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Singapore High Court grants first recognition to Indian insolvency proceedings under the UNCITRAL Model Law on Cross-Border Insolvency

In a landmark judgment in *Re Compuage Infocom Ltd and Anr.*¹, the Singapore High Court (“**Singapore HC**”) has, for the very first time, recognised a Corporate Insolvency Resolution Process (“**CIRP**”) initiated under the Indian Insolvency and Bankruptcy Code, 2016 (“**IBC**”) as a ‘foreign main proceeding’ under the UNCITRAL Model Law on Cross-Border Insolvency (“**Model Law**”). It also extended judicial assistance to the Resolution Professional (“**RP**”) of Compuage Infocom Limited (“**Corporate Debtor**”) appointed in the Indian proceedings.

Brief facts

In 2017, Singapore adopted the provisions of the Model Law in its own Insolvency, Restructuring and Dissolution Act, 2008 (“**IRDA**”)². Accordingly, it put in place a comprehensive regime to address issues relating to cross-border insolvency within its jurisdiction.

Subsequently, the Corporate Debtor, upon an application under Section 7 of the IBC, was admitted to CIRP by the Hon’ble National Company Law Tribunal, Mumbai Bench (“**NCLT**”) *vide* its order dated November 2, 2023. Further, the NCLT on April 29, 2024, appointed the RP of the Corporate Debtor to conduct the CIRP and manage the operations of the Corporate Debtor during such period.

Thereafter, the RP of the Corporate Debtor, necessitated by the refusal of Singapore banks to share information in relation to the Corporate Debtor’s bank accounts maintained in Singapore, approached the Singapore HC seeking recognition and assistance in relation to the Corporate Debtor’s CIRP initiated under IBC.³ By producing the above-mentioned orders of the NCLT, the application under Section 15 of the Model Law particularly prayed for – (a) recognition of CIRP under Article 17 of the of the Model Law as a foreign main proceeding; (b) recognition of the RP as a ‘foreign representative’ as per Article 2(i) of the Model Law; and (c) additional reliefs under Article 21(1)(e) of the of the Model Law, including vesting of the Corporate Debtor’s Singapore based assets with its RP.

Issues before the Singapore HC

1. Whether a CIRP is a foreign proceeding?

¹ [2025] SGHC 49

² Section 252 and Third Schedule of IRDA.

³ HC/OA No. 1272/2024

2. Whether the RP of the Corporate Debtor is a foreign representative, and whether he was appointed under the CIRP?
3. Whether the procedural requirements under Article 15 of the Model Law were satisfied?

Analysis and findings

The Singapore HC after appreciating the submissions advanced by the RP of the Corporate Debtor, and noting the insolvency regime prevalent in India under IBC, opined as follows:-

1. Whether the CIRP is a foreign proceeding?
 - a) In order to decide whether a CIRP under IBC is a 'foreign proceeding', the Singapore HC noted the definition of 'foreign proceeding' under Article 2(h) of the Model Law (as adopted by Singapore),⁴ and relying on a judgment of the Singapore HC of Appeal of Singapore,⁵ culled out the following requirements for a proceeding to qualify as a 'foreign proceeding' under the Model Law:
 - i) the proceeding must be collective in nature;
 - ii) the proceeding must be a judicial or administrative proceeding in a foreign State;
 - iii) the proceeding must be conducted under a law relating to insolvency or adjustment of debt;
 - iv) the property and affairs of the debtor company must be subject to control or supervision by a foreign court in those proceedings; and
 - v) that the proceeding must be for the purpose of reorganisation or liquidation.
 - b) With respect to the requirement under point (a) (i), the Singapore HC took note that of various characteristics of a CIRP under the framework of IBC to conclude that the same was collective in nature, particularly its public and inclusive character, structured process envisaged at each step of the procedure, and reorganisation of the Corporate Debtor by a resolution plan which deals with all its assets and is binding on all stakeholders.
 - c) With respect to the requirement under points (a)(ii) and (iii), the Singapore HC noted the definition of a 'foreign court' under Article 2(e) of the Model Law,⁶ and opined that as the NCLTs are quasi-judicial in nature, and are tasked with adjudication in matters relating to IBC with wide judicial powers conferred for the same, such tribunals would constitute a 'foreign court' under the Model Law. Thus, once the NCLTs are established as foreign courts, by extension, a CIRP being a proceeding before it, would constitute a judicial or administrative proceeding.
 - d) With respect to the requirement under points (a)(iii), (iv) and (v), the Singapore HC was clear that CIRPs initiated under IBC related to insolvency or adjustment of debt, and that the property and affairs of a corporate debtor are subject to the requisite control or supervision of the NCLTs. Finally, the Singapore HC recognised that CIRPs are a tool for corporate reorganisation and an alternative to liquidation and thus fulfilled all 5 (five) requirements for a '*foreign proceeding*' under the Model Law.
2. Whether the RP of the Corporate Debtor is a foreign representative under the foreign proceeding?

Noting the definition of a foreign representative under Article 2(i) of the Model Law,⁷ the Singapore HC was unhesitant to conclude that the RP of the Corporate Debtor was clearly authorised in the CIRP to administer the

⁴ foreign proceeding means a collective judicial or administrative proceeding in a foreign State, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the property and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganisation or liquidation.

⁵ *Ascentra Holdings, Inc (in official liquidation) and Ors. vs. SPGK Pte. Ltd.*, [2023] 2 SLR 421.

⁶ foreign court means a judicial or other authority competent to control or supervise a foreign proceeding.

⁷ foreign representative means a person or body, including one appointed on an interim basis, authorised in a foreign proceeding to administer the reorganisation or the liquidation of the debtor's property or affairs or to act as a representative of the foreign proceeding.

reorganisation of the Corporate Debtor, and therefore unequivocally recognised him as a foreign representative within the meaning of Article 2(i) of the Model Law.

3. Whether the procedural requirements of Article 15 of the Model Law were satisfied?

The Singapore HC noted that the RP of the Corporate Debtor had satisfied the procedural requirements under Article 15 of the Model Law by applying to the Singapore HC with certified copies of the NCLT's orders and providing a statement identifying all proceedings in respect of the Corporate Debtor that are known to him.

Lastly, in order to grant recognition to the CIRP of the Corporate Debtor as a 'foreign main proceeding' as per Article 17 of the Model Law, the Singapore HC determined that the Corporate Debtor's 'Centre of Main Interests' ("COMI") to be India. In determining the Corporate Debtor's COMI, the Singapore HC applied the rebuttable presumption under Article 16(3) of the Model Law and found that the registered office of the Corporate Debtor, the control of the Corporate Debtor's Singapore branch, its assets, operations and substantial business and the majority of its creditors, are based in India.

Accordingly, the Singapore HC granted recognition to the CIRP of the Corporate Debtor as a 'foreign main proceeding' under Article 17(2)(a) of the Model Law, enabling the RP to exercise powers in Singapore, subject to the Singapore HC's supervision regarding asset repatriation.

Reliefs granted

In addition to granting recognition to the CIRP of the Corporate Debtor as a foreign main proceeding, which would enable the RP of the Corporate Debtor to access information in relation to the Corporate Debtor's assets from Singapore-based banks and other entities, the RP of the Corporate Debtor also sought the power to repatriate the assets of the Corporate Debtor based in Singapore to its estate in India.

However, the Singapore HC declined to permit repatriation of assets at this stage. It emphasised that such relief would be contingent upon prior leave of the Singapore HC, to ensure that Singapore based creditors have an opportunity to raise objections. The Singapore HC underscored the need to balance international co-operation with the protection of local creditor interests, consistent with the provisions of IRDA and to ensure that such a class of creditors are treated fairly and given an opportunity to participate in the CIRP.

Conclusion

This judgment marks a significant milestone in advancing cross-border insolvency cooperation under the Model Law framework. The Singapore High Court's proactive and pragmatic approach stands in stark contrast to India's current regime, where Sections 234 and 235 of the IBC have had limited practical utility.

While Indian courts, most notably in the Jet Airways case,⁸ have attempted to bridge this statutory gap through judicial innovation, these measures remain ad hoc and lack the predictability and consistency of a codified framework.

India continues to await the formal enactment of Draft Part Z of the IBC and its corresponding subordinate legislation, which are designed to align India's cross-border insolvency regime with global standards. In the interim, building reciprocal arrangements, institutional capacity, and judicial expertise will be crucial to fostering trust and facilitating the recognition of foreign insolvency proceedings.

This ruling should serve as a timely nudge for Indian policymakers to expedite legislative reform and institutionalise a comprehensive, reciprocal cross-border insolvency framework.

⁸ [NCLAT Allows Dutch Administrator To Participate In Insolvency Proceedings Of Jet Airways](https://www.livelaw.in/corporate/nclat-allows-dutch-administrator-to-participate-in-insolvency-proceedings-of-jet-airways-148532) (https://www.livelaw.in/corporate/nclat-allows-dutch-administrator-to-participate-in-insolvency-proceedings-of-jet-airways-148532).

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