

NCLT – KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 16th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/78/KOB/2021

Orders pronounced. IA(IBC)/78/KOB/2021 stands allowed vide separate Order.

2 IA(IBC)/14/KOB/2022

Orders pronounced. IA(IBC)/14/KOB/2022 stands disposed of vide separate Order.

3 REVW APPLN/2/KOB/2022

Orders pronounced. REVW APPLN/2/KOB/2022 stands disposed of vide separate Order.

4 CP(CAA)/3/KOB/2021

Orders pronounced. CP(CAA)/3/KOB/2021 stands disposed of vide separate Order.

5 CP(CAA)/4/KOB/2021

Orders pronounced. CP(CAA)/4/KOB/2021 stands disposed of vide separate Order.

6 CA/59/KOB/2021

Orders pronounced. CA/59/KOB/2021 stands dismissed of vide separate Order.

7 CP/34/KOB/2020

Orders pronounced. CP/34/KOB/2020 stands disposed of vide separate Order.

8 IA(C/ACT)/26/KOB/2022 IN IA(C/ACT)/4/KOB/2022

This IA has been filed under Section 151 of the Code of Civil Procedure read with Rule 32 of the NCLT Rules, 2016 with the prayer to advance the hearing of IA(C/Act)/4/KOB/2020 in TCP/34/KOB/2019 to a near date.

Adv Shri B. Vinod, learned counsel for the applicants appeared through VC.

It appears from records that IA(C/ACT)/4/KOB/2022 is posted on 21.03.2022. On hearing the learned counsel for the applicant and on perusal of the records, we are of the considered view that the prayer of the Applicants may be allowed.

Accordingly, Registry is directed to prepone the hearing of **IA(C/Act)/4/KOB/2020 in TCP/34/KOB/2019 on 17.03.2022.**

IA(C/ACT)/26/KOB/2022 stands disposed of.

9 IA(IBC)/154/KOB/2021 IN TIBA/25/KOB/2019

This IA has been filed by the RP under Section 30(6) and 31(1) of the IBC, 2016 read with Regulation 39 of the IBBI (Insolvency Resolution Process of Corporate Person) Regulation, 2016 and Rule 11 of the NCLT Rules for approval of Resolution Plan.

Learned RP Smt Satyadevi Alamuri appeared in person along with her counsel Shri Vinod PV.

Since order in the related IA(IBC)/78/KOB/2021 IN TIBA/25/KOB/2019 has been allowed today with a direction to the suspended Directors to cooperate with the RP and had given two weeks' time, this IA is adjourned to **7.4.2022.**

10 IA(IBC)/33/KOB/2022

This IA has been filed under Section 605) and 53 read with 35(n) of the IBC, 2016 by the Liquidator with the prayer to direct the respondent – BPCL Kochi Refinery – to transfer Rs. 25,13,38,078/- deposited by way of Fixed Deposit and interest accrued thereon till date and Rs. 5,46,08,871.37 to the account of the Liquidator.

Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar. Shri Pranoy Harilal, who appeared for the respondent

through VC sought 7 days' time to file the Reply Statement in this IA. Allowed. He may file the Reply Statement **on or before 24.03.2022 and that no further time will be granted for filing reply.**

List on 28.03.2022 for hearing.

11 IA(IBC)/187/KOB/2021 IN IBA/13/KOB/2020

Shri K. Parameswaran Nair, Learned IRP appeared in person through VC along with his counsel Shri Vinod PV. Smt Jayanthi K. Shah appeared through VC for the Respondent/Operational Creditor.

Heard both sides.

Hearing concluded. Orders reserved.

The Liquidator is directed to submit the split up of the estimated CIRP cost of Rs.45,94,578/- within two days (in hard copy). Learned counsel for the OC may also submit her written submissions in brief in hard copy within 2 days.

12 CP(IBC)11/KOB/2021

Shri Vinod PV, learned RP appeared through. Shri Abhilash Nediyaalil appeared through VC stating that he represents Shri Jacob Mathew Manalil, learned counsel for the Respondent/Personal Guarantor and sought an adjournment.

Vide Order dated 22.02.2022 the Respondent/Personal Guarantor was given the last and final opportunity to file reply, if any, on or before 16.03.2022.

No reply statement has been filed, even though sufficient time was granted. Therefore, it is presumed that the Personal Guarantor is not interested to file any Reply Statement in this case.

Heard the RP.

Hearing concluded. Orders reserved.

13 CP(IBC)12/KOB/2021

Shri Vinod PV, learned RP appeared through. Shri Abhilash Nediyaalil appeared through VC stating that he represents Shri Jacob Mathew Manalil, learned counsel for the Respondent/Personal Guarantor and sought an adjournment.

Vide Order dated 22.02.2022 the Respondent/Personal Guarantor was given the last and final opportunity to file reply, if any, on or before 16.03.2022.

No reply statement has been filed, even though sufficient time was granted. Therefore, it is presumed that the Personal Guarantor is not interested to file any Reply Statement in this case.

Heard the RP.

Hearing concluded. Orders reserved.

14 CP(IB)/6/KOB/2022

This Petition has been filed under Section 7 of the IBC, 2016 read with Rule 4 of IB (AAA) Rules, 2016 by the Financial Creditor Kosamattam Finance Limited with the prayer to initiate Corporate Insolvency Resolution process against the Corporate Debtor Mangomeadows Agricultural Pleasure Land (P) Limited.

Smt Dona, learned counsel for the Financial Creditor as well as Shri Akhil Suresh, learned counsel for the Corporate Debtor appeared through VC.

Shri Akhil Suresh has filed a Memo attaching the Order of the Hon'ble High Court of Kerala dated 15.03.2022 in WP(C) No.7444 of 2022(E) in which it is stated that the Hon'ble High Court has stayed the proceedings in CP(IB)6/KOB/2022 for one month.

In view of the above, let the matter be adjourned to 20.04.2022.

14 IA(IBC)/52/KOB/2022

Smt Dona, learned counsel for the Financial Creditor as well as Shri Akhil Suresh, learned counsel for the Corporate Debtor appeared through VC.

This IA has been filed under Rule 11 of NCLT Rules, 2016 by the Corporate Debtor with the prayer to accept the Counter Affidavit by condoning 3 days delay in filing.

Delay is condoned. Registry is directed to accept the counter and place it in CP(IB)/6/KOB/2022.

IA(IBC)/52/KOB/2022 stands disposed of.

15 CP/126/KOB/2019

Shri Philip Mathew, learned counsel for the Petitioners as well as Shri PP Zibi Jose learned PCS for R1 to R3 appeared through VC.

Pleadings are complete. Shri Philip Mathew sought an adjournment to argue the matter. At his request, the case is adjourned.

List on 25.04.2022 for hearing.

16 CP/46/KOB/2021

Shri Aswin Gopakumar, learned counsel for the Petitioners as well as Shri Nebil Nizar, learned counsel for R6 & 11 appeared through VC.

R1, R2, R3, R4, R5, R7, R8, R9, R10, R12 and R13 have already been set ex-parte.

Vide Order dated 02.03.2022, the petitioner was directed to file the rejoinder within 7 days from that date, but no rejoinder has been filed till date. Shri Aswin Gopakumar sought some more time to file rejoinder. The Petitioner is hereby given the **last and final opportunity to file the Rejoinder within 7 days** from today, failing which, it would be presumed that the petitioner is not interested to file the rejoinder.

List on 05.04.2022 for hearing.

16 IA(C/ACT)/18/KOB/2022

This IA has been filed by the applicants/R6 and R11 with the prayer to give direction to the respondents in this IA to convene the annual general meeting of the Company for the Financial Years 2019-20 and 2020-21 immediately and to appoint an observer for the said AGMs.

Shri Nebil Nizar, learned counsel for the applicants as well as Shri Aswin Gopakumar, learned counsel for the respondents appeared through VC. Respondents not filed reply.

Heard both sides. IA disposed of vide separate order.

17 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.

Hearing concluded. Orders reserved.

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

Learned counsel for both sides appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

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

Learned counsel for both sides appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

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

Learned counsel for both sides appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

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

Learned counsel for both sides appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

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

Learned counsel for both sides appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.