

NCLT, KOCHI BENCH

Daily Orders (for reference purpose only)

Date: 3rd Jan 2022

Coram: **Shri Shyam Babu Gautam**
Hon'ble Member (Technical)

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 **IA(IBC)/78/KOB/2021**

IA(IBC)/78/KOB/2021 IN TIBA/25/KOB/2019

Learned RP Smt Satyadevi Alamuri appeared in person along with her counsel Shri Vinod PV. Learned PCS for respondents Dr. KS Ravichandran also appeared through VC.

Since a related matter is reserved for orders, list this IA on **19.01.2022**.

1 **IA(IBC)/154/KOB/2021 IN TIBA/25/KOB/2019**

This is an IA filed by the RP under Section 30(6) and 31(1) of the IBC, 2016 read with Regulation 39 of the IBBI (Insolvency Resolution Process of Corporate Person) Regulation, 2016 and Rule 11 of the NCLT Rules for approval of Resolution Plan.

Learned RP Smt Satyadevi Alamuri appeared in person along with her counsel Shri Vinod PV.

Since a related matter is reserved for orders, list this IA on 19.01.2022

2 **CP/23/KOB/2020**

Learned counsel for the Petitioner Smt. Lilil Lal as well as learned counsel for R1 to R4 Shri Ratheesh PR appeared through VC.

Since the learned counsel for the Petitioner is not able to show the screen shot of the case records during the arguments, the case is **adjourned to 01.02.2022. Both sides shall be ready to screenshare the documents, during their arguments.**

3 **IA(IBC)/161/KOB/2021 IN TIBA/07/KOB/2019**

When the case was called, at the request on behalf of the learned counsel for the applicant the matter was passed over. However, even though Shri Babu Karukapadath appeared for the applicant, the matter could not be taken up due to paucity of time. Hence adjourned to **21.01.2022**.

3 **IA(IBC)/194/KOB/2021 IN TIBA/07/KOB/2019**

This IA has been filed under Section 31(3) of the IBBI (Liquidation Process Regulation 2016) by the Liquidator for modification of the List of Stake holders.

Learned Liquidator Shri Jasin Jose appeared in person through VC.

This IA will be heard at the time of hearing of **IA(IBC)/161/KOB/2021**.

List on 07.01.2022.

4 **IA(IBC)/195/KOB/2021**

This IA has been filed under Section 33(1)(a) of the IBC, 2016 by the Resolution Professional seeking liquidation of the Corporate Debtor Sree Bhadra Parks and Resorts Ltd and to appoint the RP as the Liquidator.

Learned RP Shri K.Parameswaran Nair appeared in person through VC.

He submitted that the CoC has recommended the liquidation of the Corporate Debtor with 88% voting.

Vide Order dated 22.12.2021, after hearing the RP and also on perusal of the records, the Promoters/Suspended Directors were directed to appear before this Tribunal today through. However, they did not appear. Instead one learned Advocate Shri T.M.Abdul Lathief appeared through VC stating that he represents the Suspended Directors, but he has not filed any vakalath for them. He submitted that the Resolution Plan of his clients are ready and that they will submit the Resolution Plan before the RP by tomorrow.

Shri Abdul Lathief may file the vakalath during the course of the day. List for further directions in the matter **on 07.01.2022**. There shall be no adjournment in this case.

List on 07.01.2022 for hearing.

5 **REPORT/118/KOB/2021 IN IBA/25/KOB/2020**

This Report has been filed under Regulation 17(1) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by the IRP certifying the constitution of the Committee of Creditors.

Learned IRP Shri Ruben George Joseph appeared in person through VC.

Perused report. Report is taken on record. Registry is directed to place the report in the appropriate file.

5 **REPORT/119/KOB/2021 IN IBA/25/KOB/2020**

This Report has been filed under Regulation 13(1) & 2(d) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by the IRP attaching the list of creditors along with the amount claimed and the claims admitted.

Learned IRP Shri Ruben George Joseph appeared in person through VC.

Perused report. Report is taken on record. Registry is directed to place the report in the appropriate file.

6 **IA(IBC)/182/KOB/2021 IN IBA/41/KOB/2020**

This IA has been filed by the IRP under Section 19 of the IBC, 2016 against the suspended Directors seeking direction for their co-operation in the CIR Process.

Learned IRP Shri Jasin Jose appeared in person through VC. Adv Shri Girishkumar appeared for the suspended Director (R2), however, he has not filed vakalath in this matter. He has submitted that he will be filing the vakalath during the course of the day.

Shri Girishkumar submitted that the suspended Directors have already submitted the required details to the IRP and hence this IA has become infructuous. However, IRP submitted that he has received only the unsigned copy of the financial statements and the following documents are yet to be received.

- (i) Books of Accounts for the period 2020-21; and
- (ii) Ledgers, Vouchers, etc. for the period 2020-21.

The suspended directors are directed to hand over the above documents to the IRP within two days of receipt of this Order.

It appears from records that the IRP has not yet filed the proof of service with regard to the notice to R3. Shri Jasin Jose submitted that he would file the same today itself. His submission is recorded.

List on 24.01.2022 for hearing.

Registry is directed to issue a copy of this Order to both the parties through email immediately.

6 IA(IBC)/191/KOB/2021 IN IBA/41/KOB/2020

This IA has been filed under Section 22(3)(a) of the IBC, 2016 by the IRP with the prayer to appoint the IRP as Resolution Professional in the CIR Process in IBA/41/KOB/2020.

Learned IRP Shri Jasin Jose appeared through VC. However, when the Bench directed to screen share the CoC, Resolution, he could not do so. **He should be ready with the papers for screen sharing.**

This IA will be heard along with the related IA.

List on 24.01.2022 for hearing.

7 CP(IB)/40/KOB/2021

This CP(IB) has been filed under Section 7 of IBC, 2016 by the Financial Creditor State Bank of India against the Corporate Debtor Amma Woods Pvt Ltd for recovery of the debt amount of Rs.14,67,35,687.

Learned counsel for the Petitioner Shri Vinod PV as well as learned counsel for the CD Shri Anirudh Kadavil appeared through VC. Today IA(IBC)/198/KOB/2021 is allowed and directed the Registry to take on record the counter of respondent, if it is otherwise in order.

Shri Vinod sought time to file the rejoinder. Allowed. Rejoinder may be filed well before the next date.

List on 18.01.2022 for hearing.

7 IA(IBC)/198/KOB/2021 in CP(IB)/40/KOB/2021

This IA has been filed by the Corporate Debtor with the prayer to accept the counter affidavit filed in CP(IB)/40/KOB/2021 condoning the delay.

Learned counsel for the Applicant/CD Shri Anirudh Kadavil as well as learned counsel for the FC/Respondent Shri Vinod PV appeared through VC.

Vide Order dated 16.12.2021 the Corporate Debtor was directed to file the reply statement on or before 23.12.2021. Shri Anirudh submitted that there was a delay of

7 days in filing the counter, which was due to the counsel of the CD tested Covid 19 positive..

The relief sought for in this IA to condone the delay of 7 days in filing the counter affidavit is allowed and the delay condoned, on condition that the CD pays cost of Rs.5,000/- (Rupees five thousand) to the accounts of Ministry of Corporate Affairs and submit proof of payment along with the counter, serving a copy in advance to the Petitioner, who may file rejoinder, if any, two days before the next date of hearing.

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.

IA(IBC)/198/KOB/2021 in CP(IB)/40/KOB/2021 stands disposed of accordingly.

8 TCP/51/KOB/2019

Learned counsel for the Petitioner Shri A.M.Sridharan appeared through. Learned counsel for R2 and R13 Shri Millu Dhandapani appeared through VC. But he has not yet filed the vakkalath for R2. He is directed to file the vakkalath for R2 with proper NoC from the earlier counsel before the next date fixed.

Vide today's proceedings IA(C/ACT)/30/KOB/2021 filed by the applicants/'petitioners to implead Ms Amulya, Ms Beena P.K. and Ms Bijila P.K. as 14th, 15th and 16th respondents respectively to the amended petition has been allowed. Therefore, R14 to R16 are directed to file the Reply Statement against the TCP within two weeks.

Shri Millu Dhandapani is directed to submit the present address of the R14 to the learned counsel for the petitioner within 7 days.

List on 14.02.2022.

8 IA(C/ACT)/30/KOB/2021 IN TCP/51/KOB/2019

Learned counsel for the Applicant Shri A.M.Sridharan appeared through VC. Learned counsel for R2 and R13 Shri Millu Dhandapani appeared through VC.

This IA has been filed by the Applicant/Petitioner with the prayer to implead Ms Amulya, Ms Beena P.K. and Ms Bijila P.K. as 14th, 15th and 16th respondents respectively to the amended petition.

Adv Shri Sarath Babu appeared through VC stating that he represents R15 & R16, but vakkalath has not been filed. He has stated that he will be filing vakalath for them during the course of the day.

On hearing the parties and also on thorough perusal of the records, this Tribunal is of the opinion that the prayer of the Applicant to **implead** R14, R15 and R16 can be allowed. Hence the **IA(C/ACT)/30/KOB/2021 IN TCP/51/KOB/2019 stands allowed and**

Ms Amulya, Ms Beena P.K. and Ms Bijila P.K. are impleaded as 14th, 15th and 16th respondents respectively to the amended petition.

Registry is directed to carry out the impleadment in the CP.

9 TCP/58/KOB/19 (TCP/235/17)

Learned counsel for the Petitioners Shri K.S.Ravi Chandran appeared through VC. Adv. Shri K. Manoj Menon appeared for the respondents through VC.

Shri Ravi Chandran stated that there is a Stay Order by NCLAT in a related case (TCP/57/KOB/2019) and hence sought an adjournment.

At the request of the learned counsel for the Petitioner, the case is adjourned to 28.02.2022 for hearing.

10 CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Paulose C. Abraham appeared through VC. None appeared for other respondents.

It appears from records that notice was duly served to R11, R13, R14 and R15. But they neither appeared through VC nor filed any Reply Statement. **Therefore, R11, R13, R14 and R15 are hereby set ex-parte.** Await return of notice of R12.

Heard both sides partly.

List on 07.01.2022 for final hearing as PART HEARD (High on Board).

10 IA(C/ACT)/12/KOB/2021 IN CP/08/KOB/2021

Learned PCS for the applicant Shri Zibi Jose as well as learned counsel for R1 to R8 Shri Paulose C. Abraham appeared through VC. None appeared for other respondents.

List on 07.01.2022 along with the main matter.

10 **IA(C/ACT)/57/KOB/2021 IN CP/08/KOB/2021**

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Petitioner seeking the following reliefs:

1. *To direct that all the agenda items 1-12 in the proposed AGM of 2020-21 to be held on 30.12.2021 shall be decided only through e-voting.*
2. *To add as additional respondent No.16 proposed director Mr. Nilayattungal Antony Lonappan in the Company Petition CP/08/KOB/2021.*
3. *To invalidate the appointment of additional Respondent No.16 as additional director at the Board Meeting held on 03.12.2021.*
4. *To add as additional Respondent No.17 Central Depository Services Ltd in the Company Petition CP/08/KOB/2021.*
5. *To direct CDSL (subject to grant of relief as Additional Respondent No.17) and SKDC (Respondent No.15) to generate the login id and password and despatch the same only to the shareholders by speed post directly by them under the supervision of the Independent Chairman.*
6. *Any other reliefs this Tribunal deems fit considering the circumstances of the case.*

Learned PCS for the applicant Shri Zibi Jose as well as learned counsel for R1 to R8 Shri Paulose C. Abraham appeared through VC. None appeared for other respondents.

List this IA along with the main case.

11 **CP/36/KOB/2021**

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.

Heard the arguments of Shri Shivshankar R. Panicker partly.

List on 25.01.2022 as PART HEARD.

12 **CP/39/KOB/2021**

This Petition has been filed by the Petitioner Smt. Accamma Eapen represented by her Power of Attorney Holder Shri M.K.Varghese against the Respondents Sungkai Plantations Pvt Ltd and 7 others alleging oppression and mismanagement of the R1 Company by Respondents 2 and 3.

Learned counsel for the Petitioner Shri Aravind appeared through VC. Learned counsel for R1 to R3 Shri Sukumar Nainan Oommen and learned counsel for R4, R6 and R7 Shri Shivashankar R. Panicker also appeared through VC.

Counter filed by R4, R6 & R7 is on record. Shri Sukumar Nainan Oommen stated that he has not received the copy of counter filed by R4, R6 and R7. He may collect

the copy of the aforesaid counter from the Registry following the certified copy formalities.

List on 25.01.2022 for hearing.

13 **CPI/40/KOB/2021**

Both sides appeared through VC. **Due to paucity of time, the case is adjourned to 04.02.2022**

13 MA(C/ACT)/4/KOB/2021

Both sides appeared through VC.

Due to paucity of time, the case is adjourned to 04.02.2022.