

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 14th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/13/KOB/2022

Orders pronounced. IA(IBC)/13/KOB/2022 withdrawal application stands allowed vide separate Order.

1 IBA/27/KOB/2020

Orders pronounced. IBA/27/KOB/2020 stands dismissed as withdrawn vide separate Order.

2 IA(IBC)/24/KOB/2022

Orders pronounced. IA(IBC)/24/KOB/2022 stands allowed vide separate Order.

3 IA/57/KOB/2020

Order pronounced. IA/57/KOB/2020 stands allowed vide separate Order.

4 COMPANY APPEAL/6/KOB/2022

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 by Kassandra Healthcare Pvt Ltd for restoration of the name of the Company on the Register of Companies maintained by the Registrar of Companies.

Shri Bijoy P.Pulipra, learned counsel for the Appellant appeared through VC.

The appellant is directed to produce the Income Tax returns/Pan Card of the Company within 7 days from today.

Registry is directed to issue notice to ROC through special messenger. ROC is directed to file his report within two weeks from today.

List on 31.03.2022 for admission and disposal.

5 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 by Intesigns Interiors Pvt Ltd for restoration of the name of the Company on the Register of Companies maintained by the Registrar of Companies.

As directed, he has produced the documents called for. Shri G. Krishnakumar, learned counsel for the Appellant appeared through VC.

Heard and perused the whole case records.

Hearing concluded. Orders reserved.

6 TCP/52/KOB/2019

Learned counsel of both the parties appeared through VC.

Shri T.K.Bhaskar, learned counsel for the Petitioners sought an adjournment stating that he is engaged in the Hon'ble High Court of Chennai in another case.

At his request the case is adjourned to 17.03.2022 for hearing as Part Heard (High on Board).

7 CP/10/KOB/2021

Shri Javed Gaya, learned counsel for the petitioner appeared through VC. Shri Viswanathan, learned senior counsel for R1 & R4 and Shri PP Zibi Jose, learned counsel for R2 & R3 also appeared through VC.

Pleadings are complete.

It is noticed that R2 & R3 in their Written Submission has stated that the Respondents are agreeable for buying back the shares held by the Petitioner and the valuation for the same shall be determined by an independent valuer appointed by this Tribunal subject to approval of this Tribunal on condition that the Petitioner will not pursue any further litigation on the subject in any court of law in India and abroad.

The Petitioner is directed to offer his price per share within two weeks and the respondents may submit their comments on the offer price of the petitioner before the next date fixed.

List on 31.03.2022 for hearing.

8 IA(IBC)/38/KOB/2022 IN IA(IBC)/128/KOB/2021 IN MA/05/KOB/2020

Shri Shawn Jeff Christopher, Learned liquidator appeared through VC. Adv Shri P.V.Vinod appeared for State Bank of India and Adv Shri Varghese Shajen appeared for Union Bank.

Vide Order dated 24.02.2022, Respondent Banks (Annexure 1 and 1A) were directed to freeze the Bank Accounts operated by Shri Reji Sivankutty and Mrs Revathy Radhakrishnan till the disposal of this IA and the respondent Banks were also directed to file their Reply Statement on or before 11.03.2022.

It appears that the Liquidator has not yet impleaded the debtors in this IA. He is directed to file an IA to implead the debtors Shri Reji Sivankutty and Mrs Revathy Radhakrishnan in this IA within 7 days from day.

The Respondent Banks are directed to submit the details of the bank accounts operated in their Banks by Shri Reji Sivankutty and Mrs Revathy Radhakrishnan within 7 days of receipt of this notice.

List on 01.04.2022 for hearing.

Registry is directed to issue copy of this Order to all Respondent Banks through email immediately.

9 IA(IBC)/169/KOB/2021

Shri Balakrishnan Baburajan, learned liquidator as well as Shri Abraham Mathew, learned counsel for the respondent appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

9 REPORT/55/KOB/2022 IN IA(IBC)/169/KOB/2021

This report has been filed by the Liquidator in the matter of the factual status of the assets of Goodwin Packpet Private Limited (under liquidation).

Shri Balakrishnan Baburajan, learned liquidator appeared through VC.

Perused the report. Report is taken on record. Registry is directed to place the report in IA(IBC)/169/KOB/2021.

10 IA(IBC)/39/KOB/2022

This IA has been filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by 53 applicants seeking certain directions against the Interim Resolution Process of the Corporate Debtor – Mir Realtors Pvt Ltd.

Shri Jayesh Mohankumar, learned counsel for the applicant appeared through VC. Learned IRP appeared through VC along with his counsel Shri Sankar P. Panicker.

This IA will be heard along with the related IA.

List on 24.03.2022 for hearing.

10 IA(IBC)/51/KOB/2022

This IA has been filed under Section 60(5) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016 by Haritham Buyers Association, represented by its President Dr V.G.Mohanan Nair with the President seeking four interim reliefs, which include to stay the implementation of the decisions taken in the 1st meeting of the Committee of Creditors dated 22.02.2022 till IA/39/KOB/2022 in IBA/11/KOB/2020 is finally heard and disposed of.

Shri K. Jayesh Mohankumar, learned counsel for the applicant appeared through VC. Learned IRP Shri P.T.Joy appeared through VC along with his counsel Shri Shankar P. Panicker.

The IRP is directed to submit his reply statement in this IA within 7 days from today.

List on 24.03.2022 for hearing.

11 CP/49/KOB/2020

Shri Vivek Kumar, learned counsel for the Petitioners as well as Shri Terry V James, learned counsel for R1 to R4 appeared through VC.

Vide order dated 24.02.2022 the respondents were directed to clarify whether R2 was doing the business of lending money and he was also directed to produce the balance sheets of 2019-20 and 2020-21.

In compliance with the aforesaid Order, R1 has filed COMP.APPLN/2/KOB/2022 attaching the details sought by this Tribunal along with certain other documents.

The documents filed by R1 in response to our Order dated 24.02.2022 are taken on record.

Heard both sides.

Hearing concluded. Orders reserved

11 COMP.APPLN/2/KOB/2022 in CP/49/KOB/2020

This Application has been filed under Rule 11 read with Rules 32 & 40 of the NCLT Rules, 2016 by the Applicant/R1 with the prayer to accept Annexure-R1(i) to Annexure R1(m) on record.

Shri Terry V James, learned counsel for the applicant/R1 as well as Shri Vivek Kumar, learned counsel for the Respondents/Petitioners appeared through VC.

This IA has been filed in compliance with the Order dated 24.02.2022. It is noted that the applicant has also attached certain other documents along with this CA.

Heard both sides.

The documents filed by R1 as Annexures R1(j), R1(k) and R1(l) in response to our Order dated 24.02.2022 are taken on record and all other documents filed along with this CA cannot be accepted at this belated stage, as the pleadings are already complete and arguments were already advanced.

Accordingly, COMP.APPLN/2/KOB/2022 stands disposed of.

12 CP/22/KOB/2021

Shri Ashok B Shenoy, learned counsel for the Petitioner as well as Shri Yongindunath, learned counsel for the R1 & R2 appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

Both the parties may submit their written submissions in brief (limiting 3-4 pages) within 3 days.

13 CP/25/KOB/2021

Shri Sajen Thampan, learned counsel for the Petitioner as well as learned counsel for R1 to R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Shri Sajen Thampan submitted that the Petitioner Shri Rajeev Kumar expired and hence he wants to implead the legal heirs of the Petitioner to pursue this case. Shri Akhil Suresh vehemently opposed the impleading of the legal heirs as petitioners in this case. The learned counsel for the Respondents has filed a Memo attaching the

photostat copy of the obituary reported in the Newspapers on 15.02.2022 and 16.02.2022.

The learned counsel for the Petitioner is directed to file the death certificate of the petitioner within 2 weeks.

List on 06.04.2022 for hearing.

13 RA/1/KOB/2021

Shri Sajen Thampan, learned counsel for the applicant as well as learned counsel for R1 to R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Shri Sajen Thampan submitted that the Petitioner Shri Rajeev Kumar expired and hence he wants to implead the legal heirs of the Petitioner to pursue this case. Shri Akhil Suresh vehemently opposed the impleading of the legal heirs as petitioners in this case. The learned counsel for the respondents filed a Memo attaching the photostat copy of the obituary reported in the Newspapers on 15.02.2022 and 16.02.2022.

The learned counsel for the Petitioner is directed to file the death certificate of the petitioner within 2 weeks.

List on 06.04.2022 for hearing.

14 CP/26/KOB/2021

Shri Sajen Thampan, learned counsel for the Petitioner as well as learned counsel for R1 to R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Shri Sajen Thampan submitted that the Petitioner Shri Rajeev Kumar expired and hence he wants to implead the legal heirs of the Petitioner to pursue this case. Shri Akhil Suresh vehemently opposed the impleading of the legal heirs as petitioners in this case. The learned counsel for the respondents filed a Memo attaching the photostat copy of the obituary reported in the Newspapers on 15.02.2022 and 16.02.2022.

The learned counsel for the Petitioner is directed to file the death certificate of the petitioner within 2 weeks.

List on 06.04.2022 for hearing.

14 RA/2/KOB/2021

Shri Sajen Thampan, learned counsel for the applicant as well as learned counsel for R1 to R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Shri Sajen Thampan submitted that the Petitioner Shri Rajeev Kumar expired and hence he wants to implead the legal heirs of the Petitioner to pursue this case. Shri Akhil Suresh vehemently opposed the impleading of the legal heirs as petitioners in this case. The learned counsel for the respondents filed a Memo attaching the photostat copy of the obituary reported in the Newspapers on 15.02.2022 and 16.02.2022.

The learned counsel for the Petitioner is directed to file the death certificate of the petitioner within 2 weeks.

List on 06.04.2022 for hearing.