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

NCLT, Court-VI, Allahabad Bench, Prayagraj in the CIRP Application filed by M/s Bakliwal Vyapaar Pvt Ltd under Section 7 of IBC, 2016 (CP(IB) No. 143/ALD/2024), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Sibri Traders P Ltd, vide Order dated 24.04.2025.

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, default**, **date of default, amount of 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 12 - Para 20:
"The default on the part of the Corporate Debtor is also evident from the NeSL records submitted by the Applicant as on 13.08.2024, showing that there is a default committed by the Corporate Debtor. The relevant excerpts of the NeSL record have been produced hereunder: -

Name of the Submitter:	*M/s Bakliwal Vyapaar Private Limited*
Schedule -2 Bank (Y/N)	*N*
Name of the Corporate Debtor:	*M/s Sibri traders Private Limited*
Unique Debt Identifier Number:	*AADCB1238R_AABCP1864D*
Registered Address:	*C/0. KIFTA, 203, Sarat Bose Road, 3rd Floor, Nr-Canara Bank Building, Kolkata, WB-700029*
Total Outstanding Amount:	*20696803.00*
Default Amount:	*20696803.00*
Date of Default:	*05-05-2024*
Status of Authentication of Default:	*DEEMED TO BE AUTHENTICATED*

"

Page 13 – Para 21:
"Therefore, considering the entire facts of the case so far discussed and taking into account the decision of the Hon'ble Apex Court in the case of Innoventive Industries Ltd. v. ICICI Bank (2018) 1 SCC 407 in which it has been already held that a petition under IBC be admitted if there is clear debt and default, we are of the considered opinion that in the present case, default on behalf of the Corporate Debtor for repayment of the debt amounting to Rs. 2.06 crores have occurred on 05.05.2024. Further, the Section 7 Petition filed by the Financial Creditor is complete in all aspects providing all the details of debt and default as required in Part IV of the Application in Form 1 and attaching all the necessary supporting documents including ROD from NeSL as required in Part V of the Application. We have also found that the date of default being 05.05.2024 and the present application having been filed on 17.10.2024, it is filed within the limitation period. Considering that all the above criteria are fulfilled as required under the I & B Code, we find that this Application deserves to be admitted u/s 7 for initiating CIRP against the Corporate Debtor.

Page 14 – Para 23:
"Thus, the Applicant / Financial Creditor has proved that there is a 'debt' and 'default' on the part of the Corporate Debtor. Hence, as per Section 7(5) of IBC, 2016, the present application is required to be admitted, and the Corporate Insolvency Resolution Process (CIRP) is required to be initiated against the Corporate Debtor, i.e., M/s Sibri Traders Private Limited."