

NCLT, KOCHI BENCH

Daily **Orders** – for reference only

Date: 18th Jan 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IB)/2(KOB)/2022

This Petition has been filed under Section 59 of the IBC, 2016 by the Voluntary Liquidator for dissolution of Aspinwall Technologies Limited (in Voluntary Liquidation).

Learned Voluntary Liquidator Shri Balakrishnan Baburajan appeared through VC.

In view of the proceedings of the Principal Bench dated 15.1.2022, only urgent matters to be considered. Hence, if there is any urgency, the liquidator may file an IA for urgent hearing of this matter. The Liquidator is also directed to clarify as to why he has not produced the NOC from the Income Tax Department along with this dissolution application.

List on 21.03.2022.

2 REPORT/6/KOB/2022

This report has been filed by the IRP certifying constitution of Committee of Creditors under Regulation 17(1) of the IBBI (Insolvency Resolution Process of Corporate Persons) Regulations, 2016.

Learned IRP Shri P.T.Joy appeared in person through VC.

Perused the report. **The report is taken on record. Registry is directed to place the Report in IBA/11/KOB/2020.**

3 IA(IBC)/7(KOB)/2022

This IA has been filed under Section 35(a) and 60(5) of the IBC, 2016 read with Regulation 44(2) of the IBBI (Liquidation Process) Regulations 2016 seeking extension of the Liquidation Proceedings for another one year from 15.01.2022 to 15.01.2023.

Learned liquidator Shri Sankar P. Panicker appeared in person through VC.

On hearing the Liquidator and also on thorough perusal of the records, the Bench observed that there is considerable delay in the Liquidation Process in this case. **However, considering related litigations occurred in this case, the relief sought by the liquidator to extend the Liquidation Proceedings is allowed, as a special case, vide separate Order. IA stands disposed of.**

4 COMP.APPL/1(KOB)/2022 in CP/12/KOB/2020

This Application has been filed by the Applicants (Respondents 1 to 4) with the prayer to take the documents produced and marked as Annexures A1 to A20 into the record of the CP.

Learned counsel for the applicants Shri Sharad Kodianthara appeared through VC. None appeared for the Respondents.

On hearing the learned counsel for the applicants, for the reasons stated in the CA, the Bench is of the opinion that the documents produced be taken on record. Hence the **COMP.APPL/1(KOB)/2022 in CP/12/KOB/2020 stands allowed and the documents produced as Annexures A1 to A20 are taken on record.** Registry is directed to place A1 to A20 in CP/12/KOB/2020 with proper indexing.

5 CP(IBC)11/KOB/2021

Learned RP Shri Vinod PV as well as learned counsel for the Respondent/Personal Guarantor of the Corporate Debtor Ceevees Imaging and Healthcare Research Pvt Ltd Shri Jacob Mathew Manalil appeared through VC. No reply statement has been filed, even though sufficient time was granted. However, a last opportunity is granted to the respondent to file reply if any, before the next date of hearing.

Adjourned to 22.02.2022 for hearing.

6 CP(IBC)12/KOB/2021

Learned RP Shri Vinod PV as well as learned counsel for the Respondent/Personal Guarantor of the Corporate Debtor Ceevees Imaging and Healthcare Research Pvt Ltd Shri Jacob Mathew Manalil appeared through VC.

No reply statement has been filed, even though sufficient time was granted. However, a last opportunity is granted to the respondent to file reply if any, before the next date of hearing.

Adjourned to 22.02.2022 for hearing.

7 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.

At the request of the learned counsel for the Petitioner Shri Vinod PV, the case is adjourned to 03.02.2022. Rejoinder, if any be filed within one week from today.

8 TCP/34/KOB/2019

Learned senior counsel for R1 & R2 Shri George G. Poothicote appeared through VC and sought to hear the matter urgently. None appeared for other parties.

It appears that in the last date of hearing on 26.11.2021, the learned senior counsel for the Petitioner Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

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, R1 & R2 are directed to file an IA, if this matter requires urgent consideration.

Adjourned to 21.03.2022.

8 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the applicant Shri George G. Poothicote appeared through VC and sought to hear the matter urgently. None appeared for other parties.

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 applicant is directed to file an IA, if this matter requires urgent consideration.

Adjourned to 21.03.2022.

8 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned senior counsel for R1 & R2 Shri George G. Poothicote appeared through VC and sought to hear the matter urgently. None appeared for other parties.

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, R1 & R2 are directed to file an IA, if this matter requires urgent consideration.

Adjourned to 21.03.2022.

8 IA/67/KOB/2020 IN TCP/34/KOB/2019

Learned senior counsel for R1 & R2 Shri George G. Poothicote appeared through VC and sought to hear the matter urgently. None appeared for other parties.

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, R1 & R2 are directed to file an IA, if this matter requires urgent consideration.

Adjourned to 21.03.2022.

8 IA/204/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for the applicant Shri George G. Poothicote appeared through VC.

It appears that in the last date of hearing on 26.11.2021, the learned senior counsel for R1 & R2 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

Adjourned to 21.03.2022.

8 CA/9/KOB/2021 IN TCP/34/KOB/2019

None appeared for the applicant. Learned counsel for R1 Shri Vinod PV and learned counsel for R2 & R3 Shri George G. Poothicote also appeared through VC. None appeared for R4 & R5.

Adjourned to 21.03.2022.

8 IA(C/ACT)/41/KOB/2021 IN TCP/34/KOB/2019

This IA has been filed by the applicant/R3 with the following prayers:

- (i) Pass an order directing the Company Petitioners 1 & 2 to produce the original of Annexure A17 MoU before this Tribunal within a time limit specified and allow R3 to adduce evidence to contradict the same.
- (ii) Pass an order allowing the applicant to challenge Annexure A17 by adducing evidence including by way of cross examination of the makers and signatories of Annexure A17.

It appears that in the last date of hearing on 26.11.2021, the learned senior counsel for R1 & R2 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

Adjourned to 21.03.2022.

8 IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019

Learned counsel for R1 & R2 Shri George G. Poothicote and learned counsel for R4, R9, R10 & R11 Shri Zibi Jose, learned counsel for R3 & R5 Shri Mohan Jacob George and learned counsel for R14 Shri Vinod PV also appeared through VC. None appeared for R6 & R7.

It appears that in the last date of hearing on 26.11.2021, the learned senior counsel for the applicants Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

Adjourned to 21.03.2022.

8 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.

List on 21.03.2022.

9 CP(IB)/32/KOB/2021

Learned counsel for the Petitioner Shri V. Hallel Ben appeared through VC. The Corporate Debtor has already been set ex-parte.

The Petitioner is directed to file an IA, if this matter requires urgent consideration.

List on 10.02.2022 for hearing.

10 TCP/53/KOB/2019

Learned counsel for R1 Shri George G. Poothicote appeared through VC. None appeared for other parties.

Pleadings are complete.

It appears that in the last date of hearing on 26.11.2021 the learned senior counsel for R2 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

Adjourned to 21.03.2022.

10 TIA/131/KOB/2020 IN TCP/53/KOB/2019

Learned counsel for R1 Shri George G. Poothicote and learned counsel for R2 Shri Mohan Jacob George also appeared through VC. None appeared for other parties.

It appears that in the last date of hearing on 26.11.2021 the learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment on that date. His request was allowed and the case was adjourned to this date.

But no settlement memo has been filed till date.

Adjourned to 21.03.2022.

11 CP/31/KOB/2020

Advocate Akhil Suresh and Adv.Vijay V Pau appeared.

Adjourned to 22.03.2022.

12 CP/42/KOB/2020

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.

12 IA/209/KOB/2020

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.

13 CP/50/KOB/2020

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.

14 CP/51/KOB/2020

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.

14 CA/6/KOB/2021

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.

14 CA/26/KOB/2021

Adv. AN Rajan Babu learned counsel for respondents 1 to 5 appeared and sought an adjournment to produce the judgment of the Hon'ble High Court. He may do so.

Adjourned to 05.04.2022.