

NCLT, KOCHI BENCH

Daily **Orders** – For reference only

Date: 6th Jan 2022

Coram: **Shri Shyam Babu Gautam**
Hon'ble Member (Technical)

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 MA(IBC)/30/KOB/2021 IN IA(IBC)/21/KOB/2021

Order pronounced. **MA(IBC)/30/KOB/2021 IN IA(IBC)/21/KOB/2021 stands dismissed vide separate Order.**

2 IBA/27/KOB/2020

Order pronounced. **IBA/27/KOB/2020 is admitted and IRP appointed vide separate Order.**

3 CP/08/KOB/2020

Order pronounced. **CP/08/KOB/2020 stands disposed of vide separate Order.**

3 IA/152/KOB/2020

Disposed of.

4 COMPANY APPEAL/20/KOB/2021

Order pronounced. **COMPANY APPEAL/20/KOB/2021 stands disposed of vide separate Order.**

5 CA/21/KOB/2021

Order pronounced. **CA/21/KOB/2021 stands disposed of vide separate Order.**

6 **CP(IB)/1/KOB/2022**

This Petition has been filed under Section 9 of the IBC, 2016 by the Operational Creditor Uralungal Labour Contract Co-operative Society Limited to initiate the Corporate Insolvency Resolution Process against the Corporate Debtor Perambra Coconut Producer Company Ltd.

Learned counsel for the Operational Creditor Smt. Jinu Sara George appeared through VC.

The Operational Creditor is directed to issue fresh notice enclosing a copy of the Petition to the Corporate Debtor through Registered Post with A/D / Speed Post and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the Corporate Debtor through email. The Corporate Debtor is directed to file the Reply Statement within two weeks of receipt of notice, serving copy to the Operational Creditor, who may file rejoinder, if any, at least 2 days before the next date fixed.

List on 31.01.2022 for hearing.

7 **CP/1/KOB/2022**

This petition has been filed under Section 621A of the Companies Act, 1956 by Shri N.A.Muhammed Kutty and 14 others against the ROC with the prayer to compound the violation of Section 217(1)(3) of the Companies Act, 1956 committed by the Applicants in the matter of Falcon Infrastructures Ltd.

The Petitioners were the Directors of the aforesaid Company during the relevant period when the offence was committed.

Learned counsel for the Petitioners Shri Jayan K and Shri Nikhil George Pinto appeared through VC. Asst ROC Shri Ramesh also appeared through VC.

After making submission for some time, the learned counsel for the Petitioners submitted that they want to withdraw this Petition so as to submit the application before the appropriate authority.

In view of the above submission of the learned counsel for the Petitioners, **CP/1/KOB/2022 stands dismissed as withdrawn.**

8 **REPORT/113/KOB/2021 in CP(IB)/18/KOB/2021.**

This Revised Report has been filed by the Resolution Professional Shri Francis Mathew under Section 99 of the IBC, 2016 recommending for approval of Application filed under Section 95 by the Financial Creditor JM Financial Assets Reconstruction Company Ltd.

Learned RP Shri Francis Mathew appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in CP(IB)/18/KOB/2021.

9 CP(IB)/33/KOB/2021

This Petition has been filed by the Financial Creditor Phoenix Arc Pvt Ltd (Trustee of Phoenix Trust FY 17-8) against the Corporate Debtor, Kerala Chambers of Commerce and Industries Ltd, under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016.

Learned counsel for the Petitioner Shri Kevin Thomas as well as learned counsel for the Corporate Debtor Smt. Marian GM Tharakan appeared through VC.

It is noted that the debt is admitted by the CD in the Balance Sheet.

After making submission for some time, the learned counsel for the respondent CD stated that there is a possibility for amicable settlement in the matter and she sought some time to report the settlement, if any. 14 days time is granted to file the settlement memo, failing which this matter will be heard and appropriate orders passed in accordance with the provisions of IBC, 2016.

List on **02.02.2022 as PART HEARD.**

Registry is directed to issue copy of this Order to both the parties through email immediately.

10 TCP/52/KOB/2019

Learned counsel for the Petitioners Shri T.K.Bhaskar appeared through VC. Learned senior counsel Shri Aravindh Pandian along with Adv Jolly John appeared for the respondents. Asst ROC Shri Ramesh also appeared for ROC(R14).

During the course of the argument, when the Bench directed to screen share the documents, the learned counsel for the petitioners stated that he could not do so since he is appearing through VC from Chennai. The Bench pointed out that both parties should be ready with the papers for screen sharing as indicated in the Cause List.

Since the learned counsel for the petitioners is unable to screen share the documents, the case is adjourned to 28.01.2022 for hearing.

11 IA(IBC)/187/KOB/2021 IN IBA/13/KOB/2020

This IA has been filed under Section 65(1) of the IBC, 2016 by the Resolution Professional seeking the following prayers:

- (i) *Direct the respondent to deposit Rs.4,43,377/- forthwith to the account of the RP maintained for the purpose of CIRP towards contribution towards its share of CIRP Cost;*
- (ii) *If the respondent failed to deposit Rs.4,43,377/- to the account of the RP, impose a maximum penalty of Rs.1 crore to the respondent for initiating insolvency resolution process with malicious intends under Section 60(1) of the IBC, 2016 in addition to CIRP Cost.*

Learned IRP Shri K. Parameswaran Nair appeared in person through VC along with his counsel Shri Vinod PV. Adv Smt Jayanthi Shah appeared for the respondent and stated that she has not received the copy of this IA till date. She sought time to file the reply statement to this IA. The learned IRP is directed to send a copy of the application to the learned counsel for the respondent Smt. Jayanthi Shah through email as also by post today itself and produce proof to that effect with an affidavit. Respondent is given ten days' time to file the reply statement.

Shri P.R.Shanmugham, Director of Sri Ramani Resorts & Hotels Pvt Ltd is directed to appear before this Tribunal through Video Conference during the next date of hearing.

List on 31.01.2022 for hearing.

12 CP(IB)/46/KOB/2021

This Petition has been filed under Section 8 and 9 of the IBC, 2016 by the Operational Creditor D.J. Laboratories Pvt Ltd for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor Kerala Medical Services Corporation Ltd.

Learned counsel for the Operational Creditor Shri Pranav Jain appeared through VC and stated that he has already produced the MSME Certificate.

The Operational Creditor is directed to issue fresh notice enclosing a copy of the Petition to the Corporate Debtor through Registered Post with A/D / Speed Post and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the Corporate Debtor through email. The Corporate Debtor is directed to file the Reply Statement within two weeks of receipt of notice, serving copy to the Operational Creditor, who may file rejoinder, if any, at least 2 days before the next date fixed.

List on 02.02.2022 for hearing.

13 TCP/50/KOB/2019

Learned counsel for the Petitioner Shri Sohail Mohammed appeared through VC. Adv Smt Sindhu Santhalingam appeared through VC for R1 & R2.

Pleadings are complete.

Shri Sohail Mohammed sought an adjournment to enable his senior to argue the case. **At his request the case is adjourned to 24.01.2022 for hearing.**

Since this is an old pending case of 2019, the parties may bear in mind that there shall be no further adjournment.

Learned counsel for the parties may submit their written submissions in brief (3-4 pages) at least 3 days before the date fixed for hearing.

14 TCP/116/KOB/19

Learned counsel for the Petitioner Shri A.D.Shajan appeared through VC. Learned counsel for R1 Smt. Sindhu Santhalignam and learned counsel for R2 Shri Sohail Mohammed appeared through VC.

Shri Sohail Mohammed sought an adjournment to enable his senior to argue the case. **At his request the case is adjourned to 24.01.2022 for hearing.**

Since this is an old pending case of 2019, the parties may bear in mind that there shall be no further adjournment.

Learned counsel for the parties may submit their written submissions in brief (3-4 pages) at least 3 days before the date fixed for hearing.

15 TCP/55/KOB/2019

Learned counsel for the Petitioners Shri Akhil Suresh as well as learned counsel for R3 to R6 Shri Vijay V. Paul appeared through VC. Learned senior counsel Shri Joseph Kodianthara appeared for R1.

Vide Order dated 23.11.2021 this Tribunal had directed Justice (Retired) Mrs Chitra Venkataraman to closely monitor the Forensic Audit being conducted by the Auditor and submit her report at least 7 days before the next date of hearing.

Meanwhile, the Hon'ble High Court of Kerala vide Order dated 14.12.2021 in IA No.4/2021 IN WP(C) No.1518 of 2020 has granted further six months' time from 14.12.2021 to submit the Forensic Audit Report with the legal opinion before this Tribunal and made it clear that in no event, time shall not go beyond 30.06.2022.

In view of the above, list this TCP on 04.07.2022 for hearing. In the meantime the reports, if any, be filed.

15 IA/43/KOB/2019 IN TCP/55/KOB/2019

Learned counsel for the applicant Vijay V. Paul as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

List this IA along with the main CP on 04.07.2022 for hearing.

15 IA/44/KOB/2019 IN TCP/55/KOB/2019

Learned counsel for the applicant Shri Vijay V. Paul as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

List this IA along with the main CP on 04.07.2022 for hearing.

15 IA/68/KOB/2019 IN TCP/55/KOB/2019

Learned counsel for the applicant Shri Vijay V. Paul as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

List this IA along with the main CP on 04.07.2022 for hearing.

15 IA(C/ACT)/2/KOB/2022

This IA has been filed by the applicants (R2, R4, R5 and R6 in the CP) attaching the Order of the Hon'ble High Court of Kerala dated 14.12.2021 in IA No.4/2021 in WP(C) No.1518 of 2020 with the prayer to take on record the aforesaid Order and to pass appropriate orders.

The Order of the Hon'ble High Court of Kerala is taken on record. The Hon'ble High Court of Kerala has granted further six months time from 14.12.2021 to submit the Forensic Audit Report with the legal opinion before this Tribunal and made it clear that in no event, time shall not go beyond 30.06.2022.

In compliance of the aforesaid Order, vide today's proceedings, direction has been given to the Registry to list **TCP/55/KOB/2019 after 30.06.2022.**

Hence IA(C/ACT)/2/KOB/2022 stands disposed of accordingly.

16 TCP/81/KOB/2019

Learned counsel for the Petitioner Shri Philip Mathew appeared through VC. Shri T.K.Bhaskar appeared for R1 to R7. Asst ROC Shri Ramesh also appeared for R6(ROC).

Shri T.K.Bhaskar suggested that since the case files are voluminous, it is better if both sides are filed a convenience compilation of the case record before this Tribunal. This suggestion was accepted by the learned counsel for the petitioner. Hence both sides are directed to file a convenience compilation of the case record before this Tribunal within 14 days.

List on 25.02.2022 for hearing.

Registry is directed to issue copy of this Order to both the parties through email immediately.

17 TCA/29/KOB/19

Learned counsel for the applicant Shri Vijay V. Paul as well as learned counsel for R2 & R3 Shri Philip Mathew appeared through VC.

Both the parties are directed to file a convenience compilation of the case record before this Tribunal within 14 days.

List on 25.02.2022 for hearing.

Registry is directed to issue copy of this Order to both the parties through email immediately.

18 CP/22/KOB/2020

Adv Smt. Nikhita Paul represented the learned counsel for the Petitioners Shri Aswin Gopakumar and sought an adjournment to enable her senior to argue the case, as he is infected with Covid 19. Learned counsel for R2 Smt. Jayalakshmi and learned counsel for R3 & R4 Shri Nikhil Narayanan appeared through VC. **R1 has already been set ex-parte.**

At the request of the learned counsel for the Petitioners, the case is adjourned to 31.1.2022 for hearing.

19 CP/36/KOB/2020

Learned counsel for the petitioner Shri Ashok B. Shenoy as well as learned counsel for the Respondent Shri C.A.Anupaman appeared through VC.

Shri Anupaman sought some more time to file the Reply Statement stating that the respondent is still in the Jail.

Respondent is directed to file the Reply Statement within 4 weeks.

List on 07.02.2021.

20 CP/39/KOB/2020

Learned counsel for the Petitioner Shri Jerin Asher Sojan as well as learned counsel for the R2 Shri Navod Prasannan appeared through VC.

Vide Order dated 22.12.2021 both the parties were directed to file the written consent of Shri K.R.Jinan to act as the Mediator in this case on or before 31.12.2021. However, both parties have not filed the written consent of Shri K.R.Jinan.

In view of the above, both the parties are directed to file an IA enclosing therewith the consent of Shri KR Jinan to act as mediator in this case, indicating the mutually agreed fee of the mediator.

List on 25.02.2022 for hearing.

21 COMPANY APPEAL/19/KOB/2021

This is an appeal filed under Section 59 of Companies Act, 2013 read with Rule 70 of NCLT Rules, 2016 by Shri K.K.Chandran and another against Prime Habitats Pvt Ltd and 2 others for rectification of Register of Members of the R1 Company.

Learned counsel for the Appellants Shri Raj Carolin V as well as learned counsel for R1 to R3 Shri AM Sridharan appeared through VC.

Shri Raj Carolin sought an adjournment to enable him to file the rejoinder. Allowed.

List on 07.02.2022 for final hearing.

Both the parties may submit their written submission in brief (within 3-4 pages) at least 3 days before the above date.

22 CP/45/KOB/2020

None appeared for the petitioner. It appears from records that in the last date of hearing on 30.11.2021 also none appeared for the petitioner. Shri Nikhil Narayanan appeared for R5. None appeared for other respondents.

List on 24.02.2022 for hearing. If no appearance is recorded on the side of the petitioner during the next posting date, the case will be dismissed for non-prosecution.

23 CP/12/KOB/2021

Learned PCS Shri Vivekkumar appeared through VC for the petitioner. Vide order dated 08.12.2021 **R1 and R2 were set ex-parte**

Shri Vivekkumar argued and concluded his submissions.

Reserved for Orders.