

NCLT – KOCHI BENCH

Daily **Orders** – For reference purpose only

Date 22nd March 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 TCP/38/KOB/19

Orders pronounced. TCP/38/KOB/19 is allowed vide separate Order.

2 MA(C/ACT)/2/KOB/2022

Orders pronounced. MA(C/ACT)/2/KOB/2022 is allowed vide separate Order.

3 CP/2/KOB/2022

Order pronounced. CP/2/KOB/2022 stands disposed of vide separate Order.

4 CP/33/KOB/2020

Vide Order dated 01.03.2022 this matter was Reserved for Orders, but listed on 17.03.2022 as spoken to get certain clarifications from the Petitioner. Since none appeared for the petitioner on 17.03.2022 the case was adjourned to this date, but today also none appeared for the petitioner.

This CP is filed under Section 97 of the Companies Act, 2013, but the report of the ROC speaks about the investigation against the Company under Section 213 of the Companies Act, 2013. ROC also stated that Annual Return for the year 2019-20 has been filed by the Company, but the report is silent as to whether the AGMs of the Company for the preceding 3 years were held or not.

None appeared for petitioner. Shri Ramesh, AROC, who appeared through VC, stated that he would file a fresh report. He may do so within 7 days positively.

List on 04.04.2022 as “to be spoken to”.

4 CA/30/KOB/2021 in CP/33/KOB/2020

Vide Order dated 01.03.2022 this matter was Reserved for Orders, but listed on 17.03.2022 as spoken to get certain clarifications from the Petitioner. Since none appeared for the petitioner on 17.03.2022 the case was adjourned to this date, but today also none appeared for the petitioner.

Therefore, list on 04.04.2022 as “to be spoken to”.

5 IA(IBC)/57/KOB/2022 in IBA/45/KOB/2019

This IA has been filed under Section 44(2) of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator seeking extension of the period of liquidation.

Learned Liquidator Shri Dileep K.P. appeared through VC.

The liquidator submitted that since the assets could not be fully sold, extension of another 6 months have been necessitated to complete the process of liquidation and he has filed this application seeking the aforesaid relief.

On hearing the Liquidator, we are of the considered opinion that the prayer of the Applicant/Liquidator be allowed. **Hence the IA(IBC)/57/KOB/2022 stands allowed.**

The Liquidator is directed to complete the Liquidation Process on or before 07.09.2022. It is made clear that no further time will be granted to the Liquidator for completion of the process.

6 IA(IBC)/59/KOB/2022

This IA has been filed under Rule 154 of the NCLT Rules, 2016 by the applicant - Phoenix ARC Pvt Ltd against the Respondent – Kerala Chamber of Commerce & Industry for rectification of Order dated 21.02.2022 in CP(IB)/33/KOB/2021.

Shri Kevin Thomas, learned counsel for the applicant appeared through VC.

Heard and perused the records.

IA(IBC)/59/KOB/2022 stands allowed vide separate Order.

7 IA(IBC)/58/KOB/2022 IN IA(IBC)/38/KOB/2022 IN IA(IBC)/128/KOB/2021 IN MA/05/KOB/2020

This IA has been filed under Section 60(5) of IBC, 2016 by the Liquidator seeking direction for impleading Shri Reji Sivankutty and Mrs Revathy Radhakrishnan in IA/38/KOB/2022 in IA(IBC)/128/KOB/2021 in MA/05/KOB/2020.

Shri Shawn Jeff Christopher, learned liquidator appeared through VC.

On hearing the Liquidator and also on perusal of the records, we are of the considered opinion that the prayer of the Applicant/Liquidator to implead Shri Reji Sivankutty and Mrs Revathy Radhakrishnan as Additional Respondents be allowed. The impleadment sought for is allowed. Registry is directed to carry out the impleadment in IA/38/KOB/2022 in IA(IBC)/128/KOB/2021 in MA/05/KOB/2020 and list the same on 01.04.2022 for hearing.

The Liquidator is directed to issue fresh notice enclosing a copy of the IA/38/KOB/2022 in IA(IBC)/128/KOB/2021 in MA/05/KOB/2020 to the aforesaid additional respondents 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 aforesaid additional respondents through email. The impleaded respondents are directed to file their Reply Statement on or before 31.03.2022.

IA(IBC)/58/KOB/2022 stands allowed accordingly.

8 CA(CAA)/1/KOB/2022

This CA has been filed under Section 230 to 232 of the Companies Act, 2013 by 13 applicant Companies in the matter of Scheme of Amalgamation of 12 Transferor Companies with the Transferee Company seeking dispensation of the meetings of the shareholders and unsecured creditors.

Shri Nebil Nizar, learned counsel for the applicants appeared through VC.

He has stated that the documents called for by this Tribunal has been filed online and that the hard copy of the same would be produced within two days. **At his request, the matter is adjourned to 29.03.2022.**

9 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 as well as learned counsel for the suspended Director Shri Vijay V. Paul appeared through VC.

The RP stated that the respondents have produced certain documents and sought an adjournment to enable him to study the additional documents produced by the respondents. **At his request, the case is adjourned to 30.03.2022.**

10 COMPANY APPEAL/1/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Melben David against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed.

List on 07.04.2022 for hearing.

10 COMPANY APPEAL/2/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Basil PC against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed. **List on 07.04.2022 for hearing.**

10 COMPANY APPEAL/3/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Mahesh R against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed

List on 07.04.2022 for hearing.

10 COMPANY APPEAL/4/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Harikrishnan P.N. against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed

List on 07.04.2022 for hearing.

10 COMPANY APPEAL/5/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Sreekumar K.P. against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed

List on 07.04.2022 for hearing.

10 COMPANY APPEAL/6/KOB/2022

This Appeal has been filed under Section 42 of the IBC, 2016 by the appellant Shri Shajikumar R against the liquidator with the prayer to set aside the Order of the Liquidator rejecting the appellant's claim and to declare that the appellant is eligible to get the amounts claimed.

The Liquidator in his Reply statement stated that no books of account/contracts/documents, etc. with regard to the Corporate Debtor is available with him.

Shri Terry V James, learned counsel for the appellant appeared through VC. Shri Vinod Balachandran, learned liquidator appeared through VC along with his counsel Shri K.B.Arunkumar.

Shri Terry V James sought an adjournment to enable him to file rejoinder along with the related documents like UAN Nos of the applicants in the EPF portal as also the ESI card issued to the appellant. His request is allowed. He may file the rejoinder 3 days before the next date fixed

List on 07.04.2022 for hearing.

11 CP/17/KOB/2020

Learned counsel for the Petitioners Smt Karthika KJ appeared through VC. Learned counsel for R1 & R2 Shri Akhil Suresh, learned counsel for R3 Shri George A

Cheriyar, learned counsel for R4 Smt Mariya Rajan, learned GP for R8 Shri Arun Chandy and learned counsel for R6 Shri Abhilash Nediyaalil Abraham appeared through VC. None appeared for other respondents.

Shri Akhil Suresh submitted that there is a status quo Order by the Hon'ble High Court of Kerala and no stay order exists in this case.

Shri Akhil Suresh sought an adjournment to enable his senior to argue the matter and also sought time to file the Reply Statement in this case. Allowed.

R1 & R2 are directed to file the Reply Statement on or before 06.04.2022.

List on 26.04.2022 for hearing. There shall be no adjournment in this case.

12 CP/31/KOB/2020

Shri Akhil Suresh, learned counsel for the Petitioner as well as Shri Joseph Kodianthara, learned senior counsel for R2-R6 appeared through VC.

Shri Akhil Suresh sought an adjournment to enable his senior to argue the case. At his request, the case is **adjourned to 30.03.2022 for hearing**.

12 COMP.APPLN/6/KOB/2022

This application has been filed under Section 244(1) of the Companies Act, 2013 read with Rule 11 and 32 of the NCLT Rules, 2016 by the applicants seeking the following reliefs:

- (a) To declare that the AGM conducted on 29.09.2020 is illegal and arbitrary;
- (b) To declare that the R1 Company is a quasi-partnership and any appointment or reappointment made must be in accordance with the past practices only;
- (c) To conduct a fresh AGM strictly in consonance with the Circulars issued by the Ministry of Corporate Affairs;
- (d) Such other prayers that may be urged at the time of hearing.**

Shri Akhil Suresh, learned counsel for the Applicants as well as Shri Joseph Kodianthara, learned senior counsel for R2-R6 appeared through VC.

Shri Akhil Suresh sought an adjournment to enable his senior to argue the case. At his request, the case is **adjourned to 30.03.2022 for hearing**.

13 CP/37/KOB/2020

Adv Shri Raju Joseph, represented through VC the learned counsel for the Petitioner Shri K.Biju. None appeared for R1 & R2.

Registry reported that the Reply Statement filed by R2 is still defective. R2 is directed to cure the defects within 7 days, failing which the right of the respondents to file reply shall stand forfeited.

List on 20.04.2022 for hearing.

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

14 CP(C/ACT)/6/KOB/2022

This Petition has been filed under Section 66 of the Companies Act, 2013 by M/s. Grome Projects Pvt Ltd for confirming the reduction of Share Capital.

Learned counsel for the Petitioner Shri Nebil Nizar appeared through VC. Shri Ramesh, AROC also appeared through VC. The report of ROC is on record.

Heard both sides.

Hearing concluded. Orders reserved.