

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 15th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IB)/21/KOB/2022

This Petition has been filed under Section 9 of the IBC< 2016 by the Operational Creditor – Flexi Plast Industries against the Corporate Debtor – KKR Products and Marketing Private Limited for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor.

Shri Jack Thalakkottur, learned counsel for the Operational Creditor appeared through VC.

Heard and perused the whole case records.

Orders Reserved.

2 IA(IBC)/54/KOB/2022

This IA has been filed under Regulation 44(2) of (IBBI Liquidation Process) by the Liquidator seeking extension of the period of liquidation by 8 months from 01.11.2021 to 30.06.2022.

Shri Ashok Velamur Seshadri, learned liquidator appeared through VC along with his counsel Shri Vinod P.V.

On verification of the IA, it is noticed that adequate reasons have not been given in the application for extension of the liquidation period with retrospective effect, as the order in fraudulent transactions has been passed about one year back. During the course of the hearing, learned counsel for the liquidator submitted that he wants to withdraw this IA with liberty to file another IA with adequate reasons.

Accordingly, IA(IBC)/54/KOB/2022 stands dismissed as withdrawn.

3 REPORT/56/KOB/2022

This Report has been filed by the Interim Resolution Professional in the matter of CIR Process of Nucleus Premium Properties Private Limited.

Shri Dileep K.P, learned IRP appeared through VC.

Perused the report. Report is taken on record. Registry is directed to place the report in CP(IB)/01/KOB/2021.

4 MA(IBC)/2/KOB/2022

This MA has been filed under Rule 49(2) of NCLT Rules, 2016 by the Applicant/Respondent - Bindya Saleesh seeking the following reliefs:

- (i) Pass appropriate orders under Rule 49(2) of the NCLT Rules, 2016 to set aside the Impugned Order dated 14.02.2022;
- (ii) Pass appropriate orders to issue notice to the Applicant herein as a Respondent in CP(IBC)/18/KOB/2022;
- (iii) Such other reliefs as this Tribunal may deem fit.

None appeared for the applicant.

The aforesaid CP(IBC) was filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Insolvency Resolution Process against Bindy Saleesh, who is a Personal Guarantor to the Corporate Debtor, Propyl Packaging Ltd. Vide Order dated 14.02.2022 the above CP(IBC) has been Reserved for Orders.

Since the CP(IBC) is in the pre-admission stage, the present MA filed by the Personal Guarantor is premature as per the relevant provisions of the Code.

Therefore, MA(IBC)/2/KOB/2022 stands dismissed as premature.

5 MA(IBC)/3/KOB/2022

This MA has been filed under Rule 49(2) of NCLT Rules, 2016 by the Applicant/Respondent – Rajesh K.S. seeking the following reliefs:

- (i) Pass appropriate orders under Rule 49(2) of the NCLT Rules, 2016 to set aside the Impugned Order dated 14.02.2022;
- (ii) Pass appropriate orders to issue notice to the Applicant herein as a Respondent in CP(IBC)/15/KOB/2022;
- (iii) Such other reliefs as this Tribunal may deem fit.

None appeared for the applicant.

The aforesaid CP(IBC) was filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Insolvency Resolution Process against Shri Rajesh K.S., who is a Personal Guarantor to the Corporate Debtor, Propyl Packaging Ltd. Vide Order dated 14.02.2022 the above CP(IBC) has been Reserved for Orders.

Since the CP(IBC) is in the pre-admission stage, the present MA filed by the Personal Guarantor is premature as per the relevant provisions of the Code.

Therefore, MA(IBC)/2/KOB/2022 stands dismissed as premature.

6 MA(IBC)/4/KOB/2022

This MA has been filed under Rule 49(2) of NCLT Rules, 2016 by the Applicant/Respondent – Satheesh Babu seeking the following reliefs:

- (i) Pass appropriate orders under Rule 49(2) of the NCLT Rules, 2016 to set aside the Impugned Order dated 14.02.2022;
- (ii) Pass appropriate orders to issue notice to the Applicant herein as a Respondent in CP(IBC)/16/KOB/2022;
- (iii) Such other reliefs as this Tribunal may deem fit.

None appeared for the applicant.

The aforesaid CP(IBC) was filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Insolvency Resolution Process against Shri Satheesh Babu, who is a Personal Guarantor to the Corporate Debtor, Propyl Packaging Ltd. Vide Order dated 14.02.2022 the above CP(IBC) has been Reserved for Orders.

Since the CP(IBC) is in the pre-admission stage, the present MA filed by the Personal Guarantor is premature as per the relevant provisions of the Code.

Therefore, MA(IBC)/2/KOB/2022 stands dismissed as premature

7 MA(IBC)/5/KOB/2022

This MA has been filed under Rule 49(2) of NCLT Rules, 2016 by the Applicant/Respondent – Saleesh K. Satheesh seeking the following reliefs:

- (i) Pass appropriate orders under Rule 49(2) of the NCLT Rules, 2016 to set aside the Impugned Order dated 14.02.2022;

- (ii) Pass appropriate orders to issue notice to the Applicant herein as a Respondent in CP(IBC)/17/KOB/2022;
- (iii) Such other reliefs as this Tribunal may deem fit.

None appeared for the applicant.

The aforesaid CP(IBC) was filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Insolvency Resolution Process against Saleesh K, who is a Personal Guarantor to the Corporate Debtor, Propyl Packaging Ltd. Vide Order dated 14.02.2022 the above CP(IBC) has been Reserved for Orders.

Since the CP(IBC) is in the pre-admission stage, the present MA filed by the Personal Guarantor is premature as per the relevant provisions of the Code.

Therefore, MA(IBC)/2/KOB/2022 stands dismissed as premature.

8 MA(IBC)/6/KOB/2022

This MA has been filed under Rule 49(2) of NCLT Rules, 2016 by the Applicant/Respondent – Sindhu Rajesh seeking the following reliefs:

- (i) Pass appropriate orders under Rule 49(2) of the NCLT Rules, 2016 to set aside the Impugned Order dated 14.02.2022;
- (ii) Pass appropriate orders to issue notice to the Applicant herein as a Respondent in CP(IBC)/19/KOB/2022;
- (iii) Such other reliefs as this Tribunal may deem fit.

None appeared for the applicant.

The aforesaid CP(IBC) was filed under Section 95(1) of the IBC, 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 by the Financial Creditor State Bank of India with the prayer to initiate Insolvency Resolution Process against Sindhu Rajesh, who is a Personal Guarantor to the Corporate Debtor, Propyl Packaging Ltd. Vide Order dated 14.02.2022 the above CP(IBC) has been Reserved for Orders.

Since the CP(IBC) is in the pre-admission stage, the present MA filed by the Personal Guarantor is premature as per the relevant provisions of the Code.

Therefore, MA(IBC)/2/KOB/2022 stands dismissed as premature.

9 IA(IBC)/128/KOB/2021 IN MA/05/KOB/2020 IN TIBA/1/KOB/2019

Learned liquidator Shri Shawn Jeff Christopher appeared in person through VC.

This IA has been filed by the liquidator under Section 54(2) & 60(5) of IBC 2016 read with Regulation 44 of IBBI (Liquidation Process) Regulations 2016 and Rule 11 of NCLT Rules seeking the order of dissolution of the Corporate Debtor M/s. Achariya Techno Solutions (India) Pvt Ltd.

This IA will be heard along with the related IA.

Due to network glitches, the case is adjourned to 29.03.2022.

9

IA(IBC)/41/KOB/2022

This IA has been filed under Sections 35(1)(n) & 60(5) of IBC, 2016 by the Liquidator for impleading the following officials as party respondents:

1. Sub Registrar, SRO, Mavelikkara.
2. Village Administrative Officer, Thekkekkara, Mavelikkara.

Learned Liquidator Shri Shawn Jeff Christopher appeared through VC. SRO, Mavelikkara also appeared through VC but due to net work glitches he could not make the submissions. He has agreed to file the reply statement on or before 26.3.2022. This submission is recorded. None appeared for R2 even though notice was served. R2 is also given another opportunity to file the reply within one week. .

List the matter on 29.03.2022 for hearing.

10 CP(IB)/44/KOB/2021

Shri Anil D Nair, learned counsel for FC and Shri Joseph Kodianthara, learned senior counsel for the CD appeared through VC.

Senior counsel Shri Joseph Kodianthara submitted that he wants to file the Audited Balance Sheet of the CD as on 31.03.2021. He may do so within 7 days positively, failing which, the CP(IB) will be heard with the available records.

At the request of the CD, the case is adjourned to 05.04.2022 for hearing.

10 IA(IBC)/50/KOB/2022

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Corporate Debtor with the prayer to accept additional documents (Annexures R9, R10 and R11) produced along with this IA.

Shri Anil D Nair, learned counsel for FC and Shri Joseph Kodianthara, learned senior counsel for the CD appeared through VC.

The learned counsel for the respondent(applicant in CP) stated that the additional documents are pre-audited and also not having any signature. Hence the same may not be taken on record. We have verified the documents and found that the submission of the learned counsel can be accepted.

Therefore, IA(IBC)/50/KOB/2022 stands dismissed.

11 CP/12/KOB/2020

Learned counsel for the Petitioners Shri Jagan Abraham as well as learned counsel for R1 to R4 Shri Sharad Kodianthara appeared through VC.

Shri Sharad Kodianthara sought an adjournment to enable his senior to argue the case. There are some network glitches with the system of Shri Jagan Abraham.

Therefore, the case is adjourned to 28.03.2022.

Both the parties may submit their written submissions in brief (limiting 3-4 pages) at least 3 days before the date fixed.

12 CA/55/KOB/2020

Smt Kesiya Biju, learned counsel for the Appellant as well as Smt. Jinnu Sara George, learned counsel for R1 & R2 appeared through VC.

Smt. Kesiya sought an adjournment stating that her senior is having some personal inconvenience to appear before this Tribunal today due to a bereavement in the family.

At her request, the case is adjourned to 28.03.2022 for hearing.

12 IA(C/ACT)/3/KOB/2022 in CA/55/KOB/2020

This IA has been filed under Rule 11 of the NCLT Rules, 2016 with the prayer to permit the applicant (respondent in the CA) to produce the additional documents and accept such those documents marked from Additional Annexures B5 – B10.

Smt Kesiya Biju, learned counsel for the Appellant as well as Smt. Jinnu Sara George, learned counsel for R1 & R2 appeared through VC.

Smt. Kesiya sought an adjournment stating that her senior is having some personal inconvenience to appear before this Tribunal today.

At her request, the case is adjourned to 28.03.2022 for hearing.

12 IA(C/ACT)/22/KOB/2022

This IA has been filed by the applicant/petitioner with the prayer to take the documents annexed along with this IA on the records of Tribunal as additional documents in CA/55/KOB/2020.

The respondents are directed to file reply, if any, in this IA within two weeks from today.

List on 18.04.2022 for admission.

13 CP/31/KOB/2021

Shri Dinesh R Shenoy, learned counsel for petitioner as well as Shri VV Sidharthan, learned counsel for Respondents 1 to 3 appeared through VC.

At the request of both the parties, the case is adjourned to 08.04.2022 for hearing.

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

Shri Dinesh R Shenoy, learned counsel for applicant as well as Shri VV Sidharthan, learned counsel for Respondents 1 to 3 appeared through VC.

At the request of both the parties, the case is adjourned to 08.04.2022 for hearing.

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

This IA has been filed under Rule 155, Rule 17(1) (b) and Rule 32 of the NCLT Rules, 2016 by the Applicant/Petitioner with the prayer to allow the Petitioner to amend the Company Petition CP/31/KOB/2021.

Shri Dinesh R Shenoy, learned counsel for applicant as well as Shri VV Sidharthan, learned counsel for Respondents 1 to 3 appeared through VC.

At the request of both the parties, the case is adjourned to 08.04.2022 for hearing.

14 CP/34/KOB/2021

Adv Shri John Vadassery appeared through VC stating that Shri Arun Kamalobhavan learned counsel for the Petitioner is out of station and hence unable to attend today's hearing. Learned counsel for R1 to R3 Shri Harikrishnan Nair appeared through VC. None appeared for ROC(R5).

Proof of service to R4 has not yet been produced.

Adjourned to 29.03.2022 for hearing.

14 IA(C/ACT)/59/KOB/2021 IN CP/34/KOB/2021

This IA has been filed by the Applicants (R1 to R3 in the CP) seeking certain directions to the Respondents (Petitioner No.1 and R4 & R5 in the CP).

Shri Harikrishnan Nair, learned counsel for the Applicants appeared through VC. Adv Shri John Vadassery appeared through VC stating that Shri Arun Kamalobhavan learned counsel for R1 is out of station and hence unable to attend today's hearing.

Vide order dated 21.01.2022, R1 was directed to file reply, if any, to this IA on or before 15.03.2022. But no reply has been filed till date. Therefore, it is presumed that R1 is not interested to file any reply in this IA and hence **his right to file the reply statement stands forfeited.**

List on 29.03.2022 for hearing.

15 CP/3/KOB/2022

This Petition has been filed under Section 59 of the Companies Act, 2013 by the Petitioners – Bawa Khan Kamal and another against the Respondents – Perumbavoor General Marketing Federation Pvt Ltd and others seeking 6 main reliefs along with 4 interim reliefs.

Shri P.Thomas Geevarghese, learned counsel for the Petitioners, Shri John Vadassery, learned counsel for R1 to R4, Shri Ameer, learned counsel for R5 to R26 and Shri Suresh Kumar, learned counsel for R28 appeared through VC. None appeared for R27(ROC). It appears from records that notice was duly served to R29 on 05.03.2022.

Learned counsel for R1 to R26 submitted that the Petition is not at all maintainable. R1 has filed some documents in a sealed cover. The preliminary objection filed by R1 is also on record.

All respondents are directed to file the counter in the CP within 2 weeks, failing which, it will be presumed that the respondents are not interested to file the counter and the matter will be heard with the available records.

List on 05.04.2022 for hearing.

15 CAVEAT/4/KOB/2022

This Caveat has been filed under Rule 25 of the NCLT Rules, 2016 by Perumbavoor General Marketing Federation Private Limited seeking that no orders be passed in any petition or application of IA that may be preferred by the expected petitioner/applicant without service of notice on the caveator.

Since the learned counsel for the Caveator Shri John Vadassery has been heard and directed him to file the counter in the CP, this CAVEAT/4/KOB/2022 has become infructuous and hence dismissed.

15 IA(C/ACT)/25/KOB/2022 IN CP/3/KOB/2022

This IA has been filed by under Rule 32 of the NCLT Rules, 2016 by R1 with the prayer to urgently hear the preliminary objections / preliminary reply on the petition as to the maintainability of CP/3/KOB/2022.

List this IA along with the main CP on 05.04.2022.

16 COMPANY APPEAL/2/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant KERALAINFOONLINE COM PRIVATE LIMITED with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC. Report filed by ROC is on record.

Heard and perused the whole case records.

Reserved for Orders.

17 COMPANY APPEAL/3/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant Attingal Properties PRIVATE LIMITED with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC. Report filed by ROC is on record.

Heard and perused the whole case records.

Reserved for Orders.

18 COMPANY APPEAL/4/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant Keralal Medicity Medical Services Pvt Ltd with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC. Report filed by ROC is on record.

Heard and perused the whole case records.

Reserved for Orders.

19 COMPANY APPEAL/5/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant – Southwest Properties Pvt Ltd with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC.

Report filed by ROC is on record.

Heard and perused the whole case records.

Reserved for Orders.

20 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 and R11 Shri Philip Mathew, learned counsel for R2, R4, R5 & R9 Shri Jomy George and learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese appeared through VC. None appeared for R14 even on second call.

Heard both sides for some time. To conclude the arguments of Shri Philip Mathew and the rejoinder arguments of Shri Sukumar Oommen, the matter is adjourned.

List on 16.03.2022 for the final hearing as Part Heard.

20 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

List on 16.03.2022 for hearing.

20 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

List on 16.03.2022 for the hearing.

20 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

List on 16.03.2022 for the hearing.

20 IA/128/KOB/2020 N CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

List on 16.03.2022 for the hearing.

20 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

List on 16.03.2022 for the hearing.