

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

NCLT, Bengaluru Bench, in the CIRP Application filed by IDBI Trusteeship Services Limited under Section 7 of IBC, 2016 (CP(IB) No. 152/BB/2023), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Coffee Day Enterprises Limited, vide Order dated 08.08.2024.

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 date of 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 2 - Para 1

“The NESL Record of Default is annexed ... which reflects 30/09/2019 as the Date of Default.....”

Page 13 - Para 6 (c):

“The date of default is clearly stated in part IV as 30/09/2019, which is further ‘Authenticated’ by the information utility report issued by the NESL ... ”

Page 16 – Para 7:

“In view of the above discussion, we are of the considered opinion that there is a ‘Debt’ and ‘Default’ existing in this case; and the Petition is filed within the limitation period. The threshold requirement is also fulfilled. Hence the present petition CP (IB) No. 152 of 2023 is admitted.”