

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 9th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Melben David against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

1 COMPANY APPEAL/2/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Basil PC against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

1 COMPANY APPEAL/3/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Mahesh R against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

1 COMPANY APPEAL/4/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Harikrishnan P.N. against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

1 COMPANY APPEAL/5/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Sreekumar K.P. against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

1 COMPANY APPEAL/6/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Shajikumar R against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator is directed to file reply statement against this CA within a week.

List on 22.03.2022 for hearing.

2 IA(C/ACT)/22/KOB/2022

This IA has been filed under Rule 32 of the NCLT Rules, 2016 by the applicant/petitioner with the prayer to take on record the additional documents along with other documents produced by the Petitioner in CA/55/KOB/2020.

Shri Bijoy P Pulipra, learned counsel for the applicant as well as Smt. Jinnu Sara George, learned counsel for R1 & R2 appeared through VC.

Smt. Jinnu Sara George sought time to file reply to this IA. Prayer allowed. It is noted that the main CA is posted on 15.03.2022. R1 & R2 may file the reply statement well before the date fixed.

List on 15.03.2022 along with the main CA for admission.

3 IA(IBC)/49/KOB/2022

This IA has been filed under Section 33(1)(a) of the IBC, 2016 by the Resolution Professional for liquidation of the Corporate Debtor.

Shri Raju Palanilkunnathil Kesavan, learned RP appeared through VC.

Heard the RP.

Hearing concluded. Orders reserved.

4 TCP/52/KOB/2019

Shri T.K.Bhaskar, learned counsel for the Petitioners appeared through VC. Learned Senior counsel Shri Aravindh Pandian along with Adv Jolly John appeared for the respondents. None appeared for ROC(R14).

Shri T.K.Bhaskar argued partly. **List for his further arguments and the arguments of learned counsel for the respondents on 14.03.2022 as Part Heard (High on Board).**

5 CP(C/ACT)/23/KOB/2021

Shri P.G.Jayashankar, learned counsel for the Petitioner as well as Shri Vivek Kumar, learned counsel for R1-R4 appeared through VC.

Pleadings are complete.

Adjourned to 11.03.2022 for hearing (High on Board).

5 IA(C/ACT)/8/KOB/2021 IN CP(C/ACT)/23/KOB/2021

Shri P.G.Jayashankar, learned counsel for the Applicant as well as Shri Vivek Kumar, learned counsel for R1-R4 appeared through VC.

Adjourned to 11.03.2022 for hearing (High on Board).

6 IA(IBC)/118/KOB/2021 IN IBA/41/KOB/2020

Shri Shri Girish Kumar, learned counsel for the Applicant/Corporate Debtor as well as Shri Jasin Jose, learned IRP appeared through VC. Shri Akhil Suresh, learned counsel for R3 also appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

7 TCP/51/KOB/2019

Adv Shri John Major represented the learned counsel for the Petitioners Shri A.M.Sridharan through VC. Smt. Bhairavi, learned counsel for R13 also appeared through VC and stated that she is representing the learned counsel for R2 also..

Shri John Major stated that he could not file the IA for impleadment of legal heirs and sought some more time to file the IA to implead the legal heirs of P5. Prayer is allowed. The petitioners may file the impleading petition, if any, before the next date fixed.

At the request of petitioners, the case is adjourned to 23.03.2022.

8 CP/107/(KOB)/2019

Shri Shri Vijay V. Paul, learned counsel for the Petitioner appeared through VC. Smt Parvathy Radhakrishnan represented the counsel of the R1. Shri M. Sreekumar, learned counsel for R2 and Shri Prabhu Vijayakumar, learned counsel for R14 appeared through VC. None appeared for other respondents.

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. It appears from records that R1 has not yet complied the 2nd part of the aforesaid Order, ie “proof of service of notice on the applicants/petitioners”.

Smt Parvathy Radhakrishnan stated that her senior counsel is relinquishing the vakkalath of R1 since there is no information from R1 even after repeated follow-ups. Her submission is recorded and she is directed to file proper application before this Tribunal for relinquishing the vakkalath, so that this Tribunal can issue notice to R1 for appearance.

List on 30.03.2022 for hearing.

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

Shri Shri Vijay V. Paul, learned counsel for the Petitioner appeared through VC. Smt Parvathy Radhakrishnan represented the counsel of the R1. Shri M. Sreekumar, learned counsel for R2 also appeared through VC. None appeared for other respondents.

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

List on 30.03.2022 for hearing.

9 CP/09/KOB/2021

Shri Akhil Suresh, learned counsel for the Petitioner as well as learned counsel Shri Clint Li Johny, appeared through VC for R 1 to 4 through VC. Adv Shri Jinu Joseph appeared through VC stating that he represents R5 & R6 and sought time to file the vakkalath and counter of the respondents 5&6. His request is allowed. He may file the vakkalath and counter for R5 & R6 within 3 weeks, making it clear that no further time will be granted, as the Respondents 1 to 4 are insisting for vacation of the interim order passed by this Tribunal, by filing an IA to that effect.

List on 08.04.2022 for hearing.

9 COMP.APPLN/108/KOB/2021

This application has been filed under Rule 32 of NCLT Rules, 2016 by the applicants (R1 to R4 in the CP) with the prayer to vacate the status quo direction of this Tribunal dated 03.03.2021 with regard to the shareholding pattern of the Company so as to permit the Directors to proceed to issuing share capital at its discretion.

Shri Clint Li Johny, learned counsel for the Applicant as well as Shri Akhil Suresh, learned counsel for the Respondent appeared through VC.

This IA will be heard along with the hearing of the main CP.

List on 08.04.2022 for hearing.

10 CP/41/KOB/2021

Smt Mariya Rajan, learned counsel for the Petitioner as well as Shri Vinayak G Menon, learned counsel for Respondents 1 to 3 appeared through VC. R4 has already been set ex-parte.

Learned counsel for R1 to R3 stated that a buyer from United States will reach Kerala on 21.03.2022 and that the matter may be adjourned to a date after 21.3.2022, so that the issue involved in this matter may be amicably settled between the parties. At his request this matter is adjourned.

List on 28.03.2022 for hearing. R1 to R3 may file the settlement memo before the date fixed, failing which the matter will be heard on that day and appropriate orders passed.

11 CP/45/KOB/2021

This CP has been filed under Section 213 of the Companies Act, 2013 by Shri Sureshkumar Madathil against Shri Ashok Kumar Thirikoth and 3 others.

Learned counsel for the Petitioner Smt. Rosin J as well as Adv. Abraham Mathew, learned counsel for the R1&2 and Smt Sreepriya Kalarikkal, learned PCS for R3 appeared through VC.

The Petitioner is directed to file rejoinder, if any, on or before 18.03.2022.

List 31.03.2022 for hearing.