



**NATIONAL COMPANY LAW TRIBUNAL**  
**INDORE BENCH**  
**COURT NO. 1**

ITEM No.201  
**IA/347(MP)2025**  
in  
**CP(IB)/3(MP)2024**

**Order under Section 60(5) r.w. Rule 11**

**IN THE MATTER OF:**

Chaya Gupta RP of Greater Kailash Hospitals Pvt Ltd  
V/s  
Mr. Anil Bandi & Anr

.....Applicant

.....Respondent

**Coram:**

Hon'ble Shri Brajendra Mani Tripathi, Member (J)  
Hon'ble Shri Man Mohan Gupta Member (T)

**PRONOUNCEMENT OF ORDER**  
**Delivered on 02/06/2026**

The case is fixed for pronouncement of the order.

The order is pronounced in open Court *vide* separate sheet.

Sd/-

**MAN MOHAN GUPTA**  
**MEMBER (TECHNICAL)**

Tomar

Sd/-

**BRAJENDRA MANI TRIPATHI**  
**MEMBER (JUDICIAL)**



**IN THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL**

**INDORE BENCH**

**I.A. (I.B.C)/347(MP)2025**

**IN**

**C.P.(IB)/3(MP)2024**

*[An application under section 60(5) of Insolvency and Bankruptcy code, 2016  
read with rule 11 of the National Company Law Tribunal Rules, 2016]*

**In the Matter of:**

**Mrs. Chaya Gupta**

Resolution Professional of

M/s Greater Kailash Hospitals Private Limited

Having Office at: -

911, Apollo Premier, Near Vijay Nagar Square,

Indore, Madhya Pradesh - 452001

**...Applicant**

**VERSUS**

**Mr. Anil Bandi**

(Suspended Director of the Corporate Debtor

Email Id: drakbindore@gmail.com

**...Respondent No. 1**

**Ms. Radhika Bandi**

(Suspended Director of the Corporate Debtor

Email Id: eyeradhika@gmail.com

**...Respondent No. 2**

**Coram:**

**Hon'ble Mr. Brajendra Mani Tripathi, Member (Judicial)**

**Hon'ble Mr. Man Mohan Gupta, Member (Technical)**

**Appearances:**

For the Applicant: Mr. Neeraj Kumar Gupta, Adv.

For the Respondent: Ms. Kriti Vyas, Adv.



**ORDER**  
**Delivered on: 02.06.2026**

**I. NATURE OF THE APPLICATION**

1. The present Interlocutory Application bearing **I.A. (I.B.C)/347(MP)2025** has been filed by Mrs. Chaya Gupta, the Resolution Professional (hereinafter "**RP**") of M/s Greater Kailash Hospitals Pvt. Ltd. (hereinafter "**Corporate Debtor**") under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (hereinafter "**the Code**") read with Rule 11 of the NCLT Rules, 2016, seeking directions against Mr. Anil Bandi and Ms. Radhika Bandi, the Suspended Directors of the Corporate Debtor (hereinafter "**Respondents**"), on account of their alleged non-cooperation in the conduct of the CIRP and failure to provide necessary books of accounts, records, documents, and data as mandated under the Code.
2. The main Company Petition CP(IB) No. 3/2024 was filed by Sukhkarta Medicose (Financial Creditor) against M/s Greater Kailash Hospitals Pvt. Ltd. (Corporate Debtor). Vide Order dated 30.07.2024, this Hon'ble Tribunal admitted the petition and appointed the Interim Resolution Professional. Subsequently, vide Order dated 03.03.2025 this tribunal appointed Applicant as the Resolution Professional of the Corporate Debtor.
3. The Applicant/Resolution Professional has prayed for the following reliefs:
  - i. *Direct the Respondents, particularly the erstwhile Director(s) of the Corporate Debtor, to fully cooperate with the Resolution Professional in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016, and to forthwith provide all information, documents, books of accounts, records, and any other*

*data as may be required by the Resolution Professional for effective conduct of the Corporate Insolvency Resolution Process.*

- ii. Issue appropriate directions to the Respondents to refrain from obstructing or interfering with the functioning of the Resolution Professional and to comply with all lawful instructions issued by the RP during the course of the CIRP.*
- iii. Take cognizance of the continued non-compliance and non-cooperation by the Respondents and, if this Hon'ble Tribunal deems fit and proper, initiate appropriate penal action under Section 70 and other applicable provisions of the Insolvency and Bankruptcy Code, 2016.*
- iv. Pass such further and other orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice, equity, and fair conduct of the Corporate Insolvency Resolution Process.*

## **II. PLEADINGS OF THE APPLICANT:**

4. The Ld. Counsel for the applicant submits as follows:

### **Para 2 — Handover and Initial Attempts to Obtain Documents:**

5. The applicant submits that subsequent to her appointment, she took charge from the erstwhile RP both physically and through digital handover of records. During the handover process, the erstwhile RP informed the Applicant that certain documents and information, though not received by him, were stated to be available at the premises of the Corporate Debtor, as it was operating as a functional hospital. Following the handover, the Applicant made multiple attempts to obtain the said information and documents by approaching the erstwhile director of the Corporate Debtor. However, despite repeated written and verbal requests, the ex-director failed to provide the required information and continued to offer evasive responses and untenable excuses, thereby obstructing the RP's ability to perform her statutory



duties under the Code. Their continued non-compliance has severely impeded the discharge of statutory responsibilities by the Resolution Professional and has prevented the preparation of a complete and accurate Information Memorandum, as mandated under the provisions of the Code.

**Para 3 — Writ Petition Copy:**

6. Initially, the Applicant sought a copy of the writ petition from the directors. However, the erstwhile director informed that the same could not be furnished owing to unpaid fees of the legal counsel engaged in the matter. The true copy of mail dated 29.03.2025 and reply dated 31.03.2025 are Annexure A-2 (Colly).

**Para 4 — Partial Documents Provided Against Email dated 25.03.2025:**

7. The Resolution Professional, vide email dated 25.03.2025, raised queries with the erstwhile director regarding the requirement of certain documents. In response, the directors furnished only partial documentation through separate email communications; however, the complete set of documents as requested was not provided. The list of documents/records requested, provided, and not provided is as follows:

<b>Sl. No.</b>	<b>Document Sought</b>	<b>Provided or Not</b>
1.	Complete set of maps and relevant documents submitted for approvals pertaining to the building permissions of the Corporate Debtor.	Provided
2.	Documentation evidencing the procurement/acquisition of the land upon which the premises of the Corporate Debtor are situated.	Not Provided
3.	TNCP (Town and Country Planning) approval for the premises of the Corporate Debtor.	Provided
4.	Municipal Corporation approval for the premises of the Corporate Debtor.	Provided



5.	Permissions of Nursing Care with all supporting documents.	Only details were provided
6.	Permissions of Fire and Safety with all supporting documents.	Provided
7.	Schedule A as mentioned in BS of partnership firm for FY 2007-2008 & 2008-2009.	Not Provided
8.	Tax Audit Report for all FY since inception.	The Resolution Professional extracted the documents from the portal itself.
9.	Income Tax Portal access – User ID and Password.	Provided
10.	Shareholding of shareholders on transfer of partnership firm to Pvt Ltd Company and basis thereof.	Not Provided
11.	Loan agreements of ICICI Bank and BOI.	The Resolution Professional extracted the documents from the public domain.

The true copy of mail dated 25.03.2025 and reply dated 10.04.2025 are Annexure A-3 (Colly).

**Para 5 — Queries on Balance Sheet vide Email dated 04.04.2025:**

8. Vide email dated 04.04.2025, the Resolution Professional raised certain queries pertaining to the Balance Sheet of the Corporate Debtor, addressed to both the erstwhile director (Respondent No. 1) and the statutory auditor. While the auditor furnished the requested documents, Respondent No. 1 once again failed to provide a substantive response and instead offered further excuses. The true copy of mail dated 04.04.2025 and reply dated 10.04.2025 are Annexure A-4 (Colly).



**Para 6 — Unsatisfactory Responses to Queries on FY 2023-24 Financial Statements:**

9. After scrutinizing the financial statements of the Corporate Debtor, the Resolution Professional raised queries regarding entries made in the audited financial statements for FY 2023-24. The director, vide different mails, only offered excuses or provided unsatisfactory responses which were not sufficient. The true copies of mail dated 15.05.2025 and replies of different dates are Annexure A-5 (Colly).

**Para 7 — Non-Cooperation Amounts to Breach of Statutory Duty:**

10. The failure on the part of the directors to fully cooperate, provide complete disclosures, and make available all relevant documents has not only delayed the CIRP process but has also jeopardized the interests of creditors and other stakeholders. Such non-cooperation amounts to a breach of the obligations cast upon the Suspended Board of Directors under Sections 19 and 25 of the Code, which mandate full assistance and cooperation with the Resolution Professional and also cast a duty upon the RP to take control/possession of all records of the Corporate Debtor.

**III. REPLY OF THE RESPONDENTS**

**Para 2 — On Information Memorandum and Computer/Server Issue:**

11. The Respondents submit that the allegation that non-cooperation by suspended management has prevented preparation of a complete and accurate Information Memorandum is not exactly true because an IM was already prepared by the IRP Mr. Kekre. If there was, in fact, non-cooperation from the side of the suspended management, then that IM could not have been prepared.
12. On the computer issue, the Respondents state that the hospital had various computers being used in various departments i.e. HR, Accounts, front-desk, billing. The accounts department in particular



had 3-4 computers which contained all information related to the CD. The RP removed one of these computers from the premises in order to retrieve data she might have needed to conduct her proceedings according to IBC provisions. But that computer, when disconnected from the server of the hospital, would be of no use to the RP as the data is stored in the server. When that computer was rendered useless at the RP's office, there is no point in blaming the Respondents for this. This removal of PC from the CD's premises was done without any discussion with the suspended directors. It is also pertinent that the CD was still a functioning hospital and a going concern in accounting terms. Removal of a computer from the accounts department was a clear dereliction of duty by the RP in terms of Section 20 of the Code. Not only that, she also locked the accounts department and stopped employees from accessing the computers. Then she keeps emailing the Respondents for information stored in the computers that she herself has locked. If she needs information from those computers, she should either be sending someone from her team to access that or allow the hospital's employees access.

**Para 3 — On the Writ Petition:**

13. The Writ Petition as mentioned in the Application is a disposed off matter from the High Court, Indore Bench on July 31st, 2024. Since it is a disposed off matter, any party can apply for a certified copy of the entire file from the High Court as after being disposed off, it becomes a public record. However, for the RP's convenience, the Respondents have taken the certified copy from the court and shared the same with the RP/Applicant via email on 20.09.2025. The email is Annexure R1.

**Para 4 — Specific Responses on Documents Sought (Table in Application):**

14. As is visible from the list itself, most of the items requested are already available with the RP. Other details are as follows:



<b>S. No.</b>	<b>Documents Sought</b>	<b>Explanation From Respondent Side</b>
1.	Documentation evidencing the procurement/acquisition of the land upon which the premises of the Corporate Debtor are situated.	The land of the hospital is divided into 4 parts. Only 1 part of that is owned by the hospital and the remaining 3 parts are owned by Late Dr. Kusum J. Singh. A copy of the registry of the part owned by the hospital is already present with the RP. As far as the other 3 parts are concerned, they are personal properties of Late Dr. Kusum J. Singh. The original deeds of all registries are lying with LIC-HFL which has 90% voting rights in the CoC. The RP must coordinate with them and get scanned copies of all the original deeds as the applicants are not in possession of them. Moreover, all copies of registries have already been handed over to the office of IRP Mr. Kekre, so it is fair to presume the applicant must have gotten them during the handover process. However, as a gesture of goodwill, all registries were again emailed to the RP on 20.09.2025 (Annexure R2).
2.	Schedule A as mentioned in BS of partnership firm	This information was already handed over to the office of IRP Mr. Kekre, so it is fair to presume the



	for FY 2007-2008 & 2008-2009.	applicant must have gotten them during the handover process. Even if not handed over, this information is available at the CD's premises and is not available with the Respondents
3.	Tax Audit Report for all FY since inception.	Since access to income tax portal is already provided to the applicant, she can take out all information from the portal itself.
4.	Shareholding of shareholders on transfer of partnership firm to Pvt Ltd Company and basis thereof.	The shareholding pattern of all shareholders at the time of formation of the company is visible on page 2 of the Memorandum of Association which has already been shared with the erstwhile RP via email on 28.7.2024. Since the applicant is the current RP she has access to those emails.
5.	On Loan Agreements of ICICI Bank and BOI	The applicant is now in-charge of the company, she can herself coordinate with banks and take these documents as the respondents are now suspended management and do not have power to operate on behalf of the company.



15. **Para 5 — Reply to Para 5 of Application (Balance Sheet Queries):**

- i. The original sale deeds are with LIC-HFL as is mentioned in the email sent to RP on 27 Aug 2024, while the erstwhile RP was in-charge of the company.
- ii. The value of the land is part of the ledger account 'Building'. This can be verified from the Balance Sheet sent to the CoC from the erstwhile RP via email dated 14.02.2025. The said plot is owned by CD. The registry of the said plot has been shared with the RP/Applicant on 20.09.2025 via email — Annexure R2.
- iii. On write-off: The amounts were given as part of various agreements/loans with different parties but those never came to fruition/were never recovered, so the amounts were written off. The documents have been provided to the RP through an email on 20.09.2025 — Annexure R3.
- iv. On Capital Advances: The property advance given to the Agarwals mentioned in this point are all members of the same family and this advance was given within the scope of erstwhile negotiations to develop a new hospital along with the Agarwals. However, the deal never came to fruition as the Hospital could not pay the remaining amount of the agreement to sell, so this is still showing as Capital Advances in the books as on the date of CIRP. The complete explanations regarding this transaction have already been shared with the IRP and the applicant should have received it at the time of handover. However, the suspended management have again shared the documents with the RP via email on 26.09.2025 — Annexure R4.

**Para 6 — Reply to Para 6 of Application:**

16. This point pertains to queries sent by the applicant via email on 15.05.2025. It is strange that though the applicant has access to the



entire accounts department, tally backup and entire records of the hospital, still she is asking for records from Respondents who are not in control of the company since August 2024. Also, salary sheets have been shared with the RP many times during the past 1 year by the HR of the hospital. And after 30.7.2024, the RP is in-charge of maintaining the records of the company. The queries regarding fixed assets and other assets have also been answered. The respondents suggest that the RP should visit the premises along with the respondents also in attendance and find answers to all queries related to cash payments there itself.

**Para 7 — On Alleged Non-Cooperation:**

17. It has also been alleged that various opportunities were given to the staff of the CD to access records but they did not arrive at the CD's premises at the pre-decided time. It has also happened on several occasions that the CD's staff showed up but no one from the RP's team nor the RP arrived at the CD's premises and after waiting for some time, the CD's staff went back. So this can very well be attributed to circumstances present on the particular dates that were fixed and does not really signify non-cooperation from the Respondents.

**Para 8 — Professional Standing and Conduct of RP:**

18. The suspended management/respondents are not accounting wizards or people with business skills. They are professional doctors who serve their patients. The kind of allegations being levelled by the RP are frankly disheartening. The respondents are continuously replying to all the emails being sent by the RP. Whatever information they can gather without having access to their official records, they have supplied that multiple times to the RP. Rest of the information and documents can mostly be found at the CD's premises itself but neither the RP nor her team has taken any efforts to find the documents. Applicant is simply sending out emails to get information which is mostly lying at the CD's



premises which is now under the control of the RP and not the suspended management/respondents. Various other pieces of information that have been alleged to be missing are available in the official CIRP email itself, as it has been shared with the previous IRP. It is also pertinent that the conduct of the RP Mrs. Chaya Gupta has been really hostile throughout her period as the RP of the CD. She has not taken any effort to build a rapport with the staff of the hospital. Though she has claimed she is regularly visiting the premises of the CD, she has really been there only 3-4 times and her staff also does not visit regularly. No one from the applicant's office is coordinating with the hospital's staff on a regular basis which is why the respondents who are suspended directors of the company are still being asked for everything. If there was non-cooperation as the applicant alleges, then there should have been a similar application filed by the erstwhile IRP who served as deemed RP for this case for several months before the applicant took over as RP.

**Para 10 — Suggestion for Joint Visit:**

19. The Respondents humbly suggest that the RP should visit the premises along with her team at the same time when the hospital's accounts staff and the suspended directors are also present, so that the respondents and applicant can sit together and see what all information is needed by the RP and what all files are present at the CD's premises which could answer those queries that the RP has.

**Prayer of Respondents:**

20. The Respondents pray that this Hon'ble Tribunal may be pleased to: (a) Reject/Dismiss IA 347(MP)/2025 filed by the Applicant for 'non-cooperation by suspended management' due to it being without any merits; (b) Direct the RP to personally visit the premises along with her team at the same time when the hospital's accounts staff and the suspended directors are also present, so that the respondents and



applicant can sit together and see what all information is needed by the RP and what all files are present at the CD's premises which could answer those queries; (c) Not to initiate any penal action u/s 70 and other applicable provisions of the IBC, 2016; and (d) Pass any further order(s)/direction(s) as may be deemed fit.

#### **IV. REJOINDER OF THE APPLICANT**

##### **General Denial and Procedural Objection:**

21. The Applicant has denied all contents of the Reply except to the extent of matters of record or those consistent with the Application, and has reiterated all averments of the Application. The Applicant has raised a procedural objection that the Reply served was not signed by the Respondents and is supported only by the affidavit of Respondent No. 1, which the Applicant submits is deliberate in order to have a convenient escape route.

##### **On the Information Memorandum:**

22. The IM prepared by the erstwhile IRP was prepared as per data available with him at that time. It is the duty of the new RP to update the same based on fresh information acquired. The IM is an evolving document. The IM has been substantially updated by the Applicant/RP on various aspects that became known subsequently.

##### **On the Computer/Server Issue:**

23. When accounting data was requested, the Respondents directed the RP to Mr. Sunil Soni, their former employee/accountant, who led the RP to take custody of a computer terminal which later turned out to be a dummy extension terminal. The actual data is stored in a server in the controlled digital access of the Respondents and Mr. Sunil Soni. When this conduct was pointed out, Respondent No. 1 took grave offence and stopped interacting. Email communication between the Applicant and Respondent No. 1 is Annexure-B to the Rejoinder.



**On Land and Asset Ownership:**

24. The assets claimed to be owned by Mrs. Kusum J. Singh are duly reflected in the balance sheets of the Corporate Debtor, signed by the Respondents themselves over several years.
25. Schedule A to the balance sheet of the erstwhile partnership firm was sought from the Respondents who said it was given to the erstwhile IRP. However, the erstwhile IRP denied having the same (Annexure-C to the Rejoinder). This amounts to 'passing the buck' and is tied to a greater attempted fraud.

**On Specific Paras of the Reply:**

26. Para 6 of Reply — Denied as false and frivolous. The RP team has always reached the hospital as and when agreed. Para 7 of Reply — Completely false, frivolous, and unwarranted, a mere counterblast. Para 8 of Reply — Denied; an attempt to escape responsibility as Directors of the Corporate Debtor, impermissible under law. Contents of para 9 are denied for want of knowledge and also as being completely irrelevant, respect as Doctor does not mean that a person cannot be a fraudulent person in money matters

**V. ANALYSIS AND FINDINGS**

**Statutory Framework:**

27. Section 19(1) of the Code casts an unambiguous obligation upon the personnel of the Corporate Debtor, including its promoters and directors, to extend all assistance and cooperation to the RP as required in managing the affairs of the Corporate Debtor. Section 19(2) provides that where any such personnel does not comply, the RP may make an application to the Adjudicating Authority for appropriate directions. Section 18 mandates the RP to take custody of all assets, properties, and documents of the Corporate Debtor. These duties are absolute,

ongoing, and not conditioned upon the stage of CIRP or the personal convenience of the Suspended Management.

28. The duty under Section 19 of the Code upon the Suspended Directors is positive and absolute. The Respondents have argued that the absence of any application by the erstwhile IRP establishes their cooperation. We are unable to accept this. Each RP exercises independent statutory judgment and the non-filing by a predecessor is not a clean chit for the conduct of the Respondents vis-à-vis the present RP.

**On the Query of this Tribunal dated 21.01.2026 — Why Information is Required at this Stage when plan is pending approval before this Hon'ble Tribunal:**

29. Vide Order dated 21.01.2026, this Bench specifically directed the RP to clarify why the information is required at this stage when the Resolution Plan has already been filed and is pending approval. The RP filed a compliance Affidavit dated 23.02.2026 in response. We have carefully considered the explanation offered. The RP has demonstrated: (i) IA/626(MP)/2026 is pending adjudication wherein a Doctor (Operational Creditor) has sought admission of claim of Rs. 16,78,973/- whereas only Rs. 1,93,160/- has been admitted — resolution of this claim dispute requires access to HMS data and primary records for correct determination; (ii) the CIRP has not attained finality as the Resolution Plan is yet to be approved under Section 31 of the Code — until such time, all statutory duties of the RP continue unabated; (iii) In the absence of primary record and system data, the RP is constrained to rely on the audited financial statements, however when allegations are raised contradicting such records, access to record of corporate debtor which is concealed is necessary (iv) the information has a direct material bearing on future proceedings under Sections 43, 45, 49, 50, 66, and 67 of the Code. We find the explanation to be fully satisfactory and legally well-founded. Filing of a Resolution Plan does not extinguish the CIRP or the RP's statutory obligations.



**On the Written Submissions and Final Document-Wise Analysis:**

30. Both parties have placed their Written Submissions before this Tribunal updating the status of documents and advancing additional arguments. We have considered the Written Submissions of both parties together with the pleadings and the compliance affidavit. The document-wise position as emerging from the Written Submissions, and this Tribunal's findings and directions thereon, are set out in the table below:

<b>Sr.</b>	<b>Document / Issue</b>	<b>Applicant's Written Submission</b>	<b>Respondents' Written Submission</b>	<b>Tribunal's Finding / Direction</b>
1.	Documentation evidencing the procurement/ acquisition of the land upon which the premises of the corporate debtor are situated.	Copies provided during pendency of Application.	Documents were provided to the erstwhile IRP at the beginning of CIRP and re-shared with the Applicant during pendency of this Application. Applicant's own Rejoinder at page 46 shows the erstwhile IRP Mr. Kekre had shared these documents with the Applicant twice. Applicant makes it seem like it was shared for the first time.	Provided during pendency of Application.  No further direction required.
2.	Nursing Care Permissions with	Copies provided during pendency of Application.	Provided to the erstwhile IRP and re-shared with Applicant during	Provided during pendency of Application.



Sr.	Document / Issue	Applicant's Written Submission	Respondents' Written Submission	Tribunal's Finding / Direction
	Supporting Documents		pendency of Application.	No further direction required.
3.	Schedule A to Balance Sheet of erstwhile Partnership Firm (FY 2007-08 & 2008-09)	Not Provided. Intentionally concealed. Serious issue forming part of a larger design to defraud creditors — to be seen in light of IA 351/2025 filed by son of Respondents . Erstwhile IRP denied having it.	Information is available at the CD's premises which are in control of the RP. Not available with Respondents personally. RP can visit premises and search for it. It is comical to assume someone is hiding a schedule from a 17-year-old balance sheet to defraud. Further, the IA number cited by the Applicant (IA 351/2025) is incorrect — it is IA 531/2025.	<b>Still outstanding.</b> The Respondents' plea that it is available at the CD's premises is not a discharge of their Section 19 obligation. The Respondents, as Suspended Directors who managed the partnership and its conversion, are directed to make best efforts to locate and provide Schedule A within 15 days from the date of this Order.  If genuinely not available in their possession or control, the Respondents shall file a sworn affidavit to that effect within 15 days.
4.	Shareholding of Shareholders on Conversion of	Not provided. Intentionally concealed. Relevant document	Information has been in CIRP process email since 28.07.2024 as it was shared with the erstwhile IRP.	<b>Still outstanding.</b> While MCA records may have been accessed by the RP, the basis and <b>rationale of</b>



Sr.	Document / Issue	Applicant's Written Submission	Respondents' Written Submission	Tribunal's Finding / Direction
	Partnership Firm to Pvt. Ltd. Company — Basis Thereof	downloaded by RP from MCA records filed by Respondents . Basis of shareholding not provided.	Applicant has access to those emails and can find it by going through case-related emails. This reflects lethargy on the part of the RP and her team.	<p><b>shareholding allotment</b> at the time of conversion of the partnership firm to Private Limited Company is a substantive explanation that cannot be substituted by a mere MCA filing.</p> <p>The Respondents are directed to specifically provide the basis of shareholding allotment on conversion within 15 days from the date of this Order.</p>
5.	Partnership Deed between Sukhkarta Medicose and Corporate Debtor	Not provided despite promise made in email dated 07.08.2025. Listed as outstanding in Written Submissions .	This document is not mentioned in the list of documents sought in the original Application — added for the first time in Rejoinder/Written Submissions. The email dated 07.08.2025 was only a promise to search, not an admission of possession. Despite diligent efforts, the	<p><i>Added for the first time at Rejoinder/Written Submissions stage — not part of original Application."</i></p> <p>The Respondents have denied possession.</p> <p>The Respondents are directed to file a sworn affidavit confirming non-availability of the deed in their possession or control within 15 days.</p>



Sr.	Document / Issue	Applicant's Written Submission	Respondents' Written Submission	Tribunal's Finding / Direction
			<p>deed is not available in the Respondents' present possession or control.</p> <p>Non-availability is not non-cooperation.</p>	
6.	Access to Hospital Management System (HMS)	Access not granted. Cooperation refused vide email dated 23.10.2025.	<p>Respondents facilitated access through staff and accountants. HMS access restricted solely due to patient-data privacy concerns.</p> <p>Respondents consistently cooperated within legal and operational limits.</p>	<p><b>Still outstanding.</b></p> <p>Patient privacy concerns are not a valid basis to deny an RP — a statutory authority under the Code — access to the hospital's own management system data. The RP's obligation to adjudicate claims correctly and her statutory duties under Sections 18 and 25 of the Code override any such plea.</p> <p>The Respondents are directed to provide complete HMS login credentials and facilitate unhindered access to the RP and her team within 15</p>



Sr.	Document / Issue	Applicant's Written Submission	Respondents' Written Submission	Tribunal's Finding / Direction
				<p>days from the date of this Order.</p> <p>Accounting data for the period 01.04.2016 to 31.03.2019 is also directed to be provided within the same period.</p>

**Summary of Findings:**

31. In light of the above analysis, this Tribunal finds: (i) the RP has sufficiently explained the continuing necessity of the information sought at this stage, and such explanation appears legally sustainable and factually supported; (ii) while the Respondents have furnished certain documents, some information/documents sought by the RP remain outstanding; (iii) the documents provided during the pendency of this Application, though taken on record, do not detract from the obligation to furnish the same in a timely manner upon request.
  
32. The Respondents have argued in their Written Submissions that since the Resolution Plan has been approved by the CoC, no material information could have been missing, rendering this Application a wastage of the Tribunal's time. We find this submission to be without merit. It is made clear that the filing of the Resolution Plan before this Bench does not extinguish the duties of the RP or the corresponding obligations of the Suspended Management under the Code. The RP shall continue to discharge her statutory duties until the Resolution Plan attains finality under Section 31 of the Code.



**ORDER**

In light of the foregoing analysis and the document-wise findings above, this Tribunal passes the following Order:

1. The Respondents are hereby directed to provide the following to the Applicant/Resolution Professional within fifteen (15) days from the date of this Order:
  - a. Complete login credentials (User ID and Password) for the Hospital Management System (HMS) of the Corporate Debtor, along with unhindered access for the RP and her team. The RP is a statutory authority under the Code and no plea of patient-data privacy shall be a ground to deny such access. Further, RP is also directed to handle the said data carefully.
  - b. Complete accounting data and records for the period 01.04.2016 to 31.03.2019;
  - c. Schedule A to the balance sheet of the erstwhile partnership firm for FY 2007-08 and FY 2008-09 — or, if genuinely not available in their possession or control, a sworn affidavit confirming non-availability;
  - d. The basis and rationale for shareholding allotment at the time of conversion of the partnership firm to Private Limited Company;
  - e. A sworn affidavit confirming non-availability of the Partnership deed between Sukhkarta Medicose and the Corporate Debtor in the Respondents' present possession or control.
2. The Respondents and the Applicant/RP are directed to jointly visit the premises of the Corporate Debtor on a mutually agreed date within fifteen (15) days from the date of this Order, along with their respective teams and the hospital's accounts staff, to identify any remaining records/documents required by the RP and to address queries which can be resolved at the CD's premises itself.



3. The Respondents shall desist from obstructing, interfering with, or in any manner impeding the functioning of the Resolution Professional in the discharge of her statutory duties under the Code.
4. The prayer for initiation of penal action under Section 70 of the Code — at this stage, this Tribunal refrains from invoking penal consequences. In view of above, the Interlocutory Application bearing **IA No. 347/2025** is partially allowed and stands disposed of in above terms.

Sd/-

**MAN MOHAN GUPTA**  
**MEMBER (TECHNICAL)**

Chandni – L.R.A.

Sd/-

**BRAJENDRA MANI TRIPATHI**  
**MEMBER (JUDICIAL)**