

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No.49/(MAH)/2016

CORAM:

Present:

SHRI M. K. SHRAWAT
MEMBER (J)

SHRI BHASKARA PANTULA MOHAN
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 07.09.2017

NAME OF THE PARTIES: Dr. Dipti Patankar & Anr.

V/s.

M/s. Joy Hospital Pvt. Ltd. & Ors.

SECTION OF THE COMPANIES ACT: 241/242 of the Companies Act, 2013.

S. No.	NAME	DESIGNATION	SIGNATURE
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1 Sr Adv. Kevic
Setalved i/b
Adv. Harshwardhan
Salgaokar

Adv for
R1-3



2) Adv. P.B. RAHADE i/b
K.V. PATIL

FOR
PETITIONER



ORDER

C.P. No. 49/241-242/NCLT/MB/MAH/2016

1. The Learned Representatives of both the sides are present.
2. From the side of the Respondents, on the basis of the Valuation Report an offer has been made in Paras 5 and 6 of the Affidavit dated 06.09.2017 reproduced below :

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....2...

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...2...

- "(5) I say that the matter was on Board today i.e. on 6th September 2017 at Sr. No. 8 before the Hon'ble Tribunal and neither the Petitioner nor their Advocate remained present in the Hon'ble Tribunal. The Counsel appearing on behalf of the Respondents 1-3 made a submission that the Draft Minutes of Order proposed by the Respondents was not replied to by the Petitioners nor was any alternative proposal submitted by them till date. The Counsel for the respondents No. 1-3 further submitted that as per the two Valuation reports, the exact Valuation for the Immovable Property comes to Rs. 37,63,38,105/- and for the Valuation of the Company, the figure comes to Rs. 17,50,00,000/-. I say that the exact 50% of these two figures as per the two Valuation Reports comes to Rs. 27,56,50,000/-.
- (6) I say that the Respondents No. 2 & 3 are making a with prejudice offer to pay an amount of Rs. 27,56,50,000/- to the Petitioners on the Petitioners accepting all the other terms for transfer of all rights in the immovable properties as also in the Company qua their 50% Shareholding is concerned. I say that if the Petitioners are unwilling to accept the present proposal then the Respondents seek a bidding of the entire aforementioned Immovable property along with the entire shareholding of the Respondent No.1 Company. "
3. This offer is duly communicated to the Learned Counsel of the Petitioner.
4. From the side of the Respondent the Learned Counsel has placed on record a Notice of the Mumbai Fire Brigade dated 23.08.2017, according to which, because of blockage in the entrance as per the Clause Nos. 1 to 4 reproduced below :-
- "(1) The Wetriser-cum-down comer system is found not in working condition.
- (2) The Fire Pumps and booster pump are found not in working condition.
- (3) The door to the access of the staircase on ground and 1st Floor of "A" Wing found under lock and key.

...3....

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...3...

(4) *Open space encroached by sheet with M.S. Structure of rick wall built in open space at rear side of "A" Wing."*

by Fire Brigade Deptt

5. As there is a blockage in the entrance hence a Notice is issued with serious consequences, the Petitioner is directed to make easy access to the Fire Brigade to avoid any mishap immediately.
6. The Petitioner has to revert back on or before the next date of hearing about the "Proposal" made by the Respondent.
7. The matter is listed on **28.09.2017 at 2.30 P.M.**

Sd/-

Bhaskara Pantula Mohan
Member (Judicial)
07.09.2017

Sd/-

M.K. Shrawat
Member (Judicial)