

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 11th FEB 2022

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

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

1 CP/2/KOB/2022

This Petition has been filed under Section 252(3) of the Companies Act, 2013 read with Rule 87 A of NCLT Rules, 2016 by the Petitioner Shri Pandurang S. Nayak against the Registrar of Companies with the prayer to restore the name of Hindustan Cashew Products Pvt Ltd into the Register of Companies, Kerala.

Learned PCS for the Petitioner Shri Naman G. Joshi appeared through VC. He repeatedly stated that the Company is not having any Bank Account or Pan Card. On the other hand, it is stated that the Company has taken loan from the Bank. If the Company is not having any Bank account, how they can avail the loan from a Bank?

The Petitioner is therefore directed to produce the following documents before the next date fixed:

1. Bank account details of the Company;
2. Copy of Pan Card
3. Copy of Income Tax returns filed.

List on 28.02.2022 for admission.

2 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 by the Applicant Intesigns Interiors Pvt Ltd against the Registrar of Companies with the prayer to revive the appellant Company.

Learned counsel for the Appellant Shri G. Krishnakumar appeared through VC.

It is noted that there is an error in the docket of this petition. The Appellant is directed to rectify the mistake within 3 days.

List on 21.02.2022 for admission.

3 IA(IBC)/29/KOB/2022 in CP(IB)/8/KOB/2021.

This IA has been filed under Section 60(5) by the Applicant/FC with the prayer to accept on record the additional documents (Document Nos 83 to 106) produced by the Petitioner in the matter of Foodco Delicacies India Pvt Ltd.

Learned counsel for the Applicant Shri Sunil Shankar as well as learned counsel for the Corporate Debtor Shri Balachandran R.B. appeared through VC.

On hearing the parties, this Tribunal is of the opinion that the relief sought for by the Applicant be allowed. Hence the **IA(IBC)/29/KOB/2022 stands allowed and the Additional Documents filed by the applicant are taken on record. Registry is directed to place the documents in CP(IB)/8/KOB/2021 with proper indexing. The Petitioner in the CP is directed to produce a revised index incorporating the new annexures, before the next date of hearing.**

4 IA(IBC)/31/KOB/2022 in CP(IB)/54/KOB/2019

This IA has been filed under Regulation 44(2) of the IBBI (Liquidation Regulation) 2016 by the Liquidator seeking extension of the Liquidation period for six months period from 06.02.2021 to 06.08.2022.

Learned Liquidator Shri Raju Palanilkunnathil appeared in person through VC along with his counsel Shri Vinod PV.

It is noted that there is a typographical error in the application, ie the date mentioned is 06.02.2021 instead of 06.02.2022. Shri Vinod PV submitted that he would correct the mistake today itself. His submission is recorded.

On hearing the parties, this Tribunal of the opinion that the prayer of the Applicant be allowed. Hence the **IA(IBC)/31/KOB/2022 stands allowed vide separate Order.**

5 IA(C/ACT/10/KOB/2022 in CP/39/KOB/2021

This IA has been filed under Rule 11 and 153 of the NCLT Rules, 2016 by the applicants (R4, R6 and R7) with the prayer to condone the delay of 15 days in filing the counter by R4, R6 and R7 and to take the counter on record.

Learned counsel for the Applicants Shri Chitransh Vijavergia as well as learned counsel for R2 to R4 Shri Sherry Samuel Oommen appeared through VC. None appeared for R1 and R5.

During the course of arguments Shri Chitransh submitted that actually there is only 9 days delay in filing the counter.

On hearing the parties, this Tribunal is of the opinion that the prayer of the Applicant be allowed. Hence the **IA(C/ACT/10/KOB/2022 stands allowed and the delay of 9**

days in filing the counter is condoned. Registry is directed to accept the counter, if it is otherwise, in order.

6 REPORT/40/KOB/2022 in IBA/21/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 the Corporate Debtor Churakulam Tea Estates Pvt Ltd.

Learned Liquidator Shri Jasin Jose appeared through VC.

Perused the Report. Report is taken on record. **Registry is directed to place the report in IBA/21/KOB/2019.**

7 REPORT/41/KOB/2022 in CP(C/ACT)/37/KOB/2021

This report has been filed under Section 271(B) of the Companies Act, 2013 read with Companies (Winding Up) Rules, 2020 by the Provisional Liquidator in the matter of winding up of the Company Carnelian Tour Me Tour International Pvt Ltd.

Learned Provisional Liquidator Shri Rahmohan R appeared through VC.

Perused the Report. Report is taken on record. **Registry is directed to place the report in CP(C/ACT)/37/KOB/2021. If any direction is required from this Tribunal, the Provisional Liquidator may file appropriate proceedings in that respect.**

8 REPORT/42/KOB/2022 in TIBA/08/KOB/2019

This Report has been filed in compliance with 35(1)(n) of the IBC, 2016 read with Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 in the matter of liquidation process against Lake View Ayurvedic Resort and Research Centre Pvt Ltd.

None appeared for the Liquidator.

Perused the Report. Report is taken on record. **Registry is directed to place the report in TIBA/08/KOB/2019.**

9 TCP/38/KOB/19

Learned counsel for the Petitioner Shri Jeswin P. Varghese as well as learned senior counsel for R21 & R22 Shri Santhalingam appeared through VC.

At the request of the learned counsel for the Petitioner, the case is adjourned to 16.02.2022.

Since this is an old pending case, there shall be no further adjournment in this case.

10 CP/104/KOB/2019

Adv Shri Pankaj Sharma appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Smt Akhila Nambiar, learned counsel for R17 Shri Abhilash Nediylalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC. None appeared for R3-R16, R18, R23 & R24

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

Learned counsel for the parties are directed to submit their written submissions in brief (limiting 3-4 pages) at least 3 days before the above date.

10 IA(C/ACT/6/KOB/2021 IN CP/104/KOB/2019

Adv Shri Pankaj Sharma appeared for the Petitioners through VC. Learned counsel for R1, R2, R20 & R25 Smt Akhila Nambiar, learned counsel for R17 Shri Abhilash Nediylalil Abraham and learned PCS for R22 Shri Vivek Kumar appeared through VC. None appeared for R3-R16, R18, R23 & R24

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

11 CP/112/KOB/2019

Adv Shri Pankaj Sharma appeared for the Petitioners through VC. Learned counsel for R1, R4 & R23 Smt Akhila Nambiar, learned counsel for R15 Shri Abhilash Nediylalil Abraham and learned PCS for R18 Shri Vivek Kumar appeared through VC. None appeared for R2, R3, R5-R13, R16, R17, R20 & R22 and R19.

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

11 IA(C/ACT)/5/KOB/2021 IN CP/112/KOB/2019

Adv Shri Pankaj Sharma appeared for the Applicants through VC. Learned counsel for R1, R4 & R23 Smt Akhila Nambiar, learned counsel for R15 Shri Abhilash Nediyaalil Abraham and learned PCS for R18 Shri Vivek Kumar appeared through VC. None appeared for R2, R3, R5-R13, R16, R17, R20 & R22 & R19.

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

12 CP/113/KOB/2019

Adv Shri Pankaj Sharma appeared for the Applicants through VC. Learned counsel for R1, R4, R15, R24 & R25 Smt Akhila Nambiar appeared through VC. None appeared for R2, R5 to R14, R16, R18 to 20, R24 & R25.

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

12 IA(C/ACT)/4/KOB/2021 IN CP/113/KOB/2019

Adv Shri Pankaj Sharma appeared for the Applicants through VC. Learned counsel for R1, R4, R15, R24 & R25 Smt Akhila Nambiar appeared through VC. None appeared for R2, R5 to R14, R16, R18 to R20, R24 & R25.

Shri Pankaj Sharma sought an adjournment stating that his senior is tested Covid 19 positive.

At his request, the case is adjourned to 03.03.2022 for hearing.

13 CP/34/KOB/2020

Learned counsel for the Petitioner Shri S. Krishnamoorthy appeared through VC

Adv. Smt. Swarnima appeared for R1 to R4 through VC and sought an adjournment stating that her senior's sister passed away and he is attending the rituals.

At the request of the learned counsel for R1 to R4 the case is adjourned to 18.02.2022.

Learned counsel for the parties are directed to submit their written submissions in brief (limiting 3-4 pages) at least 2 days before the above date.