

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

NCLT, Bengaluru Bench, in the CIRP Application filed by M/s J.C. Electronica Pvt Ltd under Section 9 of IBC, 2016 (C.P. (IB) No. 126/BB/2023), has admitted the application for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor M/s NA Bhutho Na Bhavisyathi Tech Pvt Ltd, vide Order dated 06.06.2025.

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 non-existence of pre-existing dispute for admitting the application filed under Section 9 of IBC, 2016, read with Rule 6 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 14 - Para 14:

"The material on record including Record of Default issued by NeSL in Form D dated 01.06.2023, shows that there is no record of dispute in the Information Utility, nor any documents submitted to show any dispute. The contention of respondent regarding there being pre-existing dispute does not hold substance."

Page 14 – Para 15:

"From the above discussion, the Petitioner has been able to establish the existence of operational debt and its default having been committed by the Corporate Debtor and further that there is no pre-existing dispute between the parties. Therefore, in our considered view, it is a fit case for admission u/s 9 of the Insolvency and Bankruptcy Code, 2016."

Page 14 – Para 16:

"Accordingly, the petition is allowed and the respondent/Corporate Debtor having failed to discharge its operational debt above prescribed threshold is admitted to under Corporate Insolvency Resolution Process..."