

NCLT, KOCHI BENCH

Daily **Orders** – for reference only

Date: 17th Jan 2022

Coram: **Shri Shyam Babu Gautam**
Hon'ble Member (Technical)

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/151/KOB/2021

IA(IBC)/151/KOB/2021 stands disposed of.

1 MA(IBC)/25/KOB/2021

Order pronounced. MA(IBC)/25/KOB/2021 stands dismissed vide separate order.

1 IA(IBC)/190/KOB/2021

IA(IBC)/190/KOB/2021 stands disposed of.

2 MA(IBC)/4/KOB/2021

Order pronounced. MA(IBC)/4/KOB/2021 stands dismissed vide separate order.

3 CP(IB)/39/KOB/2021

Order pronounced. CP(IB)/39/KOB/2021 stands dismissed vide separate order.

4 CP/09/KOB/2020

Order pronounced. CP/09/KOB/2020 stands disposed of vide separate order.

5 CP/24/KOB/2021

Order pronounced. CP/24/KOB/2021 stands dismissed vide separate order.

5 IA(C/ACT)/23/KOB/2021

IA(C/ACT)/23/KOB/2021 stands disposed of.

5 IA(C/ACT)/24/KOB/2021

IA(C/ACT)/24/KOB/2021 stands disposed of.

5 IA(C/ACT)/25/KOB/2021

IA(C/ACT)/25/KOB/2021 stands disposed of.

6 IA(IBC)/3/KOB/2022

This IA has been filed under Section 60(5) of the IBC 2016 by the Liquidator against the Respondent (Municipal Secretary) with the prayer to direct the Respondent to renew the building permit of the Corporate Debtor at the earliest so as to complete the sale process of assets of the Company in time and maximize the value of Asset.

Learned liquidator Shri Jasin Jose appeared in person through VC along with his counsel Shri Akhil Suresh.

Shri Akhil Suresh submitted that he has already served the copy of the application to the Respondent and shared the proof of service (Postal track report) through screen shot. He is directed to file the physical copy of the proof of service with an affidavit before the next date fixed.

The respondent is directed to file the Reply Statement on or before 01.02.2022.

The Bench pointed out that as per Proceedings of the Registrar, NCLT, New Delhi dated 15.01.2022, in view of the sudden increase of Covid 19 cases due to Omicron, all regular matters will be assigned dates by the respective benches on the basis of urgency and timeline.

Therefore, the Liquidator is directed to file an IA, if this matter requires urgent consideration.

Registry is directed to issue copy of this Order to both the parties through email.

7 IA(IBC)/4/KOB/2022

This IA has been filed by the RP under Section 30(6) and 3 of the IBC, 2016 for approval of the Resolution Plan.

The Bench pointed out that as per Proceedings of the Registrar, NCLT, New Delhi dated 15.01.2022, all regular matters will be assigned dates by the respective benches on the basis of urgency and timeline.

Therefore, the RP is directed to file an IA if this matter requires urgent consideration.

8 IA(IBC)/5/KOB/2022

This IA has been filed under Section 22(3)(b) and 60(5)(C) of the IBC, 2016 by the IRP with the prayer to appoint the Resolution Professional of Koyenco Autos Pvt Ltd for the Balance period of the CIR Process.

Heard the submissions of the IRP Shri Sankar P. Panicker, who appeared in person through VC and perused the case records.

IA(IBC)/5/KOB/2022 stands disposed of vide separate Order.

9 REPORT/5/KOB/2022 in TIBA/24/KOB/2019

This Report has been filed in compliance with Section 35(N) of the IBC, 2016 read with Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator.

Perused the report. **The Report is taken on record.** Registry is directed to place the report in TIBA/24/KOB/2019.

10 REPORT/4/KOB/2022

This Report has been filed under Section 563 of the IBC, 2016 by the Liquidator in the matter of liquidation of Achariya Techno Solution (India) Pvt Ltd.

Learned liquidator Shri Shawn Jeff Christopher appeared in person through VC.

Liquidator has stated that he has already filed a dissolution application, which is pending consideration.

Vide Order dated 21.12.2021 in IA(IBC)/51/KOB/2021 in MA/KOB/2020 in TIBA/1/KOB/2019, the liquidator was directed to take immediate steps to recover the amount from the suspended Managing Director/Directors and submit a report before this Tribunal as to how he has distributed the amount to the Share holders.

The liquidator submitted that he has not received the money from the suspended Managing Director/Directors till date.

In view of the above, the liquidator is directed to initiate appropriate legal proceedings for recovery of the amount in question from the suspended Directors/Managing Director, as per rules.

Perused the report. **The Report is taken on record.** Registry is directed to place the report in the appropriate records.

Registry is directed to issue copy of this Order to the Liquidator immediately through Email.

11 CA/55/KOB/2020

Learned counsel for the Appellant Shri Bijoy P. Pulipra as well as learned counsel for R1 & R2 Shri Sandeep Gopalakrishnan appeared through VC.

This is a part heard case. Since NCLT-Kochi Bench has been re-constituted with effect from 06.12.2012 this case is released from Part Heard.

List on 21.02.2022 along with the related IA for final hearing.

11 IA(C/ACT)/3/KOB/2022

This IA has been filed under Rule 11 of the NCLT Rules, 2016 with the prayer to permit the applicant (respondent in the CA) to produce the additional documents and accept such additional documents marked from Additional Annexures B5 – B10.

Learned counsel for the applicant Shri Sandeep Gopalakrishnan as well as learned counsel for the Respondent Shri Bijoy P. Pulipra appeared through VC. The learned counsel for the appellant opposed the acceptance of documents by filing a counter.

This IA will be heard along with the main CA.

List on 21.02.2022 for hearing.

12 CP/44/KOB/2020

Learned counsel for the petitioner Smt. Rema Smrithi VK as well as learned counsel for R1 to R3 Shri Dhiren R. Dave appeared through VC. Asst ROC Shri Ramesh also appeared through VC.

The arguments of the learned counsel for the petitioner already concluded. However, she submitted that even though ROC is one of the respondents in this case, he has not yet submitted his reply statement till date.

In the last date of hearing, ROC was directed to submit his report positively on or before 10.01.2022. But no report has been filed by ROC till date. He is given the last and final opportunity to file the report on or before 31.01.2021, failing which it will be presumed that the ROC has no report to file.

Shri Dhiren R. Dave submitted that since the petitioner is not a shareholder of the Company, the petition itself is not maintainable and reliefs sought for are not coming within the parameters of Section 241 and 242 of the Companies Act, 2013.

List on 10.03.2022 for final hearing (High on Board).

12 COMP.APPL/91/KOB/2021 IN CP/44/KOB/2020

Learned counsel for the petitioner Smt. Rema Smrithi VK as well as learned counsel for R1 to R3 Shri Dhiren R. Dave appeared through VC.

This CA will be heard along with the hearings of the main CP.

List on 10.03.2022 for final hearing (High on Board).

13 TCP/54/KOB/2019

Both the parties appeared through VC.

At the request of the learned counsel for R1 to R4, the case is adjourned to 10.03.2022.

13 CONT.APPL(C/ACT)/3/KOB/2021 IN TCP/54/KOB/2019

Both the parties appeared through VC.

At the request of the learned counsel for R1 to R4, the case is adjourned to 10.03.2022.

14 TCP/67/KOB/2019

Learned counsel for the Petitioner Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

Adjourned to 11.03.2022.

14 IA/149/KOB/2020 IN TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

Adjourned to 11.03.2022.

14 CA/45/KOB/2021 IN TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker appeared through VC. None appeared for the respondents.

Adjourned to 11.03.2022.

15 TCP/57/KOB/2020

(CP/19/1999 of High Court of Kerala)

Learned counsel for the Petitioner Shri Paul Jacob appeared through VC.

Adjourned to 11.03.2022.

16 CP/22/KOB/2021

Both the parties appeared through VC.

Adjourned to 14.03.2022.

17 CP/25/KOB/2021

Learned counsel for both the parties appeared through VC.

Adjourned to 14.03.2022.

17 RA/1/KOB/2021

Learned counsel for both the parties appeared through VC.

Adjourned to 14.03.2022.

18 CP/26/KOB/2021

Learned counsel for both the parties appeared through VC.

Adjourned to 14.03.2022.

18 RA/2/KOB/2021

Learned counsel for both the parties appeared through VC.

Adjourned to 14.03.2022.

19 TCP/46/KOB/2019

Learned counsel for both the parties appeared through VC.

Adjourned to 29.03.2022.

20 TCP/61/KOB/ 2019

Learned counsel for both the parties appeared through VC.

Adjourned to 28.02.2022.

20 IA/56/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for both the parties appeared through VC.

Adjourned to 28.02.2022.

20 IA/57/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for both the parties appeared through VC.

Adjourned to 28.02.2022.

21 CP/92/KOB/2019

Learned counsel for the Petitioner Shri Anil D. Nair as well as learned counsel for R1 to R8 Shri Paulose C. Abraham appeared through VC.

Pleadings are complete.

Adjourned to 31.03.2022 for hearing.