

Denial acts in insolvency proceedings

Abstract

The aim of this thesis is to provide a detailed analysis of denial acts in insolvency proceedings and to evaluate their impact on the determination of the claim as well as on the individual entities of the insolvency proceedings. The thesis is based mainly on domestic legislation and case law.

The thesis first focuses on the review of a claim and its denial with an emphasis on the specifics and differences of the review hearing in bankruptcy and reorganization and the personal hearing in debt relief. The thesis also deals with the compilation of the list of the registered claims, including the possibility of a creditor's defence against the non-inclusion of his claim on the list and the conditions for establishing the claim. In relation to the conditions and process of denial of claims, it is explained when a claim becomes established. The thesis also focuses on the individual entities that are entitled to deny registered claims, namely the insolvency practitioner, the debtor and the registered creditor. It describes their position in the insolvency proceedings as well as the various effect of their acts of denial on the course of the insolvency proceedings.

The main part of the thesis deals in detail with the different types of denial acts, which are denial of authenticity, amount and ranking. In particular, it deals with the reasons leading to the denial of a claim and the consequences of denial acts on the establishment of the claim. The thesis further defines the difference between the effects of denial of the authenticity and amount of the claim, as well as the possibility of accumulation of individual acts of denial. The thesis also distinguishes the specific procedure for denying unenforceable and enforceable claims. It also provides insight into the various situations in which acts of denial may be used. The thesis concludes with discussion of the interrelationships between acts of denial and the effects of acts of denial performed by individual denying entities. The thesis also touches upon the topic of the deposit of the amount intended for the creditor of the denied claim as a consequence of the denial of the claim.

In view of the limited scope of the thesis, the thesis deals only marginally with incidental disputes in order to preserve the whole context of acts of denial.

Keywords: denial act, denial of claim, review of claim