

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

NCLT, New Delhi Bench, Court- III in the CIRP Application filed by M/s Aqua Electronics & Solutions Private Limited under Section 7 of IBC, 2016, IB-138 (ND)/2024, has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Legend Power Private Limited, vide Order dated 22-07-2024.

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:

Page 9 – Point (xii)

“The Applicant in order to substantiate its case has relied upon the Record of Default (Form-D) available with the Information Utility (NeSL). On perusal of the Record of Default (RoD) of the Corporate Debtor maintained by the Information Utility namely National EGovernance Services Limited (NeSL) dated 06.03.2024, we find that this is the record w.r.t. the status of authentication by the debtor is shown as “DEEMED TO BE AUTHENTICATED” (Colour Code Yellow). Therefore, we are satisfied that there exists debt and default and the same is corroborated by the IU certificate filed along with the application.”

Page 10 – Point 5 Order – Sub-point (i)

“The Application bearing IB-138(ND)/2024 filed by the Applicant, under Section 7 of the Code read with Rule 4 of the Adjudicating Authority Rules for initiating CIRP against the Respondent is admitted.”

Accordingly, the present application under Section 7 stands admitted.