

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) No. 808 of 2019

IN THE MATTER OF:

Municipal Corporation of Greater Mumbai

...Appellant

Vs

**Mr. Abhilash Lal, RP of M/s Seven Hills
Healthcare Pvt. Ltd.& Ors.**

....Respondents

Present:

**For Appellant: Mr. Sudipto Sarkar, Senior Advocate, along with
 Mr. Nikhil Sakhirdande, Mr. Pralhad Paranjape,
 Ms. Sneha Prabhu, Pallani Pratap and Ms. Neema,
 Advocates**

**For Respondents: Mr. Harin Raval, Senior Advocate, along with Mr.
 Krishenendu Datta, Ms. Tini Abraham, Ms.
 Shivani Rawat, Ms. Manini Bharti and Mr. Samiro
 Borkataky, Advocates for Respondent No. 3**

O R D E R

07.08.2019 This appeal has been preferred by Municipal Corporation of Greater Mumbai against the order dated 26th July, 2019 passed by the Adjudicating Authority (National Company Law Tribunal, Hyderabad Bench) Hyderabad which approved the Resolution Plan submitted by Dr. B.R. Sethi to its entity B.R. Sethi's New Medical Centre Private Limited.

2. Learned Counsel appearing on behalf of Appellant- Municipal Corporation of Greater Mumbai submits that although it has no grievance with Resolution Plan, which has been approved by the Adjudicating Authority, but certain clarifications are required with regard to the land on which the Hospital – Seven Hills Healthcare Pvt. Ltd. ('Corporate Debtor') is functioning. It is stated that the land belonged to the Appellant and in terms of certain agreement, Seven Hills

Healthcare Pvt. Ltd. was allowed to construct the premises and run the company. It fact, it is ongoing concern. It is submitted that the Appellant earlier issued Notice to the erstwhile Promoters of the Corporate Debtor for termination of the contract for violation of the contract.

3. Mr. Harin P. Raval, learned Counsel appearing on behalf of the successful Resolution Applicant (3rd Respondent) submits that the plan is clear and is in consonance with Section 30(2) of Insolvency and Bankruptcy Code, 2016 therefore it has been approved by the Adjudicating Authority. The Appellant has also accepted that it has no grievance against the Resolution Plan. The successful Resolution Applicant will act in accordance with the Resolution Plan.

4. In view of such statement made by the learned Counsel for the successful Resolution Applicant, no further order or clarification is required to be made. However, Appellant will not take any action which, in effect, will annul the Resolution Plan. It will be also open to the parties to reach an amicable settlement in terms of the Resolution Plan

The appeal stands disposed of with the aforesaid observations and directions.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

(Kanthi Narahari)
Member(Technical)

Akc/Sk