

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 22nd Nov 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Anil Kumar B, Member (Technical)**

1 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 Petitioner Shri Vinod PV appeared through VC.

The Financial Creditor is directed to issue fresh notice to the Corporate Debtor through email and 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 CD through email. CD is directed to file the reply statement within two weeks of receipt of notice, serving a copy to the FC, who may file rejoinder, if any, within 7 days thereafter.

List on 16.12.2021 for hearing.

2 CA/44/KOB/2019

Learned counsel for the applicant Shri A.C.Venugopal appeared through VC. Adv Shri Arjun represented the learned counsel for R2 & R3 Shri Ashok B. Shenoy. None appeared for other respondents.

Today the case is posted for the arguments of the respondents. But Shri Arjun sought an adjournment to enable his Senior Shri Ashok B. Shenoy to argue the matter. At his request, the case is adjourned to 24.11.2021. If the learned counsel for the respondents is not participating and arguing the case on the aforesaid date, the case will be decided in accordance with the available records.

List on 24.11.2021 for final hearing (Part heard – High on Board).

3 CP/23/KOB/2020

Adv Shri Linil Lal represented the learned counsel for the Petitioner Shri Sharan Sahier and and Adv Shri Sajith Kumar represented the learned counsel for R1 to R4 Shri Ratheesh P.R.

Today the case is posted for final hearing on High on Board.

Shri Sajith Kumar submitted that the mother of Shri Ratheesh P.R. is admitted in hospital and hence sought an adjournment to enable his senior to argue the matter. **At his request, the case is adjourned to 03.12.2021 for hearing (High on Board)**

There shall be no further adjournment in this case. Registry is directed to issue copy of this order to the learned counsel of both the parties through email immediately.

4 CP(IBC)/23/KOB/2021

Learned counsel for the Operational Creditor Shri Manav Thomas as well as learned counsel for the Corporate Debtor Shri Cyriac Tom appeared through VC.

Shri Manav Thomas submitted that compromise talks are going on in this case and hence sought 3 weeks time to file the Settlement Memo. His request is allowed.

The Operational Creditor may file the IA attaching the Settlement Memo at least 3 days before the next date fixed.

List on **15.12.2021. There shall be no adjournment in this matter.**

Registry is directed to issue copy of this order to the learned counsel of both the parties through email immediately.

5 CP(IB)/33/KOB/2021

This is a Petition filed by the Financial Creditor Phoenix Arc Pvt Ltd (Trustee of Phoenix Trust FY 17-8) against the Corporate Debtor, Kerala Chambers of Commerce and Industries Ltd, under Section 7 of the IBC, 2016 read with Rule 4 of the IB(AAA) Rules, 2016.

Learned counsel for the Petitioner Shri Nidhi Sam John as well as learned counsel for the Corporate Debtor Smt. Marian GM Tharakan appeared through VC. Smt. Marian GM Tharakan submitted that the amended Petition has already been received by her.

Registry reported that they have noticed certain defects in the amended Petition.

Shri Nidhi Sam John submitted that he will cure the defects within 3 days. He may do so positively within 3 days.

The Corporate Debtor is directed to file the reply statement within two weeks serving a copy to the FC, who may file rejoinder, if any, before the next date fixed.

List on 13.12.2021.

6 CONT.APPL(C/ACT)/3/KOB/2021 IN IA/47/KOB/2019 IN TCP/54/KOB/19 (TCP/108/16)

This is a Contempt Petition filed by the petitioner Shri C.J.Mathew against the Respondents August Builders and Contracts (India) Pvt Ltd and others under Section 425 of the Companies Act, 2013 read with Section 12 of the Contempt of Courts Act, 1971.

Learned counsel for the Contempt Petitioner Smt. Amrutha Vidhyadharan as well as learned PCS for the Respondent Shri K.S.Ravi Chandran appeared through VC. Since Shri K.S.Ravi Chandran has not yet filed the Vakalat for the Contemner he is directed to file the Vakalat within 7 days.

The Affidavit filed on behalf of Respondent is on record. It appears that the Respondent has not yet submitted the original share transfer deed pertaining to the transfer of 5000 shares.

Smt. Amrutha Vidhyadharan sought three weeks time to file the reply statement against the Affidavit filed by the Respondent. She may file the Reply Statement within 10 days.

List on 10.12.2021.

Registry is directed to issue copy of this order to the learned counsel of both the parties through email immediately.

7 TCP/54/KOB/2019 (TCP/108/16)

Learned counsel for the Petitioner Smt Amrutha Vidhyadharan as well as learned counsel for R1 to R4 Shri K.S.Ravi Chandran appeared through VC.

Vide order dated 11.03.2020 this Tribunal directed the respondents to produce the following documents in Original being maintained by the Respondent Company in the regular course of business within 15 days:

- i. Register of Members
- ii. Share Certificate Book
- iii. Directors' Attendance Register maintained under Article 64
- iv. Share Transfer Deed in respect to transfer of 5000 shares to the 3rd Respondent on 24.08.2007.

It appears from records that item (iv) mentioned above has not yet been submitted by the respondents.

List on 10.12.2021 along with the Contempt Application.

8 CP/17/KOB/2020

Learned counsel for the Petitioners Shri Philip Mathew appeared through VC. Learned counsel for R4 Smt. Mariya Rajan, learned counsel for R6 Shri Abhilash Nediyaalil Abraham and learned GP for R8 Shri Arun Chandy also appeared through VC. None appeared for other respondents.

Shri Philip Mathew submitted that the Writ Appeal filed by the respondents is pending before the Hon'ble High Court of Kerala, but, there is no stay order

The Respondents are therefore directed to file their Reply Statement against this CP within two weeks.

List on 15.12.2021.

Registry is directed to issue copy of this order to the learned counsel of both the parties through email immediately.

9 CP/36/KOB/2020

Adv Shri Arjun represented the learned counsel for the petitioner Shri Ashok B. Shenoy. Learned counsel for the Respondent Shri C.A.Anupaman also appeared through VC.

Shri Anupaman sought 4 weeks time to file the Reply Statement stating that the respondent is in Jail.

Respondent is directed to file the Reply Statement within 3 weeks.

List on 17.12.2021.

10 CP/22/KOB/2021

Adv Shri Arjun represented the learned counsel for the Petitioner Shri Ashok B. Shenoy. Learned PCS for R1 & R2 Shri Yogindunath also appeared through VC.

Today this case is posted for hearing. However, Shri Arjun sought an adjournment to enable his senior Shri Ashok B. Shenoy to argue the case. **At his request the case is adjourned to 17.12.2021 for hearing.**

There shall be no further adjournment in this case.

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

11 CP/34/KOB/2020

PCS Smt Sneha Jose represented the learned PCS for the Petitioner Shri S.Krishnamoorthy. Learned counsel for R1 to R4 Shri Yogindunath appeared through VC.

The reports filed by the Auditor are on record.

Pleadings are complete.

Smt. Sneha Jose submitted that some settlement proposals they received, but the terms have not yet been finalised. Hence, she sought an adjournment to enable her senior to argue the case. Her request is allowed.

Next date is fixed for final hearing. Both the parties may explore the possibility of settling the matter amicably before the next date of hearing.

List on **03.12.2021 for final hearing (High on Board).**

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

12 CP/28/KOB/2021

Learned counsel for the Petitioner Shri Binoy Chacko as well as learned counsel for the Respondent Shri Jinu John Jacob appeared through VC.

Learned counsel for both the parties argued and concluded.

Reserved for ORDERS.

13 CA/13/KOB/2021

Learned counsel for the Appellants Shri Shri Dinesh R. Shenoy appeared through VC.

Report of the ROC is on record.

Heard the arguments of Shri Dinesh R. Shenoy.

Reserved for Orders.