

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 3rd Sept 2021

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

1 IA(IBC)/88/KOB/2021 IN IBA/46/KOB/2019

Learned counsel for the Applicant/CD Shri Santhosh Mathew as well as learned senior counsel for the Respondent/FC Shri Joseph Kodianthara appeared through VC.

Heard both the learned counsel for the parties and perused the records.

Reserved for Orders. The date of pronouncement of orders will be intimated later.

2 IBA/46/KOB/2019

Learned senior counsel for the FC Shri Joseph Kodianthara as well as learned counsel for the CD Shri Santhosh Mathew appeared through VC.

Heard both the learned counsel for the parties and perused the records.

Reserved for Orders. The date of pronouncement of orders will be intimated later.

3 CP(IBC)/27/KOB/2021

Learned counsel for the Operational Creditor Ms Jinnu Sara George appeared through VC.

This is a petition filed by the Operational Creditor M/s. Uralungal Labour Contract Co-operative Society Ltd against the Corporate Debtor M/s. Perambra Coconut Producer Company Ltd.

The petitioner is directed to issue fresh notice to the respondent through Registered Post with A/D 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 the respondents through email.

The Corporate Debtor is directed to file the counter within 14 days serving advance copy to the Operational Creditor, who may file the rejoinder, if any, two days before the next date of hearing. **List on 30.09.2021.**

4 CP(IBC)/28/KOB/2021

This is a Petition filed by the Operational Creditor M/s. CUBOID against the Corporate Debtor M/s. Asset Homes Pvt Ltd claiming an amount of Rs.18,91,250/- for rendering services of the Operational Creditor for a project of the Corporate Debtor.

Adv Shri S.Eshwar along with Adv Shri Akhil Suresh appeared through VC for the Operational Creditor. Adv Ms Karthika K.J. appeared through VC for the Corporate Debtor.

This case was heard in detail by the Bench wherein the learned counsel for the Operational Creditor could not provide the date of Demand Notice as the Demand Notice under Section 8 sent by the Operational Creditor is undated. However, from the reading of the reply of the Corporate Debtor, the demand notice was received by them on 18.01.2021.

The Demand Notice under Section 8 is a statutory requirement for initiation of any proceedings against the Corporate Debtor under Section 9. In this case a defective notice was served by the Operational Creditor to the Corporate Debtor. Even if we take the date of notice under Section 8 as 18.01.2021, which has been confirmed by the Corporate Debtor that they have received the Notice on 18.01.2021, the Demand Notice raised by the Operational Creditor is after 24.03.2020 from which date the limit was raised from Rs.1,00,000/- (Rupees one lakh) to Rs.1,00,00,000/- (Rupees one crore) as per the notification of the Ministry of Corporate Affairs.

As the Demand Notice raised by the Operational Creditor, which has been received by the Corporate Debtor does not meet the threshold limit of Rs.1,00,00,000/- (Rupees one crore), **CP(IBC)/28/KOB/2021 filed by the Operational Creditor is dismissed.**

No order as to the Costs.

5 MA(IBC)/6/KOB/2021 IN IBA/258/CB/2019

6 MA(IBC)/7/KOB/2021 IN IBA/258/CB/2019

7 MA(IBC)/8/KOB/2021 IN IBA/258/CB/2019

8 MA(IBC)/9/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the applicant Ms Poornima S. Nair as well as learned liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned senior counsel Shri Joseph Kodianthara.

The Liquidator is directed to file his counter within a week.

List on 30.09.2021 for hearing.

- 9 MA(IBC)/10/KOB/2021 IN IBA/258/CB/2019
- 10 MA(IBC)/11/KOB/2021 IN IBA/258/CB/2019
- 11 MA(IBC)/12/KOB/2021 IN IBA/258/CB/2019
- 12 MA(IBC)/13/KOB/2021 IN IBA/258/CB/2019
- 13 MA(IBC)/14/KOB/2021 IN IBA/258/CB/2019
- 14 MA(IBC)/15/KOB/2021 IN IBA/258/CB/2019
- 15 MA(IBC)/16/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the applicant Shri Jayesh S. Pillai well as learned liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned senior counsel Shri Joseph Kodianthara.

The Liquidator is directed to file his counter within a week.

List on 30.09.2021 for hearing.

- 16 IA(IBC)/124/KOB/2021 IN IBA/24/KOB/2020

Learned RP Shri Mohanan T.S. appeared through VC.

This is an IA filed by the Resolution Professional with the prayer to approve the Resolution Plan submitted by M/s. Dasmesh Warehousing Private Ltd (the Resolution Applicant).

List on 30.09.2021 for hearing.

- 17 IBA/27/KOB/2020

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

Learned counsel for both the parties confirmed that they have arrived at a settlement in this matter. However, the settlement memo has not been filed. The parties are directed to file the IA along with the settlement memo within 7 days.

List on 01.10.2021.

18 IA(IBC)/130/KOB/2021 IN CP(IBC)/24/KOB/2021

Learned counsel for the applicant Adv Shri Ratnako Banerji as well as learned counsel for the Corporate Debtor Shri Pranoy Harilal appeared through VC.

This is an IA filed by the Applicant/Operational Creditor under Section 5 of the Limitation Act and Section 424 of the Companies Act, 2013 for condonation of delay in filing the CP(IBC).

Heard both sides. The delay is condoned. **IA(IBC)/130/KOB/2021 IN CP(IBC)/24/KOB/2021 stands allowed.**

19 CP(IBC)/24/KOB/2021

Learned counsel for the petitioner Adv Shri Ratnako Banerji as well as learned counsel for the Corporate Debtor Shri Pranoy Harilal appeared through VC.

The Corporate Debtor is directed to file the counter within 15 days, serving advance copy on the Operational Creditor, who may file the rejoinder, if any, within 7 days thereafter. The parties are directed to complete the pleadings before 30.09.2021.

List on 01.10.2021.

20 CP/92/KOB/2019

Learned counsel for the Petitioner Shri Anil D. Nair as well as learned counsel for R1 to R8 Shri Pranoy Harilal appeared through VC.

At the request of the counsel for R1 to R8 the matter is adjourned to 01.10.2021.

21 IA/203/KOB/2020 IN CP/02/KOB/2020

Both the parties appeared through VC. Due to paucity of time, the matter is **adjourned to 01.10.2021 (High on Board).**

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

Both the parties appeared through VC. Due to paucity of time, the matter is **adjourned to 01.10.2021 (High on Board).**

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

Both the parties appeared through VC. Due to paucity of time, the matter is **adjourned to 01.10.2021 (High on Board)**.

24 CP/02(KOB)/2020

Both the parties appeared through VC. Due to paucity of time, the matter is **adjourned to 01.10.2021 (High on Board)**.

25 CP/28/KOB/2021

Learned counsel for the Petitioner Shri Binoy Chacko as well as learned counsel for the Respondent Shri Jinu John Jacob appeared through VC.

Pleadings are complete.

List on 06.10.2021 for final hearing. The learned counsel for the parties are directed to submit their written submissions in brief (4-5 pages) two days before the next date of hearing.

26 CA/10/KOB/2021

Learned counsel for the Appellant Shri Vinod PV appeared through VC.

Revised report submitted by the ROC is on record.

Heard the Appellant and perused the records.

Reserved for Orders. The date of pronouncement of orders will be intimated later.

27 CP(CAA)/01/KOB/2021

Learned counsel for the Petitioner Shri Yogindunath S appeared through VC.

Heard and perused the records.

Reserved for Orders. The date of pronouncement of orders will be intimated later.