

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 1st March 2022

Coram: **Shri Anil Kumar B.**
Hon'ble Member (Technical)

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(C/ACT)/16/KOB/2022

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicants/Petitioners 1 & 2 for an Order allowing petitioners in the CP to purchase the entire shares of the respondents 2 & 3 and any other shares available for purchase @ Rs.17,400/- per share.

Learned counsel for the applicant Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri Philip Mathew appeared through VC.

Shri Philip Mathew sought time to file Reply Statement against this IA. Prayer allowed.

R1 to R3 is directed to file the Reply Statement within 2 weeks from today.

List on 21.03.2022 for hearing.

2 IA(C/ACT)/17/KOB/2022

This IA has been filed under Rule 32 of the NCLT Rules, 2016 by the applicant/petitioner against the respondents/respondents seeking stay of the EOGM to be held on 09.03.2022.

Learned PCS for the Applicant Shri PP Zibi Jose, learned counsel for R3 Shri George Poothicote, learned counsel for R5 & R6 Shri Sukumar Oommen appeared through VC. None appeared for R4 and R7.

Respondents are directed to submit their reply statement on or before 04.03.2022, failing which, it will be presumed that they are not interested to file any reply to this IA.

List on 07.03.2022 for hearing.

3 REPORT/47/KOB/2022 in IBA/133/KOB/2019

This Report has been filed under Regulation 15 of IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against the Corporate Debtor – Archana Motors Pvt Ltd.

Learned Liquidator Shri Ashok Velamur Sheshadri appeared through VC.

Perused the Report. Report is taken on record. Registry is directed to place the Report in IBA/33/KOB/2019.

4 REPORT/48/KOB/2022 in CP(IB)/30/KOB/2021

This Report has been filed under Section 22(3)(a) of the IBC, 2016 BY THE iRP in the matter of Resolution Process against the Corporate Debtor ITMA Hotels India Pvt Ltd.

Learned IRP Shri K.K. Jose appeared through VC.

Perused the Report. Report is taken on record. Registry is directed to place the Report in CP(IB)/30/KOB/2021.

5 REPORT/49/KOB/2022 in IBA/23/KOB/2019

This Report has been filed by the Liquidator in the matter of liquidation Process against Dewa Projects Pvt Ltd.

Learned Liquidator Shri Vinod PV appeared through VC.

Perused the Report. Report is taken on record. Registry is directed to place the Report in IBA/23/KOB/2019.

6 CP(CAA)/4/KOB/2022

This 2nd Motion Petition has been filed under Section 230-240 of the Companies Act, 2013 by the Petitioner Companies in the matter of Scheme of Amalgamation between Hesel Engineering Pvt Ltd (Transferor Company) and Henry and Farad Pvt Ltd (Transferee Company).

Learned PCS for the Petitioners Shri Sumit Agarwal appeared through VC.

Vide order dated 03.02.2022 in CA(CAA)/02/KOB/2021 and CA(CAA)/03/KOB/2021 the Petitioners/Applicants were directed to individually send notice to the Regional Director, Income Tax Authorities, Registrar of Companies, Official Liquidator, GST Authorities and other sectoral regulators who may have significant bearing on the operation of the Petitioner/Applicant Companies along with copy of required documents and disclosures required under the provisions of Companies Act, 2013 read with Companies (Compromises Arrangements and Amalgamations) Rules, 2016. The Compliance report filed by the Petitioners are on record.

Report of the ROC, RD and the Chairman appointed by this Tribunal to conduct the meeting of the Unsecured Creditors are also on record.

The Petitioners are directed to make necessary paper publication in the same newspapers as has been done in the 1st motion, ie in English Daily “Financial Express” and Malayalam Daily “Janayugam” which have wide circulation, not less than 10 days before the date fixed for the hearing as prescribed under the relevant provisions of the *Companies* (Compromises, Arrangements, and Amalgamations) Rules, 2016 and file proof of publication at least 3 days before the next date fixed.

List on 25.03.2022 for hearing.

7 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 by the Applicant - Intesigns Interiors Pvt Ltd, against the Registrar of Companies with the prayer to revive the appellant Company.

Learned counsel for the Appellant Shri G. Krishnakumar appeared through VC and stated that the first two items stated in the earlier order are available in the Company Appeal. He sought some more time to file the Last Salary Statement details of the employees and the GST return details pertaining to the struck off Company. Prayer is allowed.

The appellant is directed to file the documents within 10 days.

Report of ROC is on record.

List on 14.03.2022 for admission.

8 IA(IBC)/134/KOB/2021 IN IBA/22/KOB/2020 & IBA/23/KOB/2020

Learned RP Shri Renahan Vamakesan appeared through VC along with his counsel Shri Akhil Suresh.

This IA has been filed by the RP for dissolution of the company under Section 54(1) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016.

Since the CP(IB)4/KOB/2022 and CP(IB)5/KOB/2022 have been Reserved for Orders, the orders of which have a bearing in this matter, list this IA on 21.03.2022 for hearing.

9 TCP/52/KOB/2019

Learned counsel for the Petitioners Shri T.K.Bhaskar appeared through VC. Learned senior counsel Shri Aravindh Pandian along with Adv Jolly John appeared for the respondents. None appeared for ROC(R14).

Shri T.K.Bhaskar argued partly. **List for his further arguments and the arguments of learned counsel for the respondents on 09.03.2022 as Part Heard (High on Board).**

10 CP/33/KOB/2020

Learned PCA for the Petitioner Shri Arun K. Kamalobhavan appeared through VC.

Report of the ROC is on record.

Heard the arguments of Shri Arun K. Kamalobhavan.

Hearing concluded. Orders reserved.

10 CA/30/KOB/2021 in CP/33/KOB/2020

Learned PCA for the Petitioner Shri Arun K. Kamalobhavan appeared through VC.

Heard the arguments of Shri Arun K. Kamalobhavan.

Hearing concluded. Orders reserved.

11 CP/37/KOB/2020

It appears that this Petition was dismissed for default and non-prosecution Vide Order dated 30.07.2021.

However, vide Order dated 31.01.2021 in **REST.APPLN(C/ACT)/1/KOB/2022**, the case was restored on the condition that the applicant pays the costs of Rs.3,000/- (Rupees three thousand only) to the accounts of "Ministry of Corporate Affairs". The Petitioner has complied the aforesaid Order and the case is restored and posted today for hearing, but again none appeared for the petitioner.

The Petitioner is given another opportunity to pursue his case.

List on 22.03.2022 for hearing. If no appearance by the Petitioner on that date, the case will be dismissed for default and non-prosecution.

Registry is directed to issue copy of this to the Petitioner through email immediately.

12 CP/10/KOB/2021

Learned counsel for the petitioner Shri Javed Gaya appeared through VC. Learned senior counsel for R1 & R4 Shri Viswanathan and learned counsel for R2 & R3 Shri PP Zibi Jose also appeared through VC.

Pleadings are complete.

Due to paucity of time, the case is adjourned to 14.03.2022 for hearing (High on Board).

13 COMPANY APPEAL/19/KOB/2021

This appeal has been filed under Section 59 of Companies Act, 2013 read with Rule 70 of NCLT Rules, 2016 by Shri K.K.Chandran and another against Prime Habitats Pvt Ltd and 2 others for rectification of Register of Members of the R1 Company.

Learned counsel for the Appellants Shri Raj Caroline as well as learned counsel for R1 to R3 Shri AM Sridharan appeared through VC. Shri Raj Carolin stated that he has filed an IA to accept certain documents, which is defective. He may cure defect immediately.

Pleadings are complete.

At the request of Shri Raj Caroline, the case is adjourned to 10.03.2022 for hearing.