

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, BENGALURU
(Through web-based video conferencing platform)**

**ITEM No.04
I. A No.525 & 520/2024 in
C.P. (IB) No.160/BB/2023**

IN THE MATTER OF:

Mr. Doddaballapur Nagarajchar Prahlad ... Petitioner
Vs.
M/s. Biofi Medical Healthcare India Pvt. Ltd.
And another ... Respondent

Order under Section 7 of IBC, 2016

Order delivered on 23.07.2024

CORAM:

**JUSTICE (RETD.) T. KRISHNAVALLI
HON'BLE MEMBER (JUDICIAL)**

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

PRESENT:

For the Petitioner &
Respondent in IAs : Shri Deepak Bhaskar
For the Applicant in
I.As No.525 & 520/24 : Shri Paras Pandey

ORDER

I.A. No.525 & 520/2024

1. Heard the Learned Counsel for the Applicant and Respondent.
2. I.A No.525 of 2024 is filed by the Applicant under Section 60 (5) of the I & B Code, 2016 r/w Rule 11 of the NCLT Rules 2016 seeking permission for impleading as an Intervenor in the present petition.
3. I.A No.520 of 2024 is filed seeking by the Applicant under Section 65 (1) of the I & B Code 2016 seeking that declare that the Petitioner has initiated the present insolvency resolution process fraudulently, with fraudulent intent and with malicious intent of defrauding genuine creditors etc.
4. It is stated by the Applicant Counsel that there are decisions of the Hon'ble Supreme Court of India and Hon'ble NCLAT that the matter of

fraudulent initiation and collusive transaction can be considered even before the admission of the C.P. Therefore, the Ld. Counsel for the Applicant is directed to file the copy of the citations on which he relied upon. Further, he is also directed to file an explanation/clarification on the maintainability of these applications within a period of one week by serving the copy on the otherside.

5. The Respondent Counsel seeks time to file objections. One week time is granted to the Respondent to file objections duly serving the copy on the otherside and thereafter, one week time is granted to the Applicant to file rejoinder if any. List on **20.08.2024**

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

Sd/-
(T.KRISHNAVALLI)
MEMBER (JUDICIAL)

Gayathri