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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 18th May, 2021

+ W.P.(C) 5049/2021 and CM No.15453/2021 (*directions*)

DR. RAKESH SAXENA Petitioner
Through: Mr. Ashish Makhija and Mr. Ashish
Hira, Advocates

Versus

GOVT OF NCT OF DELHI & ORS. Respondents
Through: Mr. Santosh Kumar Tripathi, St. Counsel
with Mr. Aditya P. Khanna and
Mr. Shashank Tiwari, Advocates for R-1
Mr. Sharad Tyagi, Mr. Shubham Sharam and
Ms. Yukti Makan, Adv. for R-3

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

1. Learned counsel for the Petitioner submits that the Petitioner is a Doctor by profession and was a Director in the Company which, prior to the appointment of the Insolvency Resolution Professional by NCLT, was running a multispeciality hospital under the name of Febris situated at Narela, New Delhi. It is a 150 bedded hospital and also accessible to people from Haryana and Uttar Pradesh.
2. Counsel for the Petitioner submits that independent of the NCLT proceedings, the petitioner is offering the hospital facility to Respondent No.1 and is ready and willing to deposit Rs.15 Lakhs as an initial

contribution as also Rs.4 Lakhs p.m. for running the hospital. The remaining funds would be generated from the money paid by the patients. The hospital is a multispecialty hospital and in the present circumstances of Pandemic Covid-19 with extreme scarcity of hospitals and beds, this would go a long way to benefit the people of this city. Petitioner also undertakes that he will not take the control of the hospital or claim any right over it as the proceedings are pending before the NCLT and the Petitioner is only offering the services of his team of doctors and para-medical staff to make the hospital operational during this pandemic situation as a goodwill gesture.

3. Having heard learned counsels for both sides and looking into the facts and circumstances of the case, we hereby direct Respondent No.1 to take a decision with respect to the aforesaid offer of the Petitioner, subject to the undertaking given by him with regard to the contribution of funds and the control over the running of the hospital and also looking to the reply affidavit of Respondent No. 3 file in this petition. These aspects of the matter will be kept in the backdrop while taking a decision in the matter by Respondent No.1. Since the offer, if accepted, can be useful in the present circumstances, we hope and expect Respondent No.1 to take a decision as expeditiously as possible as and not later than three weeks from today.

4. With these observations, the writ petition and the application are disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

MAY 18, 2021/yg