

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 21st FEB 2022

**Coram: Shri Anil Kumar B.
Hon'ble Member (Technical)**

**Shri Ashok Kumar Borah
Hon'ble Member (Judicial)**

1 CP(IBC)/13/KOB/2021

None appeared for the Petitioner/FC. Learned counsel for the Respondent/Personal Guarantor Shri Akhil Suresh appeared through VC.

Today this case is posted for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Akhil Suresh has filed a memo attaching the Judgement of the Hon'ble High Court of Kerala dated 16.02.2022 in WP (C) No.3081/2022. Though the Writ Petition filed against the proceedings of this Tribunal has been dismissed, the Hon'ble High Court has directed to defer the implementation of the Order of this Tribunal dated 27.09.2021 for a period of one month granting one months' time to the petitioners to approach the NCLAT for redressal of their grievances.

In view of the above, the pronouncement of Order is hereby deferred.

List on 17.03.2022 for pronouncement of Orders.

2 CP(IBC)/15/KOB/2021

None appeared for the Petitioner/FC. Learned counsel for the Respondent/Personal Guarantor Shri Akhil Suresh appeared through VC.

Today this case is posted for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Akhil Suresh has filed a memo attaching the Judgement of the Hon'ble High Court of Kerala dated 16.02.2022 in WP (C) No.3081/2022. Though the Writ Petition filed against the proceedings of this Tribunal has been dismissed, the Hon'ble High Court has directed to defer the implementation of the Order of this Tribunal dated 27.09.2021 for a period of one month granting one months' time to the petitioners to approach the NCLAT for redressal of their grievances.

In view of the above, the pronouncement of Order is hereby deferred.

List on 17.03.2022 for pronouncement of Orders.

3 CP(IBC)/16/KOB/2021

None appeared for the Petitioner/FC. Learned counsel for the Respondent/Personal Guarantor Shri Akhil Suresh appeared through VC.

Today this case is posted for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Akhil Suresh has filed a memo attaching the Judgement of the Hon'ble High Court of Kerala dated 16.02.2022 in WP (C) No.3081/2022. Though the Writ Petition filed against the proceedings of this Tribunal has been dismissed, the Hon'ble High Court has directed to defer the implementation of the Order of this Tribunal dated 27.09.2021 for a period of one month granting one months' time to the petitioners to approach the NCLAT for redressal of their grievances.

In view of the above, the pronouncement of Order is hereby deferred.

List on 17.03.2022 for pronouncement of Orders.

4 CP(IBC)/17/KOB/2021

None appeared for the Petitioner/FC. Learned counsel for the Respondent/Personal Guarantor Shri Akhil Suresh appeared through VC.

Today this case is posted for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Akhil Suresh has filed a memo attaching the Judgement of the Hon'ble High Court of Kerala dated 16.02.2022 in WP (C) No.3081/2022. Though the Writ Petition filed against the proceedings of this Tribunal has been dismissed, the Hon'ble High Court has directed to defer the implementation of the Order of this Tribunal dated 27.09.2021 for a period of one month granting one months' time to the petitioners to approach the NCLAT for redressal of their grievances.

In view of the above, the pronouncement of Order is hereby deferred.

List on 17.03.2022 for pronouncement of Orders.

5 CP(IBC)/18/KOB/2021

Orders pronounced. CP(IBC)/18/KOB/2021 stands allowed vide separate Order.

6 CP(IBC)/19/KOB/2021

None appeared for the Petitioner/FC. Learned counsel for the Respondent/Personal Guarantor Shri Akhil Suresh appeared through VC.

Today this case is posted for pronouncement of Orders. However, the learned counsel for the Personal Guarantor Shri Akhil Suresh has filed a memo attaching the Judgement of the Hon'ble High Court of Kerala dated 16.02.2022 in WP (C) No.3081/2022. Though the Writ Petition filed against the proceedings of this Tribunal has been dismissed, the Hon'ble High Court has directed to defer the implementation of the Order of this Tribunal dated 27.09.2021 for a period of one month granting one months' time to the petitioners to approach the NCLAT for redressal of their grievances.

In view of the above, the pronouncement of Order is hereby deferred.

List on 17.03.2022 for pronouncement of Orders.

7 CP(IB)/33/KOB/2021

Learned counsel for both the parties appeared through VC.

Orders pronounced. CP(IB)/33/KOB/2021 stands admitted and Interim Resolution Professional appointed.

8 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 252(3) of the Companies Act, 2013 by the Applicant - Intesigns Interiors Pvt Ltd, against the Registrar of Companies with the prayer to revive the appellant Company.

Learned counsel for the Appellant Shri G. Krishnakumar appeared through VC.

The appellant is directed to submit the following details/documents pertaining to the Company within 7 days.:

1. **Last turnover of the Company;**
2. **Last Audited Balance Sheet of the Company;**
3. **Last Salary Statement details of the employees; and**
4. **GST certificate and last GST return details.**

Registry is directed to issue notice to ROC through special messenger. ROC is directed to file his report on or before 28.02.2022.

List on 01.03.2022 for admission.

9 IA(C/ACT)/14/KOB/2022 IN IA(C/ACT)/17/KOB/2021

This IA has been filed under Rule 11 and 32 of the NCLT Rules, 2016 by the Applicant/R1 with the prayer to advance the hearing of IA(C/ACT)/17/KOB/2021 from 21.03.2022 to a nearer date.

Learned counsel for the applicant Shri George G Poothicote appeared through VC. Learned counsel for R1 Shri Renjith Rajappan, learned counsel for R3 & R5 Shri Mohan Jacob George and learned counsel for R4, R8 – R11 Shri Zibi Jose also appeared. None appeared for other respondents.

Both the parties agreed for early hearing of the case.

Registry is directed to issue copy of this Order to the counsel for the parties through email immediately.

Accordingly, IA(C/ACT)/14/KOB/2022 stands allowed and Registry is directed to list IA(C/ACT)/17/KOB/2021 on 25.02.2022 for hearing.

The learned counsel for the parties may submit their written submissions in brief (limiting 3-4 pages) well before the date of hearing.

10 CP/11/KOB/2021

Learned counsel for the petitioners Shri Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powell appeared through VC.

R2, R3, R4 and R5 have already been set ex-parte.

Heard both sides.

Interim Orders passed separately.

List on 19.04.2022.

11 CP/21/KOB/2021

Learned counsel for the Petitioner Shri Thobias Powell appeared through VC.

Report filed by ROC is on record.

Heard both sides.

Interim Orders passed separately.

List on 19.04.2022.

11 IVNP/2/KOB/2021

Learned counsel for the Intervening petitioners Shri Aswin Gopakumar as well as learned counsel for R1 Shri Thobias Powell appeared through VC.

This Intervening Petition will be considered at the time of hearing of main CP.

12 CP(IB)/42/KOB/2021

Learned senior counsel Shri Joseph Kodianthara appeared for the Financial Creditor and Smt. Dhanisha, learned counsel appeared for the Corporate Debtor.

Heard both sides.

Orders Reserved.

Learned counsel for both the parties may submit their written submissions in brief (limiting 3-4 pages) within 4 days from today.

12 IA(IBC)/35/KOB/2022 in CP(IB)/42/KOB/2021

This IA has been filed by the Applicant/FC with the prayer to condone the delay of 14 days in filing the Rejoinder.

Learned senior counsel Shri Joseph Kodianthara appeared for the Financial Creditor and Smt. Dhanisha, learned counsel appeared for the Corporate Debtor.

On hearing the parties, this Tribunal is of the opinion that the prayer of the Applicant to condone the delay in filing the Rejoinder be allowed.

Accordingly, IA(IBC)/35/KOB/2022 stands allowed and Registry is directed to place the rejoinder in CP(IB)/42/KOB/2021.

13 CP(IB)/43/KOB/2021

This CP(IB) has been filed under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016 by the Financial Creditor State Bank of India against the Corporate Debtor Green Gateway Leisure Pvt Ltd for initiation of Corporate Insolvency Resolution Process against them.

Learned counsel for the Financial Creditor Shri Vinod PV as well as learned counsel for the Corporate Debtor Smt. Manjula Devi appeared through VC.

Learned counsel for the CD has filed a memo on 18.02.2022 stating that the CD is taking all necessary bonifide steps to settle the matter with the Financial Creditor and OTS letter has been submitted to the FC and the FC has imposed a condition to make upfront payment of 5% of the total due amount. After negotiating further, in compliance of the condition imposed by the FC, the 5% upfront payment, which comes to Rs.1.40 crore, has already been transferred by the CD to the FC on 18.02.2022. The CD has also agreed to clear the entire balance amount of Rs.21 crore before 21.03.2022.

Accordingly, Smt. Manjula Devi prayed to adjourn the case after 21.03.2022. Her prayer is allowed.

At the request of Smt. Manjula Devi, the case is adjourned to 30.03.2022 for hearing.

14 CA/55/KOB/2020

Learned counsel for the Appellant Shri Bijoy P. Pulipra as well as learned counsel for R1 & R2 Smt. Jinnu Sara George appeared through VC.

Since the IA(C/ACT)/13/KOB/2022 filed by the Respondents with the prayer to permit them to produce the additional document in this CA has been allowed vide today's proceedings, **list this CA on 28.02.2022 for hearing.**

The Appellant will be at liberty to file reply statement, if any, against the additional document filed by R1 & R2, well before the date fixed for hearing.

14 IA(C/ACT)/3/KOB/2022 in CA/55/KOB/2020

This IA has been filed under Rule 11 of the NCLT Rules, 2016 with the prayer to permit the applicant (respondent in the CA) to produce the additional documents and accept such those documents marked from Additional Annexures B5 – B10.

Learned counsel for the applicant Shri Jinnu Sara George as well as learned counsel for the Respondent Shri Bijoy P. Pulipra appeared through VC.

This IA will be heard along with the main CA.

List on 28.02.2022 for hearing.

14 IA(C/ACT)/13/KOB/2022 in CA/55/KOB/2020

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the applicants/R1 & R2 with the prayer to permit them to produce the additional document and accept such additional document marked from Additional Annexure-B11.

Learned counsel for the applicant Smt Jinnu Sara George as well as learned counsel for the respondent Shri Bijoy P. Pulipra appeared through VC.

Heard both sides.

On hearing the parties, this Tribunal is of the opinion that the prayer of the Applicant be allowed.

Accordingly, **IA(C/ACT)/13/KOB/2022 stands allowed and Registry is directed to place the Additional Annexure-B11 in CA/55/KOB/2020.**

15 CP/09/KOB/2021

Learned counsel for the Petitioner Shri Akhil Suresh as well as learned counsel for R1 to R4 Shri Clint Li Johny appeared through VC.

Shri Akhil Suresh submitted that he has already served the notice to R5 & R6 through email and received acknowledgement.

Shri Clint Li Johny sought an adjournment to enable him to file Vakkalath and counter for R5 & R6. His prayer is allowed.

R5 & R6 is directed to file the counter, if any, within two weeks from today.

There shall be no further adjournment in this case.

List on 09.03.2022 for hearing.

15 COMP.APPLN/108/KOB/2021

This application has been filed under Rule 32 of NCLT Rules, 2016 by the applicants (R1 to R4 in the CP) with the prayer to vacate the status quo direction of this

Tribunal dated 03.03.2021 with regard to the shareholding pattern of the Company so as to permit the Directors to proceed to issuing share capital at its discretion.

Learned counsel for the Applicant Shri Clint Li Johny as well as learned counsel for the Respondent Shri Akhil Suresh appeared through VC.

This IA will be heard along with the hearing of the main CA.

List on 09.03.2022 for hearing.

16 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.

Learned counsel for the Appellant Shri A.N.Rajan Babu appeared through VC. AROC Shri Ramesh also appeared through VC and stated that this CA has become infructuous.

Report of the ROC/R7 is on record.

Pleadings are complete.

List on 28.02.2022 for hearing.