

NCLT, KOCHI BENCH

Daily Orders

Date: 13th Dec 2021

In the Bench of: **Shri Ashok Kumar Borah, Hon'ble Member (Judicial) & Shri Shyam Babu Gautam, Hon'ble Member (Technical)**

1 COMP.APPLN/109/KOB/2021 IN CP/21/KOB/2020

This IA has been filed under Section 420 of the Companies Act, 2013 read with Rule 154 of the NCLT Rules, 2016 by the applicants (respondents 2, 3, 4, 5, 6, 7, 9 and 10 in IA/198/KOB/2020) for rectification of mistake in the Order dated 08.03.2021

Learned counsel for the Applicants Shri A.Ajakumar appeared through VC. Learned counsel for R1-R8 Shri Bijoy Pulipra also appeared through VC. None appeared for other respondents.

Respondents are directed to file their reply statement within a week.

List on 07.01.2022.

2 CA/59/KOB/2021 IN CP/02/KOB/2020

Learned counsel for the applicant Shri Jahan Dastur as well as learned counsel for R1 to R4 Shri Avinash Krishnan Ravi appeared through VC.

Learned senior counsel Shri Dr.U.K.Choudhary appeared through VC for R5 to R12

This is a part heard case. Since NCLT-Kochi Bench has been re-constituted with effect from 06.12.2012 this case is **released from Part Heard**.

Shri Jahan Dastur sought an adjournment to enable his senior to argue the matter. At his request the matter is **adjourned to 23.12.2021. (High on Board)**.

2 CA/60/KOB/2021 IN CP/02/KOB/2020

Learned counsel for the applicant Shri Niranjana Reddy as well as learned counsel for R1 to R4 Shri Avinash Krishnan Ravi appeared through VC.

Learned senior counsel Shri Dr.U.K.Choudhary appeared through VC for R5 to R12

This is a part heard case. Since NCLT-Kochi Bench has been re-constituted with effect from 06.12.2012 this case is **released from Part Heard**.

Shri Jahan Dastur sought an adjournment to enable his senior to argue the matter. At his request the matter is adjourned to 23.12.2021. **(High on Board)**.

2 CP/02(KOB)/2020

Learned counsel for the petitioner Shri Avinash Krishnan Ravi and learned senior counsel for the respondents Dr. U.K. Chowdhary appeared through VC.

List on 23.12.2021 for hearing. (High on Board).

2 CA/62/KOB/2021 IN CP/02(KOB)/2020

Learned Senior counsel for the applicant Dr.U.K. Chowdhary as well as learned counsel for the respondents/Contempt Petitioners Shri Avinash appeared through VC.

List on 23.12.2021 for hearing.

2 CONTEMPT PETITION/02/KOB/2021 IN CP/02(KOB)/2020

Learned counsel for the Contempt Petitioners Shri Avinash Krishnan Ravi as well as learned senior counsel for the respondents Dr.U.K.Chowdhary appeared through VC.

List on 23.12.2021 for hearing.

3 CP/23/KOB/2020

None appeared for the Petitioner even a pass over was granted and the matter was called again after completion of the Board. Learned counsel for R1 to R4 Shri Sagith Kumar appeared through VC.

This is a part heard case. Since NCLT-Kochi Bench has been re-constituted with effect from 06.12.2012 this case is **released from Part Heard**.

List on 03.01.2022 for hearing – High on Board. If no representation for the Petitioner is made during the next posting date, the matter will be dismissed for default.

Registry is directed to issue copy of this Order to both the parties through email immediately.

4 IA(IBC)/151/KOB/2021 IN TIBA/03/KOB/2019

This IA has been filed by the Applicant, who is an ex-employee of the CD, under Rule 11 of NCLT Rules, 2016 for passing an Interim Order restraining the R1 from utilising the land belonging to the CD under Resolution for running a Rubber Industry in the name and Style Kerala Rubber Ltd.

Learned counsel for the applicant Shri Abhilash Nediyaalil as well as learned counsel for R1 & R2 Shri Chithrash Vijayavegia and learned counsel for R4 Shri Vinod PV appeared through VC.

Learned counsel for both sides argued and concluded.

Reserved for Orders.

4 MA(IBC)/25/KOB/2021 IN TIBA/03/KOB/2019

This is an MA filed by the applicant Shri N.P.Rajan under Section 33(3) & 74(3) of IBC, 2016 read with Regulation 36-B (4-A) of CIRP Regulations, 2016 for passing an order for liquidation of the Corporate Debtor Hindustan News Print Ltd.

Learned counsel for the applicant Shri Abhilash Nediyaalil as well as learned counsel for R1 & R2 Shri Chithrash Vijayavegia and learned counsel for R4 Shri Vinod PV appeared through VC.

Learned counsel for both sides argued and concluded.

Reserved for Orders.

4 IA(IBC)/190/KOB/2021 IN TIBA/03/KOB/2019

This IA has been filed by the applicant Shri N.P.Rajan, an ex-employee of the CD, with the prayer to implead Central Bank of India as Additional Respondent No.5 in the MA(IBC)/25/KOB/2021.

Learned counsel for the applicant Shri Abhilash Nediyaalil as well as learned counsel for the former RP Shri Vinod PV and learned counsel for the Resolution Applicant Shri Chithrash Vijayavegia appeared through VC.

Reserved for Orders.

5 CP(IB)/33/KOB/2021

This is a Petition filed by the Financial Creditor Phoenix Arc Pvt Ltd (Trustee of Phoenix Trust FY 17-8) against the Corporate Debtor, Kerala Chambers of Commerce and Industries Ltd, under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016.

Learned counsel for the Petitioner Shri Nidhi Sam John as well as learned counsel for the Corporate Debtor Smt. Marian GM Tharakan appeared through VC.

Though vide Order dated 22.11.2021 the Corporate Debtor was directed to file the reply statement within two weeks serving a copy to the FC and the FC was also directed to file the rejoinder on or before 13.12.2021 no reply statement has been filed by the CD till date. Smt. Marian GM Tharakan sought some more time to file the reply statement stating that the suspended directors are under the interrogation of the Enforcement Directorate.

On hearing the learned counsel for the CD, we are of the considered opinion that the CD be allowed a last chance to file the reply statement provided the **CD pays the costs of Rs.20,000/- (Rupees twenty thousand only)** to the accounts of "Ministry of Corporate Affairs" and submit proof of payment along with the Reply Statement within 7 days. Registry is directed to accept the reply statement, if it is filed on or before 21.12.2021, if the CD produces proof of payment of costs along with the reply statement, and if the Reply Statement is otherwise in order. The OC is directed to file the rejoinder, if any, before the next date fixed.

List on 21.12.2021 for hearing.

Registry is directed to issue copy of this Order to the learned counsel of both the parties through email immediately.

6 **CPI/74/KOB/2019**

Learned counsel for the Petitioner Shri Abhilash Nediyaalil appeared through VC. Learned counsel for R1 Smt. Telma Raju, learned counsel for R2 Shri Thomas Johan Ambooken and learned counsel for R3 Shri Ameerul Millath appeared through VC. None appeared for R4 & R5/ROC.

Shri Abhilash Nediyaalil sought an adjournment to enable his senior to argue the case. His request is allowed and the matter is adjourned to tomorrow.

List on 14.12.2021 for hearing.

6 **IA/26/KOB/2019**

Learned counsel for the Applicant Shri Abhilash Nediyaalil appeared through VC. Learned counsel for R1 Smt. Telma Raju, learned counsel for R2 Shri Thomas Johan Ambooken and learned counsel for R3 Shri Ameerul Millath appeared through VC. None appeared for R4 & R5/ROC.

Shri Abhilash Nediyaalil sought an adjournment to enable his senior to argue the case. His request is allowed and the matter is adjourned to tomorrow. **List on 14.12.2021 for hearing.**

6 **IA/47/KOB/2020**

Learned counsel for the applicant Shri Thomas Johan Ambooken appeared through VC. Learned counsel for R2 Shri Abhilash Nediyaalil, learned counsel for R1 Smt Telma Raju, and learned counsel for R3 Shri Ameerul Millath appeared through VC. None appeared for R4 and ROC(R5).

Shri Abhilash Nediyaalil sought an adjournment to enable his senior to argue the case. His request is allowed and the matter is adjourned to tomorrow.

List on 14.12.2021 for hearing.

7 CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Paulose C. Abraham appeared through VC. Learned counsel for R10 Shri Yogindunath and learned counsel for R11 and R13 Shri Alphin Antony also appeared through VC.

It appears from records that the Petitioner has not yet filed the proof of service with regard to the notice served to R12, R14 and R15. He may file the same positively before the next date of hearing.

The Additional Respondents 11 to 15 are directed file their reply statement within a week.

List on 21.12.2021 for hearing.

7 IA(C/ACT)/12/KOB/2021

Learned PCS for the applicant Shri Zibi Jose appeared through VC. Learned counsel for R1 to R8 Shri Paulose C. Abraham, learned counsel for R11 and R13 Shri Alphin Antony and learned counsel for R10 Shri Yogindunath also appeared through VC.

List on 21.12.2021 along with the related IAs.

7 IA(C/ACT)/57/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Petitioner seeking the following reliefs:

1. *To direct that all the agenda items 1-12 in the proposed AGM of 2020-21 to be held on 30.12.2021 shall be decided only through e-voting.*
2. *To add as additional respondent No.16 proposed director Mr. Nilayattungal Antony Lonappan in the Company Petition CP/08/KOB/2021.*
3. *To invalidate the appointment of additional Respondent No.16 as additional director at the Board Meeting held on 03.12.2021.*
4. *To add as additional Respondent No.17 Central Depository Services Ltd in the Company Petition CP/08/KOB/2021.*

5. *To direct CDSL (subject to grant of relief as Additional Respondent No.17) and SKDC (Respondent No.15) to generate the login id and password and despatch the same only to the shareholders by speed post directly by them under the supervision of the Independent Chairman.*
6. *Any other reliefs this Tribunal deems fit considering the circumstances of the case.*

Learned PCS for the applicant Shri Zibi Jose appeared through VC. Learned counsel for R1 to R8 Shri Paulose C. Abraham, learned counsel for R11 and R13 Shri Alphil Antony and learned counsel for R10 Shri Yogindunath also appeared through VC. None appeared for other respondents.

Respondents are directed to file their reply statement on or before 20.12.2021.

List on 21.12.2021 for hearing.

8 CP/31/KOB/2021

Learned counsel for petitioner/applicant Shri Rohit Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

Due to Technical glitches in the audio system of the learned counsel for respondents, the case is adjourned to 16.12.2021.

8 IA(C/ACT)/20/KOB/2021 IN CP/31/KOB/2021

Learned counsel for petitioner/applicant Shri Rohit Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

Due to Technical glitches in the audio system of the learned counsel for respondents, the case is adjourned to 16.12.2021.

8 IA(C/ACT)/42/KOB/2021 IN CP/31/KOB/2021

This IA has been filed by the Applicants (Respondents 1 & 2 in the CP) under Rule 32 of the NCLT Rules, 2016 seeking permission to convene the meeting of the Board of Directors and to convene the AGM of the Company.

Learned counsel for applicant Shri VV Sidharthan as well as learned counsel for the respondents Shri Rohit Shenoy appeared through VC.

Due to Technical glitches in the audio system of the learned counsel for respondents, the case is adjourned to 16.12.2021.

8 IA(C/ACT)/45/KOB/2021 IN CP/31/KOB/2021

This IA has been filed by the applicant/petitioner under Rule 155, 17(1)(b) and Rule 32 of the NCLT Rules, 2016 seeking permission of this Tribunal to amend the petition.

Due to Technical glitches in the audio system of the learned counsel for respondents the case is adjourned to 16.12.2021.