

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE NINTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY THREE**



:PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA
AND
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

WP (PIL) NO: 17 OF 2023

Between:

Harsh Ghangurde, S/o Rajesh Ghangurde, Aged about 27 Years, R/o 106-Kamla Terrace, Subash Road, Vile Parle East, Mumbai-4000057.

...Petitioner

AND

1. The National Company Law Tribunal, Amaravati Bench, rep., by its Registrar, Aplic Towers, Mangalagiri, Amaravati.
2. Abhilash lal, Resolution professional M/s seven hills healthcare pvt ltd C-192, belvedere towers, Dlf phase ii, gurugram, Haryana
3. The Municipal corporation of greater mumbai (mcgm), , Chief medical superintendent and hod cms and hod secondary health services mcgm kb bhabha hospital building 7th floor, Rk Patkar Marg, Bandra west, mumbai, Maharashtra
4. The Committe of creditors Of seven hills healthcare private ltd., Through J.M. Financial asset reconstruction company ltd. 7th Floor, Energy, Appasaheb Marathe Marg, Prabha Devi , Mumbai Maharashtra.
5. The Union of India, rep., by its Secretary, Ministry of Corporate Affairs, New Delhi.

...Respondents

WHEREAS the above named through his Advocate Sri JAKKI DURGA RAO presented this pleased to issue appropriate writ(s), direction(s) or order(s), more particularly in the nature of. It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue appropriate writ(s), direction(s) or (orders), more particularly in the nature of Writ of Mandamus directing.

- i) Issue an appropriate writ, order or direction to suspend the subject manifestly arbitrary corporate insolvency resolution process pending with National Company Law Tribunal at Amravati, Andhra Pradesh, for presently being held in a manner detrimental to the constitutional and statutory imperatives and against larger public interest being related to the matter of health sector warranting unhindered, uninterrupted, and continued working of the subject hospital property at Mumbai with 20percent reservation for economically weaker section of public at the disposal of Respondent no. 2, which is a public body and Planning Authority governed by the Mumbai Municipal Corporation Act, 1988.
- ii) Issue an appropriate writ, order or direction to quash and set aside the impugned manifestly arbitrary 'Form G' and 'Invitation for

expression of interest for Sevenhills Healthcare Private Limited', issued by the Respondent no. 1 with absolute lack of requisite material particulars and basic information necessarily required for successful corporate insolvency resolution process in the peculiar facts of the case in respect of the subject hospital property in Mumbai which has now been substantially developed by Respondent no.2 at its own cost in public interest during Covid disaster from a closed hospital of about 300 beds to a working hospital with more than 1800 bed.

iii) Issue an appropriate writ, order or direction in public interest to the Respondent no. 1 to specifically incorporate in the invitation for expression of interest, the sum total of the amount to be paid by any potential resolution applicant to the Respondent no. 2, for obtaining its approval, particularly when while setting aside earlier resolution plan, the Hon'ble Supreme Court held that approval of Respondent no. 2 being owner of the Hospital land and under public duty to ensure availability of public health amenities, would be mandatory for further approval of any resolution plan by the NCLT.

iv) Issue an appropriate writ, order or direction in public interest to declare that the interest of other creditors of the Corporate Debtor, including Financial and Operations Creditors, shall be subservient to interest of the Respondent No. 2 being a public body and planning authority under constitutional and statutory duty as per directive policy to act in public interest for promoting health and creating and maintaining infrastructure for the same.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Dr.Sujay Kantawala, learned counsel, on behalf of Sri Jakki Durga Rao, Advocate for the Petitioner and Sri C.V.Mohan Reddy, learned senior counsel, appears on behalf of Sri S.Vivek Chandrasekhar, learned counsel for the Respondent No.2 and Sri P.Veera Reddy, learned senior counsel appears for Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this PUBLIC INTEREST LITIGATION should not be admitted.

You viz:

1. The Registrar, National Company Law Tribunal, Amaravati Bench, Aplic Towers, Mangalagiri, Amaravati.
2. Abhilash lal, Resolution professional M/s seven hills healthcare pvt ltd C-192, belvedere towers, Dlf phase ii, gurugram, Haryana
3. The Chief medical superintendent and hod cms and hod secondary health services mcgm kb bhabha hospital building, Municipal corporation of greater mumbai (mcgm), 7th floor, Rk Patkar Marg, Bandra west, mumbai, Maharashtra
4. The Committe of creditors of seven hills healthcare private ltd.,, Through J.M. Financial asset reconstruction company ltd. 7th Floor, Energy, Appasaheb Marathe Marg, Prabha Devi , Mumbai Maharashtra.
5. The Secretary, Union of India, Ministry of Corporate Affairs, New Delhi.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed

therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 16.02.2023, on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition (PIL), the High Court may be pleased to direct formation of a committee headed by former Judge to During the pendency of the instant writ petition, as an urgent interim / ad-interim measure, and in public interest for the reasons stated herein above, this Hon'ble Court may be pleased to

e. (i) stay the impugned CIRP of M/s Sevenhills Healthcare Private Limited pending at NCLT Amravati qua its Hospital in Mumbai on the land owned by the Respondent no. 2. and

f. (ii) stay the impugned Form G & Invitation for Expression of Interest for M/s Sevenhills Healthcare Private Limited.

This Hon'ble Court may be pleased to issue such further interim/ad-interim directions as it may deem just, fit and in public interest., pending disposal of WP(PIL) No.17 of 2023, on the file of the High Court.

**The Court made the following:
ORDER:**

(Through Physical Mode)

"Heard Dr. Sujay Kantawala, learned counsel, on behalf of Mr. Jakki Durga Rao, learned counsel for the petitioner✓

Issue notice to the respondents✓

Mr. C.V. Mohan Reddy, learned senior counsel, appears on behalf of Mr. S. Vivek Chandrasekhar, learned counsel for respondent No.2✓

Mr. P. Veera Reddy, learned senior counsel, appears for respondent No.4.✓

Personal notice to respondent Nos.1 and 3 is permitted✓

Post this case on 16.02.2023."

**Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, National Company Law Tribunal, Amaravati Bench, Aplic Towers, Mangalagiri, Amaravati.

2. Abhilash Lal, Resolution professional M/s seven hills healthcare pvt ltd C-192, belvedere towers, Dlf phase ii, gurugram, Haryana
3. The Chief medical superintendent and hod cms and hod secondary health services mcgm kb bhabha hospital building, Municipal corporation of greater mumbai (mcgm), 7th floor, Rk Patkar Marg, Bandra west, mumbai, Maharashtra
4. The Committee of creditors of seven hills healthcare private ltd., Through J.M. Financial asset reconstruction company ltd. 7th Floor, Energy, Appasaheb Marathe Marg, Prabha Devi, Mumbai Maharashtra.
5. The Secretary, Union of India, Ministry of Corporate Affairs, New Delhi.
(Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to Sri. Jakki Durga Rao, Advocate [OPUC]
7. One CC to Sri. Vivek Chandra Sekhar.S, Advocate [OPUC]
8. Two spare copies

MM

HIGH COURT

**HCJ
&
NJSJ**

DATED:09/02/2023

NOTE: POST THIS CASE ON 16.02.2023

NOTICE BEFORE ADMISSION

WP(PIL).No.17 of 2023

