

Learning Curve-1024

February 14, 2024

When separate Purchase Orders were issued and separate invoices were raised by 3 associated companies of the CD, all the invoices cannot be clubbed to meet the threshold u/s 4 of IBC.

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| CASE TITLE | Novacare Healthcare Solutions Pvt. Ltd. Vs. Max Healthcare Institute Ltd. |
| CASE CITATION | Company Appeal (AT) (Insolvency) No.49 of 2024 |
| DATE OF ORDER | January 16, 2024 |
| COURT/ TRIBUNAL | NCLAT, New Delhi |

BRIEF FACTS:

This Appeal has been filed against the order passed by the AA dated 22.11.2023 rejecting Sec 9 application filed by the Appellant. The AA noticed that purchase orders were issued by different hospitals and the appellant filed the application by clubbing the claim of all three hospitals on the basis that the parent company is same.

DECISION:

The Hon'ble NCLAT, New Delhi held that,

“When separate Purchase Orders were issued by the three hospitals, as noted in the order and invoices were also issued separately, the mere fact that parent company of the three hospitals is same, the Appellant cannot club all the invoices and try to complete the threshold by claiming debt of Rs.1,02,20,129/- whereas with regard to each invoice threshold is not complete, as observed by the Adjudicating Authority in Para 4.

We see no reason to interfere with the impugned order rejecting Section 9 application. The Appeal is dismissed.”