

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**BENGALURU BENCH, BENGALURU**  
(Through Physical Hearing / VC Mode (Hybrid))

**ITEM No.18**  
**I.A. Nos.250, 255, 317,**  
**318, 415 & 441/2024 in**  
**C.P. (IB).No.144/BB/2017**

**IN THE MATTER OF:**

M/s. Pegasus Asset Reconstruction Pvt. Ltd. ... Petitioner  
Vs.  
M/s. Yashomati Hospitals Pvt. Ltd. ... Respondent

**Order under Section 7 of IBC, 2016**

**Order delivered on 26.06.2024**

**CORAM:**

**SHRI K. BISWAL**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI MANOJ KUMAR DUBEY**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Erstwhile RP/Applicant  
in IAs.250, 255 415, 441 &/2024 : Shri T. Ravichandran  
For the Respondent in IA.250/2024 : Shri Ajai P. Johson  
For the R-2 in IAs.317, 318/2024 : Shri Sharan A. Kukreja  
Ms. Twinkle J. Chandra  
Shri Cyril Amarchand M.

For the Applicant in  
IAs.317 & 318/2024 : Shri Shiju Abraham Verghis

**ORDER**

**I.A. No.250 of 2024:**

1. Heard the Ld. Counsel for the Applicant-Erstwhile RP and the Respondent.
2. Ld. Counsel for the Respondent seeks time to file objections. Therefore, a period of one week is granted to the Respondent to file their objections, after duly serving the copy on the other side.
3. Upon receipt of the objections, Applicant is granted one weeks' time to file rejoinder, if any, after duly serving the copy on the other side.
4. List the IA on **07.08.2024**.

**I.A. No.255 of 2024:**

1. Heard the Ld. Counsel for the Applicant-erstwhile RP. None appeared for the Respondent.
2. It is noticed that notice was issued on 23.04.2024. However, Ld. Counsel for the Applicant submits that the proper address of the parties are not available to him. Therefore, he is directed to adopt the substitute mode of service by way of paper publication in two daily newspapers i.e. one in English and one in Kannada having wide circulation in the area and file an affidavit of service along with the paper clipping within one week from the date of publication of the notice.
3. A period of two weeks for filing reply from the date of paper publications of the notice and one week for filing rejoinder, if any thereto from the date of receipt of copy of reply is granted.
4. List the IA on **07.08.2024**.

**I.A. No.317 of 2024:**

1. The present Application has been filed by the Applicant under Section 60(5) of the IBC, 2016 r/w Rule 11 of the NCLT Rules, seeking to recall the order dated 30.05.2022 in IA.No.06/2022 in main CP and seeking to direct the Respondent No.1 to issue fresh Form G inviting expression of interest.
2. Heard the Ld. Counsels for the Applicant and the Respondent No.2
3. The Ld. Counsel for the Respondent No.2 submits that the Hon'ble Supreme Court has not granted leave to pursue the matter. Further, he pointed out to the following order passed by the Hon'ble Supreme Court in Civil Appeal No.2406 of 2024 dated 11.03.2024;  
*"7. At this stage, Ms. Haripriya Padmanabhan, Senior Counsel appearing on behalf of the appellants states that the appellants would wish to withdraw the Civil Appeals in order to enable them to pursue their remedies before the National Company Law Appellate Tribunal.*  
*9. Since the appellant seeks to withdraw the appeals, we dismissed the appeals as withdrawn.*  
*10. We have not expressed any opinion on the course of action which is proposed to be followed by the appellant."*
4. In view of the above, the instant I.A. does not survive and accordingly, the **I.A.No.317 of 2024 is hereby dismissed as infructuous.**

**I.A. No.318 of 2024:**

1. The present Application has been filed by the Applicant under Section 340 of the Criminal Procedure Code r/w Rule 11 of the NCLT Rules, 2016 seeking prosecution of the perjury committed before this Tribunal in terms of false evidence and false affidavits in the main CP.
2. Heard the Ld. Counsels for the Applicant and the Respondent No.2
3. The Ld. Counsel for the Respondent No.2 submits that the Hon'ble Supreme Court has not granted leave to pursue the matter. Further, he pointed out to the following order passed by the Hon'ble Supreme Court in Civil Appeal No.2406 of 2024 dated 11.03.2024;

*“7. At this stage, Ms. Haripriya Padmanabhan, Senior Counsel appearing on behalf of the appellants states that the appellants would wish to withdraw the Civil Appeals in order to enable them to pursue their remedies before the National Company Law Appellate Tribunal.*

*9. Since the appellant seeks to withdraw the appeals, we dismissed the appeals as withdrawn.*

*10. We have not expressed any opinion on the course of action which is proposed to be followed by the appellant.”*

4. In view of the above, the instant I.A. does not survive and accordingly, the **I.A.No.318 of 2024 is hereby dismissed as infructuous.**

**I.A. No.415 of 2024:**

1. Heard the Ld. Counsel for the Applicant-erstwhile RP.
2. Issue Notice to the Respondents. Registry is directed to prepare the notice and the learned Counsel for the Applicant is permitted to collect the notice and serve it on the Respondents along with the Application and other material papers through e-mail as well as by speed post and is directed to file a proof of service duly enclosing the corresponding tracking report in the Registry within one week.
3. A period of two weeks for filing reply from the date of receipt of the notice, and one week thereafter for filing rejoinder, if any, thereto is granted.
4. List the IA on **07.08.2024.**

**I.A. No.441 of 2024:**

1. Heard the Ld. Counsel for the Applicant-erstwhile RP.
2. Issue Notice to the Respondents. Registry is directed to prepare the notice and the learned Counsel for the Applicant is permitted to collect the notice and serve it on the Respondents along with the Application and other material papers through e-mail as well as by speed post and is directed to file a proof of service duly enclosing the corresponding tracking report in the Registry within one week.

3. A period of two weeks for filing reply from the date of receipt of the notice, and one week thereafter for filing rejoinder, if any, thereto is granted.
4. List the IA on **07.08.2024**.

**-Sd-**  
**(MANOJ KUMAR DUBEY)**  
**MEMBER (TECHNICAL)**

**-Sd-**  
**(K. BISWAL)**  
**MEMBER (JUDICIAL)**

Anishma