

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 15th Dec 2021

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

1 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen and Shri Sherry Samuel Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R2, R4, R5 and R9 Shri Jomy George also appeared through VC. Adv Tony Thomas represented the learned counsel for R3, R6, R7 & R8, R10 and R14 Shri Thomas Geeverghese. **R13 has already been set ex-parte.**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen argued and concluded.

List on 16.12.2021 for arguments of the learned counsel for the respondents. (Part Heard) – High on Board.

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

Learned counsel for both sides appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 16.12.2021– High on Board.

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

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 16.12.2021– High on Board.

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

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 16.12.2021– High on Board.

1 IA/128/KOB/2020 IN CP/16/KOB/2020

Learned counsel for both the parties appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP.

List on 16.12.2021– High on Board.

1 Contempt Petition/06/KOB/2020 in CP/16/KOB/2020

Learned counsel for the Contempt Petitioner Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Shri Philip Mathew suggested that this contempt petition may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.12.2021– High on Board.

2 CP(IBC)/24/KOB/2021

Learned senior counsel for the Operational Creditor Shri. Ratnanko Banerji as well as learned Sr counsel for the Corporate Debtor Shri E.K.Nandakumar appeared through VC.

Heard the learned counsel for the operational creditor partly.

List on 20.12.2021 as PART HEARD (high on board) for further arguments of the Operational Creditor and arguments of the respondent.

3 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Petitioners Smt Pushpitha appeared through VC. Adv Liza Meghan appeared for the respondents through VC.

Since the IA(C/ACT)/58/KOB/2021 filed by the Petitioners to implead the legal representative of the deceased R7 as R7.1 in this TCP has been allowed, **list this case on 05.01.2022 for hearing.** Adv.Liza Meghan stated that she is appearing for

the newly impleaded respondent 7.1 also and that she will be filing vakalath for him during the course of the day.

Newly impleaded respondents is granted seven days' time to file his reply statement.

3 IA(C/ACT)/58/KOB/2021 IN TCP/52/KOB/2019 (CP/7/2017)

This IA has been filed under Rule 53 read with Rule 11 of the NCLT Rules, 2016 by the applicants/petitioners with the prayer to implead the legal representative of the deceased 7th Respondent as Respondent No.7.1 in the Company Petition.

Learned counsel for the applicants Smt Pushpitha appeared through VC. Adv Liza Meghan, who appeared for the respondents stated that she has no objection in allowing this IA. Her submission is recorded and accordingly the legal representative of the deceased R7 is hereby impleaded as R7.1 in the CP. Registry to carry out necessary impleadment in the CP.

IA(C/ACT)/58/KOB/2021 IN TCP/52/KOB/2019 (CP/7/2017) stands allowed.

4 IA(IBC)/125/KOB/2021 IN IBA/35/KOB/2020

Learned counsel for the IRP Smt. J. Parimala appeared through VC. Learned counsel for the Operational Creditor Shri Vikram Kalra also appeared through VC.

Both the parties stated that the Hon'ble NCLAT set aside the orders of this Tribunal dated 26.2.2021 admitting the IBA/35/KOB/2020 and directed the CD to pay the fees of the IRP for the period he had discharged his duties.

We have heard the learned counsel appearing for the IRP as also the learned counsel for the operational creditor. **IA(IBC)/125/KOB/2021 IN IBA/35/KOB/2020 stands disposed of vide separate Order.**

In view of the setting aside of the order of this Tribunal directing this Tribunal to close the proceedings fixing the fee of the Interim Resolution Professional, which the CD was directed to pay, the IBA/35/KOB/2020 stands closed vide separate sheets, with the liberty granted to the Operational Creditor by the Hon'ble NCLAT.

5 CP(IBC)/23/KOB/2021

Learned counsel for the Operational Creditor Shri Manav Thomas as well as learned counsel for the Corporate Debtor Shri Shameem Ahamed appeared through VC.

Heard arguments of both sides.

Reserved for Orders.

The learned counsel for the parties may submit written submissions in brief (limiting 3-4 pages) on or before 21.12.2021.

6 TCP/40/KOB/2019

Learned counsel for the Petitioner Shri Philip Mathew appeared through VC. Learned counsel for R3 Shri Sankar Panicker and AROC Shri Ramesh also appeared through VC.

Shri Philip Mathew submitted that the matter related to this case is pending before the Hon'ble High Court of Kerala, however, he prayed to dispose of this taking into consideration of the report of ROC, which is on record.

Heard both sides.

TCP/40/KOB/2019 is disposed of vide separate sheets.

7 TCP/50/KOB/2019

Learned counsel for the Petitioner Shri Sohail Mohammed appeared through VC. None appeared for R1 & R2.

Pleadings are complete.

It appears from records that in the last posting on 24.11.2021 also none appeared for R1 & R2.

List on 06.01.2022 for hearing. If no representation for R1 & R2 during the next posting date, the case would be heard and decided in accordance with the available records.

8 TCP/116/KOB/19

None appeared for the Petitioner. Learned counsel for R2 Shri Sohail Mohammed appeared through VC.

It appears from records that during the last posting on 24.11.2021 also none appeared for the Petitioner.

List on 06.01.2022 for hearing. If no representation for the Petitioner during the next posting date, the case would be dismissed for non-prosecution.

9 CP/05/KOB/2020

At the request of the learned counsel for both the parties, the case is adjourned to 19.01.2022.

9 IA/163/KOB/2020 in CP/05/KOB/2020

At the request of the learned counsel for both the parties, the case is adjourned to 19.01.2022.

9 CA/22/KOB/2021 in CP/05/KOB/2020

At the request of the learned counsel for both the parties, the case is adjourned to 19.01.2022.

10 CP/17/KOB/2020

Learned counsel for the Petitioners Shri Philip Mathew appeared through VC. Learned counsel for R1 & R2 Shri Harikumar G. Nair, learned counsel for R4 Shri Shinu J. Pillai, learned counsel for R6 Shri Abhilash Nediyaalil Abraham and learned GP for R8 Shri Arun Chandy also appeared through VC. None appeared for other respondents.

Shri Philip Mathew submitted that the Writ Petition filed by the respondents and Writ Appeal filed by the petitioner is pending before the Hon'ble High Court of Kerala, but, there is no stay order.

The Learned counsel for R1 & R2 is directed to file the Copy of the Judgement of the Hon'ble High Court of Kerala in WP(C) No.13114/2020 within two weeks with an affidavit.

Respondents who have not yet filed their Reply Statement are also directed to file their Reply Statement against this CP within two weeks.

List on 25.02.2022.

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

11 COMPANY APPEAL/19/KOB/2021

This is an appeal filed under Section 59 of Companies Act, 2013 read with Rule 70 of NCLT Rules, 2016 by Shri K.K.Chandran and another against Prime Habitats Pvt Ltd and 2 others for rectification of Register of Members of the R1 Company.

Learned counsel for the Appellants Shri Raj Carolin V appeared through VC. Learned counsel for R1 to R3 Shri AM Sridharan appeared through VC and sought some more time to file the Reply Statement. R1 to R3 are given the **last and final opportunity** to file the Reply Statement within two weeks, failing which, their right to file the reply statement will stand forfeited.

List on 06.01.2022.

