

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

NCLT Mumbai Bench, Court I, in the CIRP Application filed by M/s Edelweiss Asset Reconstruction Company Limited under Section 7 of IBC, 2016 (C.P.(IB) -895(MB)/2022), has admitted the application for initiation of Corporate Insolvency Resolution against the Respondent M/s ND's Art World Private Limited.

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 (1) Debt and Default, (2) period of limitation and (3) Applicability of Covid-19 exclusion period as per Sec 10A of IBC, 2016; and 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 11 - Para 8:

"The Financial Creditor has successfully proved the existence of "debt" and "default" through the record of default issued by the NeSL..... The date of default is mentioned as 31-01-2020 in the NeSL Certificate in the record of default and the above Company Petition being filed on 26-07-2022 is well within limitation. Certainly the above date of default does not fall within (Sec) 10A period and the argument of Corporate Debtor with regard to the default during 10A period needs to be rejected on merits.....thus the above Company Petition satisfies all the legal requirements for admission and this Bench did not find any valid reason to dismiss the same.

Page 12 - Para 9:

Accordingly, this Bench hereby admit the above Company Petition by passing the following Order:

Order:

The above Company Petition No.(IB) 895 (MB)/2022 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against M/s ND's Art World Private Limited."