

NCLT – KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 2nd March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP/127/KOB/2019

Learned counsel for the Petitioner Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Shri Eshwar Sabapathy, learned counsel for R5 Shri P.P. Zibi Jose, learned counsel for R6 Shri Jerin Asher Sojan and learned counsel for R7 Shri Sankar P. Panicker also appeared through VC.

This is a Part Heard case.

At the request of the learned counsel for R1 to R3 the case is adjourned to 11.03.2022.

1 IA/79/KOB/2020 IN CP/127/KOB/2019

Learned counsel for both the parties appeared through VC.

This is a Part Heard case.

At the request of the learned counsel for R1 to R3 the case is adjourned to 11.03.2022.

2 IA(IBC)/184/KOB/2021 IN CP(IB)/91/CB/2018

This IA has been filed under Section 35(N) and 60(5) of the IBC, 2016 by the Liquidator seeking replacement of the Liquidator.

Learned counsel for the Liquidator Smt Merin Thaliath appeared through VC.

Though Registry issued notice to the suspended Directors through email on 17.02.2022 directing them to appear in person before this Tribunal through Video Conference for today's hearing, none appeared today. Registry is directed to issue notice to the Suspended Directors **through Speed Post / Registered Post with A/D** and place the proof of service in the file.

The suspended Directors are directed to appear through VC positively in the next date fixed, failing which law will take its own course.

List on 21.03.2022 for hearing.

3 IA(IBC)/25/KOB/2022

This IA has been filed under Section 35 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the Liquidator against the Secretary, Erattupetta Municipality with the prayer to direct the respondent to discharge the total overdue amount of Rs.19,57,637/- together with interest @ 18% till the date of realization of dues.

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

Though notice was duly served to the Respondent, he neither appeared through VC nor filed any reply statement. **Therefore, the Respondent – The Secretary, Erattupetta Municipality is hereby set ex-parte.**

Heard the learned counsel for the Liquidator.

Hearing concluded. Orders reserved.

4 CP(CA)/33/KOB/2021

Learned counsel for the Petitioner Shri Harikumar G Nair appeared through VC. Shri Shivshankar R. Panicker appeared through VC along with his senior counsel Shri P.H.Aravindh Pandian for R2 & R4. Shri Mohan Jacob George appeared for R5 through VC. None appeared for ROC/R6.

The Reply Statement filed by the Petitioner against the Preliminary Objections filed by R2 and R4 with regard to the maintainability of this CP, is on record.

Learned Senior Counsel for R2 & R4 sought 3 weeks time to file rejoinder to the reply statement of the Petitioner. Prayer allowed.

R2 & R4 are directed to file the rejoinder on or before 21st March, 2022.

List on 24.03.2022 for hearing.

5 CP/46/KOB/2021

This CP has been filed under Section 241 and 242 of the Companies Act, 2013 by Kuruvath Soman and 3 others against New Via Chits Pvt Ltd and 12 others seeking 6 main reliefs and 8 interim reliefs.

Learned counsel for the Petitioners Shri Aditya Venugopalan as well as learned counsel for R6 & 11 Shri Nebil Nizar appeared through VC.

It is stated by the petitioner's counsel that notice was duly served to R4 on 25.02.2022. He has produced the proof by screen sharing and we are satisfied that the notice has been duly served. But, R4 neither appeared through VC nor filed any Reply Statement. **Therefore, R4 is hereby set ex-parte.**

R1, R2, R3, R5, R7, R8, R9, R10, R12 and R13 have already been set ex-parte vide Order dated 28.01.2022.

Reply statements filed by R6 and R11 are on record.

Shri Aditya Venugopalan sought an adjournment to enable him to file rejoinder against the Reply Statement. Prayer allowed. He is directed to file the rejoinder to both replies within 7 days from today. Learned counsel for Respondents is directed to serve copies of the replies to the learned counsel for petitioner, if the same is not served on him.

List on 16.03.2022 for hearing.

6 CP(IB)/44/KOB/2021

This CP has been filed under Section 7 of the IBC, 2016 read with Rule 4 of the IB (AAA) Rules, 2016 by the Financial Creditor Malayalam Vehicles India Pvt for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor Malayalam Motors Pvt Ltd

Shri Anil D Nair, learned counsel appeared for FC and Shri Joseph Kodianthara , learned senior counsel appeared for the CD through VC.

Learned Senior Counsel Shri Joseph Kodianthara sought an adjournment to produce certain documents. Prayer is allowed.

List on 10.03.2022 for hearing.

7 CP/53/KOB/2020

Learned counsel for the Petitioner Smt Merin Thalith as well as learned PCS for R1 to R3 Shri Vivek Kumar appeared through VC.

Pleadings are complete.

Adjourned to 08.03.2022 for hearing.

7 IA(C/ACT)/5/KOB/2022 in CP/53/KOB/2020

This IA has been filed under Sections 241/242 of the Companies Act, 2013 read with Rules 11, 32 and 43 of the NCLT Rules, 2016 by the Applicant/R1 seeking direction to produce the Original Annexure P2 document submitted along with the Rejoinder and order for forensic examination of the same by Central Forensic Science Laboratory or any other competent authority.

Learned counsel for the applicant Shri Vivek Kumar as well as learned counsel for the respondent Smt. Merin Thaliath appeared through VC.

Reply filed by the Respondent is on record.

This IA will be heard at the time of hearing of the main CP.

List on 08.03.2022 for hearing.

7 IA(C/ACT)/6/KOB/2022 in CP/53/KOB/2020

This IA has been filed under Sections 241/242 of the Companies Act, 2013 read with Rules 11, 32 and 55 of the NCLT Rules, 2016 by the Applicants/R1 & R2 with the prayer to take on record the additional documents produced along with the IA as part of the Company Petition.

Learned counsel for the applicant Shri Vivek Kumar as well as learned counsel for the respondent Smt. Merin Thaliath appeared through VC.

Registry reported that the reply filed by the respondent is defective. Smt. Merin Thaliath submitted that she would cure the defects before the next date fixed. She may do so positively before the next date fixed.

This IA will be heard at the time of hearing of the main CP.

List on 08.03.2022 for hearing.

8 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 and R11 Shri Philip Mathew and learned counsel for R2, R4, R5 and R9 Smt Karthika K.J. appeared through VC.

Smt Karthika sought an adjournment stating that the Junior Advocate of Respondents' counsel Shri Jomy George passed away last night.

At her request, the case is adjourned to 15.03.2022 for hearing.

8 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the main CP.

Adjourned to 15.03.2022 for hearing.

8 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the main CP

Adjourned to 15.03.2022 for hearing.

8 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the main CP

Adjourned to 15.03.2022 for hearing.

8 IA/128/KOB/2020 N CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the main CP

Adjourned to 15.03.2022 for hearing.

8 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioner Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Adjourned to 15.03.2022 for hearing.

