

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 12th Nov 2021

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

1 CP(IBC)/37/KOB/2021

This CP(IBC) has been filed by the Financial Creditor State Bank of India through the Resolution Professional against the Personal Guarantor Shri Jose MM under Section 95(1) of the IBC, 2016 read with Rule 7(2) of IB (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019.

Heard the learned counsel for the FC Shri Vinod PV and also perused the case records.

Reserved for Orders.

2 CP(IBC)/38/KOB/2021

This CP(IBC) has been filed by the Financial Creditor State Bank of India through the Resolution Professional Adv Shri Vinod PV against the Personal Guarantor Smt Merin Jose under Section 95(1) of the IBC, 2016 read with Rule 7(2) of IB(Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019.

Heard the learned counsel for the FC Shri Vinod PV and also perused the case records.

Reserved for Orders.

3 REPORT/98/KOB/2021 IN CP/54/KOB/2020 & CP/1/KOB/2021

This Report has been filed by the Observer with regard to the Annual General Meeting of the Company M/s. Sofine Decors Pvt Ltd held on 30.10.2021 as per Order of this Tribunal dated 16.09.2021.

Since the Observer is absent, list on 16.11.2021.

4 CP(IB)/29/KOB/2021

Learned counsel for the Financial Creditor Shri A.G.Sathyanarayana as well as learned counsel for the Corporate Debtor Shri Babu Karukapadath appeared through VC.

Heard both sides and perused the records.

Reserved for orders. Learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) within 5 days.

5 CP/23/KOB/2020

Adv Shri Terry V. James represented the learned counsel for the Petitioner Shri Sharan Sahier and sought an adjournment stating that Shri Sharan Sahier is held up in the High Court in connection with a Part Heard case.

Learned counsel for R1 to R4 Shri Ratheesh P.R. appeared through VC.

At the request of the learned counsel for the petitioner, the case is adjourned to 22.11.2021 for hearing (HOB). There shall be no further adjournment in this matter.

6 CP(IBC)/25/KOB/2021

Learned counsel for the Operational Creditor Shri Pramod Kumar as well as learned counsel for the Corporate Debtor Shri Anil D. Nair appeared through VC.

Heard the learned counsel for both the parties and perused the case records.

Reserved for Orders.

The learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) along with the case laws, if any, within 5 days.

7 CP(IB)/30/KOB/2021

Learned counsel for the applicant Shri Vinod PV as well as learned counsel for the respondent Shri Jolly John appeared through VC.

The reply filed by the Corporate Debtor is on record.

Shri Vinod PV sought time to file an IA for correction in the CP(IB). Allowed. He may file the IA within a week.

List for final hearing on 23.11.2021.

8 IA(C/ACT)/11/KOB/2021 IN CP/107/(KOB)/2019

This is an IA filed by the Applicant/1st Respondent against the respondents / Petitioners 1 & 2 and Respondents 2 to 11 with the prayer to condone the delay of 26 days occurred in submitting the records mentioned in this Petition and exempt them from producing the documents to prove the conducts of AGMs, EGMs and Directors Board Meeting subsequent to the Financial Year 2016-17.

Learned counsel for the applicant Shri Ajmal P as well as learned counsel for the Respondent/petitioner Shri Prabhu Vijayakumar appeared through VC.

Vide order dated 03.02.2021, the applicant/R1 was directed 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 AGM notice on the petitioners within two weeks from 17.12.2020.

It appears that R1 has not yet complied with our above order.

While the condonation of delay of 26 days in filing the records were allowed vide Order dated 04.10.21, the remaining part of this application will be heard in detail in the next date of hearing.

Shri Gokul Ashok sought an adjournment to enable his senior to argue the matter. At his request, the matter is adjourned to **07.12.2021**.

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

Both the parties appeared through VC.

At the request of the learned counsel for the Petitioner, the matter is adjourned to 07.12.2021.

10 CP/107/(KOB)/2019

Learned counsel for the Petitioner Shri Gokul Ashok as well as learned counsel for R1 Shri Ajmal P appeared through VC.

At the request of the learned counsel for the petitioner, the case is adjourned to 07.12.2021.

11 CP(CAA)/3/KOB/2021 IN CA(CAA)/18/KOB/2019

Learned counsel for the Petitioner Shri Paulose C. Abraham appeared through VC.

Heard and perused the case records.

Reserved for Orders.

12 CP(CAA)/4/KOB/2021 IN CA(CAA)/17/KOB/2019

Learned counsel for the Petitioner Shri Paulose C. Abraham appeared through VC. Heard and perused the case records.

Reserved for Orders.

13 IA/163/KOB/2020 IN CP/05/KOB/2020

Learned counsel for the applicant Shri Nithish Sathesh Shenoy appeared through VC. Adv Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

It appears from records that the learned counsel for the R1 & R2 sought adjournment on earlier occasion before more than one month stating the same reason that his senior wants time to argue the matter. This appears to be only a delaying tactics adopted by the respondents in disposing the matter.

List on 15.12.2021. On that day the matter will be heard finally. There shall be no adjournment on any count.

14 CA/22/KOB/2021 IN CP/05/KOB/2020

Learned counsel for the applicant Shri Nithish Sathesh Shenoy appeared through VC. Adv Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Shri Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

It appears from records that the learned counsel for the R1 & R2 sought adjournment on earlier occasion before more than one month stating the same reason that his senior wants time to argue the matter. This appears to be only a delaying tactics adopted by the respondents in disposing the matter.

List on 15.12.2021. On that day the matter will be heard finally. There shall be no adjournment on any count.

15 CP/05/KOB/2020

Learned counsel for the Petitioner Shri Nithish Sathesh Shenoy appeared through VC. Adv Shri Anandhu Sudheesh appeared through VC for R1 & R2.

Adv Shri Anandhu Sudheesh sought an adjournment to enable his senior to argue the matter.

It appears from records that the learned counsel for the R1 & R2 sought adjournment on earlier occasion before more than one month stating the same reason that his senior wants time to argue the matter. This appears to be only a delaying tactics adopted by the respondents in disposing the matter.

List on 15.12.2021. On that day the matter will be heard finally. There shall be no adjournment on any count.