

NCLT, KOCHI BENCH

Daily Orders

Date: 14th Dec 2021

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

1 CP/42/KOB/2021

This Petition has been filed under Section 252(3) of the Companies Act, 2013 by Kaippadath Property Development Company Pvt Ltd for revival of the name of the Company in the Register of Companies maintained by the Registrar of Companies, Kerala.

Learned PCS for the Petitioner Shri Vinu Thomas appeared through VC. He submitted that the Petitioner Company has defaulted in filing the Financial Statements pertaining to the Financial Year 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21.

AROC Shri Ramesh appeared through VC and stated that he will file a report in this matter. ROC may file his report on or before 30.12.2021. **List on 05.01.2022.**

Registry to communicate this order to the ROC.

2 REPORT/109/KOB/2021 IN CP(IB)/11/KOB/2021

This report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional in the matter of CP(IB)/11/KOB/2021 filed by the Financial Creditor Siemens Financial Services Pvt Ltd against the Personal Guarantor of the Corporate Debtor Ceevees Imaging and Healthcare Research Pvt Ltd.

The RP has recommended the acceptance of the application filed under Section 95 (1) of the IBC, 2016 by the applicant Siemens Financial Services Ltd against the Personal Guarantor Shri C.V.Paulson. The RP has also prayed to pass order giving instruction to him for the purpose of conducting negotiation between the Debtor and the Creditors and for arriving at a repayment plan, if this Tribunal admits the matter under Sub Section 1 of Section 100.

Learned RP Shri Vinod PV appeared in person through VC.

Perused the report. Report is taken on record. Registry is directed to file the report in CP(IB)/11/KOB/202.

3 **REPORT/110/KOB/2021 IN CP(IB)/12/KOB/2021**

This report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional in the matter of CP(IB)/11/KOB/2021 filed by the Financial Creditor Siemens Financial Services Pvt Ltd against the Personal Guarantor of the Corporate Debtor Ceevees Imaging and Healthcare Research Pvt Ltd.

The RP has recommended the acceptance of the application filed under Section 95 (1) of the IBC, 2016 by the applicant Siemens Financial Services Ltd against the Personal Guarantor Smt Smitha Ajith. The RP has also prayed to pass order giving instruction to him for the purpose of conducting negotiation between the Debtor and the Creditors and for arriving at a repayment plan, if this Tribunal admits the matter under Sub Section 1 of Section 100.

Learned RP Shri Vinod PV appeared in person through VC.

Perused the report. Report is taken on record. Registry is directed to place the report in CP(IB)/12/KOB/202.

4 **REPORT/107/KOB/2021 IN TCP/47/KOB/2019**

This Report has been filed by the Company Liquidator of Amaravathi Eye Care Hospital Pvt Ltd regarding the provisional list of Contributories of the Company.

Learned liquidator Shri Mukesh K.P. appeared through VC.

Perused the report. Report is taken on record. Registry is directed to place it on record.

4 **REPORT/108/KOB/2021 IN TCP/47/KOB/2019**

This Report has been filed by the Company Liquidator of Amaravathi Eye Care Hospital Pvt Ltd as per Rule 25(1) of the Companies Winding up Rules, 2020.

Learned liquidator Shri Mukesh K.P. appeared through VC.

Perused the report. Report is taken on record. Registry is directed to place it on record.

5 **CP(IBC)/37/KOB/2021**

The RP has filed his report under Section 99 of the IBC, 2016 recommending to accept the application filed under Section 95 (1) of the IBC, 2016 by the applicant

State Bank of India against the Personal Guarantor Shri Jose M.M. of the Corporate Debtor ITMA Hotels India Pvt Ltd. This report has been taken on record.

Learned RP Shri Jossy Stephen Kattur appeared in person through VC.

Registry is directed to issue notice to the Personal Guarantor and place the proof of service in the file.

The Personal Guarantor is directed to submit his Reply Statement on or before 29.12.2021.

List on 07.01.2022 for hearing.

5 REPORT/112/KOB/2021 in CP(IBC)/37/KOB/2021

This report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional in the matter of CP(IB)/37/KOB/2021 filed by the Financial Creditor State Bank of India against the Personal Guarantor of the Corporate Debtor ITMA Hotels India Pvt Ltd.

The RP has recommended the acceptance of the application filed under Section 95 (1) of the IBC, 2016 by the applicant State Bank of India against the Personal Guarantor Shri Jose M.M.

Learned RP Shri Jossy Stephen Kattur appeared in person through VC.

Perused the report. Report is taken on record. Registry is directed to place it on record.

6 CP(IBC)/38/KOB/2021

The RP has filed his report under Section 99 of the IBC, 2016 recommending to accept the application filed under Section 95 (1) of the IBC, 2016 by the applicant State Bank of India against the Personal Guarantor Smt Merin Jose of the Corporate Debtor ITMA Hotels India Pvt Ltd. This report has been taken on record.

Learned RP Shri Jossy Stephen Kattur appeared in person through VC.

Registry is directed to issue notice to the Personal Guarantor and place the proof of service in the file.

The Personal Guarantor is directed to submit her Reply Statement on or before 29.12.2021.

List on 07.01.2022 for hearing.

6 REPORT/111/KOB/2021 in CP(IBC)/38/KOB/2021

This report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional in the matter of CP(IB)/38/KOB/2021 filed by the Financial Creditor State Bank of India against the Personal Guarantor of the Corporate Debtor ITMA Hotels India Pvt Ltd.

The RP has recommended the acceptance of the application filed under Section 95 (1) of the IBC, 2016 by the applicant State Bank of India against the Personal Guarantors Smt Merin Jose.

Learned RP Shri Jossy Stephen Kattur appeared in person through VC.

Perused the report. Report is taken on record. Registry is directed to place It on record.

7 CP/24/KOB/2021

Learned counsel for the petitioner Mr.Shameem Ahmed as well as learned PCS for the respondents Mrs. Sreepriya Kalarickal 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**.

Learned counsel for both the parties argued afresh and concluded.

Written Submissions filed by the learned counsel for the Petitioner is on record. Learned counsel for the Respondents may file written submissions in brief (4-5 pages) within 7 days positively.

Reserved for Orders.

7 IA(C/ACT)/23/KOB/2021 IN CP/24/KOB/2021

Learned PCS for the applicants Smt Sreepriya Kalarikkal as well as learned counsel for the respondents/petitioners Shri Shameem Ahmed 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**.

Learned counsel for both the parties argued afresh and concluded.

Reserved for Orders.

7 IA(C/ACT)/24/KOB/2021 IN CP/24/KOB/2021

Learned counsel for the applicant/petitioner Shri Shameem Ahmed as well as learned PCS for the respondents/respondents Smt Sreepriya Kalarikkal 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**.

Learned counsel for both the parties argued afresh and concluded.

Reserved for Orders.

7 **IA(C/ACT)/25/KOB/2021 IN CP/24/KOB/2021**

Learned counsel for the applicant/petitioner Shri Shameem Ahmed as well as learned PCS for the respondents/respondents Smt Sreepriya Kalarikkal 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**.

Learned counsel for both the parties argued afresh and concluded.

Reserved for Orders.

8 **IBA/27/KOB/2020**

Learned counsel for the Operational Creditor Shri Rony Jose as well as learned counsel for the CD Smt Liza Meghan appeared through VC.

Heard both sides.

Reserved for orders.

Learned counsel for both the parties may file written submissions in brief (limiting 3-4 pages) within 7 days.

9 **IA(IBC)/182/KOB/2021 IN IBA/41/KOB/2020**

This IA has been filed by the IRP under Section 19 of the IBC, 2016 against the suspended Directors seeking direction for their co-operation in the CIR Process.

Learned IRP Shri Jasin Jose appeared in person through VC. Adv Shri Girishkumar appeared for the suspended Director (R2), however, he has not filed vakalth in this matter.

Vide Order dated 01.12.2021, the respondents were directed to file Reply Statement on or before 12.12.2021. But no reply statement has been filed till date. The respondents are given the last and final chance to file the reply statement on or before 22.12.2021, failing which, their right to file reply shall stand forfeited.

At the request of the IRP, the matter is adjourned to 03.01.2022.

9 IA(IBC)/191/KOB/2021 IN IBA/41/KOB/2020

This IA has been filed under Section 22(3)(a) of the IBC, 2016 by the IRP with the prayer to appoint the IRP as Resolution Professional in the CIR Process in IBA/41/KOB/2020.

Learned IRP Shri Jasin Jose appeared through VC.

At the request of the IRP, the matter is adjourned to 03.01.2022.

10 CP/74/KOB/2019

Learned counsel for the petitioner Shri Philip Mathew appeared through VC. Learned counsel for R1 Anil D. Nair, learned counsel for R2 Shri Thomas John Ambooken and learned counsel for R4 Shri Ameerul Millath appeared through VC. None appeared for R3. Shri Ramesh, AROC appeared for R5..

Pleadings are complete.

At the request of the learned counsel for R2, the case is adjourned to 19.01.2022 for hearing.

Those counsel who have not yet submitted their written submissions may submit the same within 7 days.

10 IA/26/KOB/2019 IN CP/74/KOB/2019

Learned counsel for the petitioner Shri Philip Mathew appeared through VC. Learned counsel for R1 Anil D. Nair, learned counsel for R2 Shri Thomas John Ambooken and learned counsel for R3 Shri Ameerul Millath appeared through VC. None appeared for R4. AROC appeared for R5.

At the request of the learned counsel for R2, the case is adjourned to 19.01.2022 for hearing.

10 IA/47/KOB/2020 IN CP/74/KOB/2019

Learned counsel for the applicant Shri Thomas John Ambooken appeared through VC. Learned counsel for the R2 Shri Philip Mathew, learned counsel for R1 Shri Anil D.Nair and learned counsel for R3 Shri Ameerul Millath appeared through VC. None appeared for R4. AROC appeared for R5.

At the request of the learned counsel for the applicant, the case is adjourned to 19.01.2022 for hearing.

11 CP/42/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

11 IA/209/KOB/2020 IN CP/42/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

12 CP/50/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

13 CP/51/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

13 CA/6/KOB/2021 IN CP/51/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

13 CA/26/KOB/2021 IN CP/51/KOB/2020

Due to paucity of time, the case is adjourned to 18.01.2022.

14 CP/25/KOB/2021

Due to paucity of time, the case is adjourned to 17.01.2022.

14 RA/1/KOB/2021 IN CP/25/KOB/2021

This Application has been filed under Section 420(2) of the Companies Act, 2013 by the applicant/petitioner seeking the relief to review the Order dated 11.11.2021 in CA/94/KOB/2021 in CP/25/KOB/2021 and allow the prayer as prayed for in the said CA.

Due to paucity of time, the case is adjourned to 17.01.2022.

15 **CP/26/KOB/2021**

Due to paucity of time, the case is adjourned to 17.01.2022 for hearing.

15 **RA/2/KOB/2021 IN CP/26/KOB/2021**

This Application has been filed under Section 420(2) of the Companies Act, 2013 by the applicant/petitioner seeking the relief to review the Order dated 11.11.2021 in CA/93/KOB/2021 in CP/26/KOB/2021 and allow the prayer as prayed for in the said CA.

Due to paucity of time, the case is adjourned to 17.01.2022.

16 **CA/21/KOB/2021**

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 seeking restoration of the name of the Company M/s. Connect Warehousing Pvt Ltd on the Register of Companies, Ernakulam.

Report of the ROC is on record.

Heard the earned counsel for the Appellant.

Reserved for Orders.