

NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH

**CORAM: SHRI SHYAM BABU GAUTAM
HON'BLE MEMBER (TECHNICAL)**

**SHRI JYOTI KUMAR TRIPATHI
HON'BLE MEMBER (JUDICIAL)**

PETITION No./IA No.	IA(C/ACT)/166/KOB/2023 in TCP/21/KOB/2019
SECTION	SEC 424(3) C/ACT R/W RULE 11NCLT.
NAME OF PARTIES	JINAN K R ADMINISTRATOR IN THE MATTER OF BHAGYODAYAM COMPANY V/S GILROY MENDEZ.
PETITIONERS ADVOCATE/ PROFESSIONAL	PHILIP MATHEW, MA SHAJI.
RESPONDENTS ADVOCATE/ PROFESSIONAL	ASHOK B SHENOY, P S GIREESH, ARJUN R NAIK, THEJALAKSHMI RS, UMASANKER U U

30 April 2024

O R D E R

IA(C/ACT)/166/KOB/2023 in TCP/21/KOB/2019

This is an IA bearing No. 166/KOB/2023 filed by the Administrator of M/s Bhagyodhayam Company under Section 424(3) of Companies Act, 2013 read with Rule 11 of NCLT Rules, 2016 seeking directions to surrender the possession of the property by Mr. Gilroy Mendez, who happens to be the Respondent in the present IA. Learned counsel Mr. M.A.Shaji appears on behalf of the Administrator through virtual mode.

Learned Counsel, Mr. Arjun R Naik appears on behalf of the Respondent through virtual mode and submits that he has filed their reply affidavit, which is on record.

Vide order dated, 10.04.2024, time was granted to the Administrator to file their rejoinder within a weeks' time. However, the reply is not on record. The Counsel appearing on behalf of the Administrator informs this bench that the Administrator has conducted elections and the new board has taken over the charge of the Company. He further submits that the Administrator has preferred an application seeking discharge

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order from the charge of the assignment, however the said IA was reserved for Orders.

Further it is seen that order on the said application is yet to be pronounced.

The new Board of Directors may prefer an application for filing the Vakalatnama and Memo of Appearance at least 2 days before the next date of hearing.

List this matter for further consideration on **11.06.2024**.

Sd /-

**SHYAM BABU GAUTAM
MEMBER (TECHNICAL)**

Sd /-

**JYOTI KUMAR TRIPATHI
MEMBER (JUDICIAL)**