

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 Kaliber Associates Pvt. Ltd. under Section 7 Of IBC, 2016, (IB)-590/ND/2023, has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Lion Buildcon 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 18 Page 20:

“From the NeSL report, the statement of bank account of the Financial Creditor and the Balance-sheet/Financial Statement of the Corporate Debtor it is clear that the amount of Rs. 2.5 crores was disbursed by the Financial Creditor to the Respondent. The declaration by the IP proposed to be appointed as IRP, by the Applicant to the effect that no legal proceedings are pending against him is also available on record. There is no other deficiency in the application.”

Para 21 Page 22:

“In view of the aforementioned, we are left with no option but to admit the present application. Ordered accordingly.”

Accordingly, the present application stands admitted.