

NCLT, KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 3rd FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 REPORT/23/KOB/2022 in IBA/38/KOB/2019

This report has been filed under Regulation 13 of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against the Corporate Debtor Albanna Engineering (India) Pvt Ltd.

Learned liquidator Shri Vinod Balachandran appeared in person through VC.

Perused the Report. **Report is taken on record.** Registry is directed to place the Report in in IBA/38/KOB/2019.

2 REPORT/24/KOB/2022 in IBA/52/KOB/2019

This report has been filed under Regulation 15(1) (a) of IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation of process against Propyl Packaging Ltd.

Learned liquidator Shri George Varkey appeared in person through VC.

Perused the Report. **Report is taken on record.** Registry is directed to place the Report in IBA/52/KOB/2019.

3 IA(IBC)/197/KOB/2021 in CP(IB)/01/KOB/2021

This IA has been filed by the IRP in the matter of CIR process against the Corporate Debtor Nucleus Premium Properties Pvt Ltd with the prayer to approve the name of Shri Mohanan T.S. as Authorised Representative to represent the class of Creditors (Home Buyers) in the CIR Process of Nucleus Premium Properties Pvt Ltd.

The learned IRP Shri Dileep KP argued and concluded his submissions.

Reserved for Orders.

3 IA(IBC)/21/KOB/2022 IN CP(IB)/01/KOB/2021

This IA has been filed under Section 22(2) of the IBC, 2016 by the IRP to approve the appointment of the IRP as RP.

Learned IRP Shri Dileep K.P. appeared in person through VC.

It is noticed that the 1st meeting of the Committee of Creditors held on 30.12.2021 has resolved to appoint the Interim Resolution Professional as Resolution Professional.

Hence the IA(IBC)/21/KOB/2022 IN CP(IB)/01/KOB/2021 stands allowed and the appointment of Shri Dileep KP as Resolution Professional in this CIR Process is hereby confirmed.

3 REPORT/22/KOB/2022 IN CP(IB)/01/KOB/2021

This 1st report has been filed under Regulation 17, 18 & 19 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by the IRP in the matter of CIR Process against the Corporate Debtor Nucleus Premium Properties Pvt Ltd.

Perused the Report. **Report is taken on record.** Registry is directed to place the Report in IN CP(IB)/01/KOB/2021.

4 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 Financial Creditor Shri Vinod PV as well as learned counsel for the Corporate Debtor Shri Anirudh Kadavil appeared through VC.

Shri Anirudh Kadavil stated that settlement proposals in this case are under process as the applicant bank proposed a one-time settlement and hence sought an adjournment to make the first instalment of the settlement amount on or before 21.2.2022. At his request the case is adjourned to 22.02.2022.

The FC is directed to file the rejoinder and the progress in the settlement, if any, well before the next date fixed. If the settlement proposal is failed, the matter will be decided based on its merits.

Both the parties may note that since this is an IBC matter, there shall be no adjournment in this case.

List on 22.02.2022 for hearing.

5 EP/1/KOB/2021 IN TCP/21/KOB/2019

This EP has been filed under Section 424 (3) of the Companies Act, 2013 read with Order 21, Rule 11 and 11A of CPC by the Petitioners Shri Alexander Correya and others for execution of an Order dated 28.08.2018.

The Bench noted the following from the records:

Notice served to Respondents	Appearance through counsel	Notice unserved to Respondents	Deceased Respondents (as reported by postal authorities)	Non-appearance
2, 4, 8, 9, 12, 13, 14, 17 to 37, 39, 40, 42, 43, 45 to 49	1, 2, 4, 5 to 13, 17, 18, 22, 31, 33 to 37, 39, 40, 42, 43, 45, 46 and 48	16 and 44	3, 15, 38, 41, 50	14, 19 to 21, 23 to 30, 32, 47 and 49

The petitioner is directed to issue fresh notice enclosing copy of the Execution Petition to those respondents, who have not been served notice till date, through Registered Post with A/D / Speed post with A/D and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date fixed.

The Petitioners are also directed to take steps to implead the legal heirs of the deceased respondents within two weeks, if they are so advised.

It appears that notice was duly served on Respondent Nos 14, 19 to 21, 23 to 30, 32, 42, 43, 47 and 49. But they neither appeared through VC nor filed any reply statement. **Accordingly, Respondent Nos 14, 19, 20, 21, 23 to 30, 32,, 47 and 49 are hereby set ex-parte.**

Respondents who have already entered appearance are directed to file their counter within two weeks positively with a copy served to the petitioner in advance.

Vide Order dated 03.12.2021 the Petitioner was directed to submit the plaint schedule of the properties of each of the respondents before 21.01.2022. But the petitioners have not produced the same till date. **The Petitioner is directed to file the plaint schedule of the properties of each of the respondents positively before the next date fixed.**

List on 04.03.2022 for hearing.

5 EP/2/KOB/2021 IN TCP/21/KOB/2019

This EP has been filed under Section 424 (3) of the Companies Act, 2013 read with Order 21, Rule 11 and 11A of CPC by the Petitioners Shri Alexander Correya and others for execution of an Order dated 28.08.2018.

The Bench noted the following from the records:

Notice served to Respondents	Appearance through counsel	Notice unserved to Respondents	Deceased Respondents (as reported by postal authorities)	Non-appearance
2,3,4, 6, 7, 9 to 17, 21, 22, 24 to 28, 30, 31, 33, 34, 36, 37 and 39	27, 28, 30, 31, 33, 34, 36, 38 and 41.	1, 5, 8, 18, 19, 20, 23 and 35	29, 32, 38, and 40	2 to 4, 6, 7, 9 to 17, 21, 22, 24 to 26, 37, 39 and 41

The petitioner is directed to issue fresh notice enclosing copy of the Execution Petition to respondents 1, 5, 8, 18, 19, 20, 23 and 35, who have not been served till date, through Registered Post with A/D / Speed post with A/D and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date fixed.

The Petitioners are also directed to take steps to implead the legal heirs of the deceased respondents within two weeks, if they are so advised.

Respondents who have entered appearance are directed to file their counter within two weeks positively with a copy served to the petitioner in advance.

Vide Order dated 03.12.2021 the Petitioner was directed to submit the plaint schedule of the properties of each of the respondents before 21.01.2022. But nothing has been filed till date. **The Petitioner is directed to file the plaint schedule of the properties of each of the respondents positively before the next date fixed.**

List on 04.03.2022 for hearing.

6 TCP/42/KOB/2019

Learned PCS for the petitioners Shri Bijoy P. Pulipra as well as learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal appeared through VC.

Pleadings are complete.

Shri Pranoy Harilal sought an adjournment to enable his senior Shri Paulose C. Abraham, who is now tested Covid 19 positive, to argue the case.

However, Shri Bijoy Pulipra submitted that this case is pending since 2017 and the case has been adjourned many times even after completion of the pleadings.

It is noticed that written submissions of the learned counsel for R1 to R4 have not yet been filed. He may submit his written submissions in brief (limiting 3-4 pages) at least 3 days before the next date fixed.

At the request of the learned counsel for R1 to R4 the case is adjourned to 24.02.2022. **Since this is an old pending case, there shall be no further adjournment in this case.**

7 CP/31/KOB/2021

Learned counsel for petitioner Shri Rohit Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

At the request of the learned counsel for the Petitioner, the case is adjourned to 14.02.2022.

7 IA(C/ACT)/20/KOB/2021 IN CP/31/KOB/2021

Learned counsel for applicant/petitioner Shri Rohit Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

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

List on 14.02.2022.

7 IA(C/ACT)/42/KOB/2021 IN CP/31/KOB/2021

This IA has been filed by the Applicants (Respondents 1 & 2 in the CP) under Rule 32 of the NCLT Rules, 2016 seeking permission to convene the meeting of the Board of Directors of the 1st Applicant/R1 M/s. Nila Sand Rock Granites Pvt Ltd for the Financial year 2021-22 to approve the audited balance sheet and profit and loss account for the financial year ended 31.3.2019 and to review the draft statutory auditors report on financial statements of the company for the financial year ended 31.3.2019 and to approve the draft of the Directors report for the financial year 31.03.2019 and to confirm the appointment of statutory auditors, etc. and also to convene the 8th Annual General Meeting of the Company.

Learned counsel for applicant Shri VV Sidharthan as well as learned counsel for the respondents Shri Rohit Shenoy appeared through VC.

Shri Rohit Shenoy submitted that reply statement against this IA is ready and awaiting for the signature of the Respondents.

It appears that in spite of taking many opportunities from the month of November 2021 to file the counter, the respondents have not taken steps to file counter. However, at the request of the counsel for respondents in the IA, the respondents are allowed to file the counter within a week on the condition that the Respondents **pay the costs of Rs.5,000/- (Rupees five thousand only)** to the accounts of "Ministry of Corporate Affairs" within one week from today and submit proof of payment before the next date of hearing, **failing which their right to file the**

counter will stand forfeited. Registry is directed to accept the counter, if filed with the receipt of costs by the Bharat Khosh.

List on 14.02.2022 for hearing.

7 IA(C/ACT)/45/KOB/2021 IN CP/31/KOB/2021

This IA has been filed under Rule 155, Rule 17(1) (b) and Rule 32 of the NCLT Rules, 2016 by the Applicant/Petitioner with the prayer to allow the Petitioner to amend the Company Petition CP/31/KOB/2021.

Learned counsel for the applicant Shri Rohit Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

At the request of the learned counsel for the Applicant, the case is adjourned to 14.02.2022.