

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

C.P. No.1902/I&BP/2019

Under section 7 of the IBC, 2016

In the matter of

Corporation Bank,

Corporate Bank Branch, Bharat House,
104 Ground Floor, M S Marg, Mumbai-
400023

....Petitioner

v/s.

M/s Privilege Healthcare Services Private
Limited,

Office No.1,2 & 3, 3rd Floor, Dream Mall LBS
Marg, Bhandup, Mumbai-400078

....Corporate Debtor

Order Pronounced on: 04.12.2019

Coram: Hon'ble Bhaskara Pantula Mohan, Member (Judicial)

Hon'ble Shyam Babu Gautam, Member (Technical)

For the Petitioner : Mr. Prakash U Shinde a/w Mr. Rohan Agarwal i/b MDP
Partners

For the Respondent: None Present

Per: Shyam Babu Gautam, Member (Technical)

ORDER

1. This Company Petition is filed by Corporation Bank (hereinafter called "Petitioner") seeking to set in motion the Corporate Insolvency Resolution Process (CIRP) against Privilege Healthcare Services Private Limited (hereinafter called "Corporate Debtor") alleging that Corporate Debtor committed default in making payment to the extent of Rs. 30,19,13,435/- under Section 7 of Insolvency and Bankruptcy Code, 2016 (hereafter called

the 'Code') read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

2. The brief facts of the case are that the Corporate Debtor having Company Identification No. (CIN) U85100MH2009PTC196802 is engaged in the business of setting up modern healthcare facilities across the country. It is submitted that the Corporate Debtor approached the Petitioner Bank for grant of sanction of various credit facilities. The Petitioner Bank considered the request of the Corporate Debtor and sanctioned Term Loan of Rs.28.00 Crores and Import/Inland LC/Buyers credit as sub limit of Rs.77 Lac, aggregating to the extent of Rs.28.77 Crores vide sanction letter dated 19.03.2016. The sanction letter dated 19.03.2016 is annexed with the Petition at Ex. D. The Corporate Debtor has executed various loan and security documents, the details of which provided as under:-
 - a. Copy of Agreement of Term Loan dated 01.11.2013.
 - b. Copy of Guarantee Agreement dated 01.11.2013.
 - c. Common Deed of Hypothecation dated 01.11.2013
 - d. Counter Guarantee dated 01.11.2013
 - e. Interse Agreement Dated 01.11.2013
 - f. Documents in respect of equitable mortgage.
 - g. Acknowledgement of Debt and liability 08.07.2016.
3. The Petitioner further submits that the Corporate Debtor availed the credit facilities but failed to liquidate the dues despite several reminders and letters. Since, the Corporate Debtor failed to liquidate the dues despite letters and reminders, the account of the Corporate Debtor has been classified as Non-Performing Asset on 31.03.2016 as per Reserve Bank of India Prudential Norms.
4. The Petitioner has enclosed notice under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 dated 01.06.2016 issued to the Corporate Debtor demanding a sum of Rs. 24,32,72,024/- as on 31.03.2016 with further interest, charges etc. which shows that the Corporate Debtor defaulted in repaying the credit facilities availed by them.
5. The Petitioner has enclosed the Statement of Account for the aforesaid credit facilities granted to the Corporate Debtor which shows that the amount claimed in the Petition is in consonance with the Statement of

Account. The Petitioner has also enclosed the CRILC report, Certificate under the Banker Book Evidence Act, 1891.

6. On 14.10.2019, when the matter was heard there is no representation on the side of the Corporate Debtor however the reply to this Petition filed by the Corporate Debtor are on record wherein the Corporate Debtor have candidly admitted the liability as well as default.
7. The Adjudicating Authority, on perusal of the documents filed by the Creditor, is of the view that the Corporate Debtor defaulted in repaying the loans availed and also placed the name of the Insolvency Resolution Professional to act as Interim Resolution Professional and there being no disciplinary proceedings pending against the proposed resolution professional, therefore the Application under sub-section (2) of Section 7 is taken as complete, accordingly this Bench hereby admits this Petition prohibiting all of the following of item-I, namely:
 - (I) (a) the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
 - (b) transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;
 - (c) any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act);
 - (d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.
- (II) That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- (III) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

- (IV) That the order of moratorium shall have effect from 04.12.2019 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be.
- (V) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- (VI) That this Bench hereby appoints Ms. Deepa Kabra Rathi, 515, Tulsiani Chambers, Nariman Point, Mumbai email-id deepa@rkabra.net, having Registration No. IBBI-/IPA-001/IP-P00069/2017-18/11114, as interim resolution professional to carry the functions as mentioned under the Insolvency & Bankruptcy Code.
8. The Registry is hereby directed to communicate this order to both the parties as well as IRP immediately.

Sd/-
SHYAM BABU GAUTAM
Member (Technical)
/NP/

Sd/-
BHASKARA PANTULA MOHAN
Member (Judicial)