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

NCLT, Indore Bench -I, in the CIRP Application filed by HDFC Bank Ltd under Section 7 of IBC, 2016 (CP(IB)/9(MP)2025), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Shri Bhagwati Agro Industries Pvt Ltd vide Order dated 13.11.2025.

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 **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 10 - Para 24:
"..The Financial Creditor has also relied upon the acknowledgment of debt through the OTS proposal dated 25.04.2025 and confirmation of default through the Information Utility – National E-Governance Services Limited (NeSL) record in form D, dated 8.11.2024."

Page 11 – Para 26:
"The Financial Creditor, on the other hand, has placed on record a certificate from the Information Utility showing the acknowledgment of debt by the Corporate Debtor. As per the settled position of law under Section 7 read with Section 3(12) of the Code, existence of a debt and occurrence of default are sufficient conditions for admission of the petition. The NESL Form-D record, read with the OTS proposal dated 25.04.2025, constitutes acknowledgment of liability by the Corporate Debtor within the meaning of Section 18 of the Limitation Act, 1963."

Page 11 – Para 27:
"The Corporate Debtor's plea that the documentation is insufficient is not tenable in light of the evidence of the default certified by the Information Utility and the SARFAESI recall notice ..The Code does not mandate production of loan agreement originals where the debt and default stand established from statutory sources such as the Information Utility.."

Page 11 – Para 30:
"Upon perusal of the documents and after hearing both sides, this Adjudicating Authority finds that the debt and default committed by the Corporate Debtor are duly established.."

Page 11 – Para 30(i) - Order:
"The petition filed by HDFC Bank Limited under Section 7 of the Insolvency and Bankruptcy Code, 2016 against Shri Bhagwati Agro Industries Private Limited is hereby admitted."