

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.101
C.P.(IB)/309(AHM)2022

Proceedings under Section 9 IBC

IN THE MATTER OF:

Nephrocare Health Services Pvt Ltd

.....Applicant

V/s

Medico Multispecialty Hospital Pvt Ltd

.....Respondent

Order delivered on: 08/07/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant/OC : Mr. Abhishek Gupta, Adv.

For the Respondent :Mr. Jaimin Dave, Adv. a.w. Ms. Hirwa Dave, Adv

ORDER
(Hybrid Mode)

In compliance of order dated 26.04.2024 no satisfactory explanation has been given either by the Applicant/ Operational Creditor or Respondent/Corporate Debtor qua the legality of the transaction entered between them whether it is permissible under the prevailing provision of law for medical services. The averment given in rejoinder Para 14 is to that effect that there is a joint venture agreement between close partnership of business between the two parties and is not against any prevailing law.

However, neither any law nor any guidelines of the Health Department has been placed on record in support of the averments made in the rejoinder Para 14.

Therefore, to ascertain the validity of the transaction agreed between the parties we deem it appropriate to appoint Learned Addl. Solicitor General of Gujarat High Court as an Amicus Curiae in terms of Rule-61 of the NCLT Rule, 2016 to assist this Tribunal on this issue after getting information from the medical department as well as from Health Department for the State as well as Centre.

Let copy of this order be served upon the office of the Addl. Solicitor General of Gujarat High Court within 3 days by the registry along-with soft copy of the entire pleadings.

Re-list for further 05.08.2024 At 03:00 PM.

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SAMEER KAKAR
MEMBER (TECHNICAL)

SHAMMI KHAN
MEMBER (JUDICIAL)