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

NCLT, Mumbai Bench, Court VI, in the CIRP Application filed by Canara Bank u/s Section 7 of IBC, 2016 (C.P.(IB)/730/MB/2025) has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Fortune's Sparsh Healthcare Private Ltd vide Order dated 29.01.2026.

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 date of **default & limitation period** 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 4 - Para 12:
"The Applicant has attached record of default with information utility as Annexure no. G. Perusal of the same reveals that the status of authentication of default is "Authenticated" and the Date of Default mentioned therein is 24.08.2022."

Page 8 - Para 26:
"Applicant has attached the record of the default in Form-D at page no. 11 to the Additional Affidavit dated 11.08.2025, which states the status of authentication of default as "AUTHENTICATED."

Page 9 - Para 31:
"Further, the Hon'ble Supreme Court in the case of Innoventive Industries Limited v. ICICI Bank Limited, ...has discussed extensively the scope of the power of the Adjudicating Authority under section 7 of the IBC and has held that the same is limited to assessing the records provided by the financial creditor to satisfy itself that the default has occurred. The relevant portion of the said Judgment is reproduced below:

> *30......On the other hand, as we have seen, in the case of a corporate debtor who commits a default of a financial debt, the adjudicating authority has merely to see the records of the information utility or other evidence produced by the financial creditor to satisfy itself that a default has occurred....."*

Page 11 - Para 32:
"Application is filed on 04.07.2025 which is within limitation period i.e. 3 years from the date of default 24.08.2022."

Page 11 – Order:
"In view of the aforesaid findings, this Application bearing C.P. (IB) No. 730/MB/2025 filed under Section 7 of IBC, 2016, by Canara Bank, the Applicant (OC) for initiating CIRP in respect of Fortune's Sparsh Healthcare Private Limited, the CD, is admitted."