

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 State Bank of India Limited under Section 7 of IBC, 2016 (CP(IB) No. 4/BB/2024), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s G M Infinite Dwelling (India) Private Ltd, vide Order dated 30.07.2024.

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 default, date of default & amount 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 05.10.2022 as the Date of Default.”

Page 5 – Para 4 (ii):

“Further, the record of default issued by the NeSL makes it abundantly clear that the Corporate Debtor was in ‘default’, as defined in section 3(12) of IBC, 2016 for non-payment of Rs. 64,08,12,642/.”

Page 11 – Para 9:

“The Record of Default issued by the NESL, also shows that the date of default as 05.10.2022 along with amount of Rs. 64,08,12,642/- in default.”

Page 11 – Para 10:

*“In view of the above discussion, the present petition CP (IB) No. 4 of 2024 is **admitted** under Section 7 of the IBC and moratorium is declared in terms of Section 14 of the Code.”*