

NCLT, KOCHI BENCH

Daily Orders

Date: 16th Dec 2021

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

1 IA(IBC)/192/KOB/2021 IN TIBA/07/KOB/2019

This IA has been filed under Section 44(2) of IBC Liquidation Process Regulation 2016 by the Liquidator seeking extension of the Liquidation period of Sargam Builders Pvt Ltd for another six months from 16.12.2021 to 15.06.2022.

Learned Liquidator Shri Jasin Jose appeared in person through VC.

The liquidator submitted that lot of litigations have taken place against the CIRP/ liquidation process in the NCLAT as well as in the Hon'ble Supreme Court. He also pointed out that CD was not co-operating and abused him on each time when he requests for details and documents with regard to the liquidation process, stating that any further action of liquidation process can be done only after disposal of MA/207/KOB/2020. This Tribunal dismissed the above MA on 20.09.2021 with costs of Rs.25,000/-, with direction to remit the amount to the Liquidator's account within two weeks from the date of Order, but still the same has not been complied with by the Suspended Managing Director of the CD.

During the hearing, the learned liquidator stated that he will not collect his fees for the period when the litigations were taken place. After hearing the learned Liquidator through VC and on perusal of records, we are of the considered opinion that the prayer of the Liquidator for extension of the period of liquidation for another six months from 16.12.2021 to 15.06.2022 be allowed. **Hence IA(IBC)/192/KOB/2021 stands allowed.**

The liquidator is directed to complete the Liquidation Process on or before 15.06.2022. He is also directed to discharge his powers and duties as specified under Section 35 to 41 of IBC, 2016 and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time.

2 MA(IBC)/36/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned counsel for the Applicant Smt Divya appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi also appeared through VC along with his counsel Shri Akhil Suresh.

It appears from records that there is a delay in filing this MA and no proper condonation application has been filed. Instead, the learned counsel sent a letter to the Registry to condone the delay. The learned counsel appearing for the applicant stated that she will be filing an IA to condone the delay. She may do so immediately.

List on 05.01.2022.

2 MA(IBC)/37/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri TP Johnson under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned counsel for the Applicant Smt Divya appeared through VC. Learned Liquidator (Shri Ravindra Chaturvedi) also appeared in person through VC along with his counsel Shri Akhil Suresh.

It appears from records that there is a delay in filing this MA and no proper condonation application has been filed. Instead the learned counsel sent a letter to the Registry to condone the delay. The learned counsel appearing for the applicant stated that she will be filing an IA to condone the delay. She may do so.

List on 05.01.2022.

2 MA(IBC)/38/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Venuji.B. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Learned counsel for the Applicant Smt Divya appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi also appeared through VC along with his counsel Shri Akhil Suresh.

It appears from records that there is a delay in filing this MA and no proper condonation application has been filed. Instead the learned counsel sent a letter to the Registry to condone the delay. The learned counsel appearing for the applicant stated that she will be filing an IA to condone the delay. She may do so.

List on 05.01.2022.

3 **REPORT/113/KOB/2021 N CP(IBC)/18/KOB/2021**

This Revised Report has been filed by the Resolution Professional under Section 99 of IBC, 2016 recommending for approval of application filed under Section 95 by JM Financial Assets Reconstruction Company Ltd.

Even though the matter was called twice, neither the RP nor his counsel appeared today.

List on 06.01.2022 for the appearance of the RP.

4 **CP/16/KOB/2020**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen and Sherry Samuel Oommen appeared through VC. Learned counsel for R1 and R11 Shri Philip Mathew, learned counsel for R2, R4,5 and R9 Shri Jomy George also appeared through VC.

Since the learned counsel is unable to provide the screen shot of the records during the time of argument, the case is adjourned to 04.01.2022.

Registry is directed to give a direction in the cause list, to all counsel appearing that since the NCLT Members are hearing the cases from two locations, they should necessarily be equipped to provide the screen shots during the arguments.

The arguments on the side of petitioners have been concluded. List on 04.01.2022 for arguments of the learned counsel for the respondents. (Part Heard) – High on Board.

4 **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 04.01.2022 – High on Board.

4 **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 04.01.2022 – High on Board.

4 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 04.01.2022 – High on Board.

4 IA/128/KOB/2020 N 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 04.01.2022 – High on Board.

4 CONTEMPT PETITION/06/KOB/2020 N 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 04.01.2022 – High on Board.

5 CP/20/KOB/2021

Learned counsel for the Petitioner Shri Ameerul Millath as well as learned counsel for R1, R2 & R5 Shri Sukumar Nainan Oommen and learned counsel for R3 & R4 Shri Sherry Samuel Oommen appeared through VC. None appeared for R6 and R7.

Since the learned counsel is unable to provide the screen shot of the records during the time of argument, the case is adjourned to 04.01.2022.

List on 19.01.2022 for arguments of the learned counsel for the respondents. (Part Heard) – High on Board.

5 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 CA has been filed by the R2 under Rule 11 of the NCLT Rules with the prayer to hear the maintainability of the Company Petition as a preliminary issue.

Since the learned counsel is unable to provide the screen shot of the records during the time of argument, the case is adjourned to 04.01.2022.

List on 19.01.2022 for arguments of the learned counsel for the respondents. (Part Heard) – High on Board.

6 CP(IB)/40/KOB/2021

This CP(IB) has been filed under Section 7 of IBC, 2016 by the Financial Creditor State Bank of India against the Corporate Debtor Amma Woods Pvt Ltd for recovery of the debt amount of Rs.14,67,35,687.

Learned counsel for the Petitioner Shri Vinod PV as well as learned counsel for the CD Shri Amrudh Kadavil appeared through VC. However, he has not filed any vakalath in this case. He has stated that he will be filing the vakalath during the course of the day.

Shri Amrudh Kadavil requested some more time to file the Reply Statement stating that his senior is tested Covid positive. His request is allowed. CD is directed to file the reply statement on or before 23.12.2021, serving a copy to the FC, who may file rejoinder, if any, on or before 31.12.2021. No further time will be granted for reply/rejoinder.

List on 03.01.2022 for hearing.

7 CP/09/KOB/2021

Learned counsel for the Petitioner Shri Akhil Suresh as well as learned counsel for R1 to R4 Shri Clint Li Johny appeared through VC.

Shri Akhil Suresh sought some more time to submit the proof of service with respect to the notice served to R4 & R5. His request is allowed. He is directed to file the proof of service within an affidavit before the next date fixed positively.

List on 27.01.2022.

8 CP(CA)/33/KOB/2021

Adv Shri Akhil Suresh appeared through VC stating that there is a change of counsel and he has already filed the vakkalath for the petitioners through e-filing and hard copy will be filed during the course of the day. Learned counsel for R2 & R4 Shri Chitransh Vijayvergia and learned counsel for R5 Smt. Nigi George appeared through VC. None appeared for ROC/R6.

The Preliminary Objections filed by R2 and R4 questioning the maintainability of the CP is on record. R2 & R4 are directed to serve copy of the said Preliminary

Objections to the learned counsel for the Petitioner Shri Akhil Suresh on or before 24.12.2021, who may file rejoinder, if any, on or before 10.01.2022.

List on 24.01.2022 for hearing.

9 CP/35/KOB/2021

This Company Petition is filed under Section 340 read with Section 246 of the Companies Act, 2013 by the Petitioner Shri PM. Johny against the respondents Shri K.J. Paul and 3 others alleging loss or damage to the R4 Company to the tune of Rs.50,01,49,418/- by the mismanagement of respondents.

Learned counsel for the applicants Smt. Amrutha Vidhyadharan as well as learned senior counsel Shri Joseph Kodianthara appeared for R1 through VC.

Pleadings are complete.

Smt. Amrita sought an adjournment to enable her senior to argue the case. Her request is allowed.

List on 02.02.2022 for hearing.

9 COMP.APPLN/106/KOB/2021 IN CP/35/KOB/2021

This CA has been filed by the applicants (R1 to R3 in the CP) against the Respondents (Petitioner and R4 in the CP) with the prayer to dismiss CP/35/KOB/2021 as not maintainable.

Learned senior counsel Shri Joseph Kodianthara appeared through VC for the applicants.

Smt. Amrita Vidhyadharan, who appeared for R1, sought an adjournment to enable her senior to argue the case. Her request is allowed.

List on 02.02.2022 for hearing.

10 CP/31/KOB/2021

Learned counsel for petitioner/applicant Shri Dinesh R. Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

Since IA(C/ACT)/45/KOB/2021 has been filed by the Petitioner to amend the CP, list the case on 03.02.2022.

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

Learned counsel for petitioner/applicant Shri Dinesh R. Shenoy appeared through VC. Learned counsel for Respondents 1 to 3 Shri VV Sidharthan also appeared through VC.

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

Since IA(C/ACT)/45/KOB/2021 has been filed by the Petitioner to amend the CP, list the case on 03.02.2022.

10 IA(C/ACT)/42/KOB/2021 IN CP/31/KOB/2021

This IA has been filed by the Applicants (Respondents 1 & 2 in the CP) under Rule 32 of the NCLT Rules, 2016 seeking permission to convene the meeting of the Board of Directors and to convene the AGM of the Company.

Learned counsel for applicant Shri VV Sidharthan as well as learned counsel for the respondents Shri Dinesh R. Shenoy appeared through VC.

Since IA(C/ACT)/45/KOB/2021 has been filed by the Petitioner to amend the CP, list the case on 03.02.2022.

10 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 sought time to file the rejoinder stating that counter has been filed by the Respondents only yesterday.

The Petitioner is granted time to file the rejoinder on or before **10.01.2022.**

List on 03.02.2022 for hearing.

11 CP/21/KOB/2021

Learned counsel for the Petitioner Shri Thobias Powell appeared through VC. None appeared for R2.

Report filed by ROC is on record.

List this matter for final hearing on 05.01.2022.

11 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 applicant Shri Aditya Venugopal as well as learned counsel for R1 Shri Tobias Powel appeared through VC. None appeared for R2 (ROC).

Reply Statement of R1 is on record.

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

List on 05.01.2022.