

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 18th Nov 2021

**In the Bench of: Shri Ashok Kumar Borah, Member (Judicial) &
Shri Anil Kumar B, Member (Technical)**

1 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.

Learned counsel for the Appellant Shri Sivasankar G appeared through VC. AROC Shri Ramesh appeared through VC on behalf of ROC. He submitted that he has not received the copy of the Appeal. Therefore, the appellant is directed to provide a copy of the appeal to the ROC within 2 days. ROC is directed to file his reply statement at least two days before the next date of hearing.

The appellant is also directed to file an affidavit with regard to the GST filing and whether they paid the PF, ESI, etc. pertaining to the contract employees of the Appellant Company, two days before the next date of hearing.

List on 29.11.2021 for hearing.

2 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 Shri Varun Srinivasan appeared through VC.

The respondents are directed to file their reply statement within 7 days.

List on 30.11.2021 along with MA/76/KOB/2021 for hearing.

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.

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 Shri Varun Srinivasan appeared through VC.

The respondents are directed to file their reply statement within 7 days.

List on 30.11.2021 along with MA/76/KOB/2021 for hearing.

4 IA/33/KOB/2021 IN TIBA/25/KOB/2019

Learned counsel for applicant Shri Vijay V. Paul appeared through VC. Learned counsel for R1 Shri Vinod PV, Learned counsel for R2 & R3 Shri K.S.Ravichandran and learned counsel for R4 Shri Biju Varghese Abraham also appeared through VC.

The Forensic Audit in this case has already been done.

The Independent Chartered Accountant appointed by this Tribunal vide order dated 06.09.2021 for the limited purpose of verification of the claim of the applicant as per the request of the applicant, has filed his report on 11.10.2021.

Vide Order dated 08.11.2021 both the parties were directed to file their reply statement against report of the Independent Chartered Accountant within 10 days.

The learned counsel for both the parties today submitted that they have already filed the reply statement through online but hard copy has not been filed.

Both the parties are directed to complete the filing formalities within 7 days positively.

List this IA for hearing on 07.12.2021 along with related IAs (High on Board).

There shall be no adjournment in this matter.

5 IA(IBC)/78/KOB/2021 IN TIBA/25/KOB/2019

Learned RP Smt Sathydevi Alamuri appeared through VC along with her counsel Shri Vinod PV. Learned PCS for respondents Dr. KS Ravichandran also appeared through VC.

List this IA for hearing on 07.12.2021 along with related IAs (High on board).

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

Learned PCS for the applicant Dr. K.S.Ravichandran, learned RP Smt. Satyadevi Alamuri along with her learned counsel Sri Vinod PV and learned counsel for R1/Operational Creditor Shri Vijay V. Paul also appeared through VC.

Pleadings are complete.

List this MA for hearing on 07.12.2021 along with related IAs (High on board).

7 IA(IBC)/154/KOB/2021 IN TIBA/25/KOB/2019

This is an IA filed by the RP under Section 30(6) and 31(1) of the IBC, 2016 read with Regulation 39 of the IBBI (Insolvency Resolution Process of Corporate Person) Regulation, 2016 and Rule 11 of the NCLT Rules for approval of Resolution Plan.

Learned RP Smt. Satyadevi Alamuri appeared in person through VC along with her learned counsel Shri Vinod PV.

This matter will be heard along with the hearings of related IAs.

List on 18.11.2021 (High on Board).

8 IA(IBC)/142/KOB/2021 IN IBA/04/KOB/2020

This IA has been filed by the RP under Section 67 of IBC, 2016 seeking certain directions against the Corporate Debtor.

Adv Shri Muralikrishnan represented the RP through VC.

It appears from records that notice has already been duly served to the respondents. Registry reported that none of the respondents have neither filed their vakkalath nor filed any reply even though vide order dated 28.09.2021 they were directed to file their reply statement on or before 15.10.2021.

The respondents are hereby **given the last and final opportunity to file their reply statement on or before 30.11.2021, failing which, their right to file reply statement would stand forfeited.**

List on 08.12.2021 for hearing.

9 MA/209/KOB/2020 IN TCP/8/KOB/2019

Learned counsel for the Applicant Shri Saai Sudharsan appeared through VC. Learned counsel R1 to R4 Shri A.M.Sridharan also appeared through VC.

Shri Saai Sudharsan submitted that in spite of the Order dated 13.10.2020 in TIA/102/KOB/2020 in TCP/08/KOB/2019 the Respondents have not yet produced

the Original Audited Financial Statements of the R1 Company for the Financial Year 2013-14 and 2014-15.

Shri A.M.Sreedharan submitted that the appeal filed before NCLAT in this case has not yet been disposed of and hence sought time to submit the documents till the final disposal of the case by NCLAT. Shri Saai Sudharsan submitted that there is no stay order by NCLAT and in fact NCLAT vide Order dated 03.06.2021 has made it clear that pendency of the Appeal will not come in the way of Company Petition pending before NCLT, Kochi Bench proceedings further.

In view of the above, the respondents are directed to submit the documents before the next date fixed positively, failing which, law will take its own course.

List on 20.12.2021 for hearing.

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

Learned counsel for the Applicant Shri Saai Sudharsan appeared through VC. Learned counsel R1 to R4 Shri A.M.Sridharan also appeared through VC.

This TIA will be heard along with the related MA.

List on 20.12.2021 for hearing.

11 TCP/8/KOB/2019

Learned counsel for the Applicant Shri Saai Sudharsan appeared through VC. Learned counsel R1 to R4 Shri A.M.Sridharan also appeared through VC.

List on 20.12.2021 along with the related IAs for hearing .

12 TCP/11/KOB/2019

Learned counsel for the Applicant Shri A.M.Sridharan appeared through VC. Learned counsel R2, R3 & R5 Shri Saai Sudharsan appeared through VC.

List on 20.12.2021 along with TCP/8/KOB/2019 for hearing.

13 MA(C/ACT)/03/KOB/2021 IN CP/128/KOB/2019

Learned counsel for the Applicants Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri Philip Mathew appeared through VC. AROC Shri Ramesh also appeared for R4(ROC).

This MA has been filed by the Applicants/Petitioners 1 & 2 under Rule 11 of the NCLT Rules 2016 seeking the relief to purchase the entire shares of R2 & R3 at a

price of Rs.16,397/- per share and for direction to the respondents to make available the entire shares for purchase by the petitioners.

Shri Babu Cherukara sought an adjournment stating that the applicant is not in station. His request is allowed.

This MA will be heard along with the main CP.

List on 09.12.2021 for hearing.

14 IA(C/ACT)/2/KOB/2021 IN CP/128/KOB/2019

Learned counsel for the Applicants Shri Philip Mathew as well as learned counsel for R1 & R2 Shri Babu Cherukara appeared through VC. AROC Shri Ramesh also appeared for R4(ROC).

This IA has been filed by the applicants/R1 to R3 under Rule 11 of the NCLT Rules seeking an order allowing them to purchase the shares held by respondents/ Petitioners 1 & 2 at a price of Rs.17,400/- per share.

Shri Babu Cherukara sought an adjournment stating that the applicant is not in station. His request is allowed.

This MA will be heard along with the main CP.

List on 09.12.2021 for hearing.

15 CP/128/KOB/2019

Learned counsel for the Petitioner Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri Philip Mathew appeared through VC.

Pleadings are complete.

Shri Babu Cherukara sought an adjournment stating that the applicant is not in station. His request is allowed.

List on 09.12.2021 for hearing.

16 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant/R3 Shri Thomas Geeverghese as well as learned counsel for R1 Shri Sukumar Nainan Oommen and learned counsel for R2 Shri Philip Mathew appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 02.12.2021 for hearing.

17 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 02.12.2021 for hearing.

18 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC. None appeared for other respondents.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 02.12.2021 for hearing.

19 IA/128/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VCV. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC. None appeared for other respondents.

Since pleadings are complete in the main CP this IA will be heard along with the hearing of the main CP

List on 02.12.2021 for hearing.

20 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioner Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Shri Philip Mathew suggested that this contempt petition may be heard along with the main CP since pleadings are complete in the main CP.

List on 02.12.2021 for hearing.

21 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC. None appeared for other respondents.

Shri Sukumar Nainan Oommen argued the case for some time and concluded. At this point Shri Sherry Samuel Oomen has stated that he wants to supplement the argument of his senior, for which time will be granted during the next posting date, and arguments of respondents also will be heard on that date.

List on 02.12.2021 for further arguments (Part Heard).

22 IA(C/ACT)/16/KOB/2021 IN CP/43/KOB/2020

This is an IA filed by the petitioner under Rule 53 of NCLT Rules 2016 with the prayer to implead additional respondents 5 to 10 in the CP.

Learned counsel for the Petitioner Shri Shinu J. Pillai appeared through VC. Learned counsel for R1 to R3 Shri S.M.Ameerul Millath and learned counsel for R4 Shri Anzil Salim also appeared through VC. Heard the learned counsel for all the parties.

Reserved for Orders.

23 CP/43/KOB/2020

Learned counsel for the Petitioner Shri Shinu J. Pillai appeared through VC. Learned counsel for R1 to R3 Shri S.M.Ameerul Millath and learned counsel for R4 Shri Anzil Salim also appeared through VC.

List on 07.12.2021 for hearing.

24 CP/12/KOB/2021

Learned PCS Shri Vivekkumar appeared for the petitioner. None appeared for the respondents even though a vakalath has been filed by Mr.Sreehari Indukaladharan.

No counter filed by the respondents and their right to file counter has already been forfeited.

Since the prayers of the petitioner is not opposed through counter, this matter will be heard and decided during the next posting date.

List on 8.12.2021 for final hearing.

25 CP/34/KOB/2021

Learned counsel for the petitioner Shri Arun K Kamalolbhavan as also learned counsel for the respondents Shri Harikrishnan Nair appeared through VC Shri Nair stated that he has already filed the counter through online, but the Registry is not accepting the physical copy on account of delay in submitting the same. He sought time to file an IA, for which five days' time is granted,. **List the CP for hearing on 9,12,2021 along with the IA, if any filed.**

26 COMP.APPLN/106/KOB/2021 IN CP/35/KOB/2021

This CA has been filed by the applicants (R1 to R3 in the CP) against the Respondents (Petitioner and R4 in the CP) with the prayer to dismiss CP/35/KOB/2021 as not maintainable.

Learned counsel for the applicants Shri Sharad Kodianthara as well as learned counsel for the R1 Smt. Amrutha Vidhyadharan appeared through VC.

Smt. Amrutha sought time to file the reply against this CA. Her request is allowed.

List on 16.12.2021.

27 CP/35/KOB/2021

This Company Petition is filed under Section 340 read with Section 246 of the Companies Act, 2013 by the Petitioner Shri PM. Johny against the respondents Shri K.J. Paul and 3 others alleging loss or damage to the R4 Company to the tune of Rs.50,01,49,418/- by the mismanagement of respondents.

Learned counsel for the applicants Shri Sharad Kodianthara as well as learned counsel for the R1 Smt. Amrutha Vidhyadharan appeared through VC.

Smt. Amrita sought time to file rejoinder in this case. Her request is allowed. **She is allowed five days time to file the rejoinder.**

List on 08.12.2021 for hearing.