

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

Date: 17th December 2021

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

1 CA/22/KOB/2021

This CA has been filed under Section 59 of the Companies Act, 2013 by the Appellant Shri Govindankutty N against Chirayath Benefit Fund Nidhi Ltd and 7 others seeking direction to the 7th Respondent to remove the appellant's name from the rolls of the R1 to R4 Companies.

The Appellant is directed to issue fresh notice enclosing a copy of the appeal 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 counter on or before 07.01.2022, serving copy to the Appellant, who may file rejoinder, if any, on or before 20.01.2022.

List on 27.01.2022 for hearing.

2 REPORT/114/KOB/2021 IN TCP/47/KOB/2019

This Report has been filed under Section 119 of the Companies (Winding up) Rules, 2020 in the matter of Amravathi Eye Care Hospital Pvt Ltd (under liquidation).

Perused the report. **Report is taken on record.** Registry is directed to place the report in the file of **TCP/47/KOB/2019.**

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

The learned counsel for Liquidator Shri A.G.Sathyanarayana. Learned counsel for R1 Shri Varun Srinivasan, learned counsel for R2 Shri Shinu J Pillai and learned counsel for the respondents 3 to 8 Shri S.Easwaran also appeared through VC.

Learned counsel for both the parties argued and concluded.

Reserved for Orders.

Learned counsel for the parties are at liberty to submit their written submissions in brief (4-5 pages) within 7 days from today.

3 IVNP/07/KOB/2021 IN IBA/240/CB/IB/2019

This IVNP has been filed under Section 60(5) of the IBC, 2016 READ WITH Rule 11 of the NCLT Rules, 2016 by the Applicants M.K.Resily and others with the prayer to allow them to intervene in IBA/240/KOB/2019 and be afforded an opportunity

Learned counsel for the applicants Shri S. Easwaran as well as learned counsel for the Liquidator Shri Sathyanarayana and learned counsel for the FC Union Bank of India Smt Sabeela appeared through VC.

Reserved for Orders along with IA/76/KOB/2020.

3 IVNP/08/KOB/2021 IN IBA/240/CB/IB/2019

This IVNP has been filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the Applicants M.K.Nabeel and others with the prayer to allow them to intervene in IBA/240/KOB/2019 and be afforded an opportunity to be heard.

Reserved for Orders along with IA/76KOB/2020.

4 TCP/7/KOB/2019

Learned counsel for the Petitioner Shri C.K.Karunakaran as well as learned counsel for R1 & R2 Shri Rafeeq V.K. and learned counsel for R3 Smt Rema Smrithy appeared through VC. None appeared for R4 & R5. Adv. Abraham Markose appeared through VC for R6 and sought some more time to file the reply statement of R6. His request is allowed. He may file the reply statement on or before 31.12.2021, serving a copy to the petitioner, who may file rejoinder, if any, at least 3 days before the next date fixed.

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 20.01.2022 for hearing.

4 **IA/7(KOB)/2020 IN TCP/7/KOB/19**

Learned counsel for the applicant Shri Rafeeq VK as well as learned counsel for R1 Shri C.K.Karunakaran and learned counsel for R2 Smt Rema Smrithy appeared through VC. None appeared for other respondents.

This matter will be heard along with the main CP.

List on 20.01.2022 for hearing.

4 **COMP.APPLN/110/KOB/2021IN TCP/7/KOB/19**

This IA has been filed under Rules 11 and 32 of the NCLT Rules, 2016 by the petitioner praying for orders permitting him to serve interrogatories/questions for answering by Additional 6th Respondent.

After arguing for some time, the learned counsel for the applicant stated that he wants to withdraw this application. Request is allowed and the **Company Application No.110/KOB/2021 stands dismissed as withdrawn.**

4 **COMP.APPLN/111/KOB/2021 IN TCP/7/KOB/19**

This IA has been filed under Rules 11 and 32 of the NCLT Rules, 2016 by the petitioner praying for accepting additional document produced along with it as Annexure XXXVI, in the Company Petition.

Learned counsel for the applicant Shri C.K.Karunakaran appeared. Learned counsel for the respondents 1-2 Shri Rafeeq V.K, Smt.Remma Smrithi for Respondent No.3 and Shri Abraham Markose appearing for respondent 6 stated that they have no objection in accepting the document- Audited Accounts, Profit and Loss account and Balance of the 1st respondent company for the year 2020-21 as an additional document (Annexure XXXVI) in the TCP/7/KOB/2019.

Hence this **CA is allowed** and the documents produced is accepted. The Registry is directed to include the additional document as Annexure XXXVI and make proper indexing in the matter.

5 MA(IBC)/30/KOB/2021 IN IA(IBC)/21/KOB/2021 IN TIBA/03/KOB/2019

This MA has been filed by the Petitioner Canara Bank against RBL Bank Ltd and 3 others under Section 60(5) of the IBC, 2016 with the prayer to direct to amend the Resolution Plan and incorporate the rights of the Petitioner/dissenting creditor.

Learned counsel for the applicant Mrs. Umarani MN appeared through VC. Learned counsel for R4 Shri Vinod P.V. and learned counsel for R2 & R3 Shri Shri Chitresh Vijayvergia appeared through VC.

It appears from records that notice was duly served on R1. But R1 neither appeared through VC nor filed any reply statement till date. **Therefore, R1 is hereby set ex-parte.**

Reserved for Orders.

6 MA(IBC)/4/KOB/2021 IN TIBA/25/KOB/2019

Learned PCS for the applicant Dr. K.S.Ravichandran, learned counsel for the RP Shri Vinod PV and learned counsel for R1/Operational Creditor Shri Vijay V. Paul appeared through VC.

Learned counsel for both the parties argued and concluded.

Reserved for Orders.

Learned counsel for the parties are at liberty to submit their written submissions in brief (4-5 pages) within 7 days from today.

7 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 Jayanthi Shah appeared for the respondent and stated that she has not received a copy of the application till date. She sought time to file the reply statement to this IA. The learned IRP is directed to send a copy of the application to the learned counsel for the respondent. Respondent is given ten days time to file the reply statement.

List on 06.01.2022 for hearing.

8 CP(IB)/8/KOB/2021

Learned counsel for the Financial Creditor Shri Sunil Shankar as well as learned counsel for the Corporate Debtor Shri C.K.Karunakaran appeared through VC.

Vide Judgement dated 28.09.2021 in WP(C) 10015 of 2021 the Hon'ble High Court of Kerala had stayed all further proceedings in this CP(IB)/8/KOB/2021 till final order is passed by Reserve Bank of India, pertaining to subject matter of this case. Pursuant to the above Judgement, this Tribunal adjourned further proceedings in this CP(IB) sine die vide order dated 21.10.2021. Now, the learned counsel for the Corporate Debtor has filed a memo on 02.12.2021 attaching the Order of the Reserve Bank of India dated 10.11.2021. Accordingly, the case is taken up for hearing. Learned counsel for petitioner stated that two IAs 149 and 150 have not been listed today, even though there is a posting to these cases. Registry is directed to verify and list these IAs during next posting date.

However, Shri Sunil Shankar sought an adjournment stating that today there is some network glitches in his computer system. Adjournment request is allowed.

List this CP(IB) on 22.12.2021 for hearing along with IA/149/KOB/2021 and IA/150/KOB/2021.

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 initiation of Corporate Insolvency Resolution Process against the Corporate Debtor

Pleadings are complete.

Due to network glitches, the case is adjourned to 21.12.2021 for hearing (High on Board).

10 CP/36/KOB/2020

Due to network glitches, the case is adjourned to 06.01.2022 for hearing.

11 CP/22/KOB/2021

Due to network glitches, the case is adjourned to 17.01.2022 for hearing.

12 COMPANY APPEAL/20/KOB/2021

This CA has been filed under Section 252 of the Companies Act, 2013 by M/s. Septagon Builders and Developers Pvt Ltd against the Registrar of Companies for restoration of the Appellant Company in the Register of Companies.

The report submitted by ROC is on record.

Due to network glitches, the case is adjourned to 23.12.2021 for hearing (High on Board).