

**NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
CAMP AT CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF
PRINCIPAL BENCH, NEW DELHI, NATIONAL COMPANY LAW
TRIBUNAL, HELD ON 12.04.2020 AT 11.00 A.M. THROUGH VIDEO
CONFERENCING:**

PRESENT : SHRI.B.S.V.PRAKASH KUMAR, ACTING PRESIDENT

APPLICATION NUMBER : IA/ /2020

PETITION NUMBER : IBA/434/2019

NAME OF THE PETITIONER(S): GREATER CHENNAI CORPORATION

**NAME OF THE RESPONDENT(S): 1) Mrs.Deepa Venkat Ramani
2) M/s.Muthoot Fincorp Limited**

UNDER SECTION : 60(5) of IBC, 2016

For Applicant : Mr. P.H. Arvinth Pandian, Additional Advocate General – Govt. of Tamilnadu, Mr. Sandeep, Advocate

For Respondent 1 : Mr. R. Venkatavaradan, Advocate,
Mr. Chandramouli Prabhakar, Advocate
Mrs. Deepa Venkat Ramani, Liquidator

For Respondent 2 : Mr. Gautam Swarup & Mr. Sai Krishnan, Advocates
Mr. W. F. Moses, Authorised Representative of
M/s. Muthoot Fincorp Limited.

For Promoters : Mr. Saurabh Kalia, Advocate

For M/s.DCB Bank: Mr.Jeyasooria Chelladurai, Authorised Representative

ORDER

Per: B. S. V. PRAKASH KUMAR, ACTING PRESIDENT

The instant Application (in IBA 434/2019) has been filed by the Greater Chennai Corporation, in view of the current crisis, so as to handover the Hospital with infrastructure of M/s. Santosh Hospitals Private Limited to the Government of Tamil Nadu for treating the people affected by COVID-19, seeking the following relief:

“Direct the Respondents to immediately handover the possession of “Santosh Hospital” owned by the Corporate Debtor situated at Besant Nagar, Chennai, Tamil Nadu to the Applicant for the purpose of conducting tests and offering treatment to persons affected by COVID-19;”

2. Though today is Sunday, since COVID-19 Pandemic has been rattling the lives and economy of the nation, this Bench has taken up the hearing on urgent basis looking at the extraordinary situation warranting this Bench to forthwith dispense justice.



3. After hearing the Ld. Counsel for the Applicant, Ld. Counsel for both the Respondents, Authorised Representative of M/s. DCB Bank Limited and the Promoters, the following consent Order is passed:

That the Relief sought for by the Applicant in the above Application is allowed, subject to the following conditions, and without prejudice to the rights and contentions of all the parties in IBA 434/2019 and Company Appeal (AT) (Insolvency) No.146 of 2020 before the Hon'ble Appellate Tribunal:

- (i) A detailed inventorisation of the subject property be carried out in the presence of the officials of the Applicant, the representatives of the Promoters and representatives of M/s. Muthoot Fincorp Limited and DCB Bank Limited prior to handing over 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 1st 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 Respondents herein or from M/s. DCB Bank Limited;

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(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 utilizing the property. Where it is absolutely necessary, the Applicant may permit the Promoters to enter the premises with the consent of M/s Muthoot Fincorp Limited and M/s. DCB Bank Limited.

4. After the current situation improves, the possession of the Hospital would be handed over without making any claims towards the amounts expended for operationalising and running the Hospital.

5. Accordingly, this unnumbered application is hereby **allowed**.

Sd/-

(B.S.V.PRAKASH KUMAR)
ACTING PRESIDENT

Rajesh