IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1

ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON **26-09-2022** AT 10:30 A.M. THROUGH VIDEO CONFERENCE.

CP(IB) No. 339/10/HDB/2021
U/s 10 of IBC,2016.

IN THE MATTER OF:
M/s. Myind Med Tech Innovations Pvt Ltd **… Corporate Applicant**

C O R A M:-
DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. VEERA BRAHMA RAO AREKAPUDI, HON'BLE MEMBER (TECHNICAL)

O R D E R

Orders pronounced and recorded vide separate sheets. In the result, the Company Petition is admitted and CIRP is ordered against the Corporate Applicant as per the terms mentioned in the order.

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)

IN THE NATIONAL COMPANY LAW TRIBUNAL

HYDERABAD BENCH-1

CP (IB) No. 339/10/HDB/2021

U/s. 10 of Insolvency & Bankruptcy Code, 2016

R/w. Rule 7 of I&B (AAA) Rules, 2016

In the matter of:

M/s Myind MedTech Innovations Private Limited

H.No. 1-2-28/100/5, St No-4, Fourth Floor

Kakatiya Nagar Colony, Habsiguda,

Hyderabad- 500007, Telangana

...Corporate Applicant

Date of Order: 26.09.2022

Coram:

Dr. Venkata Ramakrishna Badrinath Nandula, Hon'ble Member (Judicial)

Sh. Veera Brahma Rao Arekapudi, Hon'ble Member (Technical)

Parties/Counsels present:

For the Applicant: Mr. Prashant Kumar Jain, Ms. Anita Baid,

Mr. Abhishek Gupta, Advocate

PER BENCH

1. This Application is filed by M/s Myind MedTech Innovations Private Limited (*Hereinafter referred as Corporate Applicant)* under Section 10 of Insolvency and Bankruptcy Code (*Hereinafter referred as "IBC, 2016"*), read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, for initiation of Corporate Insolvency Resolution Process (*Hereinafter referred as CIRP*) and further stating that it has committed default in paying the debt to the tune of Rs. 1,32,10,445/- to Financial and Operational Creditors.

2. It is submitted that the Corporate Applicant is a Private Limited Company incorporated under the Companies Act, 2013 having CIN No. U74999TG2016PTC111073. The Corporate Applicant further submitted that it is engaged in the business of online selling and providing medical services through innovative technology related to Medical and Healthcare like Diagnostic services, emergency services, Doctor appointment, other speciality health related medical services or any speciality health products etc. through a well-designed/developed Mobile App/website to connect efficiently both patients and medical service providers to get in touch as and when required especially in emergency situations or in case of specific medical problems, by participating or tie up with allied agencies/ government and other organizations. Its authorised capital is Rs. 3,00,00,000/- and paid up share capital is Rs. 2,84,02,280/- respectively

3. **The Contentions as put-forth by the Corporate Applicant are:**

3.1. It is submitted that pursuant to Section 10 (3) (a) of the IBC, 2016 the Corporate Applicant has filed Financial Statements for preceding 2 years (2017-2018) and (2018-2019) and also Provisional Balance sheet for the current year as on 10.06.2021. A perusal of the same discloses Loss.

3.2. It is submitted that pursuant to Section 10 (3) (b) of the IBC, 2016 the Corporate Applicant has proposed the name of Mr. Anjaneyulu Sadhu as Interim Resolution Professional having Registration No. IBBI/IPA-001/IP-P00963/2017-2018/11584. The Interim Resolution Professional has submitted his written consent in Form-2 and the same is enclosed with the Application.

3.3. It is submitted that pursuant to Section 10 (3) (c) of the IBC, 2016 the shareholders of the Corporate Applicant passed a Resolution for initiation of CIRP for the Corporate Applicant on 03.12.2020 and thereafter the same resolution was considered as in its Annual General Meeting on 29.12.2020. The same are enclosed with the Application.

3.4. It is submitted that the Corporate Applicant has filed a memo in furtherance of the Application stating that:

i. It has no secured creditors.

ii. The notice has been sent to all the unsecured financial creditors via e-mail who hold 67.97% of the total debt.

iii. Further notice has also been sent to the statutory authorities i.e Office of Income Tax, Commercial Tax and Provident Fund, against whom the liability holds to 20.20% of the total debt.

iv. The Notice has been sent via e-mail to other trade payables to the extend who holds 6.6% of the total debt, where notice to trade payables and employees who hold upto 4.4% of the total debt could not be sent as operations have shut down three years ago.

3.5. It is submitted that as per part III of Form-6, the Corporate Applicant has Financial as well as Operational Creditors which has extended operational facilities. It is further stated that due to acute financial constraints, the Corporate Applicant could not maintain the accounts regularly and as a result the total amount in default is Rs. 1,32,10,445/-. Hence this present Application is filed under Section 10 of the IBC, 2016.

4. In the light of the above pleading the point that arises for consideration by this Adjudicating Authority is

5. **Whether the Corporate Debtor has committed a default and the initiation of Corporate Insolvency Resolution Process by the Corporate Debtor is sustainable under the law?**

5.1. We have heard Learned Counsel for Corporate Applicant and perused the record. We have gone through the Application submitted by Corporate Applicant under Section 10 of the IBC, 2016 for initiation of Corporate Insolvency Resolution Process. After perusing the Application, we have directed Corporate Applicant to issue notices to all Unsecured Creditors and Statutory Authorities i.e. Income Tax, Commercial Tax, Provident Fund and other Authorities vide order of this Adjudicating Authority dated 23.12.2021. Accordingly, notices were sent to unsecured creditors as well as statutory authorities on 04.01.2022. However, there was no objection from any of the stakeholders as mentioned above. It was also brought to our notice that Corporate Applicant has no secured creditors which was supported vide Certificate issued by Chartered Accountant dated 29.06.2019. We observed that Corporate Applicant has faced many challenges in its business operations which were critical to its functioning like availability of ambulances etc.

5.2. It is also brought to our notice that due to acute financial constraints, the Corporate Applicant could not maintain the accounts regularly and as a result the total amount in default is Rs. 1,32,10,445/-.

5.3. In view of the several challenges faced by the Corporate Applicant as detailed in the Application. The Corporate Applicant started facing heavy losses which resulted in non-fulfilment of their commitments and failed to meet its operational expenses which led to heavy debts which they are not able to meet.

5.4. In the light of the above bleak scenario, the Corporate Applicant has filed this Application, seeking our order to put the Corporate Applicant into CIRP. We are satisfied with the reasons submitted by the Corporate Applicant, as well as gone through records. Further, there was no objection from any of the stakeholders for the prayer made by the Corporate Applicant.

6. We Accordingly pass the following Order.

7. The Adjudicating Authority admits this Application under Section 10 of IBC, 2016 declaring moratorium for the purposes referred to in Section 14 of the IBC, 2016 with following directions: -

(a) The Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Applicant including execution of any judgment, decree or order in any court of law, Tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the Corporate Applicant any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Applicant in respect of its property including any action under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002); the recovery of any property by an owner or lessor where such property is occupied by or in possession of the corporate Applicant;

(b) That the supply of essential goods or services to the Corporate Applicant, if continuing, shall not be terminated or suspended or interrupted during moratorium period.

(c) That the provisions of sub-section (1) of Section 14 of IBC, 2016 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

(d) That the order of moratorium shall have effect from the date of the Order 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 Applicant under Section 33, whichever is earlier.

(e) That the public announcement of the initiation of Corporate Insolvency Resolution Process shall be made immediately as prescribed under section 13 of IBC, 2016.

(f) That this Bench hereby appoints Mr. Anjaneyulu Sadhu, #T402B, Technopolis Chikoti Gardens, Begumpet, Hyderabad- 500016, Telangana having registration number IBBI/IPA-001/IP-P00963/2017-2018/11584, as Interim Resolution Professional to carry the functions as mentioned under the IBC, 2016.

(g) Accordingly, this Application is admitted.

(h) Registry to send a copy of this order to proposed Interim Resolution professional, IBBI and also to Registrar of Companies, Hyderabad for appropriately changing the status of Corporate Applicant herein on the MCA-21 site of Ministry of Corporate Affairs.

Sd/-	Sd/-
VEERA BRAHMA RAO AREKAPUDI **MEMBER (TECHNICAL)**	**DR. N V RAMAKRISHNA BADARINATH** **MEMBER (JUDICIAL)**

Rohit (LRA)