

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 4th Oct 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Shyam Babu Gautam, Member (Technical)**

1 COMP.APPLN/97/KOB/2021 IN TCP/20/KOB/2019

Learned counsel for the Applicants/Respondents Shri Sharad Kodianthara as well as learned counsel for the Respondent/Petitioner Shri A.M.Sridharan appeared through VC.

This is an application filed by the Respondents in the CP under Sections 59, 213, 241 and 242 of the Companies Act, 2013 with the prayer to accept additional documents.

Learned counsel for the Respondent/Petitioner has not raised any objection in accepting the additional documents.

Accordingly, **COMP.APPLN/97/KOB/2021 IN TCP/20/KOB/2019 stands allowed and registry is directed to place the additional documents on record.**

2 MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019

This is an application filed by the Monitoring Agent under Section 60(5) of IBC, 2016 against the respondents/suspended directors of the Corporate Debtor with the prayer to direct the respondents to handover the vehicles along with the keys and RC documents and also handover the keys of the cabin of the Managing Director, original set of keys of the locker inside the cabin, Original Licenses and Permits of the various facilities of the Corporate Debtor, etc.

Learned Monitoring Agent Shri Bijoy Pulipra appeared through VC. Adv. Shri Ravi Kumar appeared for the Respondents through VC stating that the earlier counsel for the respondents Shri Millu Dhandapani has already relinquished the vakkalath and he will file the vakkalath for the respondents within 2-3 days.

Upon hearing the parties and on perusal of the records, this Tribunal is of the opinion that the prayer of the Monitoring Agent may be allowed.

The Respondents are therefore directed to handover the vehicles along with the keys and RC documents and also the keys of the cabin of the Managing Director,

original set of keys of the locker inside the Cabin, Original Licenses and Permits of the various facilities of the Corporate Debtor, etc within 10 days.

The Respondents/Suspended Directors of the Corporate Debtor are also directed to appear before this Tribunal through Video Conferencing on the next date of hearing.

List this IA(IBC)/141/KOB/2021 IN IA(IBC)/87/KOB/2021 IN IBA/23/KOB/2019 on 29.10.2021 for the appearance of the Respondents.

Registry is directed to issue copy of this Order to the learned counsel of both the parties and also to the Respondents / Suspended Directors through Email.

3 IA(IBC)/139/KOB/2021 IN IBA/04/KOB/2020

This is an application filed by the RP under Section 33(2) of IBC, 2016 seeking liquidation of the Corporate Debtor and appointment of the RP as Liquidator.

Learned RP Shri K. Easwara Pillai appeared through VC.

This application will be heard in detail in the next date of hearing. In the meantime, the RP is directed to file an affidavit with regard to the estimated cost of the Liquidation process approved by CoC within 10 days.

List on 03.11.2021 for hearing.

4 MA/187/KOB/2020 IN IBA/34/KOB/2020

Learned counsel for the Applicant Shri Akhil Suresh as well as learned counsel for the Corporate Debtor Shri Sharad Kodianthara appeared through VC.

Both the parties submitted that there is a stay of all further proceedings in this IBA by the Hon'ble High Court of Kerala and that the said Writ Petition was finally heard by the Hon'ble High of Kerala on 29.06.2021 and orders reserved, but the orders are yet to be pronounced.

In view of the above, let this matter be adjourned to 05.11.2021.

5 IBA/34/KOB/2020

Learned counsel for the Applicant Shri Akhil Suresh as well as learned counsel for the Corporate Debtor Shri Sharad Kodianthara appeared through VC.

Both the parties submitted that there is a stay of all further proceedings in this IBA by the Hon'ble High Court of Kerala and that the said Writ Petition was finally heard by the Hon'ble High of Kerala on 29.06.2021 and orders reserved, but the orders are yet to be pronounced.

In view of the above, let this matter be adjourned to 05.11.2021.

6 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Petitioners Shri Pranav Gopalakrishnan appeared through VC. Adv Smt. Meghan L appeared for the respondents through VC.

Vide Order dated 09.09.2021 R2.1 to R2.5 were directed to file their reply in the CP within two weeks. Smt. Meghan sought some more time to file the counter. She is allowed to file the counter on or before 18.10.2021, **failing which the right of R2.1 to R2.5 to file the counter will stand forfeited.**

List on 11.11.2021.

7 CP(IB)/05/KOB/2021

Learned counsel for the Operational Creditor Shri Akhil Suresh appeared through VC. None appeared for the Corporate Debtor.

Counter filed by the CD is on record.

Next date fixed for final hearing. In case the Corporate Debtor is not appearing / representing through counsel during the next date of hearing through Video Conferencing, the petition will be disposed of based on the available records.

List on 26.10.2021.

8 CP(IBC)/21/KOB/2021

Learned counsel for the Operational Creditor Shri Sharad Kodianthara appeared through VC. None appeared for the Corporate Debtor.

Shri Sharad Kodianthara submitted that the matter has already been settled and hence sought time to file an IA along with the settlement memo.

The OC is directed to file the IA along with the settlement memo on or before 20.10.2021.

List on 26.10.2021.

9 CP(IBC)/23/KOB/2021

Learned counsel for the Operational Creditor Shri Manav Thomas as well as learned counsel for the Corporate Debtor Shri Shameem Ahamed appeared through VC.

Vide order dated 10.08.2021 the CD was directed to file the counter on or before 25.08.2021 and in the very same order both parties were directed to complete the pleadings on or before 03.09.2021. Advocate Shri Shameem Ahmed submitted that he has already filed the counter through online, but Registry refused to accept the same stating delay in filing.

In the interest of justice, learned counsel for the CD is directed to file an IA along with the hard copy of the counter for condonation of delay in filing the counter, within 7 days.

List on 29.10.2021 for final hearing. Learned counsel for the parties are directed to submit their written submissions in brief two days before the above date.

10 CP(IB)/29/KOB/2021

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

Adv. Shri Babu Karukapadath appeared for the Corporate Debtor through VC and sought time to file the counter.

The CD is directed to file the counter on or before 26.10.2021.

List on 01.11.2021 for final hearing.

11 IA(C/ACT)/11/KOB/2021 IN CP/107/(KOB)/2019

This is an IA filed by the Applicant/1st Respondent against the respondents / Petitioners 1 & 2 and Respondents 2 to 11 with the prayer to condone the delay of 26 days occurred in submitting the records mentioned in this Petition and exempt them from producing the documents to prove the conducts of AGMs, EGMs and Directors Board Meeting subsequent to the Financial Year 2016-17.

Learned counsel for the applicant Shri Ajmal P appeared through VC.

Vide order dated 03.02.2021, the applicant/R1 was directed to provide the proof of conduct of AGMs, EGMs and Board Meetings of the Company for the period from 2008 to 2018 and to provide the proof of service of AGM notice on the petitioners within two weeks from 17.12.2020.

It appears that R1 has not yet fully complied with our above order.

Heard and perused the records.

While the condonation of delay of 26 days in filing the records are allowed, the remaining part of this application will be heard in detail in the next date of hearing.

List this IA on 12.11.2021.

12 IA/168/KOB/2020 IN CP/107/(KOB)/2019

Both the parties appeared through VC.

This IA will be heard on 12.11.2021 along with the related IA.

13 CP/107/(KOB)/2019

Both the parties appeared through VC.

Vide order dated 03.02.2021, R1 was directed to provide the proof of conduct of AGMs, EGMs and Board Meetings of the Company for the period from 2008 to 2018 and to provide the proof of service of notice on the petitioners within two weeks from 17.12.2020.

During the hearing on 28.7.2021, Shri Biju Balakrishnan, the learned counsel for R1 submitted that the documents are ready with the respondents but the same have not been handed over to his office due to Covid 19 travel restrictions and also the sudden demise of his senior Shri P.V.George (Puthiyedom).

It appears that R1 has not yet fully complied with our above order. This CP will be heard in detail in the next date of hearing.

List on 12.11.2021.

14 IA/163/KOB/2020 IN CP/05/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Adv Shri Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Shri Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

At the request of the learned counsel for R1 & R2, the case is **adjourned to 12.11.2021.**

15 CA/22/KOB/2021 IN CP/05/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Adv Shri Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Shri Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

At the request of the learned counsel for R1 & R2, the case is **adjourned to 12.11.2021.**

16 CP/05/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Adv Shri Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Shri Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

At the request of the learned counsel for R1 & R2, the case is **adjourned to 12.11.2021.**

17 CA(CAA)/01/KOB/2021

Learned counsel for the Applicants Shri P.P.Zibi Jose appeared through VC.

Today the case is posted for hearing. Since todays Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **26.10.2021 for final hearing.**