

***NCLT, KOCHI BENCH*****Daily Orders – Draft**

Date: 7th Jan 2022

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

**Shri Ashok Kumar Borah**  
**Hon'ble Member (Judicial)**

**1 CP/49/KOB/2020**

Learned PCS for the petitioners Shri C.S.Vivek Kumar as well as learned counsel for the respondents Shri Terry V. James appeared through VC.

**This matter is already reserved and listed as spoken to today. Heard.**

On verification of the records, it is seen that the petitioners have alleged that the 1<sup>st</sup> Respondent Company stopped its operations and no such Registered Office has been maintained by the company. The Registrar of Companies is directed to file a report whether the Registered Office of the 1<sup>st</sup> respondent company is changed or not.

The Respondents stated in their reply that every year 2<sup>nd</sup> respondent invested a huge amount of money into the company. Respondent No.2 to clarify whether he was doing the business of lending money.

Respondents are also directed to produce the Balance Sheet of the 1<sup>st</sup> respondent company for the last five years in order to ascertain the business and to know whether the company is in profit making or it is running into losses.

Respondents to produce the aforesaid documents within two weeks from today. ROC shall file his report within two weeks.

**Reserved for Orders.**

Issue a copy of this order to the ROC as also to the learned counsel for respondents.

**2 CP/38/KOB/2020**

**Orders pronounced. CP/38/KOB/2020 stands dismissed vide separate Order.**

**2      IA/215/KOB/2020 IN CP/38/KOB/2020 c/w CP/126/KOB/2019**

**Disposed of.**

**3      CP(IB)/41/KOB/2021**

**Orders pronounced.      CP(IB)/41/KOB/2021 is admitted and IRP appointed vide separate sheets.**

**4      CP(IBC)/23/KOB/2021**

**Orders pronounced.      CP(IBC)/23/KOB/2021 is admitted and IRP appointed vide separate sheets.**

**5      IA(IBC)/173/KOB/2021 in IBA/04/KOB/2020**

**Orders pronounced.      IA(IBC)/173/KOB/2021 stands disposed of vide separate Order.**

**6      IVNP/2/KOB/2022 in TCP/21/KOB/2019**

This IVNP has been filed under Rule 11 of the NCLT Rules, 2016 by the applicants/intervenors against the Respondents (Petitioners and Respondents in TCP/21/KOB/2019) seeking direction to conduct due election of the Board of Directors of R4 Company and entrust the Management of the R4 Company to the Board of Directors so elected.

None appeared for the applicant. Learned counsel for the Respondents 1-3 Shri A.C.Venugopal and learned Administrator Shri Jinan K.R. appeared through VC. None appeared for other respondents.

Intervening applicant is directed to issue notice enclosing a copy of the application to all the respondents who have not appeared today and produce proof of service (AD Card/Postal Track report) with an affidavit within two weeks. Respondents may file their reply statement, if any, on or before 31.01.2022.

**List on 02.02.2022 for further direction.**

**6      IVNP/1/KOB/2022 in TCP/21/KOB/2019**

This IVNP has been filed under Rule 11 of the NCLT Rules, 2016 by the applicants/intervenors against the Respondents (Petitioners and Respondents in TCP/21/KOB/2019) seeking direction to conduct due election of the Board of

Directors of R4 Company and entrust the Management of the R4 Company to the Board of Directors so elected.

None appeared for the applicant. Learned counsel for the Respondents 1-3 Shri A.C.Venugopal and learned Administrator Shri Jinan K.R. appeared through VC.

Intervening applicant is directed to issue notice enclosing a copy of the application to all the respondents who have not appeared today and produce proof of service (AD Card/Postal Track report) with an affidavit within two weeks. Respondents may file their reply statement, if any, on or before 31.01.2022.

**List on 02.02.2022 for further direction.**

## **6 REPORT/1/KOB/2022 in TCP/21/KOB/2019**

This Report has been filed under Rule 11 of NCLT Rules by the Administrator Shri Jinan K.R. with regard to the actions taken by him in the matter of Bhagyodayam Company (R1).

Perused the report. Report is taken on record. Registry is directed to place the report in **TCP/21/KOB/2019**.

## **7 IA(IBC)/2/KOB/2022**

This IA has been filed under Section 21 (6A) (b) of IBC, 2016 read with Regulations 2(1)(aa), 4A, 16A of the IBB(Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by the IRP Shri Lukose Joseph with the prayer to appoint Shri Vibin Vincent and Shri K. Parameswaran Nair as the Authorised Representatives for Financial Creditors for the class of 'Home Buyers' and 'Deposit holders' respectively.

The IRP is directed to file individual consent letters of the Financial Creditors (Home buyers) and Deposit holders within a week.

**List on 31.01.2022 for hearing.**

## **8 REPORT/2/KOB/2022 in CA(CAA)/4/KOB/2021**

This Report has been filed by Adv.Sankar P. Panicker, Chairman appointed by this Tribunal, to convene the meeting of the creditors in the matter of Scheme of Amalgamation between Crust N Crumb Food Innovations India Ltd (Transferee Company) and Mastermade Bio Combines Pvt Ltd (Transferor Company).

**Report is taken on record. Registry is directed to place the Report in CA(CAA)/4/KOB/2021.**

## 9 CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Pranoy Harilal appeared through VC. **R11, R13, R14 and R15 have already been set ex-parte.** Awaiting return of notice of R2.

This is a part heard case. Shri Pranoy Harilal sought an adjournment stating that his senior Shri Paulose C. Abraham, who argued this case in the last hearings, is under Covid 19 quarantine. RTPCR certificate has also been shown through screen shot. **At his request the case is adjourned 01.02.2022 as PART HEARD.**

## 9 IA(C/ACT)/12/KOB/2021 in CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Pranoy Harilal appeared through VC.

**At the request of Shri Pranoy Harilal, the case is adjourned 01.02.2022.**

## 9 IA(C/ACT)/57/KOB/2021 in CP/08/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Petitioner seeking the following reliefs:

1. *To direct that all the agenda items 1-12 in the proposed AGM of 2020-21 to be held on 30.12.2021 shall be decided only through e-voting.*
2. *To add as additional respondent No.16 proposed director Mr. Nilayattungal Antony Lonappan in the Company Petition CP/08/KOB/2021.*
3. *To invalidate the appointment of additional Respondent No.16 as additional director at the Board Meeting held on 03.12.2021.*
4. *To add as additional Respondent No.17 Central Depository Services Ltd in the Company Petition CP/08/KOB/2021.*
5. *To direct CDSL (subject to grant of relief as Additional Respondent No.17) and SKDC (Respondent No.15) to generate the login id and password and despatch the same only to the shareholders by speed post directly by them under the supervision of the Independent Chairman.*
6. *Any other reliefs this Tribunal deems fit considering the circumstances of the case.*

Learned PCS for the applicant Shri Zibi Jose as well as learned counsel for R1 to R8 Shri Pranoy Harilal appeared through VC.

**At the request of Shri Pranoy Harilal, the case is adjourned 01.02.2022.**

**10 CP/55/KOB/2020**

Learned counsel for the Petitioner Shri Vinu Thomas as well as learned counsel for the R1 to R4 Shri John Vadassery appeared through VC.

**Due to paucity of time, the case is adjourned to 10.02.2022 for final hearing (High on Board).**

**11 IA(IBC)/195/KOB/2021**

This IA has been filed under Section 33(1)(a) of the IBC, 2016 by the Resolution Professional seeking liquidation of the Corporate Debtor Sree Bhadra Parks and Resorts Ltd and to appoint the RP as the Liquidator.

Learned RP Shri K.Parameswaran Nair appeared in person through VC.

The Suspended Director Shri Narayanan Namboothiri appeared through VC along with his counsel Shri T.M.Abdul Lathief. Shri Abdul Lathief submitted that he would file the vakkalath during the course of the day. His submission is recorded.

Shri Abdul Lathief further submitted that the Resolution Plan is ready and sought some more time to submit the same before the CoC. **He is given time upto 21.01.2022 to submit the Resolution Plan before CoC.** The Resolution Professional will report the progress in the matter during next posting date.

It is made clear that no further time will be granted for filing the Resolution Plan and on failure to do so, further orders in the IA will be passed

**List on 31.01.2022 for hearing.**

**12 CP(IBC)/37/KOB/2021**

Learned counsel for the FC Shri Vinod PV appeared through VC. Adv Smt. Liza Meghan appeared through VC for the Personal Guarantor.

It appears that the Personal Guarantor has submitted a memo to condone the delay in filing the Reply Statement. For condoning the delay, a memo cannot be accepted, hence the Memo is rejected.

The personal guarantor is directed to file an IA for condonation of delay, if so advised, within 7 days.

**List on 25.01.2022 for hearing.**

**13 CP(IBC)/38/KOB/2021**

Learned counsel for the FC Shri Vinod PV appeared through VC. Adv Smt. Liza Meghan appeared through VC for the Personal Guarantor.

It appears that the Personal Guarantor has submitted a memo to condone the delay in filing the Reply Statement. For condoning the delay, a memo cannot be accepted, hence the Memo is rejected.

The personal guarantor is directed to file an IA for condonation of delay, if so advised, within 7 days.

**List on 25.01.2022 for hearing.**

**14 IA(IBC)/197/KOB/2021 in CP(IB)/01/KOB/2021**

This IA has been filed by the IRP in the matter of CIR process against the Corporate Debtor Nucleus Premium Properties Pvt Ltd with the prayer to approve the name of Shri Mohanan T.S. as Authorised Representative to represent the class of Creditors (Home Buyers) in the CIR Process of Nucleus Premium Properties Pvt Ltd.

It is stated in the IA that there are 124 home buyers in the Corporate Debtor Company. But consent letters from 116 home buyers have only been produced. The IRP is directed to submit the individual consent letters from the balance home buyers or amend the IA within two weeks.

**List on 03.02.2022 for hearing.**

**14 REPORT/3/KOB/2022 in CP(IB)/01/KOB/2021**

This report has been filed by the IRP with regard to the List of Creditors and Constitution of Committee of Creditors in the matter of CIR Process against the Corporate Debtor Nucleus Premium Properties Pvt Ltd.

**Perused the Report. Report is taken on record. Registry is directed to place the Report in CP(IB)/01/KOB/2021.**

**15 IA(C/ACT)/17/KOB/2021 in TCP/34/KOB/2019**

Learned senior counsel for the applicant Shri Suresh Kumar appeared through VC. Learned counsel for R1 & R2 Shri George G. Poothicote, learned counsel for R4, R8, R9, R10 & R11 Shri Zibi Jose and learned counsel for R3 & R5 Shri Mohan Jacob George also appeared through VC. None appeared for R6 & R7 and 14.

It appears from records that the applicants have not yet filed the proof of service with regard to the notice to R6, R7 and R14. Therefore, the applicants are hereby directed submit proof of service on R6, R7 and 14 (A/d card or Postal Track Report) with an affidavit before the next date fixed.

**List on 18.01.2022 for hearing.**

**16 TCP/38/KOB/19 (TCP/794/2018)**

Learned counsel for the Petitioners Shri Jeswin P. Varghese as well as learned senior counsel for R21 & R22 Shri Santhalingam appeared through VC.

**At the request of the learned counsel for the Petitioners, the case is adjourned to 11.02.2022.**

**17 CP/104/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24 Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC.

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

**17 IA(C/ACT/6/KOB/2021 IN CP/104/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24 Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

**18 CP/112/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24

Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC.

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

#### **18     IA(C/ACT)/5/KOB/2021     IN CP/112/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24 Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

#### **19     CP/113/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24 Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC.

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

#### **19     IA(C/ACT)/4/KOB/2021     IN CP/113/KOB/2019**

Adv Smt Malathy appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Shri Pranoy Harilal, learned counsel for R3-R16, R18, R23 & R24 Shri Yogindunath, learned counsel for R17 Shri Abhilash Nediyaalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC.

Smt Malathy and Shri Pranoy Harilal sought for an adjournment to enable their senior to argue the case.

**At their request, the case is adjourned to 11.02.2022 for hearing.**

## **20 CP/21/KOB/2020**

Learned counsel for the petitioners Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 Ms Sabeela and learned Counsel for R17, R21 & 23 Smt Amritha Vidyadharan also appeared through VC. None appeared for other respondents.

Vide Order dated 21.12.2021 in CA/36/KOB/2021 in CP/21/KOB/2020 Shri Ravish Kumar K, Chartered Accountant was appointed as an Inspector to identify the usage of assets and to list out the assets of Respondent No.1 installed at Jatayupara Project and report the variation of the same with the list of assets reflecting in the latest Audited Financial Statements, and directed him to submit the report within one month from the date of receipt of the Order.

Shri Ravish Kumar K is directed to submit his report within the stipulated time.

**List on 15.02.2022 for hearing.**

## **20 CA/10/KOB/2021 IN CP/21/KOB/2020**

None appeared for the applicants. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R9 Ms Sabeela CB and learned counsel for R17 Smt Amritha Vidyadharan appeared through VC. None appeared for other respondents.

This CA will be heard at the time of hearing of the main case.

**List on 15.02.2022 for hearing.**

## **20 COMP.APPL/85/KOB/2021 IN CP/21/KOB/2020**

Learned counsel for the Contempt Petitioners Shri Bijoy P. Pulipra appeared through VC. None appeared for R1 to R5.

Vide Order dated 25.11.2021 the respondents were directed to file the reply statement positively within two weeks, failing which, it was also directed that the right of the respondents to file the reply statement will stand forfeited.

**Since the Respondents have not yet filed their Reply Statement, their right to file the Reply Statement stands forfeited.**

**List on 15.02.2022 for hearing.**

**20 COMP.APPL/89/KOB/2021 IN CP/21/KOB/2020**

Learned counsel for the Applicants Smt Amritha Vidyadharan appeared through VC. Learned counsel for R1-R8 Bijoy P. Pulipra and learned counsel for R9 Smt. Sabeela CB appeared through VC. None appeared for other respondents.

This CA will be heard at the time of hearing of the main case.

**List on 15.02.2022 for hearing.**

**20 COMP.APPLN/109/KOB/2021 IN CP/21/KOB/2020**

**None appeared for the applicants. Learned counsel for R1-R8 Shri Bijoy Pulipra appeared through VC.**

This CA will be heard at the time of hearing of the main case.

**List on 15.02.2022 for hearing.**

**21 CP/43/KOB/2020**

Learned counsel for the Petitioner Shri Shinu J. Pillai as well as learned counsel for R1 & R2 Shri Ameerul Millath appeared through VC.

Shri Shinu J. Pillai sought an adjournment stating that the case file is voluminous and hence requires some more time to prepare for the arguments. He is directed to file a convenience compilation of the case records before this Tribunal within 14 days.

**At the request of Shri Shinu J. Pillai, the case is adjourned to 17.02.2022 for hearing.**

**22 CP/41/KOB/2021**

This CP has been filed under Section 73(4), 76-A & 213 of the Companies Act, 2013 by Shri Bastin Gomez Headmon and another against the Respondents Annakairali Hospitality Pvt Ltd and others seeking two main reliefs and two interim reliefs.

Learned counsel for the Petitioner Shri Shinu J. Pillai appeared through VC. Adv Arun Chand appeared through VC stating that he has filed vakkalath for R3 today and vakkalath for other respondents would be filed within 10 days. His submission is recorded.

Respondents are directed to file their Reply Statement on or before 21.01.2022, serving a copy to the petitioners, who may file rejoinder, if any, at least 3 days before the next date fixed.

**List on 09.02.2022 for hearing.**

## **23 COMPANY APPEAL/15/KOB/2021**

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC.

Smt. Urmila Zacharia sought some more time to file the reply statement stating that R2 is under the custody of Enforcement Directorate. Considering her request and in the interests of justice, respondents are given the **last and final chance** to file their reply statement on or before 18.01.2022. **No further time for reply statement will be granted.** If reply statement is filed, appellants may file rejoinder, if any, before the next date fixed.

**List on 27.01.2022 for hearing.**

## **24 COMPANY APPEAL/16/KOB/2021**

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC.

Smt. Urmila Zacharia sought some more time to file the reply statement stating that R2 is under the custody of Enforcement Directorate. Considering her request and in the interests of justice, respondents are given the **last and final chance** to file their reply statement on or before 18.01.2022. **No further time for reply statement will be granted.** If reply statement is filed, appellants may file rejoinder, if any, before the next date fixed.

**List on 27.01.2022 for hearing.**

## **25 COMPANY APPEAL/17/KOB/2021**

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC.

Smt. Urmila Zacharia sought some more time to file the reply statement stating that R2 is under the custody of Enforcement Directorate. Considering her request and in the interests of justice, respondents are given the **last and final chance** to file their reply statement on or before 18.01.2022. **No further time for reply statement will**

**be granted.** If reply statement is filed, appellants may file rejoinder, if any, before the next date fixed.

**List on 27.01.2022 for hearing.**

## **26 COMPANY APPEAL/18/KOB/2021**

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC.

Smt. Urmila Zacharia sought some more time to file the reply statement stating that R2 is under the custody of Enforcement Directorate. Considering her request and in the interests of justice, respondents are given the last and final chance to file their reply statement on or before 18.01.2022. **No further time for reply statement will be granted.** If reply statement is filed, appellants may file rejoinder, if any, before the next date fixed.

**List on 27.01.2022 for hearing.**