

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 7th Oct 2021

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

1 IA(C/ACT)/28/KOB/2021 IN CP/53/KOB/2020

Learned counsel for the applicant Smt. Merin Thaliath appeared through VC.

This is an IA filed by the Applicant/Petitioner to condone the delay of 49 days in filing the Rejoinder in the main CP. Earlier this Tribunal granted a specific time to file the rejoinder, by which date the applicant could not file the rejoinder. Hence this IA is filed.

Upon hearing the learned counsel for applicant, this Tribunal is of the opinion that the prayer of the Applicant may be allowed. Hence the **IA(C/ACT)/28/KOB/2021 IN CP/53/KOB/2020 stands allowed and registry is directed to place the rejoinder filed by the applicant on record.**

2 MA(IBC)/25/KOB/2021 IN IA(IBC)/21/KOB/2021 IN TIBA/03/KOB/2019

This is an MA filed by the applicant Shri N.P.Rajan under Section 33(3) & 74(3) of IBC, 2016 read with Regulation 36-B (4-A) of CIRP Regulations, 2016 for passing an order for liquidation of the Corporate Debtor Hindustan News Print Ltd.

Learned counsel for the applicant Shri Philip Mathew appeared through VC.

The Applicant is directed to issue fresh notice to the respondents 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 of hearing. Registry is also directed to issue notice to the respondents through email. Respondents are directed to file the counter within 15 days with a copy served in advance to the applicant.

Learned counsel for the applicant stated that the applicant has filed another IA in this matter, which is not listed today. Registry to verify and list the same, if it is in order, during the next posting date.

List on 09.11.2021.

3 REPORT NO. 28/KOB/2020 IN TIBA/34/KOB/2019

Learned RP Shri Sathiq Buhari as well as learned counsel for the Operational Creditor Shri Kalyan Jhabakh appeared through VC.

Both the parties submitted that the Hon'ble High Court of Kerala vide order dated 08.09.2021 in WP(C) No.5009/2020 has set aside the Order of this Tribunal dated 13.02.2020.

Shri Kalyan Jhabakh pointed out that the RP himself in his Report has sought permission to relieve him from the duties as RP.

At the request of the RP, adjourned to 11.11.2021.

4 MA/15/KOB/2020 IN TIBA/34/KOB/2019

This is an MA filed by Wittur Elevator Components India Pvt Ltd, the sole member of CoC under Section 27 and Section 70 of the IBC 2016 read with Rule 11 of the NCLT Rules 2016 seeking 6 reliefs, which include to change the RP and refer the case to the IBBI for proposing the name of a new RP.

Learned RP Shri Sathiq Buhari as well as learned counsel for the Operational Creditor Shri Kalyan Jhabakh appeared through VC. Shri Jhabakh stated that since the Hon'ble High Court disposed of the matter pending before it, this MA may be considered for orders.

Shri Kalyan Jhabakh pointed out that the RP himself in his Report has sought permission to relieve him from the duties as RP and one of their prayer in this MA is to change the RP.

At the request of the RP, adjourned to 11.11.2021.

5 MA/143/KOB/2020 IN TIBA/34/KOB/2019

Learned RP Shri Sathiq Buhari as well as learned counsel for the Operational Creditor Shri Kalyan Jhabakh and learned counsel for the CD Shri Vinod PV appeared through VC.

This is an MA filed by the applicant/RP to liquidate the CD under Section 33(2) of IBC, 2016

Both the parties submitted that the Hon'ble High Court of Kerala vide order dated 08.09.2021 in WP(C) No.5009/2020 has set aside the Order of this Tribunal dated 13.02.2020.

At the request of the RP, adjourned to 11.11.2021.

6 MA/144/KOB/2020 IN TIBA/34/KOB/2019

Learned RP Shri Sathiq Buhari as well as learned counsel for the Operational Creditor Shri Kalyan Jhabakh and learned counsel for the CD Shri Vinod PV appeared through VC.

Both the parties submitted that the Hon'ble High Court of Kerala vide order dated 08.09.2021 in WP(C) No.5009/2020 has set aside the Order of this Tribunal dated 13.02.2020.

Learned counsel for the CD Shri Vinod PV submitted that he will file counter in this case. He is directed to file the counter within 2 weeks.

At the request of the RP, adjourned to 11.11.2021.

7 CP(IBC)/25/KOB/2021

Learned counsel for the Operational Creditor Shri Pramod Kumar as well as learned counsel for the Corporate Debtor Shri Anil D. Nair appeared through VC.

The arguments of learned counsel of both sides heard and concluded on 17.9.2021. Vide order dated 17.9.2021, at the request of the learned counsel for Corporate Debtor, the matter was adjourned to 07.10.2021 to submit a firm plan, as to whether they can settle the matter out of court, within fifteen days from 17.9.2021.

Today, learned counsel for the Operational Creditor submitted that no settlement plan has been given by the Corporate Debtor till date, and that the matter may be decided on merits.

List on 12.11.2021 for hearing/disposal.

8 TCP/57/KOB/2020 (CP/19/1999 of High Court of Kerala)

Learned counsel for the Petitioner Shri Paul Jacob appeared through VC.

It is noted that with regard to the notice issued from this Registry to the respondents, all notices have been returned with postal remarks stating "closed", "left", "unclaimed", "deceased", "locked", "no such addressee", etc.

Shri Paul Jacob submitted that except R3 & R6 notice has not yet been served to other respondents. However, no proof of service has been produced. The petitioner is directed to issue fresh notice to the remaining respondents and produce proof of service (A/D Card or Postal Track Report) positively within two weeks.

List on 25.11.2021.

9 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant/R3 Shri Thomas Geeverghese as well as learned counsel for R1 Shri Sukumar Nainan Oommen and learned counsel for R2 Shri Philip Mathew appeared through VC.

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

List on 18.11.2021 for hearing.

10 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

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

List on 18.11.2021 for hearing.

11 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

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

List on 18.11.2021 for hearing.

12 IA/128/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VCV. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

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

List on 18.11.2021 for hearing.

13 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioner Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Shri Philip Mathew suggested that this contempt petition may be heard along with the main CP since pleadings are complete in the main CP.

List on 18.11.2021 for hearing.

14 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

Pleadings are complete. Written argument brief (in 4-5 pages) be filed by those who have not filed the same before the next date fixed.

List on 18.11.2021 for final hearing.

15 CA/10/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the petitioner in the main CP Shri Bijoy Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to **25.11.2021** for hearing.

Shri Mohan Pulickal, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

16 CA/36/KOB/2021 IN IA/198/KOB/2020 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri Bijoy P. Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to **25.11.2021** for hearing.

Shri Mohan Pulickal, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

17 COMP.APPL/84/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri Bijoy P. Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to 25.11.2021 for hearing.

Shri Mohan Pulickal, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

18 COMP.APPL/85/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Contempt Petitioners Shri Bijoy P. Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to 25.11.2021 for hearing.

Shri Mohan Pulickal n, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

19 COMP.APPL/89/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the petitioner in the main CP Shri Bijoy Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to 25.11.2021 for hearing.

Shri Mohan Pulickal, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

20 CP/21/KOB/2020

Learned counsel for the petitioners Shri Bijoy P. Pulipra Learned counsel for the petitioner in the main CP Shri Bijoy Pulipra sought an adjournment through email stating that he is under medical treatment.

At his request the case is adjourned to 25.11.2021 for hearing.

Shri Gopinath who represented the learned counsel for R14 Adv Ponnann Alex sought some more time to file the counter. Two weeks' further time is granted to R14 to file the counter, **failing which right of R14 to file will stand forfeited.**

Shri Mohan Pulickal, Shri Sidharth Menon and Shri Saji Varghese appeared for respondents.

Shri Mohan Puluckal submitted that he has already filed the counter through e-filing, but hard copy has not been filed as the Registry noted delay in filing the counter. He has stated that he is filing an IA to accept the counter.

21 CA(CAA)/2/KOB/2021

Learned counsel for the Applicant Shri Sumit Agarwal appeared through VC.

Shri Sumit Agarwal submitted that he has not made any change in the appointed date in the Scheme of Amalgamation and that he wants some time to discuss with his clients whether they will withdraw the amended application for filing a fresh amended copy incorporating the changed appointed date.

This CA will be heard in detail at the next date of hearing.

List on 11.11.2021 for hearing.

22 CA(CAA)/3/KOB/2021

Learned counsel for the Applicant Shri Sumit Agarwal appeared through VC.

Shri Sumit Agarwal submitted that he has not made any change in the appointed date in the Scheme of Amalgamation and that he wants some time to discuss with his clients whether they will withdraw the amended application for filing a fresh amended copy incorporating the changed appointed date.

This CA will be heard in detail at the next date of hearing.

List on 11.11.2021 for hearing.