

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 15th FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IB)/35/KOB/2021

Learned RP Smt Celine P. Thomas appeared in person through VC.

Adv Shri Vinayak appeared through VC stating that he represents the Respondent/Personal Guarantor and vakkalath will be filed during the course of the day. His submission is recorded.

The RP is directed to file the proof of service (A/d Card of Postal Track Report) with an affidavit within 7 days from today.

Vide Order dated 20.12.2021 the Respondent/Personal Guarantor was directed to submit his Reply Statement on or before 04.01.2022, but no reply has been filed till date.

The Respondent/Personal Guarantor is given the last and final opportunity to file the Reply Statement on or before 22.02.2022, failing which it will be presumed that he is no more interested to file any reply statement in this case.

List on 23.02.2022 for hearing.

2 CP(IB)/36/KOB/2021

Learned RP Smt Celine P. Thomas appeared in person through VC.

Adv Shri Vinayak appeared through VC stating that the Respondent/Personal Guarantor has entrusted the vakkalath to Adv Shri K. Soji. But he neither appeared nor filed the vakkalath.

The RP is directed to file the proof of service (A/d Card of Postal Track Report) with an affidavit within 7 days from today.

Vide Order dated 20.12.2021 the Respondent/Personal Guarantor was directed to submit his Reply Statement on or before 04.01.2022 but no reply has been filed till date.

The Respondent/Personal Guarantor is given the last and final opportunity to file the Reply Statement on or before 22.02.2022, failing which it will be presumed that he is no more interested to file any reply statement in this case.

List on 23.02.2022 for hearing.

3 CP(IB)/46/KOB/2021

This Petition has been filed under Section 8 and 9 of the IBC, 2016 by the Operational Creditor D.J. Laboratories Pvt Ltd for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor - Kerala Medical Services Corporation Ltd.

Learned counsel for the Operational Creditor Shri Pranav Jain as well as learned counsel for the Corporate Debtor Shri M.Ajay appeared through VC.

Shri Pranav Jain sought an adjournment to enable his senior to argue the matter and also to file rejoinder in this case. At his request the case is adjourned to 17.02.2022 for hearing. He may file the rejoinder, if any, before the above date.

List on 17.02.2022 for hearing.

4 REVW.APPLN/1/KOB/2022

This Review Application has been filed under Section 420(2) of the Companies Act, 2013 read with Rule 154 of the NCLT Rules, 2016 by the Petitioner with the prayer to modify the Order dated 21.12.2021 in TCP/26/KOB/2019.

Learned counsel for the Review Applicant Shri Aditya Venugopal as well as learned counsel for the Respondents Smt Manjulla Devi appeared through VC.

Shri Aditya Venugopal sought an adjournment stating that his senior is engaged in another case in the Hon'ble High Court of Kerala.

It appears from records that vide Order dated 25.01.2022 at the request of Shri Aswin Gopakumar seeking an adjournment to submit an order from the Hon'ble High

Court of Kerala, the case was adjourned. Thereafter the learned counsel for the applicant filed a memo attaching the Order of the High Court of Kerala, wherein the High Court declined to entertain the Writ Petition filed under Article 226 and observed that if the petitioner files appropriate interim application/urgent memo before this Tribunal, the Tribunal will indeed consider the application for interim relief taking into consideration of the entire facts and circumstances of the case.

Smt. Manjulla submitted that this Review Application is not at all maintainable under Section 420 of the Companies Act in view of the fact that TCP/26/KOB/2019 was dismissed on merits.

Heard both sides and perused the whole case records.

Orders Reserved.

Learned counsel for the parties may submit their written submissions in brief within 7 days from today.

5 CP/21/KOB/2020

Learned counsel for the petitioners Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R2, R7, R9 & R10 Shri Sidharth Menon, learned counsel for R17, R21 & R23 Shri Mohan Pulickkal and learned counsel for R8 & R16 Shri Saji Varghese appeared through VC. None appeared for other respondents.

Vide Order dated 21.12.2021 in CA/36/KOB/2021 in CP/21/KOB/2020 Shri Ravish Kumar K, Chartered Accountant was appointed as an Inspector to identify the usage of assets and to list out the assets of Respondent No.1 installed at Jatayupara Project and report the variation of the same with the list of assets reflecting in the latest Audited Financial Statements, and directed him to submit the report within one month from the date of receipt of the Order.

Registry reported that the report of the Chartered Accountant has not yet been received.

Shri Ravish Kumar K is directed to submit his report within two weeks from today, failing which law will take its own course.

List on 07.03.2022 for hearing.

Registry is directed to issue copy of this Order to Shri Ravish Kumar K through email immediately.

5 CA/10/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri Sidharth Menon appeared through VC. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R10 and R16 Shri Saji Varghese and learned counsel for R17 & R21 Shri Mohan Pulickkal appeared through VC. None appeared for other respondents.

This CA will be heard at the time of hearing of the main case.

List on 07.03.2022 for hearing.

5 COMP.APPL/85/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Contempt Petitioners Shri Bijoy P. Pulipra as well as learned counsel for R1 to R5 Shri Sidharth Menon appeared through VC.

This CA will be heard at the time of hearing of the main case.

List on 07.03.2022 for hearing.

5 COMP.APPL/89/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri Mohan Pulickkal appeared through VC. Learned counsel for R1-R8 Bijoy P. Pulipra and learned counsel for R10 to R15, R17, R18 Shri Sidharth Menon and learned counsel for R16 & R24 Shri Saji Varghese appeared through VC. None appeared for other respondents.

This CA will be heard at the time of hearing of the main case.

List on 07.03.2022 for hearing.

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

Learned counsel for the Applicants Shri Sidharth Menon appeared through VC. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R10 and R16 Shri Saji Varghese and learned counsel for R17, R21 & R23 Shri Mohan Pulickkal appeared through VC. None appeared for other respondents.

This CA will be heard at the time of hearing of the main case.

List on 07.03.2022 for hearing.

5 IA(C/ACT)/11/KOB/2022

This IA has been filed under Section 148 of the Code of Civil Procedure read with Rule 153 of the NCLT Rules, 2016 by the applicants / R14 & R15 with the prayer to enlarge the time granted by this Tribunal for a further period of 113 days from 21.10.2021 to file the counter/reply statement in the CP.

None appeared for the applicants.

List on 07.03.2022 for hearing.

5 COMP.APPLN/3/KOB/2022

This CA has been file under Section 5 of the Limitation Act read with Rule 153 of NCLT Rules, 2016 by the Applicants/R1 to R5 with the prayer to condone the delay of 14 days in filing reply statement in CA/85/KOB/2021.

Learned counsel for the applicants Shri Sidharth A Menon as well as learned counsel for the respondents Shri Bijoy P. Pulipra appeared through VC.

This CA will be heard at the time of hearing of the main case.

List on 07.03.2022 for hearing.