

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

NCLT, Division Bench, Court I, Ahmedabad, in the CIRP Application filed by M/s UG Fincon Advisors LLP under Section 7 of IBC, 2016 (C.P.(IB)/417(AHM)2025) has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Dharmadev Infrastructure Ltd vide Order dated 09.02.2026.

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 date of default, outstanding amount and period of limitation 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 30 - Para 15.5:

"... The Information Utility has issued Form-D being Record of Default (RoD) with status of the default as "Deemed to be Authenticated" with date of default as 01.02.2025 and outstanding amount of Rs. 20,97,43,678/- which has not been displaced by any contrary material. NeSL Certificates stand as concrete manifestations of default, providing a clear and indisputable record of the debtor's failure to meet its financial obligations. Accordingly, the Financial Creditor satisfies the requirement of the Section 7(3)(a) of the Code."

Page 30 - Para 15.7:

"Hon'ble NCLAT, in Milind Kashiram Jadhav v. State Bank of India and Anr.... Has also upheld the evidentiary value of the Record of Default ("RoD") generated from the Information Utility in Form-D, for the purpose of establishing occurrence of default under Section 7 of the Code. The relevant extract of the said judgment is reproduced herein below –

73.NeSL Certificates stand as concrete manifestations of default, providing a clear and indisputable record of the debtor's failure to meet its financial obligations. and in this case record of default with the information utility was filed and is on record. In such a case there is no relevance of other documents as claimed by the Appellant and Admission cannot be disallowed on this ground. "

Page 32 - Para 15.10:

"....The operative date of default for the purpose of Section 7 of the Code is 01.02.2025, being the date of dishonour of the last cheque issued pursuant to the Consent Terms duly recorded in the Information Utility Form – D. The Petition having been filed on 17.10.2025 is well within limitation."

Page 38 – Para 18 - Order:

"The Respondent/Corporate Debtor – Dharmadev Infrastructure Limited is admitted in the Corporate Insolvency Resolution Process (CIRP) under section 7 of the IBC, 2016."