

NCLT – KOCHI BENCH

Daily Orders –For reference purpose only

Date 11th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/34/KOB/2022

Order pronounced. IA(IBC)/34/KOB/2022 is allowed vide separate Order.

1 CP(IBC)/23/KOB/2021

Order pronounced. CP(IBC)/23/KOB/2021 stands dismissed as withdrawn vide separate Order.

2 CP(IBC)/45/KOB/2021

Order pronounced. CP(IBC)/45/KOB/2021 is admitted vide separate Order.

3 CP(IB)/46/KOB/2021

Order pronounced. CP(IB)/46/KOB/2021 stands dismissed vide separate Order.

4 CP(IB)/4/KOB/2022

Order pronounced. CP(IB)/4/KOB/2022 is admitted vide separate Order.

5 CP(IB)/5/KOB/2022

Order pronounced. CP(IB)/5/KOB/2022 is admitted vide separate Order.

6 REVW.APPLN/1/KOB/2022

Order pronounced. REVW.APPLN/1/KOB/2022 stands dismissed vide separate Order.

7 CP/23/KOB/2020

Order pronounced. CP/23/KOB/2020 stands dismissed vide separate Order.

8 CP(IBC)/20/KOB/2022

This Petition has been filed under Section 7 of IBC, 2016 by the Financial Creditor – Kerala State Industrial Development Corporate Ltd to initiate CIR Process against the Corporate Debtor – Solar Off set Printers Pvt Ltd.

The FC is directed to issue fresh notice enclosing a copy of the Petition to the Corporate Debtor through Registered Post with A/D / Speed Post and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the CD through email. The CD is directed to file the Reply Statement within 7 days of receipt of notice, serving copy to the FC, who may file rejoinder, if any, 3 days before the next date fixed.

List on 08.04.2022 for admission.

9 COMP.APPLN/7/KOB/2022

This application has been filed by the applicants / petitioners in the CP seeking the following reliefs:

- (a) To remove R2 and R7 from the Board of Directors of the R1 Company;
- (b) To provide access and copies of all documents pertaining to the R1 Company as sought for by the Petitioners;
- (c) To direct that an Independent Chairman be appointed to preside over the future Board Meetings of the R1 Company;
- (d) To direct the return of salaries and other benefits drawn by R2 from the Financial Year 2019-20 till date.

Shri Sharad Joseph Kodianthara, learned counsel for the applicants, Smt Karthika K.J., learned counsel for R3, R4 & R8, Shri Rajagopal Vasudevan, learned counsel for R7 and Shri Aravind S, learned counsel for R1, R9-R13 & R15 appeared through VC.

All respondents are directed to file their counter to this CA within 2 weeks from today.

List on 04.04.2022 for hearing.

10 COMP.APPLN/8/KOB/2022

This application has been filed by the applicants / petitioners in the CP seeking the following reliefs:

- (a) To remove R2 and R7 from the Board of Directors of the R1 Company;
- (b) To provide access and copies of all documents pertaining to the R1 Company as sought for by the Petitioners;
- (c) To direct that an Independent Chairman be appointed to preside over the future Board Meetings of the R1 Company;
- (d) To direct the return of salaries and other benefits drawn by R2 from the Financial Year 2019-20 till date.

Shri Sharad Joseph Kodianthara, learned counsel for the applicants, Smt Karthika K.J., learned counsel for R3, R4 & R8, Shri Rajagopal Vasudevan, learned counsel for R7 and Shri Aravind S, learned counsel for R1, R9-R13 & R15 appeared through VC.

All respondents are directed to file their counter to this CA within 2 weeks from today.

List on 04.04.2022 for hearing.

11 COMP.APPLN/9/KOB/2022

This application has been filed by the applicants / petitioners in the CP seeking the following reliefs:

- (a) To remove R2 and R7 from the Board of Directors of the R1 Company;
- (b) To provide access and copies of all documents pertaining to the R1 Company as sought for by the Petitioners;
- (c) To direct that an Independent Chairman be appointed to preside over the future Board Meetings of the R1 Company;
- (d) To direct the return of salaries and other benefits drawn by R2 from the Financial Year 2019-20 till date.

Shri Sharad Joseph Kodianthara, learned counsel for the applicants, Smt Karthika K.J., learned counsel for R3, R4 & R8, Shri Rajagopal Vasudevan, learned counsel for R7 and Shri Aravind S, learned counsel for R1, R9-R13 & R15 appeared through VC.

All respondents are directed to file their counter to this CA within 2 weeks from today.

List on 04.04.2022 for hearing.

12 REPORT/53/KOB/2022

This Report has been filed under Section 22(3)(a) of the IBC, 2016 by the IRP in the matter of CIR Process against MIR Realtors Pvt Ltd.

Shri P.T.Joy, learned IRP appeared through VC.

Perused the report. Report is taken on record. Registry is directed to place the report in IBA/11/KOB/2022.

13 REPORT/54/KOB/2022

This Report has been filed under Regulation 13(2)(d) of the IBBI (CIRP) Regulations, 2016 and Regulation 28(2) in the matter of CIR Process of Axiomata Elevators Pvt Ltd.

Learned RP Shri Sathiq Buhari appeared through VC.

On verification of the annexures produced by the Resolution Professional along with the report, it is seen that the Resolution Professional has, without obtaining the approval of the Adjudicating Authority included the claim of the GST Department received after the timeline. Moreover, he has not filed the report within two days of the Agreement between the parties intimating the change of parties occurred in this matter. Therefore, this report cannot be accepted now. **Therefore, the report filed by the RP is rejected.**

RP, if so advised, may file appropriate proceedings for approval of the Adjudicating Authority for addition of additional stake holders and report, if any, explaining the reasons for the delay in intimating the Adjudicating Authority of the change of the parties.

14 CP/127/KOB/2019

Learned counsel for the Petitioner Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Smt Aanchal M Nichani, learned counsel for R5 Shri P.P. Zibi Jose, learned counsel for R6 Shri Jerin Asher Sojan and learned counsel for R7 Shri Sankar P. Panicker also appeared through VC.

This is a Part Heard case.

Smt Aanchal sought an adjournment stating that she has filed an IA with the prayer to accept fresh documents, but Registry reported that the same is defective. She is directed to cure the defects within 7 days.

List on 25.03.2022 for hearing along with the related IAs as Part Heard.

14 IA/79/KOB/2020 IN CP/127/KOB/2019

Learned counsel for both the parties appeared through VC.

This is a Part Heard case.

At the request of the learned counsel for R1 to R3 the case is adjourned to 25.03.2022.

15 CP(C/ACT)/23/KOB/2021 IN CP(C/ACT)/23/KOB/2021

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

Since the related **IA(C/ACT)/8/KOB/2021 is Reserved for Orders vide todays proceedings, list this CP on 18.04.2022.**

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

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

Heard both sides.

Hearing concluded. Orders reserved.

15 IA(C/ACT)/24/KOB/2022

This IA has been filed under Rule 11 read with Rule 32 of NCLT Rules, 2016 by the applicant with the prayer to hear and dispose of IA(C/Act)/8/KOB/2021 prior to the final hearing in the CP.

Shri P.G.Jayasankar, learned counsel for the applicant as well as Shri Vivek Kumar, learned counsel for R1 to R4 appeared through VC.

Since IA(C/ACT)/8/KOB/2021 has been heard today and Reserved for Orders, this IA/24/KOB/2022 has become infructuous. Hence stand dismissed.

16 TCP/67/KOB/2019

Shri Sankar P. Panicker, learned counsel for the Petitioner as well as Shri Sharad Joseph Kodianthara appeared through VC.

Shri Sankar P. Panicker sought an adjournment stating that the amount involved in this matter is very huge and hence needs more time to finalise the settlement talks. Prayer is allowed.

This matter cannot be prolonged indefinitely since this is an old pending case. Shri Shankar Panicker is directed to file a Memo with regard to the present development in the context of settlement within 14 days.

Adjourned to 18.05.2022 for hearing.

16 IA/149/KOB/2020 IN TCP/67/KOB/2019

Shri Sankar P. Panicker, learned counsel for the Petitioner as well as Shri Sharad Joseph Kodianthara appeared through VC.

Shri Sankar P. Panicker sought an adjournment stating that the amount involved in this matter is very huge and hence needs more time to finalise the settlement talks. Prayer is allowed.

Adjourned to 18.05.2022 for hearing.

16 CA/45/KOB/2021 IN TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

Shri Sankar P. Panicker sought an adjournment stating that the amount involved in this matter is very huge and hence needs more time to finalise the settlement talks. Prayer is allowed.

Adjourned to 18.05.2022 for hearing.

17 TCP/57/KOB/2020 (CP/19/1999 of High Court of Kerala)

One Advocate appeared through VC without vakalat stating that he represents Shri Paul Jacob, learned counsel for the Petitioner and sought an adjournment without stating any reason.

It appears from records that with regard to the notice issued from this Registry to the respondents, all notices have been returned with postal remarks stating "closed", "left", "unclaimed", "deceased", "locked", "no such addressee", etc.

During the course of proceedings on 25.11.2021 Shri Paul Jacob, learned counsel for the Petitioner submitted that except R3 & R6 notice has not been served to other respondents. However, no proof of service has been produced.

R3, R5 and R6 have already been set ex-parte.

Vide Order dated 25.11.2021 the Petitioner was directed to make paper publication in two newspapers (one in English and one in Malayalam having wide publicity in

Kerala) stating the details and next posting of this case, within four weeks and file proof of publication along with an affidavit before the next date fixed. Accordingly, the case was posted on 17.01.2022. Even as on today, the Petitioner has not taken any steps to comply with the order of paper publication. Therefore, it is presumed that the petitioner is not interested to proceed with this matter..

Hence, **TCP/57/KOB/2020 (CP/19/1999 of High Court of Kerala) is dismissed for non-prosecution vide separate order.**

18 CP/40/KOB/2021

Shri Akhil Suresh, learned counsel for the Petitioner as well as Shri Chitransh Vijayvergia, learned counsel for the respondents appeared through VC.

Shri Chitransh submitted that he has already filed the counter along with an IA to condone the delay in filing the counter, but Registry reported that the same is under their scrutiny.

List on 17.03.2022 along with the related IA for hearing.