

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

NCLT, Mumbai Bench, Court No. V in the CIRP Application filed by M/s Saraswat Co-operative Bank Limited under Section 7 of IBC, 2016 (C.P. 518 of 2022), has admitted the application for initiation of Corporate Insolvency Resolution (CIRP) against the Corporate Debtor M/s Sristi Hospitality Private Limited, vide Order dated 27-02-2023.

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 debt and 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 4 - FINDINGS: Para 8:

The Petition reveals that Form 1, Part IV of the Petition wherein amount in default is mentioned as Rs. 28,30,42,444.42/- and the date of default is mentioned as 30.03.2019.Apart from that, the Petitioner has annexed a NeSL certificate dated 28.03.2022 (Exhibit-F to the Company Petition 518/2022), whereunder the “debt and default” are clearly mentioned.

Para 9:

..... upon perusing the material available on record, we find that the claim of Financial Creditor remains unchallenged. Hence, this Bench feels that the Petitioner has successfully demonstrated the existence of “debt” and “default” committed by the Corporate Debtor in this case.

Page 4 – ORDER Point a :

- a. *The above Company Petition No. 518 OF 2022 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against M/s. Sristi Hospitality Private Limited.*