

Singapore High Court Recognises an Indian Company's CIRP for the First Time: Key Takeaways

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Singapore High Court Recognises an Indian Company's CIRP for the First Time: Key Takeaways

In a landmark ruling, the Singapore High Court has for the first time recognised an Indian company's Corporate Insolvency Resolution Process (CIRP) as a "foreign main proceeding," marking a key development in cross-border insolvency law and guiding Indian companies and insolvency practitioners in multi-jurisdictional restructurings.

Our lawyers, [Keith Han](#) (Partner, Head of the Restructuring & Insolvency Department) and Ammani Mathivanan (Senior Associate, Restructuring & Insolvency Department), successfully acted for the applicants in securing recognition of the CIRP and the appointment of the Resolution Professional (RP) as a "foreign representative" under the UNCITRAL Model Law, as adopted in Singapore. This ruling reinforces Singapore's position as a jurisdiction that supports cross-border restructuring efforts and highlights the expertise of [restructuring and insolvency lawyers](#) in navigating complex legal frameworks.

Background

The case concerned Compuage Infocom Limited (CIL), an Indian IT distributor facing financial distress due to a sector downturn, which led to loan defaults. This triggered the CIRP under India's Insolvency and Bankruptcy Code 2016 (IBC), with the National Company Law Tribunal, Mumbai Bench (NCLT), appointing a Resolution Professional (RP) to oversee the process.

As part of the insolvency proceedings, the RP sought recognition of the CIRP in Singapore under the UNCITRAL Model Law on Cross-Border Insolvency, incorporated into Singapore law through the Insolvency, Restructuring and Dissolution Act 2018. Recognition was necessary to access CIL's Singapore bank statements and facilitate the repatriation of its assets to India. The case underscored the critical role of a corporate restructuring law firm in assisting companies navigating financial distress across multiple jurisdictions.

Key Issues Considered by the Court

(a) Whether the CIRP Qualified as a Collective Proceeding

One of the primary issues before the Court was whether the CIRP qualified as a collective proceeding. For the CIRP to be recognised as a "foreign proceeding" under the Model Law, it had to involve multiple creditors and a structured reorganisation process. The Court determined that CIRP met this requirement, as it engages a Committee of Creditors to oversee the restructuring process, ensures fair treatment of all stakeholders through statutory safeguards, and prioritises reorganisation over liquidation unless no viable resolution plan emerges. Based on these characteristics, the Court concluded that CIRP constituted a structured and collective process aligned with international insolvency principles.

(b) Whether the NCLT Qualified as a Foreign Court

Another important consideration was whether the NCLT qualified as a foreign court under the Model Law. Since the NCLT is a quasi-judicial tribunal rather than a traditional court, its status required careful evaluation. The Singapore High Court ultimately determined that the NCLT met the definition of a “foreign court,” given that it exercises adjudicative functions and possesses jurisdiction over insolvency proceedings in India. This ruling provides much-needed clarity on the status of the NCLT in cross-border insolvency matters and reinforces Singapore’s willingness to recognise foreign insolvency authorities.

(c) Recognition of the RP as a Foreign Representative

The Court also considered whether the RP appointed in the Indian proceedings could be recognised as a foreign representative in Singapore. Under the Model Law, a foreign representative must be authorised to manage the debtor’s affairs or act as a representative in insolvency proceedings. The Court held that the RP, having been appointed to oversee CIL’s restructuring, satisfied this requirement and was duly recognised as a foreign representative in Singapore.

(d) Repatriation of CIL’s Assets in Singapore

A significant aspect of the case involved the repatriation of CIL’s assets in Singapore. The RP sought court orders to facilitate the transfer of these assets to India as part of the insolvency process. The Court granted relief but directed that Singapore-based creditors be given prior notice before any transfer, ensuring that their rights were properly considered. This demonstrates how a well-versed restructuring law firm can help creditors and companies navigate insolvency proceedings efficiently.

Significance

This ruling reinforces Singapore’s status as a jurisdiction that facilitates cross-border insolvency cooperation. By affirming the CIRP as a “foreign proceeding” and recognising the NCLT’s authority, the decision sets an important precedent for future cases involving Indian companies undergoing restructuring.

For insolvency law firms and practitioners handling cross-border cases, this judgment provides greater certainty when seeking recognition of CIRPs in Singapore. It strengthens legal frameworks for multi-jurisdictional restructurings and highlights Singapore’s commitment to upholding international insolvency principles. Companies and creditors looking for guidance in navigating complex cross-border insolvency matters can benefit from engaging a restructuring and insolvency law firm with expertise in cross-border recognition and enforcement.

The Lawyers Behind the Case

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Keith specialises in complex commercial disputes, with a focus on restructuring and insolvency. He has extensive experience representing clients in the Singapore Courts and international arbitration. Prior to joining Oon & Bazul, he was with a UK Magic Circle firm and served as a Justices' Law Clerk at the Supreme Court of Singapore. As a leading restructuring and insolvency lawyer, Keith has advised on some of the most challenging cross-border insolvency cases in the region.

Ammani Mathivanan – Senior Associate, Restructuring & Insolvency Department

Ammani focuses on cross-border restructuring and insolvency matters, regularly advising clients on corporate recovery strategies. She has experience in both contentious and non-contentious insolvency proceedings, acting for financial institutions and multinational corporations. Her expertise in navigating complex restructuring scenarios makes her a trusted insolvency practitioner lawyer for businesses facing financial distress.

Oon & Bazul is a leading restructuring and insolvency law firm with a team of highly qualified lawyers specialising in insolvency and corporate restructuring. Recognised by leading legal directories, our expertise is grounded in successful case outcomes and a deep understanding of the legal landscape.

Our firm's experience is especially pronounced in Singapore and the wider Asian market, having managed significant restructuring and insolvency matters that require a nuanced understanding of regional cultural intricacies. This combination of legal acumen and regional awareness positions Oon & Bazul as a premier insolvency law firm and a trusted partner for clients navigating financial distress.

You may visit our Restructuring and Insolvency page to learn more about our practice:

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If you require any legal advice on related matters, please do not hesitate to get in touch with us.