

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 17th FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/197/KOB/2021

Learned IRP Shri Dileep KP appeared in person through VC.

**Orders pronounced. IA(IBC)/197/KOB/2021 stands disposed of vide
separate Order.**

2 CP(CAA)/3/KOB/2022

This 2nd Motion Petition has been filed under Section 230-240 of the Companies Act, 2013 by the Authorised Representative of the Applicant Companies Shri Vivek Kumar in the matter of Scheme of Amalgamation between Crust N Crumb Food Innovations India Ltd (Transferee Company) and Mastermade Bio Combines Pvt Ltd.

Learned PCS for the Petitioners Shri Vivek Kumar appeared through VC.

The Bench observed that the consent affidavit from the Secured Creditor has not been filed along with the petition. The Petitioners may rectify the defect within 2 weeks from today.

List on 04.03.2022.

3 REPORT/45/KOB/2022 in TIBA/35/KOB/2019

This Report has been filed under Regulation 13 & 34 of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of liquidation process of the Corporate Debtor – Goodwin Packet Pvt Ltd.

Learned liquidator Shri Balakrishnan Baburajan appeared in person through VC.

Perused the Report. Report is taken on record. Registry is directed to place the Report in TIBA/35/KOB/2019.

4 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.

Learned Liquidator Shri Vinod Balachandran appeared in person through VC along with his counsel Shri K.B.Arun Kumar. Learned counsel for the Respondent Shri Pranoy Harilal also appeared through VC.

Heard both sides.

Hearing concluded and Orders reserved.

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

This IA has been filed under Section 65(1) of the IBC, 2016 by the Resolution Professional seeking the following prayers:

- (i) *Direct the respondent to deposit Rs.4,43,377/- forthwith to the account of the RP maintained for the purpose of CIRP towards contribution towards its share of CIRP Cost;*
- (ii) *If the respondent failed to deposit Rs.4,43,377/- to the account of the RP, impose a maximum penalty of Rs.1 crore to the respondent for initiating insolvency resolution process with malicious intends under Section 60(1) of the IBC, 2016 in addition to CIRP Cost.*

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

Smt Sivaranjini stated that the OC has already deposited Rs. One lakh in the account of the IRP and sought two weeks more time to deposit the balance amount.

The Resolution Professional submitted that the OC has taken many adjournments and hence prayed to give direction to the OC to pay the balance amount positively within two weeks.

Submissions of both the parties are recorded.

The Respondent/Operational Creditor is directed to pay the balance amount of Rs.3,43,377/- to the account of the RP on or before 08.03.2022, failing which, law will take its own course.

List the matter on 08.03.2022.

5 IA(IBC)/196/KOB/2021 IN IBA/13/KOB/2020

This IA has been filed under Section 66 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the Applicant/Resolution Professional alleging fraudulent transactions by the respondents and hence seeking certain directions against R1 to R5.

Learned RP Shri K. Parameswaran Nair appeared through VC along with his counsel Shri Vinod PV. Learned counsel for R1-R5 Shri T.M.Abdul Latiff also appeared through VC.

Even though notice has been duly served on R6, he neither appeared through VC nor engaged any counsel.

Shri Abdul Latiff submitted that since the RP has filed an application to amend this IA, the matter may be adjourned till the disposal of the said amendment application. His adjournment request is allowed.

List on 08.03.2022 for hearing.

5 IA(IBC)/22/KOB/2022 IN IA(IBC)/196/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Resolution Professional for amendment of IA(IBC)/196/KOB/2021 in IBA/13/KOB/2020

Learned RP Shri K. Parameswaran Nair appeared through VC along with his Shri Vinod PV. Learned counsel for R1 to R5 Shri T.M.Abdul Latiff also appeared through VC.

Vide order dated 07.02.2022 the respondents were directed to file their Reply Statement within a week with a copy served to the RP in advance. But no reply has been filed till date.

The respondents are given the last chance to file the Reply Statement within a week from today, failing which, their right to file the Reply Statement shall stand forfeited. The RP may file the rejoinder, if any, within 7 days of receipt of the counter.

List on 08.03.2022 for hearing.

6 IA(IBC)/118/KOB/2021 IN IBA/41/KOB/2020

Learned counsel for the Applicant/Corporate Debtor Shri Girish Kumar as well as learned IRP Shri Jasin Jose appeared through VC. Smt. Akhil Suresh appeared for R3 through VC.

Shri Akhil Suresh submitted that this IA is not at all maintainable.

R3 is directed to file his Reply Statement within a week from today.

List for final hearing on 25.02.2022.

7 CP(IB)/46/KOB/2021

This Petition has been filed under Section 8 and 9 of the IBC, 2016 by the Operational Creditor D.J. Laboratories Pvt Ltd for initiation of Corporate Insolvency

Resolution Process against the Corporate Debtor - Kerala Medical Services Corporation Ltd.

Learned counsel for the Operational Creditor Shri Kumarpal R Copra as well as learned counsel for the Corporate Debtor Shri M.Ajay appeared through VC.

Both sides argued and concluded their submissions.

Orders reserved.

Both sides may submit their written submissions in brief (limiting 3-4 pages) along with the relevant case laws within 3 days.

8 CP/43/KOB/2020

Adv Smt Mariya Rajan appeared through VC seeking an adjournment stating that the mother of Shri Shinu J. Pillai, who appears for the petitioner, passed away. Learned counsel for R1 & R2 Shri Ameerul Millath appeared through VC and prayed to list the matter on High on Board in the next date of hearing.

At the request of learned counsel for the petitioner, the case is adjourned to 08.03.2022 for hearing - High on Board.

9 COMPANY APPEAL/19/KOB/2021

This appeal has been 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 Mohammed Shafi as well as learned counsel for R1 to R3 Shri AM Sridharan appeared through VC.

Pleadings are complete

List on 01.03.2022 for hearing.

9 IA(C/ACT)/12/KOB/2022 in COMPANY APPEAL/19/KOB/2021

This IA has been filed by the applicants with the prayer to amend the CA.

Learned counsel for the applicants Shri Mohammed Shafi as well as learned counsel for R1 to R3 Shri AM Sridharan appeared through VC.

Shri Mohammed Shafi submitted that while preparing the Company Appeal, due to an oversight, the date of agreement is mistakenly shown as 20.12.2012 instead of 20.12.2018 in para v(a) in page No.14, para 'a' of the Notice of Admission in page No.17 and in para 'a' of the Notice of Motion in page No.24. According to him, such

errors were not intentional and the same may be allowed to be amended by replacing the date of agreement as 20.12.2018 instead of 20.12.2012.

Learned counsel for R1 to R3 has not raised any objection in allowing the aforesaid correction.

On hearing both sides and also on perusal of the records, this Tribunal is of the opinion that the prayer of the Applicants to amend the CA by replacing the date of agreement as 20.12.2018 instead of 20.12.2012 be allowed as the learned counsel for R1 to R3 has no objection in the above correction.

Hence the **IA(C/ACT)/12/KOB/2022 stands allowed and** Registry is directed to permit the Applicants to make the aforesaid correction in **CA/19/KOB/2021**.