

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 9th Sept 2021

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

1 MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019

This is an MA filed by the Applicant/Monitoring Agent against the suspended directors of CD under Section 60(5) of IBC 2016 on contravention of the terms of the Resolution Application approved by this Tribunal under Section 31 of the Act. The applicant has sought certain directions, which include direction to the respondents to hand over the vehicles along with the keys and RC documents to the successful Resolution Applicant.

The applicant Shri Bijoy P. Pulipra appeared in person through VC. Adv Shri Millu Dandapani, who appeared for the respondents, sought time to file counter in this MA. He is directed to file the counter within two weeks, serving advance copy to the applicant, who may file the rejoinder, if any, two days before the next date of hearing.

List on 04.10.2021 for final hearing.

2 IA(IBC)/131/KOB/2021 IN TCP/59/KOB/2019

This is an IA filed by the Liquidator under Section 44(12) of IBC Liquidation Process Regulations, 2016 seeking further extension of the liquidation period of the Seabird Sea Plan Pvt Ltd upto 28.02.2022 and to exclude the lock down period of 90 days (ie. from 01.05.2021 to 31.07.2021) from the liquidation period.

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

Heard and perused the records.

Considering the facts and circumstances of this case, the IA(IBC)/131/KOB/2021 IN TCP/59/KOB/2019 stands allowed. The liquidator is directed to complete the liquidation process on or before 28.02.2022.

3 IA(IBC)/132/KOB/2021 IN CP(IB)/03/KOB/2021

Vide order dated 29.07.2021 the Operational Creditor was directed to pay the costs of **Rs.25,000/- (Rupees twenty five thousand only) through Bharatkosh to the "Ministry of Corporate Affairs"** within one week from 29.07.2021 and submit proof of payment along with the Affidavit on or before 10.08.2021.

This IA has been filed by the applicant/Operational Creditor with the prayer to condone the delay of 3 days in depositing the cost of Rs.25,000/-.

Adv Smt. Sreedevi Suresh appeared for the applicant through VC.

Heard and perused the records. Considering the reasons stated in the IA, the delay is condoned and the Registry is directed to accept the documents.

Accordingly, IA(IBC)/132/KOB/2021 IN CP(IB)/03/KOB/2021 stands disposed of.

4 IA(IBC)/133/KOB/2021 IN CP(IB)/06/KOB/2021

Learned counsel for the applicant/FC Shri Vinod PV appeared through VC.

This IA has been filed by the FC under Rule 8 of the IB(AAA) Rules 2016 read with Rule 11 of NCLT Rules praying to withdraw the CP(IB) as per the Memo of Settlement.

Heard and perused the records. **IA(IBC)/133/KOB/2021 stands allowed.**

In view of the fact that the matter has been settled, the CP(IB)/06/KOB/2021 is disposed as withdrawn vide separate sheets.

5 CP(IB)/05/KOB/2021

Learned counsel for the Operational Creditor Ms Jeslin Mathew as well as learned counsel for the Corporate Debtor Ms Hani Paramel appeared through VC.

Vide Order dated 31.08.2021 the CD was given the last opportunity to file the counter within 3 days serving advance copy to the OC. Ms Hani Paramel submitted that she has filed the counter through email, but hard copy has not been filed. The CD is directed to file the hard copy of the counter within 3 days positively, failing which law will take its own course. The OC may file the rejoinder, if any, two days before the next date fixed.

List on 21.09.2021 for hearing. There shall be no further adjournment in this case.

6 IVNP(IBC)/3/KOB/2021 IN IBA/01/KOB/2020

Learned counsel for the Intervening Petitioner Ms Lilin Lal as well as learned RP Shri Raju PK and learned counsel for R4 & R5 Shri Mohan Pulickkal appeared through VC.

Respondents, who have not yet filed the reply are directed to file their reply within a week positively serving advance copy to the Intervening Petitioner. The Intervening Petitioner may file rejoinder, if any, on or before 30.09.2021. Both the parties are directed to complete the pleadings on or before 30.09.2021.

List on 06.10.2021.

7 CA/55/KOB/2020

Learned counsel for the Applicant Shri Bijoy P. Pulipra appeared through VC. None appeared for the respondents. It appears from record that none appeared for respondents during the hearings on 16.07.2021 and 18.08.2021.

Vide order dated 02.07.2021 both the parties were directed to file an affidavit stating on the date of subscription of shares before 26.08.2020. It appears from records that though the petitioner has filed the affidavit, the respondents have not yet complied the above order of this Tribunal. Hence, it is presumed that the respondents are not interested to file affidavit as per order of this Tribunal.

List on 06.10.2021 for hearing. If there is no appearance by respondents on the said date, the case will be decided based on available records and as per law.

8 IA(C/ACT)/10/KOB/2021 IN TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Applicants Shri T.K.Bhaskar appeared through VC. None appeared for the respondents.

This IA has been filed by the applicants/petitioners with the prayer to implead the legal representative of deceased R2 as R2.1 to R2.5 in the Company Petition.

Though vide order dated 01.04.2021 respondents were directed to file objection, if any, within a week of receipt of the impleading petition, it appears from records that the respondents have not raised any objection against the Impleading Petition till date.

Therefore, **IA(C/ACT)/10/KOB/2021 IN TCP/52/KOB/2019 (CP/7/2017) stands allowed.**

Registry is directed to implead R2.1 to R2.5 in the main CP and issue copy of this order to them by post with A/D.

9 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Petitioners Shri T.K.Bhaskar appeared through VC. None appeared for the respondents.

Vide today's proceedings in **IA(C/ACT)/10/KOB/2021 IN TCP/52/KOB/2019 (CP/7/2017)** the legal representative of deceased R2 were impleaded in this CP as R2.1 to R2.5. Therefore R2.1 to R2.5 are directed to file their reply in the CP within two weeks.

Registry is directed to issue copy of this order to R2.1 to R2.5 by post with A/D.

List on 04.10.2021.

10 TCP/82/KOB/2019 (CP/08/2016)

None appeared for both the parties.

It appears from records that in the last two hearings on 02.06.2021 and 26.7.2021 none appeared for the parties.

In view of the above, **TCP/82/KOB/2019 (CP/08/2016) stands dismissed due to none prosecution.**

11 CONTEMPT PETITION/05/KOB/2020 IN IA/31/KOB/2020 IN CP/69/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

12 IA/32/KOB/2019 IN CP/69/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

13 CP/69/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

Learned counsel for both the parties are directed to submit their written submissions in brief (4-5 pages) two days before the next date of hearing. There shall be no further adjournment in this case.

14 CONTEMPT PETITION/04/KOB/2020 IN IA/32/KOB/2020 IN CP/71/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

15 IA/33/KOB/2019 IN CP/71/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

16 CP/71/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

Learned counsel for both the parties are directed to submit their written submissions in brief (4-5 pages) two days before the next date of hearing. There shall be no further adjournment in this case.

17 CONTEMPT PETITION/03/KOB/2020 IN IA/33/KOB/2020 IN CP/72/KOB/2019

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. **At his request, the case is adjourned to 08.10.2021.**

18 **IA/34/KOB/2019 IN CP/72/KOB/2019**

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

19 **CP/72/KOB/2019**

Counsel for both the parties appeared through VC. Today the case is posted for hearing.

Shri Sharad Joseph Kodianthara sought an adjournment to enable his senior to argue the matter. At his request, the case is adjourned to 08.10.2021 for hearing.

Learned counsel for both the parties are directed to submit their written submissions in brief (4-5 pages) two days before the next date of hearing. There shall be no further adjournment in this case.