

NCLT – KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 17th March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IBC)/13/KOB/2021

Order pronounced. CP(IBC)/13/KOB/2021 is Admitted vide separate Order and RP appointed.

2 CP(IBC)/15/KOB/2021

Order pronounced. CP(IBC)/15/KOB/2021 is Admitted vide separate Order and RP appointed.

3 CP(IBC)/16/KOB/2021

Order pronounced. CP(IBC)/16/KOB/2021 is Admitted vide separate Order and RP appointed.

4 CP(IBC)/17/KOB/2021

Order pronounced. CP(IBC)/17/KOB/2021 is Admitted vide separate Order and RP appointed.

5 CP(IBC)/19/KOB/2021

Order pronounced. CP(IBC)/19/KOB/2021 is Admitted vide separate Order and RP appointed.

6 CP(IB)/7/KOB/2022

Order pronounced. CP(IB)/7/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

7 CP(IB)/8/KOB/2022

Order pronounced. CP(IB)/8/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

8 CP(IB)/9/KOB/2022

Order pronounced. CP(IB)/9/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

9 CP(IB)/10/KOB/2022

Order pronounced. CP(IB)/10/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

10 CP(IB)/11/KOB/2022

Order pronounced. CP(IB)/11/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

11 CP(IB)/12/KOB/2022

Order pronounced. CP(IB)/12/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

12 CP(IB)/13/KOB/2022

Order pronounced. CP(IB)/13/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

13 CP(IB)/14/KOB/2022

Order pronounced. CP(IB)/14/KOB/2022 stands allowed and RP appointed. List on 04.04.2022 for report of RP.

14 CP/33/KOB/2020

Vide Order dated 01.03.2022 this matter was Reserved for Orders, but listed as spoken to today to get certain clarifications from the Petitioner. Since none appeared for the petitioner, adjourned to 22.3.2022 as "to be spoken to".

14 CA/30/KOB/2021 in CP/33/KOB/2020

Vide Order dated 01.03.2022 this matter was Reserved for Orders, but listed as spoken to today to get certain clarifications from the Petitioner. Since none appeared for the petitioner, adjourned to 22.3.2022 as "to be spoken to".

15 COMPANY APPEAL/7/KOB/2022

This Petition has been filed under Section 42 of the IBC, 2016 by the applicant - Assistant Commissioner of Central Taxes against the liquidator seeking direction to the liquidator to forthwith include the claims submitted by the applicant in the list of stakeholders for adjudication.

Shri P.G.Jayasankar, learned counsel for the Applicant as well as Shri Balakrishnan Baburajan, learned liquidator appeared through VC.

The liquidator is directed to file his reply statement within 7 days.

List on 01.04.2022 for hearing.

16 IA(C/ACT)/28/KOB/2022 in CP/43/KOB/2021

This IA has been filed under Section 244(4) of the Companies Act, 2013 read with Rules 11 & 32 of the NCLT Rules, 2016 by the Applicant/Petitioner with the prayer to appoint the Petitioner as the Administrator of the R1 Company pending disposal of the instant proceedings, or in the alternative appoint an independent administrator to manage the affairs of the Company pending disposal of the instant proceedings.

Shri Aswin Gopakumar, learned counsel for the applicant appeared through VC.

The Applicant is directed to issue fresh notice enclosing a copy of the IA to the respondents through Registered Post with A/D / Speed Post and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the respondents through email. Respondents are directed to file their Reply Statement on or before 31.03.2022

List on 04.04.2022 along with the main CP for hearing.

17 CP(IBC)/14/KOB/2021

None appeared for the Petitioner.

In the last date of hearing on 24.02.2022 both the parties submitted that the Respondent/Personal Guarantor in this petition expired. Vide today's proceedings,

the IA filed by the Petitioner to implead the legal heirs of the deceased Personal Guarantor as Respondent in this CP has been dismissed.

List on 08.04.2022.

17 IA(IBC)/36/KOB/2022 in CP(IBC)/14/KOB/2021

This IA has been filed under Rule 53 of NCLT Rules, 2016 by the Applicant to implead Mr. John Zachariah, who is the legal heir of the deceased Personal Guarantor, as Respondent in CP(IBC)/14/KOB/2021.

Advocate Unnikrishnan appeared for the applicant..

IA(IBC)/36/KOB/2022 in CP(IBC)/14/KOB/2021 stands dismissed vide separate sheets.

18 TCP/52/KOB/2019

Shri T.K.Bhaskar, learned counsel for the Petitioners appeared through VC. Shri Murali, learned counsel appeared along with Adv Jolly John for the Respondents. None appeared for ROC(R14).

Shri T.K.Bhaskar argued and concluded. **List for arguments of the respondents on 28.03.2022 as Part Heard (High on Board).**

Learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) two days before the date fixed.

19 TCP/8/KOB/2019

Shri Kaushik Sharma, learned counsel for the Applicant as well as Shri A.M. Sridharan, learned counsel for R1 to R4 appeared through VC.

Shri Kaushik Sharma sought some more time to file reply against the IA filed by the respondents to suspend the Order dated 13.10.2020 in TIA/102/KOB/2020 pending disposal the Company Appeal TA No.53/2021. Vide Order dated 27.01.2022 he was given 3 weeks' time to submit the reply statement, but till today no reply has been filed. The prayer of the counsel is allowed. He is directed to file the reply statement in the aforesaid IA within 7 days from today, failing which, it will be presumed that he is not interested to file any reply statement.

List on 30.03.2022 for hearing.

19 TIA/103/KOB/2020 IN TCP/8/KOB/2019

Learned counsel for the Applicant Shri Kaushik Sharma appeared through VC. Learned senior counsel for R1 to R4 Shri Ramakrishnan appeared through VC.

This TIA will be heard along with the main TCP.

List on 30.03.2022 for hearing.

19 IA(C/ACT)/7/KOB/2022 IN TCP/8/KOB/2019

This IA has been filed under Section 242(4) of the Companies Act, 2013 by the Applicants (R1 & R3 in the CP) against the Respondent (Petitioner in the CP) with the prayer to suspend the Order dated 13.10.2020 in TIA/102/KOB/2020 pending disposal of Company Appeal TA No.53/2021.

Shri A.M.Sridharan, learned counsel for the applicants as well as Shri Kaushik Sharma, learned counsel for the Respondent appeared through VC.

Shri Kaushik Sharma sought some more time to file reply in this IA. Vide Order dated 27.01.2022 he was given 3 weeks' time to submit the reply statement, but till today no reply has been filed. The prayer of the counsel is allowed. He is directed to file the reply statement within 7 days from today, failing which, it will be presumed that he is not interested to file any reply statement and the right to file reply statement shall stand forfeited.

List on 30.03.2022 for hearing.

20 TCP/11/KOB/2019

Shri A.M.Sridharan, learned counsel for the Petitioner as well as Shri Kaushik Sharma, learned counsel for R2, R3 & R5 appeared through VC.

At the request of both the parties, the case is **adjourned to 30.03.2022 for hearing.**

21 IA(C/ACT)/4/KOB/2022 in TCP/34/KOB/2019

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the applicants with the prayer to implead the applicants as additional respondents 15 and 16 in the Company Petition.

Shri B. Vinod, learned counsel for the Petitioner, Shri George G. Poothicote, learned counsel for R1 & R12, and Shri Zibi Jose, learned counsel for RR4, R8-R11 appeared through VC.

Respondents are directed to file Reply Statement, if any, in this IA on or before 28.03.2022, failing which, it will be presumed that they are not interested to file any reply statement.

List on 31.03.2022 for hearing.

22 CP/40/KOB/2021

Shri Harikumar G. Nair, learned counsel for the Petitioner as well as Shri Chitransh Vijayvergia, learned counsel for the respondents appeared through VC.

Vide today's proceedings the delay in filing the counter has been condoned and Registry is directed to accept the same on record, if it is otherwise in order.

List on 08.04.2022 for hearing.

22 IA(C/ACT)/27/KOB/2022 in CP/40/KOB/2021

This IA has been filed under Rule 11 and 153 of the NCLT Rules, 2016 by the Applicants/Respondents seeking condonation of delay of 21 days in filing the counter.

Shri Chitransh Vijayvergia, learned counsel for the applicant as well as Shri Harikumar G. Nair learned counsel for the respondents appeared through VC.

Heard both sides. The delay of 21 days in filing the counter is condoned. Registry is directed to accept the counter and place the same in CP/40/KOB/2021, if it is otherwise in order.

IA(C/ACT)/27/KOB/2022 stands disposed of.

22 COMP.APPLN/10/KOB/2022

This CA has been filed under Section 448 of the Companies Act, 2013 read with Rule 11 of the NCLT Rules, 2016 read with Sections 195 and 340 of the Code of Criminal Procedure, 1973 by the applicant/R1 seeking Magisterial enquiry against the Petitioner in the CP.

Shri Chitransh Vijayvergia, learned counsel for the applicants as well as Shri Harikumar G. Nair learned counsel for the respondent appeared through VC.

The respondent is directed to file reply statement in this CA within two weeks from today.

List on 08.04.2022 for hearing along with the main CP.

23 COMPANY APPEAL/15/KOB/2021

Smt Karthika K.J., learned counsel for the Appellant as well as Smt Urmila Zacharia, learned counsel for the R1 to R4 appeared through VC and stated that reply statement has been filed.

Smt. Karthika submitted that the hard copy of the reply statement have been filed by the Respondents only yesterday and hence she sought time to file rejoinder. Allowed. She is directed to file the rejoinder on or before 25.03.2022.

List on 29.03.2022 for hearing.

24 COMPANY APPEAL/16/KOB/2021

Smt Karthika K.J., learned counsel for the Appellant as well as Smt Urmila Zacharia, learned counsel for the R1 to R4 appeared through VC and stated that reply statement has been filed.

Smt. Karthika submitted that the hard copy of the reply statement have been filed by the Respondents only yesterday and hence she sought time to file rejoinder. Allowed. She is directed to file the rejoinder on or before 25.03.2022.

List on 29.03.2022 for hearing.

25 COMPANY APPEAL/17/KOB/2021

Smt Karthika K.J., learned counsel for the Appellant as well as Smt Urmila Zacharia, learned counsel for the R1 to R4 appeared through VC and stated that reply statement has been filed.

Smt. Karthika submitted that the hard copy of the reply statement have been filed by the Respondents only yesterday and hence she sought time to file rejoinder. Allowed. She is directed to file the rejoinder on or before 25.03.2022.

List on 29.03.2022 for hearing.

26 COMPANY APPEAL/18/KOB/2021

Smt Karthika K.J., learned counsel for the Appellant as well as Smt Urmila Zacharia, learned counsel for the R1 to R4 appeared through VC and stated that reply statement has been filed.

Smt. Karthika submitted that the hard copy of the reply statement have been filed by the Respondents only yesterday and hence she sought time to file rejoinder. Allowed. She is directed to file the rejoinder on or before 25.03.2022.

List on 29.03.2022 for hearing.