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 Earls General Trading Private Limited under Section 7 of IBC, 2016 (C.P.(IB)/464(MB)2025 has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Stuti Comtrade Pvt. Ltd. vide Order dated 09.01.2026.

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, default amount & status of authentication** 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 8 - Para 19:
"NeSL Form-D is annexed with the application on page No. 46 and the said Form-D states that the status of authentication of default is "Authenticated", date of default is 30.05.2022 and default amount is Rs. 2,80,83,463/-."

Page 8 – Para 20:
"The present application has been filed on 05.09.2024, which is well within the three year limitation period from the date of default, i.e. from 30.05.2022."

Page 8 – Para 21:
"In view of above, the occurrence of default stands clearly established and remains unrebutted by the CD."

Page 9 – Para 22:
"We rely upon the Hon'ble Supreme Court's judgment in ***M/s. Innoventive Industries Ltd. v. ICICI Bank & Anr.*** *(Judgment dated August 31, 2017 in Civil Appeal Nos. 8337-8338 of 2017) wherein it has been held as follows:.....*

> *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 9 – Para 23:
"Upon perusal of the documents on record and hearing the submissions by the Applicant, this Tribunal is satisfied that a financial debt exceeding the threshold of Rs. One Crore as per Section 4 of IBC, 2016 exist, there has been a default in repayment by the same, the Application is within limitation, Application is complete as all the required documents have been attached along with the Application, all procedural requirements under Section 7 of the IBC, 2016 and Rule 4 of the Adjudicating Authority Rules are satisfied."

Page 10 – Order - Para 27 (i):
The Corporate Debtor- Stuti Comrade Private Limited [CIN: U74999MH1996PTC100610], is admitted into the Corporate Insolvency Resolution Process under Section 7(5)(a) of the Code.