

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 16th FEB 2022

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

**Shri Ashok Kumar Borah
Hon'ble Member (Judicial)**

1 CP(IBC)/13/KOB/2021

Learned counsel for the Petitioner/Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Personal Guarantor Shri Harikumar G Nair appeared through VC.

Today this case is listed for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Harikumar G Nair submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today. According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

Accordingly, Shri Harikumar G. Nair prayed to defer the pronouncement of Orders in this case by two days.

Though the Bench observed that the affidavit submitted by Shri Harikumar G. Nair is not sworn as per the required norms, considering his prayer and in the interest of justice, the pronouncement of Orders scheduled today is deferred. Learned counsel for the Personal Guarantor is directed to file the certified copy of the Judgement of the Hon'ble High Court of Kerala on or before 18.02.2022.

List on 21.02.2022 for pronouncement of Orders.

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

2 CP(IBC)/15/KOB/2021

Today this case is listed for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Harikumar G Nair submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today.

According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

Accordingly, Shri Harikumar G. Nair prayed to defer the pronouncement of Orders in this case by two days.

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List on 21.02.2022 for pronouncement of Orders.

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

3 CP(IBC)/16/KOB/2021

Today this case is listed for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Harikumar G Nair submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today. According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

Accordingly, Shri Harikumar G. Nair prayed to defer the pronouncement of Orders in this case by two days.

Though the Bench observed that the affidavit submitted by Shri Harikumar G. Nair is not sworn as per the required norms, considering his prayer and in the interest of justice, the pronouncement of Orders scheduled today is deferred. Learned counsel for the Personal Guarantor is directed to file the certified copy of the Judgement of the Hon'ble High Court of Kerala on or before 18.02.2022.

List on 21.02.2022 for pronouncement of Orders.

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

4 CP(IBC)/17/KOB/2021

Today this case is listed for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Harikumar G Nair submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today. According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

Accordingly, Shri Harikumar G. Nair prayed to defer the pronouncement of Orders in this case by two days.

Though the Bench observed that the affidavit submitted by Shri Harikumar G. Nair is not sworn as per the required norms, considering his prayer and in the interest of justice, the pronouncement of Orders scheduled today is deferred. Learned counsel for the Personal Guarantor is directed to file the certified copy of the Judgement of the Hon'ble High Court of Kerala on or before 18.02.2022.

List on 21.02.2022 for pronouncement of Orders.

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

5 CP(IBC)/18/KOB/2021

Today this case is listed for pronouncement of Orders. However, Shri Harikumar G Nair, the learned counsel for the Personal Guarantors in related cases submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today. According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

In view of the above, the pronouncement of Orders scheduled today is deferred.

List on 21.02.2022 for pronouncement of Orders.

6 CP(IBC)/19/KOB/2021

Today this case is listed for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Harikumar G Nair submitted an affidavit stating that the Hon'ble High Court of Kerala today dismissed the Writ Petition filed by the Personal Guarantors Shri John Zachariah and others with liberty to the writ petitioners to approach the NCLAT within a period of 30 days from today. According to Shri Harikumar, the Hon'ble High Court was further pleased to keep in abeyance the execution of the Order dated 11.08.2021 for a period of 30 days.

Accordingly, Shri Harikumar G. Nair prayed to defer the pronouncement of Orders in this case by two days.

Though the Bench observed that the affidavit submitted by Shri Harikumar G. Nair is not sworn as per the required norms, considering his prayer and in the interest of justice, the pronouncement of Orders scheduled today is deferred. Learned counsel for the Personal Guarantor is directed to file the certified copy of the Judgement of the Hon'ble High Court of Kerala on or before 18.02.2022.

List on 21.02.2022 for pronouncement of Orders.

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

7 IA(IBC)/23/KOB/2022

Learned Interim Resolution Professional Shri P.T.Joy appeared in person through VC.

Orders pronounced. IA(IBC)/23/KOB/2022 stands disposed of vide separate Order.

8 CA(CAA)/1/KOB/2022

This CA has been filed under Section 230 to 232 of the Companies Act, 2013 by Sabari Rubber Pvt Ltd and 11 other Companies (Transferor Companies) and Standard Treads Pvt Ltd (Transferee Company) seeking direction for dispensation of meeting of shareholders, secured and unsecured creditors in the matter of merger of the Transferor Companies with the Transferee Company.

Learned counsel for the Applicants Shri Nebil Nizar appeared through VC.

The Bench observed that the following documents have not been attached with this CA:

1. Auditor's certificate pertaining to the Secured Creditors of all Applicant Companies.
2. Latest financial Statements of the Applicant Companies not less than 6 months before the date of filing of the CA.
3. Consent letters by way of an affidavit from all creditors to the extent of 90% value.

The applicants, are therefore, directed to file the above documents within 3 weeks from today.

List on 22.03.2022 for admission.

9 IA(IBC)/184/KOB/2021 IN CP(IB)/91/CB/2018

This IA has been filed under Section 35(N) and 60(5) of the IBC, 2016 by the Liquidator seeking replacement of the Liquidator.

Learned counsel for the Liquidator Smt Merin Thaliath appeared through VC.

Vide Order dated 22.12.2021 the liquidator was directed to submit a detailed report with regard to the inventory of assets and book of accounts of the Company on or before 20.01.2022.

The liquidator in his report submitted that he observed the fully burned debris inside the premises and identified a few partly damaged and fully damaged movable assets.

Smt Merin Thaliath submitted that the Suspended Directors are not co-operating with the Liquidator in this liquidation process.

The Suspended Directors are therefore directed appear in person before this Tribunal through Video Conference in the next date of hearing.

Registry is directed to issue copy of this Order to the Suspended Directors through email immediately.

List on 02.03.2022 for hearing.

10 CP(IBC)/45/KOB/2021

This Petition has been filed under Section 9(6) of the IBC, 2016 by the Operational Creditor Sulpa International for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor Savute Textiles Pvt Ltd.

Learned counsel for the OC Shri Vinod PV as well as learned counsel for the CD Shri Anant Merathia appeared through VC.

Heard both sides.

Hearing concluded and **Reserved for Orders.**

Learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) within 3 days from today.

11 TCP/38/KOB/19

Learned counsel for the Petitioners Shri Jeswin P. Varghese as well as learned senior counsel for R21 & R22 Shri Santhalingam appeared through VC.

Heard both sides and perused the whole case records.

Reserved for Orders.

Learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) within 4 days from today.

12 CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Paulose C. Abraham appeared through VC. R11, R13, R14 and R15 have already been set ex-parte. It appears from records that notice was duly served to

R12. But he neither appeared through VC nor filed any Reply Statement. Therefore, R12 is hereby set ex-parte.

Learned counsel for the Petitioner Shri P.P.Zibi Jose argued and concluded his submissions.

List on 24.02.2022 for the arguments of the learned counsel for R1-R8 as Part heard.

12 IA(C/ACT)/12/KOB/2021 in CP/08/KOB/2021

Learned PCS for the Petitioner Sri P.P.Zibi Jose as well as learned counsel for R1-R8 Shri Paulose C. Abraham appeared through VC.

This IA will be heard along with the hearing of the main CP.

List on 24.02.2022 for hearing.

12 IA(C/ACT)/57/KOB/2021 in CP/08/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Petitioner seeking the following reliefs:

1. *To direct that all the agenda items 1-12 in the proposed AGM of 2020-21 to be held on 30.12.2021 shall be decided only through e-voting.*
2. *To add as additional respondent No.16 proposed director Mr. Nilayattungal Antony Lonappan in the Company Petition CP/08/KOB/2021.*
3. *To invalidate the appointment of additional Respondent No.16 as additional director at the Board Meeting held on 03.12.2021.*
4. *To add as additional Respondent No.17 Central Depository Services Ltd in the Company Petition CP/08/KOB/2021.*
5. *To direct CDSL (subject to grant of relief as Additional Respondent No.17) and SKDC (Respondent No.15) to generate the login id and password and despatch the same only to the shareholders by speed post directly by them under the supervision of the Independent Chairman.*
6. *Any other reliefs this Tribunal deems fit considering the circumstances of the case.*

Learned PCS for the applicant Shri Zibi Jose as well as learned counsel for R1 to R8 Shri Paulose C. Abraham appeared through VC.

This IA will be heard along with the hearing of the main CP.

List on 24.02.2022 for hearing.

13 CP/11/KOB/2021

Learned counsel for the petitioners Shri Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powell appeared through VC.

R2, R3, R4 and R5 have already been set ex-parte.

Learned counsel for the Petitioners argued and concluded his submissions.

List on 21.02.2022 for the arguments of Learned counsel for R1 as Part heard.

14 CP/21/KOB/2021

Learned counsel for the Petitioner Shri Thobias Powell appeared through VC.

Report filed by ROC is on record.

Due to paucity of time, adjourned to 21.02.2022 for hearing.

14 IVNP/2/KOB/2021 IN CP/21/KOB/2021

This IVNP has been filed by the applicant under Rule 11 of the NCLT Rules, 2016 for intervention in CP/21/KOB/2021 and to implead him as an Additional Respondent in the said CP.

Learned counsel for the petitioners Shri Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powell appeared through VC.

This **IVNP** will be heard at the time of hearing of the main CP.

List on 21.02.2022 for hearing.