

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 10th FEB 2022

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

**Shri Ashok Kumar Borah
Hon'ble Member (Judicial)**

1 CP(IB)/7/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Shri Alijo Joseph.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

2 CP(IB)/8/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Smt Alphonsa Joseph.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

3 CP(IB)/9/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Shri Laji Joseph.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

4 CP(IB)/10/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Smt Jerly Lijo.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

5 CP(IB)/11/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Smt Preethy Alijo.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

6 CP(IB)/12/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Shri Lijo Joseph.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

7 CP(IB)/13/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Shri Sijo Joseph.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

8 CP(IB)/14/KOB/2022

This Petition has been filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of the Insolvency and Bankruptcy Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India to initiate Corporate Insolvency Resolution Process against the Respondent/Personal Guarantor Smt Joicy Laji.

Learned counsel for the FC Shri Vinod PV appeared through VC. Heard his submissions and perused the records.

Reserved for Orders.

9 IA(IBC)/27/KOB/2022

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Corporate Debtor against the Respondent/FC with the prayer to take on record the One Time Settlement Offer letter dated 20.01.2022 issued by the FC to the CD and pass appropriate Orders and also to stay the proceedings till 31.03.2022 as the entire OTS amount has to be remitted before 31.03.2022.

Learned counsel for the CD Shri Anirudh Kadavil as well as learned counsel for the FC Shri Vinod PV appeared through VC.

Since the main CP(IB) is posted for hearing on 22.02.2022, this IA will also be heard along with the same.

List on 22.02.2022 for hearing.

10 CP/55/KOB/2020

Learned counsel for the Petitioner Shri Vinu Thomas as well as learned counsel for the R1 to R4 Shri John Vadassery appeared through VC.

The Bench noticed that though Shri John Vadassery is a Practising Company Secretary and also a Fellow Member of Institute of Companies Secretaries of India vide Reg.No.7359 and 7921 respectively, the prescribed dress code has not been used by him while appearing the court. Shri John Vadassery apologised before the Bench and assured that dress code would be complied with in future

On hearing both sides the Bench suggested to both sides to explore the possibility of settling the dispute through a Mediator. Both sides stated that this Tribunal may appoint a Mediator.

Hence this Bench hereby appoints Advocate Mr. S.M.Ameerul Millath, Millath & Millath Associates,, Rehma Towers, Near Manath Stores , NGO quarters, Thrikkakara, PO, Kochi-682021 (Phone No.9895422203) as the Mediator in this matter, to mediate the disputes between the petitioner and the respondents and submit a report to this Tribunal within one month.

The fees of Mediator is fixed as Rs. 50,000/- (Rupees fifty thousand only) which will be shared equally by the petitioner and the respondents.

List this CP on 29.04.2022 for report of the Mediator/hearing.

Registry to communicate this order to the learned PCS for both parties as also the Mediator immediately. Both parties are directed to cooperate with the Mediator for carrying out the duties assigned to him.

11 IA(IBC)/14/KOB/2022 in CP(IB)/05/KOB/2021

This IA has been filed under Section 23(3)(b) of IBC, 2016 by the IRP with the prayer to appoint Shri K. Parameswaran Nair as Resolution Professional of the Corporate Debtor.

Learned IRP Shri Lukose Jose appeared in person through VC along with his counsel Shri M.A.Shaji.

Vide Order dated 31.01.2022 this Tribunal directed the IRP to file his explanations stating valid reasons for changing the IRP. The IRP filed his explanation vide memo dated 01.02.2022, but the same is not at all satisfactory, especially when there is no mention regarding the exact fee demanded by him for the CIR Process and the valid reason for his unwillingness to continue as IRP in this matter. The IRP is therefore directed to submit a fresh memo showing the fee demanded by him for the CIR Process and other valid reasons, if any, for his unwillingness to continue as IRP in this case, within one week from today.

Adjourned to 24.02.2022 for hearing.

12 CP(IB)/32/KOB/2021

Learned counsel for the Petitioner Shri V. Halleel Ben appeared through VC. The Corporate Debtor has already been set ex-parte.

Shri V. Halleel argued and concluded his submissions.

Heard and perused the case records.

Orders reserved.

13 TCP/52/KOB/2019

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

During the course of the hearing, Shri T.K.Bhaskar sought an adjournment stating that since the case file is voluminous he may be permitted to file full set of the case records along with the "convenience compilation" before this Tribunal, serving a copy of the same the Hon'ble Member (Technical) at Chennai Bench. Senior Counsel Shri Aravindh Pandian also agreed to this request.

Both the parties may file the entire case records/documents with a convenience compilation within 10 days.

List on 01.03.2022 for hearing.

There shall be no adjournment in this case.

14 CP/12/KOB/2020

Learned counsel for the Petitioners Shri Jagan Abraham as well as learned counsel for R1 to R4 Shri Sharad Kodianthara appeared through VC.

Shri Jagan Abraham sought an adjournment stating that the documents filed by the Respondents are voluminous and hence he needs time to study the same.

At the request of the learned counsel for the Petitioners, the case is adjourned to 15.03.2022.