

Insolvency and Banking Code , 2016 S. 97 – Adjudicating Authority was not required at the stage when report was still to be filed by the Resolution Professional to record a finding regarding default – Adjudicating Authority ought not to have recorded any finding regarding default, which ought to have left for the Resolution Professional to consider and submit a report – We are also not persuaded by the submissions of the Learned Counsel for the Respondents that the observations are only *prima facie* observations. We thus find substance in the above submissions of the Learned Counsel for the Appellants and we are of the view that the observations as quoted above regarding default deserves to be deleted from the judgment and are hereby deleted.

read **HERE** [2022 SCeJ 0008 \(NCLAT\)](#)
