

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 22nd FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/37/KOB/2022

This IA has been filed by the Committee of Creditors with the prayer to advance the IA/24/KOB/2022 in CP(IBC)/25/KOB/20-21 from 01.03.2022 to a nearer date for hearing and disposal.

Learned counsel for the Applicant Shri Sunil Shankar as well as learned IRP Shri Krishna Raj appeared through VC.

It appears from records that IA/24/KOB/2022 is posted to 01.03.2022. However, both the parties agreed for early hearing of the case.

Accordingly, IA(IBC)/37/KOB/2022 stands allowed and Registry is directed to list IA(IBC)/24/KOB/2022 on 25.02.2022 for hearing.

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

2 IA(C/ACT)/15/KOB/2022 in TCP/21/KOB/2019

This IA has been filed under Rule 11 and 32 read with Rule 15 of the NCLT Rules, 2016 for modification of Order dated 02.02.2022 and disallowing the claim of the Auditor as per Order dated 02.02.2022 in TCP/21/KOB/2019.

Learned counsel for the Applicant Shri Philip Mathew appeared through VC. He stated that notice has already been served to the Respondent and received acknowledgement. His submission is recorded. He is directed submit the proof of service (A/D card or Postal Track Report) within two days.

The Respondent - Shri Babu A Kallivayalil is directed to submit his reply statement within 7 days from today.

List on 04.03.2022 for hearing.

Registry is directed to issue copy of this Order to the Respondent through email immediately.

3 CP/127/KOB/2019

Learned counsel for the Petitioner Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Smt Aanchal M Nichani, learned counsel for R5 Shri P.P. Zibi Jose, learned counsel for R6 Shri Jerin Asher Sojan and learned counsel for R7 Shri Sankar P. Panicker also appeared through VC.

Heard the arguments of Shri Bijoy P. Pulipra, Shri Zibi Jose, Shri Jerin Asher Sojan and Shri Sankar P. Panicker.

Smt. Aanchal M. Nichani sought an adjournment to enable her senior to argue the case. Her prayer is allowed and the case is adjourned to 02.03.2022 as Part Heard.

Learned counsel for all the parties may submit their written submissions in brief (limiting 3-4 pages) well before the date fixed.

3 IA/79/KOB/2020 IN CP/127/KOB/2019

Learned counsel for both the parties appeared through VC.

This IA will be heard along with the main CP.

List on 02.03.2022 for hearing.

4 IA(IBC)/15/KOB/2022

This IA has been filed under Section 19(2) of the IBC, 2016 by the Resolution Professional against Shri Asique Ponnamparambath, suspended Managing Director of the Corporate Debtor Platino Classic Motors (India) Pvt Ltd seeking certain directions against the said suspended Managing Director.

Learned RP Shri Reuben George Jose appeared through VC. He submitted that notice was duly served to the Respondent on 17.01.2022.

Adv Shri Vijay V. Paul appeared through VC stating that he represents the respondent and Vakalat will be filed during the course of the day. He prayed to provide him a copy of the application. RP stated that he would send the copy of the application to Shri Vijay V Paul through email today itself.

The Respondent is directed to submit his reply statement within 7 days from today.

List on 03.03.2022 for hearing.

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.

Shri Jacob Mathew Manalil sought an adjournment stating that the appeal filed against the Order of this Tribunal is pending before NCLAT.

The Bench observed that no stay order exists in this case.

However, in the interest of justice and at the request of the learned counsel for the Respondent/Personal Guarantor, **the case is adjourned to 16.03.2022.**

The Respondent/Personal Guarantor is given the last and final opportunity to file reply if any, before the date fixed.

Adjourned to 16.03.2022 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.

Shri Jacob Mathew Manalil sought an adjournment stating that the appeal filed against the Order of this Tribunal is pending before NCLAT.

The Bench observed that no stay order exists in this case.

However, in the interest of justice and at the request of the learned counsel for the Respondent/Personal Guarantor, **the case is adjourned to 16.03.2022 for hearing.**

The Respondent/Personal Guarantor is given the last and final opportunity to file reply if any, before the date fixed.

Adjourned to 16.03.2022 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.

Learned counsel for the Financial Creditor Shri Vinod PV as well as learned counsel for the Corporate Debtor Shri Anirudh Kadavil appeared through VC.

Learned counsel for the CD submitted that steps to settle the matter with the Financial Creditor are in progress. The Learned counsel for the FC submitted that the OTS amount is Rs.8,52,54,138/- and the CD has already paid 10% of the OTS for an amount of Rs.85.25 lakhs. The CD has also agreed to clear the entire balance amount before 31.03.2022.

Accordingly, learned counsel for the CD prayed to adjourn the case after 31.03.2022. His prayer is allowed and the **case is adjourned to 04.04.2022 for hearing.**

7 IA(IBC)/27/KOB/2022

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Corporate Debtor against the Respondent/FC with the prayer to take on record the One Time Settlement Offer letter dated 20.01.2022 issued by the FC to the CD and pass appropriate Orders and also to stay the proceedings till 31.03.2022 as the entire OTS amount has to be remitted before 31.03.2022.

Learned counsel for the CD Shri Anirudh Kadavil as well as learned counsel for the FC Shri Vinod PV appeared through VC.

Since the main CP(IB) is posted for hearing on 04.04.2022, this IA will also be heard along with the same.

List on 04.04.2022 for hearing.

8 REVW APPLN/2/KOB/2022

This Review Application has been filed under Section 420(2) of the Companies Act, 2013 read with Rule 154 of the NCLT Rules, 2016 by the Applicants/Petitioners for rectification of Common Order dated 31.12.2021 in CP/114/KOB/2019, CP/119/KOB/2019, CP/125/KOB/2019 and connected IAs.

Learned counsel for the applicants Shri Sukumar Oommen, learned counsel for R1 & R2 Shri George G. Poothicote, learned counsel for R3 Shri Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC.

Reply Statement filed by R1, R2 & R3 is on record. No reply statement has been filed by R4 till date. Since no reply statement has been filed by R4, it is presumed that he is not interested to file any reply statement in this case.

Heard both sides.

Hearing concluded and Orders reserved.

Learned counsel for the parties may submit their written submissions, if any, in brief (limiting 3-4 pages), within 3 days.

9 CP(CAA)/3/KOB/2021

Vide order dated 24.01.2022 the petitioner was directed to comply with the condition stipulated in the relevant circular dated 21.08.2019 issued by Ministry of Corporate Affairs with regard to the “appointed date” in the matter of amalgamation.

Shri Paulose C. Abraham submitted that clarifications with regard to the “appointed date” have already been provided in the Scheme of Amalgamation itself and this Tribunal may change the “appointed date”, if so required.

Hearing concluded and Orders Reserved.

10 CP(CAA)/4/KOB/2021

Vide order dated 24.01.2022 the petitioner was directed to comply with the condition stipulated in the relevant circular dated 21.08.2019 issued by Ministry of Corporate Affairs with regard to the “appointed date” in the matter of amalgamation.

Shri Paulose C. Abraham submitted that clarifications with regard to the “appointed date” have already been provided in the Scheme of Amalgamation itself and this Tribunal may change the “appointed date”, if so required.

Hearing concluded and Orders Reserved.