

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 1st Nov 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Anil Kumar B, Member (Technical)**

1 CP(IB)/33/KOB/2021

This is a Petition filed by the Financial Creditor Phoenix Arc Pvt Ltd (Trustee of Phoenix Trust FY 17-8) against the Corporate Debtor Kerala Chambers of Commerce and Industries Ltd under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016.

Adv Shri E.C.Kuriakose appeared for the Financial Creditor through VC and stated that he has filed a Petition for amendment of the CP through online on 31.11.2021, but the hard copy has not yet been filed.

In view of the above, list the matter on 08.11.2021 for admission alongwith the application for amendment, if it is in order.

2 COMP.APPLN/101/KOB/2021 IN CP/21/KOB/2020

This is an IA filed by R21 seeking condonation of delay of 14 days in filing the Reply Statement in the CP.

Learned counsel for R21 Shri Mohan Pulickkal as well as learned counsel for R1-R8 Shri Bijoy P Pulipra appeared through VC.

Shri Mohan Pulickkal submitted that though he filed the reply statement, Registry refused to accept the same stating 14 days delay in filing. Shri Mohan Pulickkal submitted that the delay in filing the reply was not wilful or deliberate but due to the inability to undertake long travel by R21 as he was under medical treatment. However, he could not produce any proof of medical treatment of the R21.

On hearing the parties and also on perusal of the records, this Tribunal is of the opinion that the delay in filing the reply statement may be condoned **on condition that the R21 pay costs of Rs.5,000/- (Rupees five thousand) to the accounts of Ministry of Corporate Affairs** and submit proof of payment along with the Reply Statement, within two weeks serving a copy in advance to the Petitioner, who may file rejoinder, if any, two days before the next date of hearing.

Accordingly, COMP.APPLN/101/KOB/2021 IN CP/21/KOB/2021 stands disposed of. Registry is directed to accept the reply statement, if the proof of payment of Rs. 5000/- is produced, and place it on record, if it is otherwise in order.

3 REPORT/92/KOB/2021 IN IA(IBC)/75/KOB/2021 IN TIBA/19/KOB/2019

This is a second progress report filed by the Liquidator under Regulation 15 of the I&BBOI (Liquidation Process) Regulations, 2016 for the period 01.07.2021 to 30.09.2021 in the matter of liquidation process of Atlas Gold Township (India) Pvt Ltd.

Learned liquidator Shri Jasin Jose appeared in person through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

4 REPORT/93/KOB/2021 IN IA(IBC)/77/KOB/2021 IN IBA/17/KOB/2020

This is a first progress report filed by the Liquidator under Regulation 15 of the I&BBOI (Liquidation Process) Regulations, 2016 for the period 01.07.2021 to 30.09.2021 in the matter of liquidation process of Moonriver Resorts Pvt Ltd.

Learned liquidator Shri K.T.Mathew appeared in person through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

5 REPORT/94/KOB/2021 IN IA(IBC)/68/KOB/2021 IN IBA/21/KOB/2019

This is a first progress report filed by the Liquidator under Regulation 15 of the I&BBOI (Liquidation Process) Regulations, 2016 for the period 01.07.2021 to 30.09.2021 in the matter of liquidation process of Churakulam Tea Estates Pvt Ltd.

Learned liquidator Shri Jasin Jose appeared in person through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

6 REPORT/95/KOB/2021 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

This is a Sixth progress report filed by the Liquidator under Regulation 15 of the I&BBOI (Liquidation Process) Regulations, 2016 for the period 01.07.2021 to 30.09.2021 in the matter of liquidation process of Sargam Builders Pvt Ltd.

Learned liquidator Shri Jasin Jose appeared in person through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

7 TCP/7/KOB/19

Learned counsel for the Petitioner Shri C.K.Karunakaran appeared through VC. Learned counsel for R1 & R2 Shri Madhu N. Namboothiripad, learned counsel for R3 Smt. Rema Smrithi and learned counsel for R4 Shri Keerthivas Giri also appeared through VC. None appeared for R5 (ROC). Petitioner's counsel argued for some time. During the time of arguments, the learned counsel for the petitioner stated that he would be impleading the Auditor of the Company as a necessary party in this case. Learned counsel for the respondents have not raised any objection in allowing the said request. Hence, the petitioner may file the impleading petition within a week serving advance copy to the respondents as well as to the Auditor, who may file objection, if any, on or before 21.11.2021.

List on 23.11.2021 for further hearing as PART HEARD (High on Board).

Registry is directed to issue copy of this order to the learned counsel of the parties through Email.

8 IA/7(KOB)/2020 IN TCP/7/KOB/19

Learned counsel for the applicant Shri Madhu N. Namboothiripad appeared through VC. Learned counsel for R1 Shri C.K.Karunakaran, learned counsel for R2 Smt Rema Smrithi and learned counsel for R3 Shri Keerthivas Giri also appeared through VC. None appeared for R5 (ROC).

This matter will be heard along with the main CP

List on 23.11.2021 for hearing (High on Board).

9 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.

On verification of the records, it is seen that the RP has not produced the full details of the Minutes of Meeting of the 10th CoC meeting of Albanna Engineering (India) Private Ltd (CD) held on 10.09.2021. The RP submitted that he shall file the Minutes of meeting within two days. He is directed to submit the Minutes of 10th CoC meeting on or before 05.11.2021.

List on 09.11.2021 for hearing.

10 CP(IB)/10/KOB/2021

Learned counsel for the applicant Shri S.V.Ramakrishna as well as learned counsel for the CD Shri Vipin P Varghese appeared through VC.

Heard the arguments of both sides, arguments concluded and also perused the records.

Reserved for Orders.

11 CP(IB)/29/KOB/2021

Learned counsel for the Financial Creditor Shri A.G.Sathyanarayana as well as learned counsel for the Corporate Debtor Shri Babu Karukapadath appeared through VC.

Pleadings are complete.

List on 12.11.2021 for final hearing (High on Board). Learned counsel for both the parties may submit their written submissions in brief (3-4 pages) at least two days before the above date.

12 IA/56/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Dr. K.S.Ravi Chandran appeared through VC.

Shri Cyriac sought an adjournment to enable his senior to argue the matter.

List on 30.11.2021 for hearing.

13 IA/57/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Shri K.S.Ravi Chandran appeared through VC.

Shri Cyriac sought an adjournment to enable his senior to argue the matter.

List on 30.11.2021 for hearing.

14 TCP/61/KOB/ 2019 (CP/531/2019)

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Shri K.S.Ravi Chandran appeared through VC.

Shri Cyriac sought an adjournment to enable his senior to argue the matter.

List on 30.11.2021 for hearing.

Both the parties are directed to submit their written submissions in brief (limiting 4-5 pages) at least a week before the above.