

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9135 OF 2019

M/S. VIGHNAHARTA HEALTH VISIONARIES APPELLANT(S)
PVT. LTD.

VERSUS

YOGESH BALIRAM VARGANTWAR RESPONDENT(S)

O R D E R

We have heard the learned counsel for the parties at some length. We were inclined to allow the present appeal, agreeing with the reasoning given by the National Company Law Tribunal to the extent that there were disputes and differences between the parties, predating the notice under Section 8 of the Insolvency and Bankruptcy Code, 2016. There are two proceedings in which both sides have raised claims and counter-claims, namely, RCS No. 3/2018 pending before the Commercial Court, Aurangabad, Maharashtra, and the arbitration proceedings pending before the sole arbitrator, Mr. Justice P.V. Hardas, former Judge, High Court of Judicature at Bombay.

However, on a suggestion given by the Court, the appellant, M/s. Vighnaharta Health Visionaries Pvt. Ltd., has agreed, without prejudice to its rights and contentions, to pay an amount of ₹50,00,000/- (Rupees fifty lakhs only) to the respondent, Yogesh Baliram Vargantwar. Payment, by way of a demand draft of

₹30,00,000/- (Rupees thirty lakhs only), has been made in Court today. The balance of ₹20,00,000/- (Rupees twenty lakhs only) shall be paid by way of a demand draft or by electronic transfer, on or before 10.01.2025. The bank account details for such electronic transfer shall be furnished by the learned counsel for the respondent to the learned counsel for the appellant within five days to enable the said bank transfer.

This payment will be without prejudice to the rights and contentions of the parties. This order would not be read as an expression of opinion in favour of or against either of the parties. All issues are left open.

Recording the aforesaid, we set aside the impugned judgment. The appeal will be treated as allowed in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....CJI
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
DECEMBER 11, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO. 9135 OF 2019M/S. VIGHNAHARTA HEALTH VISIONARIES APPELLANT(S)
PVT. LTD.

VERSUS

YOGESH BALIRAM VARGANTWAR RESPONDENT(S)

(IA No. 183790/2019 - EX-PARTE STAY, IA No. 265057/2024 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.
14696/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES and IA No. 188159/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 11-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Nakul Dewan, Sr. Adv.
Mr. Rohit Anil Rathi, AOR
Mr. Rahul Totala, Adv.
Mr. Satyendra Saharan, Adv.
Mr. Rohan Andrew Naik, Adv.
Ms. Niharika Singh, Adv.
Mr. Yashas R.K., Adv.

For Respondent(s)

Mr. Nidhesh Gupta, Sr. Adv.
Mr. Preeti Goel, Adv.
Mr. Anubhav Goel, Adv.
Mr. Sunil Kumar Sharma, AORUPON hearing the counsel the Court made the following
O R D E RThe impugned judgment is set aside and the appeal is allowed
in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)