NeSL®
National E-Governance Services Ltd.

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

NCLT, New Delhi Bench (Court-II) in the CIRP Application filed by M/s Indian Renewable Energy Development Agency Limited under Section 7 of IBC, 2016 [(IB)-360(ND)/2021], has admitted the application for initiation of Corporate Insolvency Resolution (CIRP) against the Corporate Debtor M/s Taxus Infrastructure and Power Projects Private Limited, vide Order dated 10-10-2022.

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 (1) the debt (2) default and (3) Default amount beyond the threshold limit, in 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 – ORDERS***

Para 7:

…………….. However, no payment has been made by the Respondent. Default has been notified to Information Utility, NeSL on 01.06.2021…. Hence, in view of the default committed by the Respondent, the Applicant has prayed for initiating the CIR Process against the Respondent.

Page 7- Para 8:

*The Financial Creditor has **relied on the following documents to prove the existence of financial** debt – ….*
*g) **Defaults Reports to Information Utility dated 01.06.2021.***

Page 8 – Para 11:

*We have perused the documents available on record and heard the Ld. Counsel for the Applicant. The Applicant, through its documents and arguments, has been able to satisfy this Bench that it had provided Financial/Credit facility to the Respondent/Corporate Debtor, which was in the nature of 'Financial Debt'……………… **The default of the financial debt on the part of the Respondent is also evident from the "Record of Default" Information Utility, NeSL dated 25.05.2021**…. placed by the Applicant on record.*

Page 8 – Para 12:

*In the given facts and circumstances, the present Application being complete and the Applicant having established the **default in payment of the Financial Debt for the default amount being committed above the threshold limit**, the present Application is admitted in terms of Section 7(5) of the IBC……"*