

NCLT, KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 8th FEB 2022

Coram: **Shri Anil Kumar B.**
Hon'ble Member (Technical)

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 REPORT/1/KOB/2022 in CP(IBC)/23/KOB/2021

This Report has been filed by the Interim Resolution Professional under Section 21 read with Regulation 17 with regard to the Constitution of Committee of Creditors in the matter of CIR Process against the Corporate Debtor Soura Natural Energy Solutions India Pvt Ltd.

Learned IRP Shri Mukesh K.P. appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in in CP(IBC)/23/KOB/2021.

2 REPORT/33/KOB/2022 IN CP(IB)/54/KOB/2019

This Report has been filed under Regulation 15(1)(a) of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against Auto Friction Components India Pvt Ltd.

Learned liquidator Shri Raju Palanilkunnathil Kesavan appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in CP(IB)/54/KOB/2019.

3 REPORT/34/KOB/2022 in IBA/51/KOB/2019

This Report has been filed under Rule 11 of the NCLT Rules, 2016 by the Resolution Professional in the matter of CIR Process against Trivandrum International Health Services Limited

Learned RP Shri Raju Palanilkunnathil Kesavan appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in IBA/51/KOB/2019.

4 REPORT/35/KOB/2022 in TCP/59/KOB/2019

This Report has been filed under Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against Seabid Seaplane Pvt Ltd.

Learned liquidator Shri Kizhakkekara Kuriakose Jose appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in TCP/59/KOB/2019.

5 REPORT/36/KOB/2022 in IBA/52/KOB/2019

This Report has been filed under Regulation 31A of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against Propyl Packaging Ltd.

Learned liquidator Shri George Varkey appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in IBA/52/KOB/2019.

5 REPORT/37/KOB/2022 in IBA/52/KOB/2019

This Report has been filed under Regulation 13 of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process against Auto Friction Components India Pvt Ltd.

Learned liquidator Shri George Varkey appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the report in IBA/52/KOB/2019.

6 IA(IBC)/23/KOB/2022

This IA has been filed under Section 21(6A)(b) of the IBC, 2016 read with Regulation 2(1) (aa), 4A, 16A of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 by the Interim Resolution Professional with the prayer to allow the IRP to appoint Mr. Krishna Raj M as the Authorized Representative for the Financial Creditors for the Class of 'Home Buyers' in terms of the provisions of the Code and direct the Authorized Representative to act in accordance with the Provisions and Regulations under the code and to allow the IRP to submit the Form CAs received from the Class of Creditors – Home Buyers.

Learned IRP Shri P.T.Joy appeared in person through VC.

Heard the IRP and perused the records.

Reserved for Orders.

7 IA(IBC)/78/KOB/2021 IN TIBA/25/KOB/2019

Learned RP Smt Satyadevi Alamuri appeared in person along with her Senior Counsel Shri Om Prakash and Shri Vinod PV. Learned PCS for respondents Dr. KS Ravichandran also appeared through VC.

Both sides argued and concluded their submissions.

Orders reserved.

Both the parties are directed to submit their written submissions, if any, in brief (limiting 5-6 pages) within 7 days.

7 IA(IBC)/154/KOB/2021 IN TIBA/25/KOB/2019

This IA has been filed by the RP under Section 30(6) and 31(1) of the IBC, 2016 read with Regulation 39 of the IBBI (Insolvency Resolution Process of Corporate Person) Regulation, 2016 and Rule 11 of the NCLT Rules for approval of Resolution Plan.

Learned RP Smt Satyadevi Alamuri appeared in person along with her counsel Shri Vinod PV.

Since the related IA(IBC)/78/KOB/2021 IN TIBA/25/KOB/2019 is Reserved for Orders, let this IA be adjourned to 03.03.2022 for hearing.

8 CP(IB)/42/KOB/2021

Learned counsel for the Financial Creditor Shri Sharad Joseph Kodianthara as well as learned counsel for the Corporate Debtor Smt. Dhanisha appeared through VC.

Shri Sharad Joseph Kodianthara sought an adjournment stating that his senior is under medical treatment.

At the request the learned counsel for the FC, the case is adjourned to 21.02.2022.

Since this is an IBC matter, there shall be no further adjournment in this case.

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

Learned Senior Counsel Shri Raju Joseph for the Petitioner as well as Smt. Sindhu Lekshmi for R3 appeared through VC.

Shri Raju Joseph sought two months adjournment in this case so as to effectuate the settlement agreed in principle between the parties.

His request is allowed.

List on 21.04.2022.

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

Learned counsel for both the parties appeared through VC.

This IA will be taken up along with the main TCP.

List on 21.04.2022.

9 IA(C/ACT)/47/KOB/2021 IN TCP/01(KOB)/2020 (CP/20/1985/HC)

Learned counsel for both the parties appeared through VC.

This IA will be taken up along with the main TCP.

List on 21.04.2022.

10 CP/107/(KOB)/2019

Learned counsel for the Petitioner Shri Vijay V. Paul appeared through VC. Learned counsel for R1 Shri Ajmal P, learned counsel for R2 Shri M . Sreekumar and learned counsel for R14 Shri Aravind appeared through VC. None appeared for other respondents.

It appears that vide Order dated 17.12.2020 this Tribunal directed R1 to provide the proof of conduct of AGMs, EGMS and Board Meetings of the company for the period from 2008 to 2018 and to provide the proof of service of notice on the applicants/petitioners within two weeks. Shri Vijay V. Paul submitted that R1 has not yet complied the 2nd part of the aforesaid Order, ie “proof of service of notice on the applicants/petitioners”.

R1 is therefore directed to fully comply the aforesaid Order positively before the next date fixed.

Learned counsel for R1 submitted that some documents are seized by the Police. R1 is directed to produce the seizure mahazar also positively before the next date fixed.

It appears from records that though R4 and R5 has filed Vakkalaths through Adv B. Harrylal and Adv V. Sherin Mathew respectively, they have not yet filed any counter in this case. Today, neither they appeared nor represented through proxy. Therefore, it is presumed that those respondents are not filing counter in this matter. **Hence the right of Respondents 4 & 5 to file the counter is forfeited.**

List on 09.03.2022 for hearing.

10 IA/168/KOB/2020 IN CP/107/(KOB)/2019

Learned counsel for the Petitioner Shri Vijay V. Paul appeared through VC. Learned counsel for R1 Shri Ajmal P and learned counsel for R2 Shri M. Sreekumar appeared through VC. None appeared for other respondents.

This IA will be heard at the time of hearing the main CP.

List on 09.03.2022 for hearing.

10 IA(C/ACT)/11/KOB/2021 IN CP/107/(KOB)/2019

Learned counsel for the Applicant Shri Ajmal P as well as learned counsel for R1 & R2 Shri Vijay V. Paul and learned counsel for R3 Shri M. Sreekumar appeared through VC. None appeared for other respondents.

This is an IA filed by the Applicant/1st Respondent against the respondents / Petitioners 1 & 2 and Respondents 2 to 11 with the prayer to condone the delay of 26 days occurred in submitting the records mentioned in this Petition and exempt them from producing the documents to prove the conducts of AGMs, EGMs and Directors Board Meeting subsequent to the Financial Year 2016-17.

Vide Order dated 04.10.2021 the prayer to condone the delay of 26 days in filing the records was allowed and in the very same Order it was decided to hear the remaining part of this application in the next date of hearing.

Since certain direction has already been given to R1 vide today's proceedings, this **IA(C/ACT)/11/KOB/2021 IN CP/107/(KOB)/2019 stands disposed of.**