

NCLT, KOCHI BENCH**Daily Orders – For reference purpose only**

Date: 20th Jan 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 REPORT/8/KOB/2022

This report has been filed by the Liquidator Shri Vinod Balachandran in the matter of Liquidation Process of Albanna Engineering (India) Pvt Ltd.

Neither the liquidator nor his counsel appeared through VC even on second call.

Hence, adjourned to 04.02.2022.

2 IA(IBC)/9/KOB/2022

This IA has been filed under Section 35(1)(n) of the IBC, 2016 and Regulation 44(2) of IBBI (Liquidation Process) Regulations, 2016 by the Liquidator seeking extension of the Liquidation process from 15.01.2022 to 14.07.2022.

Learned Liquidator Shri R. Aravindakshan Nair appeared in person through VC along with his counsel Shri Sojan James.

Heard the submissions of the Liquidator and perused the records.

IA(IBC)/9/KOB/2022 stands disposed of vide separate sheets.

3 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 and R11 Shri M.A.Shaji, learned counsel for R2, R4, R5 and R9 Shri Jomy George appeared through VC. None appeared for R3, R6, R7 & R8.

This is a part heard case.

At the request of Shri M.A.Shaji and Shri Jomy George and also in view of the proceedings of the Principal Bench dated 15.1.2022, **the case is adjourned to 23.02.2022-Part Heard (High on Board).**

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

Learned counsel for both sides appeared through VC.

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

List on 23.02.2022 – High on Board.

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

Learned counsel for both sides appeared through VC.

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

List on 23.02.2022 – High on Board.

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

Learned counsel for both sides appeared through VC.

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

List on 23.02.2022 – High on Board.

3 IA/128/KOB/2020 N CP/16/KOB/2020

Learned counsel for both sides appeared through VC.

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

List on 23.02.2022 – High on Board.

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

Learned counsel for the Contempt Petitioner Shri M.A.Shaji as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

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

List on 23.02.2022 – High on Board.

4 CP/28/KOB/2020

At the request of the learned counsel for the Petitioner Shri M.A.Shaji, **the case is adjourned to 23.02.2022.**

5 TCP/7/KOB/19

Learned counsel for the Petitioner Shri C.K.Karunakaran appeared through VC.

In view of the proceedings of the Principal Bench dated 15.1.2022, **the case is adjourned to 23.03.2022.**

5 IA/7(KOB)/2020

This matter will be heard along with the main CP.

Adjourned to 23.03.2022.

6 TCP/20/KOB/2019

Learned counsel for the Petitioner Shri A.M.Sridharan as well as learned senior counsel for R1 Shri Joseph Kodianthara appeared through VC.

Shri A.M.Sridharan sought some more time to file reply statement in the COMP.APPLN/107/KOB/2021. His request is allowed. The Petitioner is directed to file reply statement against the aforesaid CA within two weeks.

List on 23.03.2022 for hearing (High on Board).

6 COMP.APPLN/104/KOB/2021

Learned counsel for both the parties appeared through VC.

List on 23.03.2022 for hearing along with the main TCP (High on Board).

6 IA/194/KOB/2020

Learned counsel for both the parties appeared through VC.

List on 23.03.2022 for hearing along with the main TCP (High on Board).

6 MA(CA)/02/KOB/2021

Learned counsel for both the parties appeared through VC.

List on 23.03.2022 for hearing along with the main TCP (High on Board).

6 COMP.APPLN/107/KOB/2021

This CA has been filed under Rule 39 of the NCLT Rules, 2016 by the Applicants/R1 to R3 against the Respondent/Petitioner with the prayer to accept Annexure A1 to A7 as additional documents and take the same on record.

Learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for the Respondent Shri A.M.Sridharan appeared through VC.

During the hearing on 16.11.2021, based on the submission of the learned senior counsel for the respondents in the TCP Shri Joseph Kodianthara that he will produce the share certificate issued to the petitioner, this Tribunal directed him to produce the Share Certificate duly acknowledged by the petitioner on or before 23.11.2021. This IA is filed in compliance with the aforesaid direction.

Shri A.M.Sridharan sought some more time to file reply statement against this IA. His request is allowed. The Respondent/Petitioner is directed to file reply statement to this CA/107/KOB/2021 within two weeks.

List on 23.03.2022 for hearing along with the main TCP (High on Board).

7 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 in person through VC along with his counsel Shri Vinod PV.

No reply statement has been filed by R1 to R5 till date though Vakkalath filed on behalf of them. Even though notice has been duly served on R6, R6 neither appeared through VC nor engaged any counsel.

The Petitioner is directed to inform the respondents the next date of hearing through email immediately.

List on 17.02.2022 for hearing.

8 MA(IBC)/39/KOB/2021 IN TIBA/07/KOB/2019

This MA has been filed under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the suspended Managing Director of Sargam Builders Pvt Ltd (under liquidation) seeking direction to the Respondent/Liquidator to admit the claim of the applicant for Rs.2,93,17,492.65.

Learned counsel for the applicant Shri Babu Karukapadath as well as learned counsel for the liquidator Shri Akhil Suresh Suresh appeared through VC.

Shri Akhil Suresh sought some more time to file the reply statement against this MA. Request is Allowed. He is directed to file the reply statement within a week.

List on 18.02.2022 for hearing.

9 IA(IBC)/169/KOB/2021 IN TIBA/35/KOB/2019

This IA has been filed by the Liquidator against the suspended Managing Director of the Corporate Debtor.

Learned liquidator Shri B. Baburajan appeared in person through VC. Adv Shri Abraham Mathew appeared for the respondent through VC.

Both sides argued and concluded their arguments.

Reserved for Orders.

10 CP/30/KOB/2021

Learned counsel for the Petitioners Smt Rema Smrithy as well as learned counsel for the Respondents Shri Nebil Nizar appeared through VC.

Pleadings are complete.

Smt Rema Smrithy sought an adjournment to enable her to file reply statement in the IA(C/ACT)/60/KOB/2021 filed by the Respondents. Her request is allowed and directed to file the reply statement within two weeks.

List on 24.03.2022 for hearing.

10 IA(C/ACT)/60/KOB/2021 in CP/30/KOB/2021

This IA has been filed under Rule 43(3) of NCLT Rules, 2016 by R1, R2 and R3 seeking the following reliefs:

- (a) That the original Board Resolution dated 05.12.2020 containing the undisputed 'signature' of the 1st Respondent and the impugned Securities Transfer Form (SH-4) dated 29.01.2021 bearing the signature of the 1st Respondent be sent for examination and report of the Central Forensic Science Laboratory to ascertain the veracity regarding the alleged forgery of documents.
- (b) That the original Board Resolution dated 05.12.2020 containing the undisputed 'signature' of the 2nd Respondent and the impugned Securities Transfer Form (SH-4) dated 29.01.2021 bearing the signature of the 2nd Respondent be sent for examination and report of the Central Forensic Science Laboratory to ascertain the veracity regarding the alleged forgery of documents.

Learned counsel for the applicants Shri Nebil Nizar as well as learned counsel for the respondents Smt Rema Smrithy appeared through VC.

Smt Rema Smrithy sought some more time to file the reply statement in this IA. Allowed. She is directed to file the reply statement within two weeks.

List on 24.03.2022 for hearing.

11 CP/98/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R4 Shri P.P.Zibi Jose appeared through VC. None appeared for R3.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

12 CP/99/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R4 Shri P.P.Zibi Jose appeared through VC. None appeared for R3.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

12 CONTEMPT PETITION/08/KOB/2020 IN CP/99/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared for the Contempt Petitioner.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

13 CP/100/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R3 Shri P.P.Zibi Jose appeared through VC.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

14 CP/101/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R3 Shri P.P.Zibi Jose appeared through VC.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

15 CP/102/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R3 Shri P.P.Zibi Jose appeared through VC. None appeared for R4.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

16 CP/103/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri Rishikesh Shenoy and learned counsel for R3 Shri P.P.Zibi Jose appeared through VC.

At the request of the learned counsel for the Petitioner, the case is adjourned to 07.04.2022.

17 CP/40/KOB/2020

Learned counsel for the Petitioner Shri Nikhil Narayanan, learned counsel for R1 to R4 Shri Rajesh Narayan Iyer and learned counsel for R5 Shri Renjith Rajappan appeared through VC.

Vide Order dated 25.11.2021, this Tribunal has appointed Shri G. Rengarajan as an Independent Chartered Accountant to estimate the losses caused to the R4 Company by the alleged mismanagement of R1, R2, R3 and R5 and to file a report before this Tribunal within two months from 25.11.2021.

Shri Rengarajan has submitted a Memo on 19.01.2022 stating that due to various reasons and also considering the increase in Covid 19 cases in Kerala he is not in a position to submit the report within the stipulated time and sought another two months to submit his report.

in view of the proceedings of the Principal Bench dated 15.1.2022, the case is **adjourned to 24.03.2022**. The Independent Chartered Accountant is directed to submit his report at least two weeks before the above date.

Registry is directed to issue copy of this Order to the Independent Chartered Accountant through email immediately.

17 CA(C/ACT)/71/KOB/2021 IN CP/40/KOB/2020

Learned counsel for the Applicant Shri Nikhil Narayanan, learned counsel for R1 to R4 Shri Rajesh Narayan Iyer and learned counsel for R5 Shri Renjith Rajappan appeared through VC.

Adjourned to 24.03.2022.