

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) No.291 – 293 of 2026**

**In the matter of:**

Dr. Deepak Verma ...Appellant No.1

Dr. Sanjay Goyal, Director ...Appellant No.2

Vs.

Ajay Somani ...Respondent No.1

Pradeep Pal ...Respondent No.2

Sparsh Multispecialty Hospital Private Limited ...Respondent No.3

Dr. Vinod Kumar Singh ...Respondent No.4

Dr. Chetna Gupta ...Respondent No.5

Dr. Ujjawala Chandrakar ...Respondent No.6

Dr. Deepak Kothari ...Respondent No.7

Dr. Anoop Gupta ...Respondent No.8

Shimpy Goyal ...Respondent No.9

Namrata Singh ...Respondent No.10

Poonam Verma ...Respondent No.11

Dr. Adarsh Trivedi ...Respondent No.12

Dr. Jay Tiwari ...Respondent No.13

Manjula Tripathi ...Respondent No.14

Dr. Ashish Jain ...Respondent No.15

**Present:**

**Appellants:** Mr. Abhijit Sinha, Sr. Advocate with Mr. Gaurav Mitra, Mr. Chitranshul A. Sinha, Mr. Shivam Shorewala, Mr. Ashutosh Khemani, Ms. Heena Kochar, Ms. Lavanya Pathak, Ms. Esha Sharma and Ms. Rakshita Bhargava, Advocates.

**Respondents:** Mr. Krishnendu Datta, Sr. Advocate with Mr. Ravi Raghunath, Mr. Nishant Kumar, Ms. Niharika Sharma and Mr. Namanjeet S. Bhatia, Advocates.

**Mr. Gopal Jain, Sr. Advocate with Mr. Jaskaran S. Bhatia and Mr. Shaurya Shyam, Advocates.**

**ORDER**

**Per Justice Sharad Kumar Sharma, Member (Judicial)**

This Company Appeal has been preferred by the appellant, by invoking the provisions contained under Section 421 of the Companies Act. The appeal is, being considered at the stage of admission, confining for the purposes of considering the interim relief application as preferred by the appellant.

2. Precise facts, those engage considerations in the instant Company Appeal, are that the appellants have expressed their grievance, as against the impugned order of 13.07.2026, as corrected by the Order of 14.07.2026, in a proceedings of CP No.61/CB/2022 and CA No.11/CB/2025.

3. The appellants herein are the opposite party to the proceedings of the Company Petition, wherein they were impleaded as respondent Nos. 2 and 3 therein, as it had been reflected in the proceedings before the learned Tribunal, addressed to be the Managing Director, Director and Medical Superintendent of respondent No.1 i.e. Sparsh Multispeciality Hospital Pvt. Ltd. Certain serious allegations of oppression and mismanagement were taken as to be the foundation for institution of the proceedings by Mr. Ajay Somani and Mr. Pradeep Pal, who are respondent Nos.1 and 2 herein to the Company Appeal. Petitioners' case was that, the appellants who were respondent Nos.2 and 3 in the Company Petition were said to be in the helm of affairs of day to day management of respondent No.1. In the petition it

was alleged that all acts and actions taken by the appellants were fraudulent, arbitrary and based upon an unethical practice resulting in the adoption of improper billing mechanism and enforcement of an unscheduled standard of charges thereby exorbitantly charging the patients and causing consequential financial loss to the company.

4. It was submitted that the billing irregularities were also noticed by the Statutory Auditors of the company and the same were reflected in their audit report, and the observations, which were presented through PPT during the AGM, that was held on 27.09.2022. The petitioners to the Company Petition, the respondents herein, allege that the appellants have misconducted themselves by engaging themselves in multiferous financial and professional irregularities, which had a direct nexus to somehow thwart the extension of benefits of Ayushman scheme for illegal gains, to be extended to the needful beneficiaries as it was intended by the Ayushman Bharat Scheme and consequently, the appellants were shown to have drawn various undue advantages at the cost of the company. It is in the aforesaid backdrop that, it was alleged by the petitioners of the Company Petition that, the mal practices attracted actions to be taken by the district administration, health authorities resulting into passing of various directions by the Collector/Supervising Officers, who vide its Order of 03.11.2021 after finding a certain set of allegations to have been established, directed a refund of Rs.1,81,462/. The same was refunded by the management. The petitioners contended that, owing to certain complaints regarding the excessive charging of the medical bills in cash over

Ayushman limit. After due attention of the Chief Medical Officer, Durg (CG) which attracted taking of an action in accordance with The Chhattisgarh State Upcharyagriha Tatha Rogopchar Sambandhi Sthapanaye Anugyapan Adhiniyam, 2010.

5. Apart from it, it was contended by the respondents that the conduct of the appellants, who were the medical professionals, was contrary to the ethics governing the medical professions as prescribed by Statute under Indian Medical Council (Professionals Conduct, Etiquette and Ethics) Regulations, 2002.

6. The Company Appeal was vehemently argued by the learned Counsel for the appellant as well as the respondents.

7. The learned Counsel for the appellant, while attacking the impugned Order directing the appointment of the administrator, primarily contended: -

(a) That the appointment of Mr. Deep Chandra Joshi, the former Acting President, NCLT, Delhi, conferring him the authority to control and manage the affairs of respondent No.1 Company was vitiated in the eyes of law, because of there being conflict of interest. The reason, which was argued by the learned Counsel for the appellant was by drawing our attention to the proceedings of CP No.61/CB/2022, as it was held earlier in which Mr. Deep Chandra Joshi, the former Acting President of the NCLT, Delhi, was shown to be effectively conducting the proceedings of this Company Petition, on a judicial side and hence he suffered from the vices of bias, since having been appointed as the Administrator.

(b) Secondly, it was submitted by the learned Counsel for the appellant that, primarily the reason, which has been derived by the learned Tribunal for purposes of passing the impugned Order, would be bad for the reasons, the empanelment of the respondent No.1, which was earlier de-empanelled owing to certain observations that was made in the Order of de-empanelment. The same would not create any impediment as such because later the earlier Order of de-empanelment dated 07.02.2025, as passed by respondent No.2, the Order dated 27.05.2025 passed by respondent No.2 i.e. Director-cum-CEO, State Nodal Agency and the Order dated 27.05.2025 passed by Principal Secretary, Department of Health and Family Welfare, Raipur District, Raipur, will not hold water of upholding the adverse implications of de-empanelment. The logic argued, being that the order of de-empanelment of the respondent No.1 was questioned before the High Court of Chattisgarh in Writ Petition No.3316 of 2025 Sparsh Multispecialty Hospital Vs State Of Chhattisgarh and others and the Hon'ble High Court has set aside those two orders with the following observations:-

*“For the foregoing discussions, the writ petition deserves to be allowed as it is allowed. Order dated 7.2.2025 (Annexure P-3) passed by respondent No.2 and order dated 27.5.2025 (Annexure P-7) passed by respondent No.1 are set aside. However, the respondent No.2 will be at liberty to pass fresh speaking order considering show-cause notice dated 31.1.2025*

*(Annexure P-1) as also reply submitted by petitioner to it, in accordance with law, keeping in mind that petitioner has already suffered de-empanelment for a period of about 08 months.”*

8. What is being inferred by the Counsel for the appellant is that by the Order passed by the Hon'ble High Court on 29.10.2025, though the Order was quashed on technical grounds to issue show cause and pass reasoned order, but, principally, the matter was relegated to respondent No.2 to pass a fresh speaking order considering the show cause notice dealing with the subject of de-empanelment. But the fact remains that, the grounds of de-empanelment and the allegations were never tested nor set aside, on merits.

9. Based upon the aforesaid observations, it is argued by the learned Counsel for the appellant that, since the Directorate of Health and Services, Chattisgarh vide its Order of 18.11.2025 have re-empanelled the company, under the company, Ayushman Bharat Pradhanmantri Jan Aayog Yojana. It was presumably argued that all allegations those were set up in the Order of de-empanelment in fact stood eradicated, claiming as if the appellants were given clean slate.

10. This may not be a probable ground, which could appeal to us for the reasons being that even if the order of the High Court, itself is read in its entirety, it has been proceeded with an observation that the show cause did not give reasons. But if the show cause of 31.01.2025 it is considered, it did project as many as 11 irregularities and those pertain to the anomalies as enumerated hereunder: -

“

| S.N. | Key Findings                                                                                                                                                                        |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.   | <i>Physically confirmed all the patient booked under scheme, 2 patients were not present. As per hospital patient were sent to home but not discharged in TMS</i>                   |
| 2.   | <i>General wards standards were not maintained as per nursing homes acts, over crowding of beds, lighting was poor, improper ventilation, Duty doctor were not present in wards</i> |
| 3.   | <i>Pathologist was present at lab but no attendance register was managed and also report signed through computer</i>                                                                |
| 4.   | <i>Patient were charged extra money apart from the booked packaged no physical evidence where provided by the patient attendants.</i>                                               |
| 5.   | <i>Bio-medical waste management NOC expired</i>                                                                                                                                     |
| 6.   | <i>Blood bank agreement present but license not available</i>                                                                                                                       |
| 7.   | <i>Lift license not available</i>                                                                                                                                                   |
| 8.   | <i>Not all doctor were available as shown in provided list</i>                                                                                                                      |
| 9.   | <i>Employee list not justify employee are working or not. At the time of visit only 5 doctor are present. Also duty doctor (MBBS) not available in wards.</i>                       |
| 10.  | <i>Ayushman registration counter was not in proper accessible space</i>                                                                                                             |
| 11.  | <i>Bribe was offered by the hospital doctor in chamber to the visit team</i>                                                                                                        |

”

11. All these serious act of allegations are in fact based upon the enquiry/investigation that, was carried on 29.01.2025 where above anomalies were found to be established holding to be in violation of

Regulations of 2010. Even if we take into consideration the findings, these have been recorded in the de-empanelment Order dated 07.02.2025, the visiting team, which conducted an inspection of 31.01.2025, had observed some serious anomalies including the financial irregularities even offering bribe to the team conducting the investigation, relevant observation has been made in the Order of 07.02.2025 which are extracted herein:-

“

| <i>SN</i> | <i>Key Findings by visit team</i>                                                                                         |
|-----------|---------------------------------------------------------------------------------------------------------------------------|
| <i>1.</i> | <i>On the day of inspection, 2 patients who were booked under the scheme were physically not present in the hospital.</i> |
| <i>2.</i> | <i>Hospital wards were not maintained as per the HEM guidelines. Duty doctors were not present.</i>                       |
| <i>3.</i> | <i>Patient were charged extra money apart from the booked package.</i>                                                    |
| <i>4.</i> | <i>Bio-medical waste management NOC had expired.</i>                                                                      |
| <i>5.</i> | <i>Blood bank agreement was found but license was not available, Lift license was also not available.</i>                 |
| <i>6.</i> | <i>The hospital staff offered bribe to the visiting team in the chamber</i>                                               |

”

12. Though it has been argued by the Counsel for the appellant that the observations made in the report as well as in the show cause and in the Order of de-empanelment cannot be derived, as of now for the reason that the Order stood quashed by the Order of High Court vide its Judgment of 29.10.2025.

13. We are of the view that, this may not be the correct interpretation, which could be adopted for the reason being that, the rationale applied by



the High Court for setting aside the Order of de-empanelment was exclusively on account of the procedural anomalies and not based on scrutiny of set of allegations on merits. More particularly, when the High Court's direction was limited to reconsider the issue and pass a specific Order after considering a show cause notice, it will amount to that the allegations observed in the show cause notice of 30.01.2025, and the corresponding response given by the appellants on 03.02.2025 and the Order of de-empanelment dated 07.02.2025, they were never tested on the anvil of its own merits.

14. Rather, for all justifiable reasons, which the Directorate of Health and Sciences of Chattisgarh could have, while misinterpreting the Hon'ble High Court's order, re-included the respondent No.1 in the list of Ayushman Bharat Pradhanmantri Jan Aayog Yojana. Hence, the appellant cannot derive any benefit out of the said empanelment because of the fact that all allegations stood untested on the anvil of its own merits.

15. Another question that has been argued by the learned Counsel for the appellant was from the perspective that, if we see the entire conspectus of the controversy, as agitated in the company petition, and consequently in this company appeal, it does not make out a case of oppression and mismanagement and in that eventuality, the directions issued by the learned Tribunal of appointing the Administrator and its functioning may not justify to be appointed so to disrupt the functioning of the company. Because according to the appellant, the company in itself, at this stage, has been smoothly functioning and the representatives of both the appellant, as

well as the respondents, they are equally in the helm of affairs of the company and as such, the respondent cannot exclusively now, since being part and parcel of the management, contend that there had chances an act of oppression and mismanagement, which could have at all necessitated passing of the impugned order for appointing the administrator.

16. The learned Counsel for the appellant has very strongly referred to the proceedings those were taken up in the shape of a writ petition wherein as in his show cause notice of 31.01.2025, the order of de-empanelment dated 07.02.2025 was subjected to challenge in writ petition and ultimately the writ petition stood decided by an order of 29.10.2025.

17. The directions issued by the High Court of Chattisgarh in writ petition 3316/25 particularly that, as it was contended in para – 8 which has been strongly relied with. The appellant's Counsel has intended to argue that once the show cause itself has been doubted by the Hon'ble High Court, which would amount to that, the set of allegation that was mentioned in the show cause of 31.01.2025 itself was rendered to a non-existent and as such the set of allegations levelled therein may not be derived for the purposes of passing of the impugned order under challenge in the instant company appeal.

18. Moreso, it has been argued that after the Orders passed by the Hon'ble High Court on 29.10.2025, as a matter of act, a fresh order has been passed and as a consequence thereto, the company has been re-empanelled. Hence, the act of re-empanelment has been construed by the appellant, as if there was no blot in the functioning of the company of

respondent No.1, which could at all justify the appointment of the administrator.

19. Another argument that has been extended by the learned Counsel for the appellant was qua the implications of Section 167(1)(b) of the Companies Act, which is to be read with Section 168 with regards to circumstantial effect of vacation of office by operation of law. Non participation in the Board's meeting owing to that, there was an apparent threat of life that, in itself is being argued that, it may not suffice the purpose for the reason that, there had been a persistent default due to non-participation in the Board's meeting for the last over three years. The concocted story of threat to life, being derived as to the basis for not being able to participate in the Board's meeting, does not reflect genuineness at all. For the reason being that if there is any threat and particularly to a literate sane and mature person carrying out the business activities of the nature at hand, there has to be a criminal proceedings drawn by registering an FIR in order to get the protection as against the so called theory of threat. The ultimate question that, would be boiling down to be considered when the appeal is decided on merits is as to what implications would the non-participation of the Board's meeting would have qua the impugned order and if it is to be read in consonance to the so called theory of unestablished threat to life leading to the situation as it was discussed in the body of the judgement.

20. While opposing the prayer for grant of an interim relief, which was prayed by the appellant based upon the aforesaid set of facts, the same has been vehemently opposed by the learned Counsel for the respondent on the

ground that entire proceedings those have been taken by the appellant are vitiated and the order appointing the administrator based upon the facts and circumstances that, has been narrated in the impugned Order, do not call for any interference for grant of an interim order, more so, particularly, with regards to the set of allegations levelled, there were not only the individual vices in carrying out the professional responsibilities, but rather the facts as those were taken into consideration while passing the impugned order including the order of de-empanelment, would tantamount to be conspired act and an offence to the public at large and contrary to the constitutional mandate, because the allegations that have been taken into consideration will amount to nurturing of a social menace of indulging into corrupt practices maligning the noble profession of medical field and particularly the doctors engaged in it, and thus the appellant do not have equity in their favour as against the impugned order and particularly, at this stage for the grant of stay.

21. The learned Counsel for the respondent, while opposing the stand taken by the appellant while pressing the stay application, had drawn our attention as to how the Board's meetings were being conducted as the sequence of e-mail communications that, had exchanged between the Board of directors and the original petitioners pertaining to the meetings those were supposed to be conducted as a consequence thereto and particularly, while making reference to notice for AGM dated 24.09.2025, it was shown to have been sent at 8.21.06 p.m. However, communication thereof, if it is right in the context of purpose of sending of the notices, it could be seen

that, from the overall documents that have been placed on record, the only notice of 24.09.2025, which has been sent on the email of the appellant, it was cleverly sent in the manner that, it does not enable the respondent to meet the object and the purpose for which the meeting was scheduled to be held in relation to the dematerialization of shares as per the Companies Act.

22. The learned Counsel for the respondent had further referred to that, if we go through the other email communications particularly that, on which the reference has been made, being the email of 30.09.2025, it too was sent at 04.14 p.m. for participating in the AGM. This notice was responded by the respondent on 30.09.2025. What is being intended to be argued by the respondent while opposing the said application is that all attempts have been made by the appellant to portray the service of e-mail communications projecting as if, that it was served, but still the notice itself did it intended not to achieve the purpose of the service of the e-mail communications i.e. to frustrate the participation of the respondents in the AGMs. Thus informed to be conducted on the date and time as scheduled in the e-mail communication. It has been contended by the appellant that it attaches malice as regards to the manner in which the appellant had conducted themselves into the affairs of the respondent No.1.

23. During the course of the arguments, the learned Counsel for the appellant submitted that the conduct of the respondent/petitioners itself was not fair enough and that could be very evidently culled out from the list of complaints that were submitted to the hospital operator of respondent No.1, bearing No.40/SNA/2025/14-4/236/779 dated 18.07.2024. By virtue

of said communication, which were forwarded by the State Nodal Agency, it had pointed out that there was as many as 11 identified cases of misconduct and of medical lapses, as to the manner in which the appellants were dealing that the in-patients and specific references to the cases have been given therein and it was thereafter only that the show cause notice was issued on 18.07.2024 by the State Nodal Agency, imposing a penalty of Rs.22,44,700/- on respondent No.1 i.e. the company managed by the appellants. What is being argued by the learned Counsel for the appellant is that much credence cannot be placed on the said notice as they have made a very vague assertion that a review against the said set of allegations is already being preferred and pending consideration.

24. Even if we go into the show case notice that, was issued to the hospital of respondent No.1 as regards to the anomalies committed by them pertaining to the scheme of Ayushman Bharat Pradhan Mantri Jan Arogya Yojana and the allegations levelled therein (which has already been extracted above), there had been an apparent mismanagement on part of the respondent No.1, which did call for appointment of an administrator and more so, when we go through the response to the said show cause notice as submitted by the appellant, the logic that has been assigned in it, does not repose much confidence, as there was no specific explanation given by the appellant to the allegations levelled in the show cause notice issued by the Chief Officiating Officer, State Nodal Agency as in its show cause of 31.01.2025, it would not be out of context to mention that, if we go through the reply of 03.02.2025 submitted by the appellant, it does not speak about

giving any clarification to the allegations levelled in the show cause of 31.01.2025.

25. Much was argued by the Counsel for the appellant with regards to the effect of de-empanelment and the Order passed on 07.02.2025. It was argued by the appellant as if there had been no anomalies in the process and functioning of the hospital, but if we see the show cause notice which was based upon the inspection done by the State level team constituted under the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana, the Order of de-empanelment dated 07.02.2025 itself speaks about that upon the inspection, there have been various anomalies, which had been pointed out by the National Anti-Fraud Unit (NAFU) regards the hospital of the appellant.

26. Thus it cannot be said that the allegations of de-empanelment though it was subjected to challenge before the High Court in Writ Petition No. 3316 of 2025 that was disposed of, because even the disposal of the same in itself will not be in exoneration of the allegations, as the facts of allegations of mismanagement did not stood eradicated by any judicial interpretation because the disposal of the Writ Petition, was on the ground that the reasons were not considered and more so because it was based upon penalty as it was imposed on the petitioner by another Order of 18.07.2024 (as referred to the above), once again no benefit can be derived by the appellant by an Order passed in Writ Petition 3316 of 2025, since there was no merit adjudication and re-empanelment too was not in league with the spirit of the Order of the Hon'ble High Court.

27. A very important aspect, which would restrict grant of an interim Order, when a petitioner or appellant to the proceedings do not approach the superior Forum with clean hands. Most of the documents those have not been brought on the record by the respondent to project the reality about the mismanagement of the hospital of respondent No.1 managed by the appellant. These notices and other relevant documents were not placed on record and when it is being interpreted by us, what we could find is that the links of the meeting were sent after the meeting had started.

28. Besides that, there was no objection placed on record and for some of the meetings, even so much so no meeting link was even provided to the respondents and in some of the notices, there was no agenda at all. According to the own admission of the appellant as it found reference in the proceedings of CP No.61/CB/2022 as per the pleading that was raised in the company petition that was contained in para – 8.4A, specific facts were brought on record before the learned Tribunal, as regards to the instances of billing irregularities, those were pointed out by the Statutory Auditor of the company as made in their audit observations, which were discussed in the AGM that, was held on 27.09.2022, is not even that according to the documents those have been placed on record by the respondent which were on record within the proceedings before the learned Tribunal but for the reasons best known by the appellant, the same has not been placed before us, we could see that as per the minutes of the 5<sup>th</sup> COC meeting that was held on 06.10.2017, they had been counter version, which has been misutilized by them indulging into an act of oppression and mismanagement



and in accordance with the minutes of the third meeting as held on 08.09.2021, it was resolved that the appellant would be responsible for all marketing activities of the hospital roles and responsibilities.

29. Furthermore, looking to the observations which have been made in the Collector's letter dated 03.11.2021, wherein it was observed that the Director, Sparsh Multispecialty Hospital Bhilai was prima facie guilty and was imposed a fine of Rs.20,000/-, with a direction to return the additional amount of Rs.1,81,462/- taken from the relatives of the deceased patient, the same also indicates the financial irregularities in dealing with the Ayushman Card holders. The relevant portion of the said order is extracted herein below:

*".... According to the composite inquiry compliance report, the Director, Sparsh Multispecialty Hospital Bhilai has been found prima facie guilty. Sparsh Multispecialty Hospital Bhilai is a hospital registered under the Nursing Home Act 2013. The Nursing Home Act is applicable to the concerned private hospitals. For which, Chapter-Three 12. Punishment and Fine - (A) (1) of this Act, appearing in the Nursing Home Act 2013, or under any rules made under this, whoever in connection with any contravention of the provision made relating to the license, shall be punishable with a fine of Rs.20,000. In observance of this, the Director, Sparsh Multispecialty Hospital Bhilai is punished with a fine of Rs.20,000, and the additional sum taken for the health treatment of the deceased Late Shri G. Jagdish Kumar Rao Gross Total Rs. 1,81,46200 (One Lakh Eighty One Thousand Four Hundred Sixty Two only) the mandate is issued to*

*return to Smt. G. Sujata, wife of the deceased patient. The sum of the fine Supervisory Authority Government of Chhattisgarh Nursing Home Act District Durg bank draft in the name of Office Chief Medical and Health Officer Durg Nursing Home Act shall be deposited in the branch. Due to the Coronavirus COVID-19 transition, the order is being made available to each and every party on their Mobile WhatsApp.”*

30. The penalty has been imposed by the District Magistrate, as per the record, and has not been challenged, which apparently leads to the acceptance of the allegations held in the order of the District Magistrate. The issuance of notice by the District Magistrate is a fact, which has been admitted by the appellants in the Company Petition wherein a reference of the same finds place under the head of discussions made in the company petition regards to the financial irregularities in dealing of Ayushman Card holders.

31. From the aforesaid analysis, which for all practical purposes herein will be treated as tentative only, as we at this stage of the proceedings of this company appeals, we are confining our order to the stay application.

32. So far as the conclusions drawn by the Ld. Tribunal, while allowing the company petition regarding the act of oppression and mismanagement, we prima facie come to a conclusion that the findings recorded by the Ld. Tribunal pertaining to an act of oppression and mismanagement, particularly as regards to the finding on issue No.1, it did raise a concern that, so far as the consultancy agreement dated 01.04.2019 is concerned, which was executed with M/s PSAC and M/s Proethic Consultants Private

Limited. It simplicitor provided for hiring professional services to help the support system, including the management of finances, accounts, and administration; it didn't confer any exclusive right of management.

33. Apart from it, and more importantly, the interpretation assigned to professional consultancy agreement as a term regulating administration, since it already stood terminated on 22.11.2022 and because the act of mismanagement and oppression continued even thereafter, at the hands of Respondents No. 2 & 3 (in the Company Petition). Even subsequent to the period of termination of the consultancy agreement, it did reflect a financial irregularity because of the siphoning of the funds which is apparent and in apparent violation of government directions contained under the Health Care Schemes and various other schemes.

34. It has come to record that, despite the aforesaid irregularity having been pointed out to the management of the Respondent No. 1 company, no remedial measures were taken for rectification of the violation of the provisions of the scheme, resulting in a financial irregularity, and rather the management has chosen not to show any concern, and this dereliction apparently has led to persistent irregularity in the implementation of the Ayushman Bharat Yojana Scheme, wherein the Tribunal apparently found that the Respondent No.2 & 3 (of Company Petition) were involved in defrauding the company, as well as the government. The aforesaid observations stand strengthened to disentitle the appellant to be granted with any interim protection, because even the Collector's order of 03.11.2021 had made a specific order of refund of the amount charged in

excess from one of the patients which on investigations was found to be in excess of the actual entitlement, and besides that, also because the Directorate of Health Services, Chhattisgarh, vide its correspondence of 18.07.2024, had enforced penalties on Respondent No. 1 company due to the malicious act of Respondents No. 1 & 2 (of Company Petition). It was held that they were engaged in acts of oppression and mismanagement. As already considered, all these activities that led to the de-empanelment of the Respondent No. 1 company from the Govt. of India Scheme Ayushman Bharat Pradhanmantri Jan Arogya Yojna on 07.02.2025.

35. Another apparent accounting dereliction was found that, the maintenance of parallel cash transactions outside the books obviously intended to deprive the shareholders of the true and fair picture of the financial affairs of the company.

36. Owing to the aforesaid backdrop, the decreeing of the petition shows that the directions contained in the Impugned Order have considered the mismanagement and diversion of funds of Respondent No.1 company in the absence of their being a specific rebuttal in that regard.

37. Owing the aforesaid circumstances, we are of the view that the conduct of the appellant as recorded in the finding by the Ld. Tribunal, does not entitle them to the grant of any interim relief. Hence, the stay application I.A. No. 5254 – 5256 of 2026 would stand rejected.

38. Having said so, during the course of the argument, the appellant had pointed out an anomaly in the Impugned Order, that the Ld. Tribunal, while exercising its power under Section 242 sub Section 4 of the Companies Act,

2013, had appointed **Shri Deep Chandra Joshi** former acting President in NCLT Delhi, as an Administrator. During the course of the argument, it was shown by the appellant that there was an apparent conflict of interest, as Shri Deep Chandra Joshi in the capacity of being the acting president of the Ld. NCLT has dealt with the company petition on 24.09.2025 on a judicial side, hence, he couldn't have been appointed as an administrator, and simultaneously, he should not have extended a consent too, to function as an administrator that is unbecoming of an Officer. In that eventuality to carve out an exception since there is an apparent conflict of interest in the appointment of Shri Deep Chandra Joshi as an administrator. After sufficient deliberation and consultation, we came to the conclusion that, let **Dr. Prabhat Pandey (M.D. Medicine), Retd. from Govt. District Hospital Durg**, having his mobile number as 982719171, as a medical specialist, also worked as a Secretary for the Indian Red Cross Society Durg Branch for a number of years and is now engaged in private practice. We appoint him to act as an Administrator; accordingly, we unanimously took consent from Dr. Prabhat Pandey, who consented to act as the Administrator in pursuance to the orders passed by us during the pendency of this appeal.

39. Accordingly, we appoint Dr. Prabhat Pandey with the aforesaid credentials, to act as the Administrator of Sparsh Multispecialty Hospital Private Limited, having its registered office at Ward No. 6, Contractor Colony, Dewarpara, Supela, Bhilai (C.G.) – 490023, as an Administrator and for the aforesaid services to be rendered by him as an Administrator it is hoped and trusted that he would work with due diligence and maintain integrity in the discharge of his duty as an Administrator, in pursuance of

the appointment made by this order, and for the services rendered by him, he would be remitted a monthly fee of Rs.2,50,000/- which would be paid by the company.

40. The respondent has already put in appearance may file their counter affidavit to the company appeal within a period of three weeks from today.

41. List this company appeal on **18.11.2026**.

42. The Registrar is directed to send the information of today's order to the appointed Administrator for necessary compliance. The Ld. NCLT would ensure to enforced the order as directed.

**[Justice Sharad Kumar Sharma]**  
**Member (Judicial)**

**[Arun Baroka]**  
**Member (Technical)**

**[Indevar Pandey]**  
**Member (Technical)**

**NEW DELHI**

10<sup>th</sup> September, 2026

rs/ravi