

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

NCLT, Principal Bench, New Delhi in the CIRP Application filed by M/s State Bank Of India under Section 7 of IBC, 2016 (CP (IB) -542(PB)/2022), has admitted the application for initiation of Corporate Insolvency Resolution (CIRP) against the Corporate Debtor M/s Shree Bankey Behari Exports Limited, vide Order dated 13-12-2022.

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 the (1) outstanding amount and (2) date of default, 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 7 – Analysis and Findings

Para 6:

III. On perusal of the record of default of the corporate debtor maintained by the information utility National E-Governance Services Limited (NESL) dated 30.11.2021, we find that this is the record w.r.t one out of the five loan accounts of which the status of authentication by the debtor is shown as “Deemed to be Authenticated” with an outstanding amount of Rs. 100,82,84,737/- along with date of default as 30.11.2016.

V. It is clear from the reading of the above paragraphs and the perusal of records and documents annexed by the FC in its application, that the debt of the Respondent/CD is due and payable to the Applicant/FC and there is default in payment of the debt of the Respondent/CD, within the meaning of provisions of section 7 of the IBC, 2016 and the default is more than the minimum amount stipulated under Section 4(1) of the IBC, 2016. Hence, we are inclined to admit this application.

Page 8 – Order

*In light of the above facts and circumstances, it is **hereby ordered** as follows:-*

- i. The Application bearing **CP(IB)-542(PB)/2022** filed by the Applicants/FC, under section 7 of the Code read with rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiating CIRP against the Respondent/(CD), **is hereby admitted.**”*