

NCLT, KOCHI BENCH

Daily **Orders** –For reference purpose only

Date 4th FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IB)/4/KOB/2022

This petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Resolution Process against Mrs Raheena, who is a Personal Guarantor to the Corporate Debtor, Nassco Trading India Pvt Ltd.

Learned counsel for the FC Shri Vinod PV argued and concluded his submissions.

Reserved for Orders.

2 CP(IB)/5/KOB/2022

This petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Resolution Process against Mr Nazar S, who is a Personal Guarantor to the Corporate Debtor, Nassco Trading India Pvt Ltd.

Learned counsel for the FC Shri Vinod PV argued and concluded his submissions.

Reserved for Orders.

3 CP(IB)/6/KOB/2022

This Petition has been filed under Section 7 of the IBC, 2016 read with Rule 4 of IB (AAA) Rules, 2016 by the Financial Creditor Kosamattam Finance Limited with the prayer to initiate Corporate Insolvency Resolution process against the Corporate Debtor Mangomeadows Agricultural Pleasure Land (P) Limited.

Learned counsel for the Financial Creditor Shri P.Sathisan appeared through VC.

Since the learned counsel for the FC failed to give proper answer to the questions raised by the Bench, list this case on 07.02.2022 for admission.

4 MA(IBC)/36/KOB/2021 IN IBA/258/CB/2019

This MA has been filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his counsel Shri Akhill Suresh.

It appears that when this case was taken up for hearing on 25.01.2022, Smt Divya represented the counsel for the Applicant Shri Jayesh Pillai and sought adjournment to enable her senior to argue the case.

Vide Order dated 25.01.2022 the applicant was granted final opportunity to file an IA, if any, to condone the delay within 7 days.

Today none appeared for the Applicant nor IA has been filed by the applicant to condone the delay.

On the other hand, the learned counsel for the Liquidator Shri Akhil Suresh stated that there were 65 similar cases and all those cases have already been dismissed by this Tribunal and hence prayed to dismiss this case also.

In view of the above, MA(IBC)/36/KOB/2021 IN IBA/258/CB/2019 stands dismissed for default and non-prosecution.

4 MA(IBC)/37/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his counsel Shri Akhill Suresh.

It appears that when this case was taken up for hearing on 25.01.2022, Smt Divya represented the counsel for the Applicant Shri Jayesh Pillai and sought adjournment to enable her senior to argue the case.

Vide Order dated 25.01.2022 the applicant was granted final opportunity to file an IA, if any, to condone the delay within 7 days.

Today none appeared for the Applicant nor IA has been filed by the applicant to condone the delay.

On the other hand, the learned counsel for the Liquidator Shri Akhil Suresh stated that there were 65 similar cases and all those cases have already been dismissed by this Tribunal and hence prayed to dismiss this case also.

In view of the above, **MA(IBC)/37/KOB/2021 IN IBA/258/CB/2019 stands dismissed for default and non-prosecution.**

4 MA(IBC)/38/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his counsel Shri Akhill Suresh.

It appears that when this case was taken up for hearing on 25.01.2022, Smt Divya represented the counsel for the Applicant Shri Jayesh Pillai and sought adjournment to enable her senior to argue the case.

Vide Order dated 25.01.2022 the applicant was granted final opportunity to file an IA, if any, to condone the delay within 7 days.

Today none appeared for the Applicant nor IA has been filed by the applicant to condone the delay.

On the other hand, the learned counsel for the Liquidator Shri Akhil Suresh stated that there were 65 similar cases and all those cases have already been dismissed by this Tribunal and hence prayed to dismiss this case also.

In view of the above, **MA(IBC)/38/KOB/2021 IN IBA/258/CB/2019 stands dismissed for default and non-prosecution.**

5 REPORT/8/KOB/2022 in IBA/38/KOB/2019

This report has been filed by the Liquidator Shri Vinod Balachandran in the matter of Liquidation Process of 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 IBA/38/KOB/2019.

6 CP/02(KOB)/2020

Learned counsel for the petitioner Shri Avinash Krishnan Ravi as well as learned Senior counsel for the Respondents Dr U.K.Choudhary appeared through VC.

Since the CA/59/KOB/2021 filed in this CP has been Reserved for Orders, list this CP on 07.03.2022 for hearing.

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

Heard the arguments of learned counsel Shri Andhyarujina for the applicant, Shri Avinash Krishnan Ravi for R1-R4 and learned Senior Counsel Dr. U.K.Choudhary for R5-R12 through VC.

Hearing concluded.

Orders reserved

Learned counsel for the parties may submit their written submissions in brief (limiting 3-4 pages) along with the relevant case laws, within 7 days.

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

Learned counsel for the applicant Shri Andhyarujina appeared through VC. Learned counsel for R1-R4 Shri Avinash Krishnan Ravi and learned Senior Counsel for R5-R12 Dr. U.K.Choudhary appeared through VC.

Both the parties sought an adjournment stating that the applicant Shri Ibrahim Haji passed away.

At the request of the parties, the case is adjourned to 07.03.2022.

6 CA/62/KOB/2021 IN CP/02(KOB)/2020

Learned Senior counsel for the Applicant Dr U.K.Choudhary as well as learned counsel for the respondents Shri Avinash Krishnan Ravi appeared through VC.

At the request of the parties, the case is adjourned to 07.03.2022.

6 CONTEMPT PETITION/02/KOB/2021 IN CP/02(KOB)/2020

Learned counsel for the Contempt Petitioners Shri Avinash Krishnan Ravi as well as learned Senior counsel for the Respondents Dr U.K.Choudhary appeared through VC.

At the request of the parties, the case is adjourned to 07.03.2022.

7 CP/40/KOB/2021

This CP has been filed under Section 213 of the Companies Act, 2013 by Shri M.M.Abdul Basheer against INKEL and others with the prayer to pass an order that the affairs of the R1 & R2 Companies in respect of the Calicut Bye-pass NHAI Project and the acquisition by R1 of shares in M/s. Seguru Foundations and Structures Pvt Ltd be investigated by an Inspector or Inspectors appointed by the Central Government.

Learned counsel for the Petitioner Shri Harikumar G.Nair appeared through VC. Learned Senior Counsel Shri Aravind Pandian appeared through VC for the respondents.

Shri Aravind Pandian stated that he wants to withdraw the Preliminary objections filed by R1 with regard to the maintainability of this CP and sought some more time to submit Reply statement in the CP. Prayer is allowed.

It is noted that the Respondents have filed **MA(C/ACT)/4/KOB/2021** with the prayer to grant them two weeks' time to file the Reply Statement in the CP.

The Respondents are given the last opportunity to file the Reply Statement in the CP within two weeks.

List on 11.03.2022 for hearing.

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

This MA has been filed under Rules 11, 13, 15, 51 & 153 of the NCLT Rules, 2016 by the Applicants (Respondents in the CP) with the prayer to grant them two weeks time to file Reply Statement in the CP.

Learned Senior counsel for the applicants Shri Aravind Pandian as well as learned counsel for the Respondents Shri Harikumar G. Nair appeared through VC.

On hearing the learned senior counsel for the applicants, the prayer of the Applicants is allowed. The Respondents in the CP are permitted to file the Reply Statement in the CP within two weeks.

Accordingly, MA(C/ACT)/4/KOB/2021 stands disposed of.