

**Admission of CIRP Applications on the basis of Form D (Record of Default) issued by NeSL-
Information Utility**

NCLT, New Delhi Bench (Court-III), in the CIRP Application filed by M/s ASREC (India)Ltd under Section 7 of IBC, 2016 ((IB)- 40(ND)/2023), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Shree Industries Ltd, vide Order dated 13-12-2023.

In the above-mentioned Order, the Hon’ble members of NCLT have placed reliance on the contents of the Records of Default issued by NeSL-IU in determining debt and default, for admitting the application filed under Section 7 of IBC, 2016, read with Rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016, for initiating CIRP.

The relevant extracts of the Orders of NCLT are as under:

Page 6 - Para 17:

“The Applicant has also filed a record of default issued by the NeSL..... maintained by the Financial Creditor in respect of the loan facility extended to Corporate Debtor.”

Page 12 – Para 41:

*“Further, the Corporate Debtor is in default of the said amount as borne out from the records i.e. through a record of default issued by the NeSL..... These Records establish a case of admitted debt and default. Hence, we are of the considered view that the present application ought to be **admitted**.”*

Page 12 – Para 42:

*“..... i) The Application bearing **IB-40(ND)/2023** filed by the Applicant/(FC), under section 7 of the Code read with Rule 4 of the Adjudicating Authority Rules for initiating CIRP against the Respondent/(CD), is **admitted**.”*