

ACT No. X OF 1930.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 20th
March, 1930.)

An Act to amend the law relating to insolvency, for certain purposes.

WHEREAS it is expedient to amend the law relating to insolvency, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Insolvency Law (Amendment) Act, 1930. Short title.

2. In clause (c) of section 2 of the Presidency-towns Insolvency Act, 1909 (hereinafter referred to as the said Act), after the words "acting official assignee", the words "and a deputy official assignee, whether permanent or acting" shall be added. Amendment of section 2, Act III of 1909.

3. After section 18 of the said Act, the following section shall be inserted, namely:— Insertion of new section 18A in Act III of 1909.

"18A. (1) The Court may, at any time after the presentation of an insolvency petition, stay any insolvency proceedings pending against the debtor in any Court subject to the superintendence of the Court, and may, at any time after the making of an order of adjudication, annul an adjudication against the debtor made by any such Court. Control over insolvency proceedings in subordinate Courts.

(2) Where an adjudication is annulled under sub-section (1), all sales and dispositions of property and payments duly made and all acts done by the Court whose order is annulled, or by the receiver appointed by it or other person acting under his authority, shall be valid, but the property vested in such Court or receiver shall vest in the official assignee, and the Court may make such direction

in
1

Insolvency Law (Amendment). [ACT X OF 1930.]

in regard to the custody of such property as it thinks fit.

- (3) Notice of the order annulling an adjudication under sub-section (1) shall be published in the local official Gazette and in such other manner as may be prescribed."

Amendment of
section 77,
Act III of
1909.

4. In section 77 of the said Act,—

(a) in sub-section (1),—

(i) after the word "estates" the words "and such person or persons as he thinks fit to the office of deputy official assignee" shall be inserted, and

(ii) for the words "that office" the words "any of the said offices" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Subject to rules made under section 112, the deputy official assignee shall have all the powers and shall discharge all the duties and in exercise of such powers and in the discharge of such duties shall be subject to all the liabilities of the official assignee under this Act."; and

(c) in sub-section (2), after the words "official assignee" the words "and every deputy official assignee" shall be inserted.

Amendment of
section 112,
Act III of
1909.

5. In sub-section (2) of section 112 of the said Act, after clause (r), the following clause shall be added, namely:—

"(s) the distribution of work between the official assignee and his deputy or deputies".

Amendment of
section 53,
Act V of 1920.

6. In section 53 of the Provincial Insolvency Act, 1920, v of 1920, after the words "is adjudged insolvent" the words "on a petition presented" shall be inserted.