

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 M/s Super India Transport Corporation under Section 9 of IBC, 2016 (C.P(IB) No. 72/BB/2025), has admitted the application for initiation of Corporate Insolvency Resolution against the Corporate Debtor M/s Attharv Sai FlexiPack Pvt. Ltd, vide Order dated 01.06.2026.

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 debt, default, date of default, period of limitation & non-existence of pre-existing dispute for admitting the application filed under Section 9 of IBC, 2016, read with Rule 6 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 6 - Para 6:

"On the issue of limitation, it is observed that the present Petition has been filed on 19.02.2025. The date of default, as reflected in Part IV of Form 5, is 07.11.2023. The said date of default is duly corroborated by the Record of Default issued by the Information Utility, NeSL, in Form D. Accordingly, the present Petition has been filed well within the period of limitation prescribed."

Page 6 - Para 7:

"The Record of Default issued by NeSL in Form D, filed vide Memo dated 30.07.2025, records the date of default as 07.11.2023 and reflects the status of the debt as "Authenticated". Further, the material on record demonstrates continuous acknowledgment of liability through part-payments made by the Corporate Debtor and its communications dated 21.05.2024, 18.09.2024, 07.10.2024 and 16.11.2024... The debt and default, therefore, stand sufficiently established."

Page 7 – Para 10:

*"..Additionally, the Information Utility record reflects the debt as "Authenticated" and no record of dispute has been brought to our notice. In terms of the principle laid down by the Hon'ble Supreme Court in **Mobilox Innovations Private Limited v. Kirusa Software Private Limited** .., where there is no record of dispute in the Information Utility and no material placed on record demonstrating the existence of a genuine dispute, it cannot be held that a pre-existing dispute exists between the parties."*

Page 8 – Para 13:

*"For the above reasons and finding no impediment, **CP (IB) No. 72/BB/2025 is allowed** and the respondent **Attharv Sai FlexiPack Private Limited** is admitted to undergo CIRP."*