

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 1st Oct 2021

**In the Bench of: Shri Ashok Kumar Borah, Hon'ble Member (Judicial) &
Shri Rajesh Sharma, Hon'ble Member (Technical)**

1 CP/36/KOB/2021

This is a Company Petition filed under Section 241 and 242 of the Companies Act, 2013 by Petitioners Mrs Anitha George and 3 others against respondents Sungkai Plantations Pvt Ltd and 4 others alleging oppression and mismanagement by Respondents 2 and 3 in the R1 Company.

Learned counsel for the Petitioners Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Shri Sukumar Nainan Oommen appeared through VC.

The petitioner is directed to issue fresh notice to the respondents 4 and 5 through Registered Post with A/D / Speed post and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date of hearing. Registry is also directed to issue notice to R4 & R5 through email. Respondents are directed to file the counter within 3 weeks with a copy served in advance to the learned counsel for the petitioners. The petitioners may file rejoinder, if any, within 2 weeks of receipt of reply from the Respondents.

List on 10.11.2021.for hearing.

2 COMPANY APPEAL/19/KOB/2021

This is an appeal 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 Carolin V as well as learned counsel for the respondents Shri A.M.Sridharan appeared through VC.

The respondents are directed to file their counter within 3 weeks serving advance copy to the petitioners, who may file rejoinder, if any, within 2 weeks thereafter.

List on 16.11.2021 for hearing.

3 **IA(IBC)/146/KOB/2021 IN MA/30/KOB/2019 IN IA/71/KOB/2019 IN IBA/240/(IB)/2019/CHENNAI BENCH**

This is an IA filed under Regulation 31(3) of IBBI (Liquidation Process) Regulations, 2016 read with Rules 11, 13 & 14 of NCLT Rules, 2016 by the Liquidator with the prayer to modify the list of stakeholders.

Learned counsel for the Liquidator Shri A.G.Sathyanarayana appeared through VC.

The liquidator in his application stated that he has prepared and filed the list of stakeholders before this Tribunal on 10.10.2020 in the manner prescribed under Regulation 31(1) & (2) of the IBBI (Liquidation Process) Regulations, 2016. After filing the said list of stakeholders, he has received additional claims from 19 stakeholders, out of which two are Government Departments

Upon hearing the learned counsel for the Liquidator, this Tribunal is of the opinion that the prayer of the Liquidator may be allowed. Hence the **IA(IBC)/146/KOB/2021 IN MA/30/KOB/2019 IN IA/71/KOB/2019 IN IBA/240/(IB)/2019 is allowed and the applicant liquidator is permitted to modify the list of stakeholders.**

4 **IA(IBC)/147/KOB/2021 IN IBA/38/KOB/2019**

This is an IA filed by the Resolution Professional under Section 33(1) of IBC, 2016 for liquidation of the Corporate Debtor.

Learned RP Shri Vinod Balachandran appeared through VC along with his learned counsel Shri K.B.Arun Kumar.

This IA will be heard in detail during the next date of hearing.

List on 01.11.2021.

5 **IA/203/KOB/2020 IN CP/02/KOB/2020**

Learned counsel for the applicant Shri Umeshkumar Choudhary and learned senior counsel for the respondents Shri Aravind Pandian appeared through VC.

This is an IA filed by the Applicants/Respondents seeking adjournment of the Company Petition posted on December 2, 2020 to any other date after the Appeal of the Applicants is heard by the Hon'ble NCLAT and in any case to any date after the Hon'ble NCLAT concludes hearing of the appeal.

Shri Umeshkumar Chowdhary stated that the prayer of this IA has become infructuous and that this IA may be closed.

In view of the above submission of the learned counsel for the Applicants/Respondents, the **IA/203/KOB/2020 IN CP/02/KOB/2020 stands dismissed as infructuous.**

6 CA/59/KOB/2021 IN CP/02/KOB/2020

Learned Senior counsel for the applicant Shri Zal Andhyarujina as well as learned senior counsel for R1 to R4 Shri Aravind Pandian and learned senior counsel for R5 to R12 Shri Umeshkumar Chowdhary appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. PA Hamza as a petitioner in CP/02/KOB/2020.

The application will also be heard along with CP/02/KOB/2020.

List on 16.11.2021 for hearing.

7 CA/60/KOB/2021 IN CP/02/KOB/2020

Learned counsel for the applicant Shri Zal Andhyarujina as well as learned senior counsel for R1 to R4 Shri Aravind Pandian and learned senior counsel for R5 to R12 Shri Umeshkumar Chowdhary appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. Ibrahim Haji as a petitioner in CP/02/KOB/2020.

The application will also be heard along with CP/02/KOB/2020.

List on 16.11.2021 for hearing.

8 CP/02(KOB)/2020

Learned senior counsel for the petitioner Shri Aravind Pandian and learned senior counsel for the respondents Shri Umeshkumar Chowdhary appeared through VC.

This case will be heard in detail in the next date of hearing.

List on 16.11.2021 for hearing.

9 CA/62/KOB/2021 IN CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020

Learned Senior counsel for the applicant Shri Umeshkumar Chowdhary as well as learned senior counsel for the respondents/Contempt Petitioners Shri Arvind Pandian appeared through VC.

List on 16.11.2021 for hearing.

10 CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020

Learned senior counsel for the Contempt Petitioners Shri Aravind Pandian as well as learned senior counsel for the respondents Shri Umeshkumar Chowdhary appeared through VC.

List on 16.11.2021 for hearing.

11 IBA/27/KOB/2020

Learned counsel for the Operational Creditor Shri Rony Jose as well as learned counsel for the Corporate Debtor Ms Liza Meghan appeared through VC.

Learned counsel for both the parties confirmed that they have arrived at a settlement in this matter.

Shri Rony Jose submitted that even though he has filed an IA attaching the settlement memo, and another IA to condone the delay in preferring the other IA, Registry refused to accept the said IA stating that the fee has not been paid to the proper account in respect of the Kochi Bench.

The Operational Creditor is directed to rectify the defects within 2 weeks.

List on 08.11.2021.

12 CP(IB)/8/KOB/2021

None appeared for the Financial Creditor. Learned counsel for the CD Shri C.K.Karunakaran appeared through VC.

The learned counsel for the Corporate Debtor has filed a Memo on 30.09.2021 attaching the Judgement of the Hon'ble High Court of Kerala dated 28.09.2021 in WP(C) 10015 of 2021, wherein all further proceedings in CP(IB)/8/KOB/2021 of NCLT, Kochi Bench has been stayed till final order is passed by Reserve Bank of India, pertaining to subject matter of this case.

In view of the above, let this matter be adjourned Sine Die. Both parties are at liberty to approach this Tribunal, when a final order is passed by the Reserve Bank of India.

13 IA(IBC)/148/KOB/2021 IN CP(IBC)/24/KOB/2021

Learned counsel for the applicant Shri Pranoy Harilal as well as learned counsel for the Respondent Smt. Merin Thaliath appeared through VC.

This is an IA filed under Rule 11 of NCLT Rules, 2016 with the prayer to condone the delay of 11 days for filing the Reply in the CP/24/KOB/2021.

On hearing both sides, this Tribunal is of the opinion that the prayer of the applicant may be allowed. Hence **IA(IBC)/148/KOB/2021 IN CP(IBC)/24/KOB/2021 is allowed and delay of 11 days in filing the reply is condoned. Registry is directed to place**

the Reply filed by the Corporate Debtor IN CP(IBC)/24/KOB/2021 on record, if it is in order.

14 CP(IBC)/24/KOB/2021

Learned counsel for the petitioner Smt. Merin Thaliath as well as learned counsel for the Corporate Debtor Shri Pranoy Harilal appeared through VC.

Smt Merin Thaliath sought an adjournment to enable her senior to argue the matter.

At her request the case is adjourned to 06.11.2021.

The Operational Creditor is granted final opportunity to file rejoinder, if any, on or before 15.10.2021.

List on 06.11.2021.

15 IA/149/KOB/2020 IN TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

In the last date of hearing both the parties submitted that discussions are going on between the parties to settle the matter amicably. Today also counsel for applicant sought an adjournment.

List on 30.11.2021 for hearing/report settlement.

16 CA/45/KOB/2021 IN TCP/67/KOB/2019 (CP/9/2016) CHENNAI BENCH

Learned counsel for the Applicant Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

In the last date of hearing both the parties submitted that discussions are going on between the parties to settle the matter amicably. . Today also counsel for applicant sought an adjournment.

List on 30.11.2021 for hearing/report settlement.

17 TCP/67/KOB/2019

Learned counsel for the Petitioner Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

In the last date of hearing both the parties submitted that discussions are going on between the parties to settle the matter amicably. . Today also counsel for applicant sought an adjournment.

List on 30.11.2021 for hearing/report settlement.

18 CP/92/KOB/2019

Learned counsel for the Petitioner Shri Anil D. Nair as well as learned counsel for R1 to R8 Smt Pooja Menon appeared through VC.

Smt Pooja Menon submitted that the English translation of Page 55 to 60 of the Petition has not been attached with the CP. Shri Anil D. Nair submitted that the translation of the aforesaid pages will be filed before the Registry immediately. He may do so positively within two weeks.

List on 15.11.2021.

19 CA/67/KOB/2021 IN CP/20/KOB/2021

Learned counsel for the applicant Shri Sukumar Nainan Oommen as well as learned counsel for the respondent Shri Ameerul Millath appeared through VC

This is an IA filed by the R2 under Rule 11 of the NCLT Rules with the prayer to determine the maintainability of the Company Petition as a preliminary issue.

This CA will be heard along with the main CP and at that time the prayer of preliminary issue of maintainability will be considered. The respondents may file counter, if any, within two weeks.

List on 16.11.2021.

20 CP/20/KOB/2021

Learned counsel for the Petitioner Shri Ameerul Millath appeared through VC. Learned counsel for R1, R2 & R5 Shri Sukumar Nainan Oommen and learned counsel for R3 & R4 Shri Sherry Samuel Oommen appeared through VC. None appeared for R6.

Vide Order dated 17.09.2021 Respondents were given the last and final opportunity to file the counter within 10 days, failing which, it was ordered that their right to file the counter shall stand forfeited. Today Shri Sukumar Oommen submitted that though he filed the counter, Registry refused to accept the same stating delay in filing. Shri Sukumar Oommen submitted that the delay in filing the counter was due to the Covid 19 lockdown and the Tribunal may condone the delay in filing the counter.

Heard both sides. Taking into consideration that the delay was occurred due to Covid 19 pandemic, the delay in filing the counter is hereby condoned and Registry is directed to place the counter on record, if it is otherwise in order.

The petitioner may file rejoinder, if any, within 2 weeks.

List on 16.11.2021 for hearing.

21 IA(C/ACT)/8/KOB/2021 IN CP(C/ACT)/23/KOB/2021

Learned counsel for the applicant Shri P.G.Jayashankar as also learned PCS for the respondents Shri CS Viivek Kumar appeared though VC. The learned counsel for the applicant submitted that urgent orders are necessary in this IA.

This IA will be heard in detail on the next date of hearing.

List for hearing on 29.10.2021.

22 CP(C/ACT)/23/KOB/2021

Learned counsel for the applicant Shri P.G.Jayashankar as also learned PCS for the respondents Shri CS Viivek Kumar appeared though VC.

List for hearing on 29.10.2021.