this Code.