

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 8th Sept 2021

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

1 IA/226/KOB/2020 IN CP/21/KOB/2020

Learned counsel for the applicant Ms Sabeela CB appeared through VC. Learned counsel for R1 Shri Bijoy P. Pulipra, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & R16 Shri Saji Varghese, learned counsel for R11, R18, R20 and R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Arun Chandi and learned counsel for R17 Shri Mohan Pulickkal appeared through VC. None appeared for R14 & R15.

This IA has been filed by the applicant (R1 in the main CP) under Rule 32 of the NCLT Rules, 2016 seeking the following reliefs:

- (a) Declare that Annexure R1(c) letter by Respondent No.6 is an illegal invasion into the affairs of Petitioner/ Respondent No.1 Company and a deliberate attempt to obstruct the statutory compliances by the Petitioner/Respondent No.1 Company;
- (b) issue directions to Respondent No.6, Respondent No.2 and men/officers under them not to obstruct the Petitioner/Respondent No.1 Company from convening the AGM at its Registered Office;
- (c) issue directions to Respondent No.6, Respondent No.2 and men/officers under them not to prevent or obstruct the Petitioner/Respondent No.1 company and men/officers under it from accessing the Books of Accounts and other relevant documents to complete the statutory compliances;
- (d) Pass such other orders, as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Heard both sides and perused the records. During the hearing, learned counsel for the applicant/R1 Ms Sabeela insisted to pass order by this Tribunal specifically on item (c) above. The respondents have not raised any objection in allowing the said prayer, subject to giving intimation to the respondents in advance by the applicant/R1. The submission of the respondents is recorded and the prayer of the applicant mentioned in (c) above stands allowed.

IA/226/KOB/2020 IN CP/21/KOB/2020 stands disposed of accordingly.

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

Learned counsel for the Applicants Shri V. Ajakumar appeared through VC. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R9 Ms Sabeela CB, learned counsel for R10 & R16 Shri Saji Varghese, learned counsel for R11, R18 to R20, R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Arun Chandi, and learned counsel for R17 Shri Mohan Pulickkal appeared through VC. None appeared for R14 & R15.

This CA will be heard along with the main CP.

List on 07.10.2021 for hearing.

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

Learned counsel for the Applicants Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 Smt. Sabeela CB, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & R16 Shri Saji Varghese, learned counsel for R11, R18 to R20 & R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Arun Chandi and learned counsel for R17 and R23 Shri Mohan Pulickkal also appeared through VC. None appeared for R14 & R15.

Due to paucity of time, this CA is adjourned to 07.10.2021 for hearing.

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

Learned counsel for the Applicants Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 Smt. Sabeela CB, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & R16 Shri Saji Varghese, learned counsel for R11, R18 to R20 & R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Arun Chandi, and learned counsel for R17 and R23 Shri Mohan Pulickkal also appeared through VC. None appeared for R14 & R15.

Due to paucity of time, this CA is adjourned to 07.10.2021 for hearing.

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

Learned counsel for the Contempt Petitioners Shri Bijoy P. Pulipra as well as learned counsel for R1-R5 Shri V. Ajakumar appeared through VC.

Due to paucity of time, this CA is adjourned to 07.10.2021 for hearing.

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

Learned counsel for the Applicants Shri Mohan Pulickkal appeared through VC. Learned counsel for R1-R8 Bijoy P. Pulipra, Learned counsel for R9 Smt. Sabeela CB, learned counsel for R10-R15, R17, R18 Shri V. Ajakumar, learned counsel for R16 & R24 Shri Saji Varghese, learned counsel for R19, R25 to R27 & R29 Shri Vinod V. Luka and learned GP for R20 & R21 Shri Arun Chandi also appeared through VC. None appeared for R22 & R23.

This CA will be heard along with the main CP.

List on 07.10.2021 for hearing.

7 COMP.APPL/90/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri Mohan Pulickkal appeared through VC. Learned counsel for R1-R8 Bijoy P. Pulipra, Learned counsel for R9 Smt. Sabeela CB, learned counsel for R10-R15, R17, R18 Shri V. Ajakumar, learned counsel for R16 & R24 Shri Saji Varghese, learned counsel for R19, R26 to R29 Shri Vinod V. Luka and learned GP for R20 & R21 Shri Arun Chandi appeared through VC. None appeared for R22 & R23.

This CA has been filed by the applicant under Rule 32 read with Rule 11 of NCLT Rules, 2016 to set aside the ex-parte order dated 21.09.2020 passed against R21.

Heard and perused the records.

The ex-parte order against R21 is hereby set aside. Registry is directed to restore the name of R21 in the main CP. R21 is directed to file his counter within two weeks positively.

Accordingly, COMP.APPL/90/KOB/2021 IN CP/21/KOB/2020 stands allowed.

8 CP/21/KOB/2020

Learned counsel for the petitioners Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 Ms Sabeela, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & 16 Shri Saji Varghese, learned counsel for R11, R18 to R20 & R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Arun Chandi and learned Counsel for R17 & 23 Shri Mohan Pulickkal appeared through VC. None appeared for R14 & R15.

Shri Saji Varghese submitted that R8 has already filed counter and prayed that the contents of the said counter may be taken into consideration as the counter of R16 also in this case. Allowed.

The learned counsel for the parties are directed to complete the pleadings on or before 30.09.2021, failing which law will take its own course.

Due to paucity of time, the case is adjourned to 07.10.2021.

9 IA(IBC)/113/KOB/2021 IN IA(IBC)/21/KOB/2021 IN TIBA/3/KOB/2019

Due to paucity of time, the case is adjourned to 21.09.2021.

10 IA(IBC)/125/KOB/2021 IN IBA/35/KOB/2020

Due to paucity of time, the case is adjourned to 28.09.2021.

11 CP(IB)/10/KOB/2021

Due to paucity of time, the case is adjourned to 28.09.2021.

12 CP(IBC)/21/KOB/2021

Due to paucity of time, the case is adjourned to 28.09.2021.

13 MA/209/KOB/2020 IN TCP/8/KOB/2019

Due to paucity of time, the case is adjourned to 22.10.2021.

14 TIA/103/KOB/2020 IN TCP/8/KOB/2019

Due to paucity of time, the case is adjourned to 22.10.2021.

15 TCP/8/KOB/2019 WITH MEMO

Due to paucity of time, the case is adjourned to 22.10.2021.

16 TCP/11/KOB/2019

Due to paucity of time, the case is adjourned to 22.10.2021.

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

Due to paucity of time, the case is adjourned to 04.10.2021.

18 CP/107/(KOB)/2019

Due to paucity of time, the case is adjourned to 04.10.2021.

19 COMP.APPL/91/KOB/2021 IN CP/44/KOB/2020

Due to paucity of time, the case is adjourned to 29.09.2021.

20 CP/44/KOB/2020

Due to paucity of time, the case is adjourned to 29.09.2021.

21 CP/55/KOB/2020

Due to paucity of time, the case is adjourned to 26.10.2021.