

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

NCLT, Ahmedabad Division Bench, Court I, in the CIRP Application filed by M/s State Bank of India under Section 7 Of IBC, 2016 [CP (IB)/269 (AHM) 2023 with IA/487(AHM)2024], has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Honest Derivatives Pvt Ltd, vide Order dated 03-07-2024.

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 debt and 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:

Para 33 Page 23:

“The Financial Creditor has placed before us the record of default of information utility has filed NeSL record being Form – D showing a below mentioned details.....”

Para 34 Page 21:

“All the above three records of default are showing status “authenticated.” The Financial Creditor has provided all the account statement to the Corporate Debtor.....”

Para 35 Page 24

“In view of the above, we are of the view that sufficient material has been placed by the Financial Creditor herein to prove that there is a debt, which is in default for an CP(IB)/269/2023 Along with IA No. 487 of 2024 State Bank of India Vs Honest Derivatives Pvt. Ltd. Page 25 of 34 amount of exceeding Rs. 1.00 Crore, and the present petition deserves to be admitted accordingly.”

Accordingly, CP (IB) No.269/2023 stands admitted.