

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

Date: 16<sup>th</sup> Nov 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &  
Shri Anil Kumar B, Member (Technical)**

**1 IA(IBC)/159/KOB/2021 IN TIBA/9/KOB/2019**

Learned counsel for the erstwhile RP Shri Gokul Ashok appeared through VC.

Orders Pronounced. **IA(IBC)/159/KOB/2021 IN TIBA/9/KOB/2019 stands allowed vide separate Order.**

**2 IA(IBC)/160/KOB/2021 IN IBA/258/CB/2019**

Learned counsel for the applicants Shri Pranoy Harilal as well as learned counsel for the Liquidator Shri Akhil Suresh appeared through VC.

Orders pronounced. **IA(IBC)/160/KOB/2021 IN IBA/258/CB/2019 stands disposed of vide separate Order.**

**3 IBA/11/KOB/2020**

Learned counsel for the Financial Creditor Shri Nigi George appeared through VC. None appeared for the CD.

Orders pronounced. **IBA/11/KOB/2020 stands admitted vide separate Order.**

**4 CP(IB)/31/KOB/2021**

None appeared for the Liquidator. Orders pronounced. **CP(IB)/31/KOB/2021 stands allowed vide separate Order.**

**5 CP(C/ACT)/37/KOB/2021**

Learned counsel for the Petitioner Shri Akhil Suresh appeared through VC.

Orders pronounced. **CP(C/ACT)/37/KOB/2021 stands allowed vide separate Order.**

**6 CP/38/KOB/2021**

None appeared for the parties.

Orders pronounced. **CP/38/KOB/2021 stands dismissed vide separate Order.**

**7 CA(CAA)/01/KOB/2021**

Learned counsel for the Applicant Shri P.P.Zibi Jose appeared through VC. Orders pronounced. **CA(CAA)/01/KOB/2021 stands disposed of vide separate Order.**

**8 CA(CAA)/05/KOB/2021**

Learned counsel for the Applicant Shri P.P.Zibi Jose appeared through VC. Orders pronounced. **CA(CAA)/05/KOB/2021 stands disposed of vide separate Order.**

**9 CP(IB)/39/KOB/2021**

This CP has been filed by the Operational Creditor Shri Jose Samuel against the Corporate Debtor Royals International Trade and Allied Products Pvt Ltd under Section 9 of the IBC, 2016 read with Rule 6 of the IBC, 2016 for recovery of a debt amount of Rs.4,03,23,329/-.

Learned counsel for the OC Smt Sreedevi S appeared through VC. Adv Shri Nebil Nizar appeared through VC for the CD and stated that he has filed vakalath for the Corporate Debtor today and sought two weeks' time to file the reply statement. His request is allowed. He may submit the reply statement on or before 01.12.2021.

**List on 03.12.2021 for hearing.**

**10 REPORT/98/KOB/2021 IN CP/54/KOB/2020 & CP/1/KOB/2021**

This Report has been filed by the Observer with regard to the Annual General Meeting of the Company M/s. Sofine Decors Pvt Ltd held on 30.10.2021 as per Order of this Tribunal dated 16.09.2021.

Perused the Report. Report is taken on record. Registry shall place it on record. The Observer stands relieved from the duties entrusted to him by this Tribunal.

**11 TCP/20/KOB/2019**

Learned counsel for the applicant Shri A.M.Sridharan as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R4 Shri Sankar P. Panicker appeared through VC.

Heard the arguments of Shri A.M.Sridharan for some time. Adjourned for further arguments of Shri Sridharan.

Shri Joseph Kodianthara submitted that he will produce the share certificate issued to the petitioner. He may produce the share certificate duly acknowledged by the petitioner, on or before 23.11.2021.

**List on 26.11.2021 for further arguments as Part Heard (High on Board) along with the related IAs. There shall be no further adjournment in this case.**

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

**12 COMP.APPLN/104/KOB/2021 IN TCP/20/KOB/2019**

Learned counsel for both the parties appeared through VC.

List this CA along with the main TCP on 26.11.2021 (High on Board).

**13 IA/194/KOB/2020 IN IA/55/KOB/2019 IN TCP/20/KOB/2019**

Learned counsel for the applicant Shri A.M.Sridharan as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R4 Shri Sankar P. Panicker appeared through VC.

Shri A.M.Sridharan submitted that Vide order dated 17.09.2021, R1 was directed to file with enclosures for all the credit entries in the Current Account No.9705 maintained in the name of R1 Company for the Financial years 2010-11 and 2011-12 before this Tribunal, on or before 01.10.2021. Shri Sridharan stated that the R1 Company has produced the credit entries only up to October 2011.

The R1 Company is, therefore, directed to file with enclosure for all the credit entries in the Current Account No.9705 maintained in the name of R1 Company for the period November and December 2011 and January to March 2012 on or before 23.11.2021.

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

**List on 09.11.2021 for hearing as Part Heard (High on Board). There shall be no further adjournment in this case.**

**14 MA(CA)/02/KOB/2021 IN TCP/20/KOB/2019**

Learned counsel for the applicant Shri A.M.Sridharan as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for for R4 Shri Sankar P. Panicker appeared through VC.

**This MA will be heard along with the related IA. List on 26.11.2021 (High on Board). There shall be no further adjournment in this case.**

**15 CP(IBC)/20/KOB/2021**

Learned counsel for the Operational Creditor Shri Anil D. Nair as well as learned counsel for the Corporate Debtor Shri Irfan.Ziraj appeared through VC.

Heard both sides and perused the records.

**Reserved for Orders.**

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

**16 IA(IBC)/161/KOB/2021 IN TIBA/07/KOB/2019**

This is an IA filed by Shri V.K.Abdul Rahim, Shareholder and suspended Managing Director of the CD against the Liquidator and 6 others under Section 60(5) of the IBC, 2016 read with the Rule 11 of the NCLT Rules, 2016 with the prayer to set aside the claims of R2 to R7 admitted by the Liquidator(R1) and to adjudicate such claims and fix the same on the basis of the documents/evidences produced by the applicant and the documents or other evidences as may be produced by the respondents.

Learned counsel for the applicant Shri Wazim Karukapadath as well as learned Liquidator Shri Jasin Jose and learned counsel for R2 Shri Mohan Jacob George appeared through VC.

Reply filed by R1 is on record. Registry reported that the reply filed by R2 is defective since one page is not legible. Learned counsel for R2 submitted that he will cure the defect within 3 days.

Shri Wazim Karukapadath submitted that notice sent to R3 to R7 have been returned with the postal noting "addressee left India". R1/Liquidator submitted that the applicant is in regular contact with the R3 to R7, who are abroad. However, the husband of Respondent No.5 appeared and stated that the 5<sup>th</sup> respondent came to know about this application only yesterday. The Applicant is therefore directed to issue notice to R3, R4, R6 & R7 through Email and submit proof of service before the next date fixed. The R1/Liquidator may also issue notice to R3, R4, R6 and R7 through Email within 3 days.

R3 to R7 are directed to file their reply statement within 2 weeks of receipt of notice.  
**List on 08.12.2021.**

**17 CONT.APPL(IBC)/3/KOB/2021 IN MA/44/KOB/2019 IN TIBA/11/KOB/2019**

Learned counsel for the Contempt Applicant Shri Bijoy P. Pulipra appeared through VC.

This Contempt Application will be **heard on 16.11.2021** along with **MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019**.

**List on 24.11.2021.**

**18 MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019**

This application has been filed by the Monitoring Agent under Section 60(5) of IBC, 2016 against the respondents/suspended directors of the Corporate Debtor.

Learned Monitoring Agent Shri Bijoy Pulipra as well as learned counsel for the respondents Shri V.K. Sajith appeared through VC. The suspended Directors of the CD Smt PV Mini and Shri Abhishek Vettath also appeared through VC.

The Monitoring Agent stated that he has received all the cars from the suspended directors. But the keys of the cabin of the Managing Director and Original licenses and permits have not been handed over by the Suspended Managing Director. Shri Sajith submitted that he is hospitalized at PVS Hospital, Kozhikode and that the balance keys would be handed over to the Monitoring Agent within 7 days. His submission is recorded and he is directed to hand over the balance keys and other documents before the next date fixed.

**List on 24.11.2021 for hearing.**

**Registry is directed to issue copy of this Order to the learned counsel of both the parties through Email immediately.**

**19 IA(IBC)/139/KOB/2021 IN IBA/04/KOB/2020**

This is an application filed by the RP under Section 33(2) of IBC, 2016 seeking liquidation of the Corporate Debtor and appointment of the RP as Liquidator.

Learned RP Shri K. Easwara Pillai appeared through VC along with his counsel Shri Muralikrishnan.

Heard the learned counsel for the RP and perused the records.

**Reserved for Orders.**

**20 CP(IB)/9/KOB/2021**

Learned counsel for the Petitioners Shri Krishnan Unni as well as learned counsel for the CD Shri P.V.Dinesh appeared through VC.

Registry reported that the defect in the IA has been cured only today and that the IA filed by the petitioners is in order.

**List this CP(IBC) on 23.11.2021 along with the said IA.**

**21 CP(IBC)/24/KOB/2021**

Learned counsel for the Operational Creditor Shri. Ratnanko Banerji as well as learned counsel for the Corporate Debtor Ms Pooja Menon appeared through VC.

Shri Banerji submitted that he has filed an IA to condone the delay in filing the rejoinder. Registry informed that the said IA has been filed only today.

**List this CP(IBC) on 02.12.2021 along with the said IA, if it is in order.**

**22 CA/59/KOB/2021 IN CP/02/KOB/2020**

Learned Senior counsel for the applicant Shri Andhyarujina as well as learned counsel for R1 to R4 Shri Avinash and learned senior counsel for R5 to R12 Shri Dr.U.K.Choudhary appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. PA Hamza as a petitioner in CP/02/KOB/2020.

Arguments of the applicant is concluded. Arguments of Respondents 5 to 12 heard for some time. List for further arguments of the learned counsel for R5 to 12 and R1 to 4.

**List on 30.11.2021 for hearing (Part heard). HOB.**

**23 CA/60/KOB/2021 IN CP/02/KOB/2020**

Learned counsel for the applicant Shri Niranjana Reddy as well as learned counsel for R1 to R4 Shri Avinash and learned senior counsel for R5 to R12 Dr.U.K. Choudhary appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. Ibrahim Haji as a petitioner in CP/02/KOB/2020.

**List on 30.11.2021 for hearing (Part heard).(HOB)**

**24 CA/62/KOB/2021 IN CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020**

Learned Senior counsel for the applicant Dr.U.K. Chowdhary as well as learned counsel for the respondents/Contempt Petitioners Shri Avinash appeared through VC.

**List on 13.12.2021 for hearing.**

**25 CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020**

Learned counsel for the Contempt Petitioners Shri Avinash as well as learned senior counsel for the respondents Dr.U.K.r Chowdhary appeared through VC.

**List on 13.12.2021 for hearing.**

26 CP/02(KOB)/2020

Learned counsel for the petitioner Shri Avinash and learned senior counsel for the respondents Dr. U.K. Chowdhary appeared through VC.

**List on 13.12.2021 for hearing.**

27 CA/67/KOB/2021 IN CP/20/KOB/2021

Learned counsel for the applicant Shri Sukumar Nainan Oommen as well as learned counsel for the respondent Shri Ameerul Millath appeared through VC

This is an IA filed by the R2 under Rule 11 of the NCLT Rules with the prayer to determine the maintainability of the Company Petition as a preliminary issue.

**Due to paucity of time, the matter is adjourned to 06.12.2021. List High on Board.**

28 CP/20/KOB/2021

Learned counsel for the Petitioner Shri Ameerul Millath appeared through VC. Learned counsel for R1, R2 & R5 Shri Sukumar Nainan Oommen and learned counsel for R3 & R4, Learned counsel Shri Shamneem Ahmed appeared for R6 and learned ROC appeared in person for R7, through video conferencing.

**Due to paucity of time, the case is adjourned to 06.12.2021. List High on Board.**

29 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 Sri AM Sridharan appeared through VC and stated that he has filed vakalath today and sought some time to file the reply statement. He is granted two weeks' time to file the counter.

**Due to paucity of time, the case is adjourned to 15.12.2021.**

30 MA/76/KOB/2020 IN IBA/240/(IB)/2019/CHENNAI BENCH

Learned counsel for both the parties appeared through VC.

**Due to paucity of time, the matter is adjourned to 30.11.2021.**

31 TCP/46/KOB/2019

Learned counsel for both the parties appeared through VC.

**Due to paucity of time, the case is adjourned to 10.12.2021.**