

NCLT, KOCHI BENCH

Daily Orders

Date: 20th December 2021

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

1 IA/33/KOB/2021 N TIBA/25/KOB/2019

Learned counsel for the applicant Shri Vijay V.Paul appeared through VC. Learned counsel for R1 Shri Vinod PV and learned counsel for R2 & R3 Shri K.S.Ravichandran appeared through VC. None appeared for R4.

Orders pronounced. **IA/33/KOB/2021 N TIBA/25/KOB/201** stands dismissed vide separate Order.

2 IA(C/ACT)/59/KOB/2021 IN CP/34/KOB/2021

This IA has been filed by the Applicants (R1 to R3 in the CP) seeking certain directions to the Respondents (Petitioner No.1 and R4 & R5 in the CP).

None appeared for the respondents.

Adv Shri Harikrishnan R. Nair, who appeared for the applicants, stated that he has already served the copy of the application to the respondents. But it appears that the proof of service has not been produced. The applicants are therefore directed to submit proof of service (A/d card or Postal Track Report) with an affidavit within 7 days. Registry is also directed to issue notice to the respondents through email. Respondents are directed to file their Reply Statement on or before 07.01.2022.

List on 21.01.2022 along with **CP/34/KOB/2021**.

3 REPORT/115/KOB/2021 N CP(IB)/05/KOB/2021

This Report has been filed under Regulation 13(1) read with Regulation 13(2) (D) of the IBBI (Insolvency Resolution Process of Corporate Persons) Regulations, 2026 by the IRP in the matter of Samson and Sons Builders and Developers Pvt Ltd.

Perused the report. Report is taken on record. Registry is directed to place the report in the file of **CP(IB)/05/KOB/2021**.

4 **CP(IBC)/24/KOB/2021**

Learned senior counsel Shri. Ratnanko Banerji appeared for the Operational Creditor and learned senior counsel Shri E.K.Nandakumar appeared for the Corporate Debtor through VC.

Learned senior counsel for both the parties argued and concluded.

Reserved for Orders.

The learned counsel for the parties may submit their written submissions in brief (limiting 3-4 pages) with case laws, if any, within 7 days.

5 **CP/126/KOB/2019**

Learned counsel for the Petitioners Shri Philip Mathew as well as learned PCS for R1 to R3 Shri PP Zibi Jose appeared through VC.

Since the connected case CP/38/KOB/2020 has already been heard and reserved for Orders, and a matter connected to the issue involved is pending before the Hon'ble NCLAT, list this CP on 24.01.2022 for hearing.

6 **CP/38/KOB/2020**

Learned counsel for the Petitioners Shri Shri Philip Mathew as well as learned PCS for R1 & R5 Shri PP Zibi Jose appeared through VC.

Learned counsel for both the parties argued and concluded.

Reserved for Orders.

6 **IA/215/KOB/2020 IN CP/38/KOB/2020 c/w CP/126/KOB/2019**

Learned counsel for the Petitioners Shri Philip Mathew as well as learned PCS for R1 & R5 Shri PP Zibi Jose appeared through VC.

Learned counsel for both the parties argued and concluded.

Reserved for Orders.

7 **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 Smt. Priya Elizabeth Babu appeared through VC.

The Respondent/Personal Guarantor is directed to file the Reply Statement on or before 04.01.2022.

List on 18.01.2022 for hearing.

8 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 Smt. Priya Elizabeth Babu appeared through VC.

The Respondent/Personal Guarantor is directed to file the Reply Statement on or before 04.01.2022.

List on 18.01.2022 for hearing.

9 CP(IB)/35/KOB/2021

The RP has filed her report under Section 99 of the IBC, 2016 recommending to accept the application filed under Section 95 (1) of the IBC, 2016 by the applicant Kerala State Co-operative Bank Limited against the Personal Guarantor Shri Babu George of the Corporate Debtor Lake View Ayurvedic Resorts and Research Centre Private Limited. The report has been taken on record.

Learned RP Smt Celine P. Thomas appeared in person through VC.

Registry is directed to issue notice to the Personal Guarantor and place the proof of service in the file.

The Personal Guarantor is directed to submit his Reply Statement on or before 04.01.2022.

List on 19.01.2022 for hearing.

10 CP(IB)/36/KOB/2021

The RP has filed her report under Section 99 of the IBC, 2016 recommending to accept the application filed under Section 95 (1) of the IBC, 2016 by the applicant Kerala State Co-operative Bank Limited against the Personal Guarantor Shri K.Sivadas of the Corporate Debtor Lake View Ayurvedic Resorts and Research Centre Private Limited. The report has been taken on record.

Learned RP Smt Celine P. Thomas appeared in person through VC.

Registry is directed to issue notice to the Personal Guarantor and place the proof of service in the file.

The Personal Guarantor is directed to submit his Reply Statement on or before 04.01.2022.

List on 19.01.2022 for hearing.

11 CP(IB)/32/KOB/2021

None appeared for both the parties.

It appears from records that notice has been duly served to the Corporate Debtor on 08.11.2021 as per Postal Track Consignment report. But the CD has neither appeared through VC nor filed any Reply Statement. **Therefore, the Corporate Debtor is hereby set ex-parte.**

Today the case is posted for final hearing. Since, none appeared for OC through VC today, the case is adjourned to 19.01.2022. **A last and final opportunity is granted to the operational creditor to appear, failing which the case will be dismissed for non-prosecution.**

List on 18.01.2022 for final hearing.

12 CP(IB)/34/KOB/2021

This Petition had been filed by the Financial Creditor Dhanalaxmi Bank Ltd against the Corporate Debtor S.D.Pharmacy Pvt Ltd under Section 7 of the IBC, 2016.

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC. Though Adv Shri Peer Mohammed appeared through VC in the last date of hearing and stated that he represents the Corporate Debtor and agreed to file vakalath on the same day, no vakkalath has been filed by him and that none appeared for the CD today.

It appears from records that the FC has not yet filed the proof of service. Therefore, FC is directed to issue fresh notice enclosing a copy of the CP(IB) to the Corporate Debtor 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. The Corporate Debtor is directed to file their Reply Statement on or before 07.01.2022, serving copy to the Petitioner, who may file rejoinder, if any, on or before 15.01.2022.

List on 19.01.2022 for hearing.

13 CP(IB)/41/KOB/2021

Learned counsel for the Operational Creditor Shri Piyush Luktuke appeared through VC.

It appears from records that notice was duly served to the Corporate Debtor. But the CD neither appeared through VC nor filed any Reply Statement. **Therefore, the Corporate Debtor is hereby set ex-parte.**

Heard the learned counsel for the Operational Creditor.

Reserved for Orders.

14 TCP/8/KOB/2019

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

It appears from records that vide Order dated 13.10.2020 in TIA/102/KOB/2020 this Tribunal had given the following directions to the parties:

“This Tribunal hereby direct the Respondent No.1 Company to produce the Original Audited Financial Statements of the 1st Respondent Company for the Financial Year 2013-14 and 2014-15. The applicant is also directed to produce the Original Power of Attorney dated 31.07.2006 and the originals of two Pan Cards of the applicant bearing Nos ASEPK5529M and AFWPN7566B to this Tribunal in a sealed cover within two weeks from the date of receipt of this order.”

The Petitioner/Applicant has not yet complied with our above Order. Instead, the Petitioner has submitted only one Pan Card and filed MA/209/KOB/2020 IN TCP/8/KOB/2019 with the prayer to modify the above Order.

On the other hand, learned counsel for R1 to R4 submitted that he has preferred an appeal against the above Order before NCLAT, but no stay order exists.

Therefore, both the parties are directed to comply our Order dated 13.10.2020 before the next date fixed positively, failing which, law will take its own course.

There shall be no further adjournment in this case.

List on 27.01.2022 for hearing.

14 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.

Both the parties argued and concluded.

MA/209/KOB/2020 stands disposed of vide separate order.

14 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 main TCP.

List on 27.01.2022 for hearing.

15 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 27.01.2022 along with TCP/8/KOB/2019 for hearing.