

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOCHI BENCH**

**IBA/240/IB/2019 (of NCLT Chennai Bench)**

(Application under Section 60(5)(a) of Insolvency and Bankruptcy Code, 2016)

**CORAM:**

**Hon'ble Mr. Ashok Kumar Borah, Member (Judicial)**

**Order delivered on: 15.5.2020**

**In the matter of:**

The District Collector,  
Office of District Collector, Kottayam.

... Applicant

Vs.

The Liquidator, Raihan Health Care Pvt. Limited,  
EP-4/744-C, Murikkolil,  
Nadackal PO, Erattupetta, Kottayam-Kerala.

... Respondent

**Appearance: (Through video conferencing):**

For applicant : The District Collector, Kottayam

For respondent : Shri CA Mahalingam Sureshkumar, Liquidator with Shri  
Sathyanarayana, Advocate

**ORDER**

The instant application is filed by the District Collector Kottayam, Kerala State, inter alia, stating that District Administration is arranging institutional quarantine to the NRIs who return to the District in the contingency of Noval Corona (Covid 19) disease. Anticipating the possibility of efflux of the return of NRIs to the district, they want to arrange the infrastructure facility for isolation in institutional quarantine of those who return from abroad. It is also submitted that the applicant, the District Authority expect more than three thousand quarantine cases according to their preliminary

observations. The standard facilities prescribed for the isolation is a single room with attached toilet. In spite of their earnest efforts they are not in a position to find sufficient rooms for the quarantine facilities to the aforesaid persons. According to the applicant isolation of the returnees is essential for checking the spread of the disease, the district authorities were scouting for the buildings with bath attached single rooms. The petitioner came to know that RIMS Hospital (Raihan Healthcare Private Limited), Erattupetta does have the facilities as aforesaid and can be used as a quarantine centre with minimum infrastructure additions. As such the applicant requested to allow the aforesaid hospital to be utilised for the above purpose, which is under the process of liquidation in IBA/240/IB/2019. The petitioner has also stated that if they are allowed to use that hospital as a quarantine house, they will not make any structural changes and the same would be returned as in the same condition as received by them, after completion of their purpose.

2. I have heard the applicant (District Collector, Kottayam) and the opposite party ie., Liquidator along with his counsel through video conferencing. Learned counsel for the liquidator did not raise any objection and submitted that he will be glad to offer this hospital for the greater cause of quarantine at this moment with certain conditions such as to bear the fixed electricity charges, all equipment's maintenance, cost of consumables in the hospital if utilized by the applicant, insurance cost, security expenses and administrative staff expenses. The Liquidator submitted that a period be specifically fixed for returning the premises to the Liquidator. The District Collector requested for at least two months period for return of the premises initially and if required they will request again for extension. He further stated that administrative staff and security staff are employed by the applicant District Administration and electricity charges, equipment maintenance, consumable costs, insurance cost and

rent will be given by the Applicant District Administration according to State Government rules and procedure.

3. Since the matter for institutional quarantine centre for this pandemic Covid 19 is urgent and the liquidator has no objection to give the hospital for the great cause in connection with Covid 19 the application is allowed with the following conditions:

- (i) A detailed inventorisation of the subject property be carried out in the presence of the officials of the Applicant, the representative of the Liquidator prior to handing over of the premises to the applicant.
- (ii) The subject property (Hospital) be taken over by the Applicant on 'as is where is basis' by the Applicant without any further liability/expenditure on the part of Respondent, including but not limited to Electricity charges, Water usage, cleaning Sanitisation, Repair and maintenance of building and repairs and maintenance to machineries and equipments, etc. till the date of returning possession.
- (iii) that any amount that is spent by the applicant for using the Hospital cannot be claimed from the Respondent herein.
- (iv) the Applicant shall not allow the Promoters or their representatives to enter the Hospital premises or engage in the management of the Hospital during the period when the Applicant is utilising the property.
- (v) The Liquidator will hand over the premises to the applicant District Collector, immediately on receipt of this order.
- (vi) The Applicant will return the premises to the Liquidator within two months (60 days) from the date of taking over the premises from the Liquidator, without any wear and tear and on "as is where is" basis. In case the purpose for which the premises taken by the applicant is not completed, the

applicant District Collector may approach before this Bench for further orders.

- (vii) The premises shall be used only for quarantine of NRIs under Covid 19 and that it should not be used for any other purpose, whatsoever.

4. With the above orders, the application stands allowed.

Dated the 15<sup>th</sup> day of May, 2020

Sd/-

**Ashok Kumar Borah**  
Member (Judicial)