

NCLT, KOCHI BENCH

Daily Orders

Date: 6th Dec 2021 10.30 AM

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

1 CP(IB)/42/KOB/2021

This CP(IB) has been filed under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016 by the Financial Creditor Shri Sathish Gopalakrishna Pillai against the Corporate Debtor Savute Textiles Pvt Ltd for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor.

Learned counsel for the Financial Creditor Shri Sharad Kodianthara appeared through VC. Since the learned counsel for the FC is unable to show the screen shot of the relevant pages of the petition during the hearing, **the case is adjourned to 09.12.2021.**

2 CP(IB)/43/KOB/2021

This CP(IB) has been filed under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016 by the Financial Creditor State Bank of India against the Corporate Debtor Green Gateway Leisure Pvt Ltd for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor.

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Adv Smt Jayalakshmi appeared for the Corporate Debtor stating that she has already filed the soft copy of the vakkalath and hard copy will be filed within two days. She may do so positively within two days.

The CD is directed to file the reply statement within 7 days, serving a copy to the FC, who may file the rejoinder, if any, at least 3 days before the next date fixed.

List on 22.12.2021.

3 CP/20/KOB/2021

Learned counsel for the Petitioner Shri Ameerul Millath as well as learned counsel for R1, R2 & R5 Shri Sukumar Nainan Oommen and learned counsel for R3 & R4 Shri Sherry Samuel Oommen appeared through VC. None appeared for R6 and R7.

Shri Ameerul Millath argued and concluded. Subsequently Shri Sukumar Nainan argued for some time.

List on 16.12.2021 for further arguments – Part heard.

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

3 CA/67/KOB/2021 IN CP/20/KOB/2021

Learned counsel for the applicant Shri Sukumar Nainan Oommen as well as learned counsel for the respondent Shri Ameerul Millath appeared through VC

This IA has been filed by the R2 under Rule 11 of the NCLT Rules with the prayer to determine the maintainability of the Company Petition as a preliminary issue.

Shri Ameerul Millath argued and concluded. Subsequently Shri Sukumar Nainan argued for some time.

List on 16.12.2021 for further arguments – Part heard .

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

4 CP/30/KOB/2021

Learned proxy counsel for the Petitioners Smt Nivetida as well as learned proxy counsel for the Respondents Shri Ajay Jayachandran appeared through VC.

Pleadings are complete.

Shri Ajay Jayachandran sought an adjournment stating that the learned counsel for the Respondents Shri Nebil Nizar is under medical treatment.

At the request of the Proxy counsel for the Respondents, the case is adjourned to 22.12.2021 for final hearing (High on Board).

5 MA/76/KOB/2020 IN IBA/240/(IB)/2019/ CHENNAI BENCH

The Liquidator Shri Mahalangam Suresh Kumar appeared in person through VC along with his counsel Shri A.G.Sathyanarayana. Learned counsel for R1 Shri Varun Srinivasan, learned counsel for R2 Shri Shinu J Pillai and learned counsel for the respondents 3 to 8 Shri S.Easwaran also appeared through VC.

Learned counsel for both the parties argued for some time.

List for further arguments on 17.12.2021 – Part Heard (High on Board). There shall be no further adjournment in this matter.

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

5 IVNP/07/KOB/2021 IN IBA/240/CB/IB/2019

This IVNP has been filed under Section 60(5) of the IBC, 2016 READ WITH Rule 11 of the NCLT Rules, 2016 by the Applicants M.K.Resily and others with the prayer to allow them to intervene in IBA/240/KOB/2019 and be afforded an opportunity

Learned counsel for the applicants Shri S. Easwaran as well as learned counsel for the Liquidator Shri Sathyanarayana and learned counsel for the FC Union Bank of India Smt Sabeela appeared through VC.

Shri S. Easwaran submitted that he has filed the soft copy of the rejoinder on 04.12.2021, but hard copy has not yet been filed. He is directed to file the hard copy of his rejoinder within 3 days positively.

List on 17.12.2021 along with MA/76/KOB/2020 for hearing (High on Board). There shall be no further adjournment in this matter.

5 IVNP/08/KOB/2021 IN IBA/240/CB/IB/2019

This IVNP has been filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the Applicants M.K.Nabeel and others with the prayer to allow them to intervene in IBA/240/KOB/2019 and be afforded an opportunity to be heard.

Learned counsel for the applicants Shri S. Easwaran as well as learned counsel for the Liquidator Shri Sathyanarayana and learned counsel for the FC Union Bank of India Smt Sabeela appeared through VC.

Shri S. Easwaran submitted that he has filed the soft copy of the rejoinder on 04.12.2021, but hard copy has not yet been filed. He is directed to file the hard copy of his rejoinder within 3 days positively.

List on 17.12.2021 along with MA/76/KOB/2020 for hearing (High on Board). There shall be no further adjournment in this matter.

6 IA(IBC)/173/KOB/2021 IN IBA/04/KOB/2020

This IA has been filed by the Resolution Professional against the Respondents seeking direction to compensate for loss made by the Respondents.

Learned RP Shri K. Easwara Pillai appeared through VC along with his learned counsel Shri Akshay R.

Vide Order dated 17.11.2021 the respondents were directed to submit the reply statement within two weeks. But no reply statement has been filed.

The respondents are given the last chance to file their reply statement on or before 15.12.2021, failing which, law will take its own course.

List on 23.12.2021 for hearing.

7 IBA/27/KOB/2020

Learned counsel for the Operational Creditor Shri Rony Jose appeared through VC. None appeared for the Corporate Debtor.

The reply statement filed by the Corporate Debtor is on record.

List on 14.12.2021 for hearing. If there is no appearance for the CD on that date, the matter will be disposed of in accordance with the available records.

Registry is directed to issue copy of this Order to the learned counsel for the Corporate Debtor through email immediately.

8 TCP/42/KOB/2019

Shri Bijoy P. Pulipra, PCS appeared for the petitioners through VC stating that he is newly engaged in this case by the Petitioners since the earlier counsel relinquished the vakkalath and hence sought an adjournment to study the case. Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC. The request of the learned PCS for the petitioners is allowed.

List on 04.01.2021 for hearing.

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

8 TIA/2/KOB/2019 (IA183/2019) IN TCP/42/KOB/2019

Learned PCS Shri Bijoy P. Pulipra appeared for the petitioners through VC stating that he is newly engaged in this case by the Petitioners since the earlier counsel relinquished the vakkalath and hence sought an adjournment to study the case. Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC. The request of the learned PCS for the petitioners is allowed.

List on 04.01.2021 for hearing.

8 COMP.APPL/92/KOB/2021 IN TCP/42/KOB/2019

This is a CA filed by the applicant/2nd respondent with the prayer to accept and take on record copies of additional documents (Annexures B1 to B6).

Shri Bijoy P. Pulipra, PCS appeared for the petitioners through VC stating that he is newly engaged in this case by the Petitioners since the earlier counsel relinquished the vakalat and hence sought an adjournment to study the case. Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC. The request of the learned PCS for the petitioners is allowed.

This CA will be heard along with the main CP.

List on 04.01.2021 for hearing.

9 COMPANY APPEAL/20/KOB/2021

This CA has been filed under Section 252 of the Companies Act, 2013 by M/s. Septagon Builders and Developers Pvt Ltd against the Registrar of Companies for restoration of the Appellant Company in the Register of Companies.

None appeared for the Appellant.

The report submitted by ROC is on record.

List on 17.12.2021 for hearing.

Registry is directed to issue copy of this Order to the learned counsel for the Appellant through email immediately.

10 TCP/65/KOB/2020 (Writ Petition no.2649/2014 of High Court of Kerala)

Learned counsel for the petitioner Shri Terry V. James appeared through VC. None appeared for the respondents.

This Company Petition has been filed originally under Article 226 of the Constitution of India before the Hon'ble High Court of Kerala with the prayer to pass orders on Ext P2 complaint after considering Ext P1, Ext P3 and Ext P5 within a prescribed time limit at any rate within 14 days. The Hon'ble High Court of Kerala Vide Judgement dated 22.08.2019 directed this Tribunal to renumber the writ petitions under Section 434 of the Companies Act, 2013 and to issue notice to all respective parties and then finalise the issue at the earliest.

Accordingly, the case was re-numbered and proceeded in accordance with the NCLT Rules, 2016.

The reply statement filed by ROC is on record.

During the hearing on 28.10.2021, Shri Ramesh, AROC stated that similar writ petitions are pending before this Tribunal and he would give the case numbers of those petitions within 3-4 days. However, ROC, subsequently he reported that no similar case is pending before ROC.

During the hearing today, Shri Terry V. James submitted that since this matter is pending for a long time, he may be permitted to withdraw this case with liberty to file a fresh case under Section 241-242 of the Companies Act, 2013.

The submission of the learned counsel for the Petitioner is recorded and the Petitioner is permitted to withdraw this case with liberty to file a fresh case before this Tribunal.

Accordingly, **TCP/65/KOB/2020 (Writ Petition no.2649/2014 of High Court of Kerala) stands dismissed as withdrawn.**

11 **CP/28/KOB/2020**

Learned counsel for the petitioner Shri Philip Mathew as well as learned counsel for R1-R4 & R6 Shri Johny Thomas appeared through VC.

Shri Philip Mathew argued and concluded.

List on 21.12.2021 for the arguments of the learned counsel for the respondents – Part Heard (High on Board).