

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 5th Oct 2021

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

1 IA(IBC)/108/KOB/2021 IN CP(IB)/9/KOB/2021

Learned counsel for the Applicant Shri Krishnan Unni and Shri Prasanth Kumar appeared through VC. Adv Shri Mokshavathy appeared through VC for the CD.

Smt Mokshavathy sought an adjournment stating that her senior's clerk is hospitalised due to Covid 19. . Hence her senior is under quarantine

At her request, the case is adjourned to 29.10.2021.

2 CP(IB)/9/KOB/2021

Learned counsel for the Petitioner Shri Krishnan Unni and Shri Prasanth Kumar appeared through VC. Adv Shri Mokshavathy appeared through VC for the CD.

Smt Mokshavathy sought an adjournment stating that her senior's clerk is hospitalised due to Covid 19. Hence her senior is under quarantine.

At her request, the case is adjourned to 29.10.2021.

3 CP(IB)/10/KOB/2021

Learned counsel for the applicant Shri S.V.Ramakrishna as well as learned counsel for the CD Shri Vipin Varghese appeared through VC.

Pleadings are complete. **List on 01.11.2021 for final hearing.**

Learned counsel for both the parties are directed to submit the hard copy of their written submissions in brief (3-4 pages) at least two days before the above date.

4 IA/15/KOB/2020 IN TCP/01(KOB)/2020 (CP/20/1985/HC)

Learned counsel for the Applicant Smt Sindhu Lekshmi as well as learned counsel for R1-R3 Shri Joseph Antony and learned counsel for R4 and R5 Shri Rohith R. Shenoy appeared through VC. This IA will be taken up along with the main TCP.

List on 03.11.2021.

5 TCP/01(KOB)/2020 (CP/20/1985/HC)

Learned counsel for the Petitioners Shri Joseph Antony as well as learned counsel for R1 & R2 Shri Rohith R. Shenoy and learned counsel for R3 Smt. Sindhu Lekshmi appeared through VC.

This case was filed on 23.09.1985 before the Hon'ble High Court of Kerala and on transfer to this Tribunal, first posting was held in this Bench on 20.01.2020 and the matter is pending from that date before this Tribunal. On every occasion either the petitioner or respondents sought adjournments..

Vide order dated 15.09.2021 the petitioners were directed to file an affidavit stating whether they want to proceed with the case or not. Accordingly, the 3rd petitioner filed an affidavit stating that he would like to proceed with the case.

R1 to R3 are directed to file reply to the aforesaid affidavit of the 3rd petitioner within 3 weeks.

The petitioners are directed to submit an affidavit regarding the events in a chronological order from the date of inception of this case in the Hon'ble High Court of Kerala.

List on 03.11.2021 for final hearing.

6 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

7 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

8 IA/67/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

9 IA/204/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

10 CA/9/KOB/2021 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this CA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

11 TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Pleadings are complete.

List on 02.11.2021 for final hearing. Learned counsel for the parties are directed to file their written submissions in brief (3-4 pages) at least 2 days before the above date.

12 TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main TCP, this CA will be heard along with the final hearing of the TCP.

List on 02.11.2021 for hearing.

13 TCP/53/KOB/2019 (CP/33/17)

Learned counsel for both the parties appeared through VC.

Pleadings are complete.

List on 02.11.2021 for final hearing. Learned counsel for the parties are directed to file their written submissions in brief (3-4 pages) at least 2 days before the above date.

14 CP/47/KOB/2020

Learned counsel for both the parties appeared through VC.

This CP will be heard along with the related CPs.

List on 02.11.2021 for final hearing.

15 CP/48/KOB/2020

Learned counsel for both the parties appeared through VC.

This CP will be heard along with the related CPs.

List on 02.11.2021 for final hearing.

16 IA/152/KOB/2020 IN CP/08/KOB/2020

Learned counsel for the Applicant Shri Vinu Thomas as well as learned counsel for R1 to R4 Shri Yogindunath appeared through VC.

Since pleadings are complete in the main CP, this IA will be heard along with the final hearing of the CP.

List on 24.11.2021 for final hearing (High on Board).

17 CA/33/KOB/2021 IN CP/08/KOB/2020

Learned counsel for the Applicants Shri Yogindunath as well as learned counsel for R1 & R2 Shri Vinu Thomas appeared through VC.

Since pleadings are complete in the main CP, this IA will be heard along with the final hearing of the CP.

List on 24.11.2021 for final hearing (High on Board).

18 IA(C/ACT)/07/KOB/2021 IN CP/08/KOB/2020

Learned counsel for the Applicants Shri Yogindunath as well as learned counsel for R1 & R2 Shri Vinu Thomas appeared through VC.

Since pleadings are complete in the main CP, this IA will be heard along with the final hearing of the CP.

List on 24.11.2021 for final hearing (High on Board).

19 CP/08/KOB/2020

Learned counsel for the Petitioners Shri Yogindunath as well as learned counsel for R2 & R3 Shri Vinu Thomas appeared through VC.

Pleadings are complete.

List on 24.11.2021 for final hearing (High on Board).

20 CP/09/KOB/2020

Advocate Shri Shaji appeared on behalf of the learned counsel for the Petitioner Shri Philip Mathew. Ms Dona Paul appeared on behalf of the learned counsel for R1 Shri V.V.Surendran.

Pleadings are complete.

Learned counsel for both the parties are directed to submit their written submissions in brief (3-4 pages) at least 2 days before the next date of hearing.

List on 25.11.2021 for final hearing.

Registry is directed to issue copy of this order to the learned counsel of both the parties through email.

21 CP/34/KOB/2020

Learned counsel for the petitioner Shri S.Krishnamoorthy as well as learned PCS for R1 to R4 Shri Yogindunath appeared through VC.

The reports filed by the Auditor are on record.

Pleadings are complete

On perusal of the records and also taking into consideration of the submissions made by the parties today, this Tribunal is of the view that both the parties may explore the possibility of settling the matter amicably before the next date of hearing.

List on **22.11.2021 for final hearing.**

22 IA(C/ACT)/19/KOB/2021 IN CP/31/KOB/2021

Learned counsel for the Applicant Shri Dinesh R. Shenoy as well as learned counsel for R1 to R3 Shri VV.Sidharthan appeared through VC.

This is an IA filed by the applicant/petitioner against the respondents with the prayer to stay the EGM to be held on 07.10.2021.

Respondents 1 to 3 in their reply affidavit in this IA has stated that it is only fit and proper that this Tribunal may cancel the EGM scheduled to be conducted on 07.10.2021 and allow them to call for EGM following the provisions of the Companies Act, 2013.

The learned counsel for R1 to R3 has also submitted during the hearing today that the Respondents will not conduct the EGM on 07.10.2021. The submission of the learned counsel for R1 to R3 is recorded and accordingly **IA(C/ACT)/19/KOB/2021 IN CP/31/KOB/2021 stands disposed of.**

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

Learned counsel for the Applicant Shri Dinesh R. Shenoy as well as learned counsel for R1 to R3 Shri V.V.Sidharthan appeared through VC.

This is an IA filed by the applicant/petitioner against the respondents with the prayer to appoint an Advocate Commissioner to authenticate the statutory records of the Company.

This IA will be heard along with the hearings in the main CP

List on 27.10.2021 for hearing.

24 CP/31/KOB/2021

Learned counsel for the Petitioner Shri Dinesh R. Shenoy as well as learned counsel for R1 to R3 Shri V.V.Sidharthan appeared through VC.

Registry reported that even though Shri Dinesh R. Shenoy filed vakkalath in the IAs, he has not yet filed Vakkalath in the CP. Shri Dinesh R. Shenoy submitted that he will file the vakkalath within a week.

Learned counsel for the Petitioner sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

List on 27.10.2021 for final hearing.