

NCLT, KOCHI BENCH

Daily Orders

Date: 23rd December 2021

Coram:

**Shri Shyam Babu Gautam,
Hon'ble Member (Technical)**

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

1 CP/45/KOB/2021

This CP has been filed under Section 213 of the Companies Act, 2013 by Shri Sureshkumar Madathil against Shri Ashok Kumar Thirikoth and 3 others seeking 4 main reliefs along with 2 interim reliefs.

Adv Nikhil Narayanan, who appeared for the Petitioners, submitted that as requested by the petitioners the learned PCS who file authorisation is relinquishing the authorisation and hence sought an adjournment in the matter to enable the petitioners to engage another counsel. His submission is recorded.

List on 27.01.2022.

2 CP/46/KOB/2021

This CP has been filed under Section 241 and 242 of the Companies Act, 2013 by Kuruvath Soman and 3 others against New Via Chits Pvt Ltd and 12 others seeking 6 main reliefs and 8 interim reliefs.

Adv Shri Aditya Venugopal, who appeared for the petitioners, during argument has insisted to pass orders on interim reliefs stating that fraudulent actions have taken place in the R1 Company by the self-exposed Managing Director.

After hearing the learned counsel for the petitioners and on perusal of the records attached with the Petition, this Tribunal directs the **so-called Managing Director/2nd respondent to maintain status quo as of today in the 1st Respondent Company till the next date of hearing.**

The Petitioners are directed to issue fresh notice enclosing a copy of the Petition to the 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 respondents through email.

Respondents are directed to file their Reply Statement within 7 days of receipt of notice, serving copy to the Petitioner, who may file rejoinder, if any, at least 3 days before the next date fixed.

List on 28.01.2022 for hearing.

3 CA/59/KOB/2021 IN CP/02/KOB/2020

Learned counsel for both the parties appeared through VC.

Both the parties sought an adjournment stating that the applicant Shri Ibrahim Haji in CA/60/KOB/2021 passed away.

At the request of the parties, the case is adjourned to 04.02.2022.

3 CA/60/KOB/2021 IN CP/02/KOB/2020

Learned counsel for both the parties appeared through VC.

Both the parties sought an adjournment stating that the applicant Shri Ibrahim Haji passed away.

At the request of the parties, the case is adjourned to 04.02.2022.

3 CP/02(KOB)/2020

Learned counsel for both the parties appeared through VC.

Both the parties sought an adjournment stating that the applicant in CA/60/KOB/2021 passed away.

At the request of the parties, the case is adjourned to 04.02.2022.

3 CA/62/KOB/2021 IN CP/02(KOB)/2020

Learned counsel for both the parties appeared through VC.

Both the parties sought an adjournment stating that the applicant in CA/60/KOB/2021 passed away.

At the request of the parties, the case is adjourned to 04.02.2022.

3 CONTEMPT PETITION/02/KOB/2021 IN CP/02(KOB)/2020

Learned counsel for both the parties appeared through VC.

Both the parties sought an adjournment stating that the applicant in CA/60/KOB/2021 passed away.

At the request of the parties, the case is adjourned to 04.02.2022.

4 CP(C/ACT)/23/KOB/2021 IN CP(C/ACT)/23/KOB/2021

Adv Shri Sherry Samuel Oommen represented the learned counsel for the applicant Shri P.G.Jayashankar and sought an adjournment stating that there is a bereavement in the family of Shri Jayashankar. Shri CS Vivek Kumar, PCS appeared for the respondents.

Pleadings are complete.

At the request of the learned counsel for the Petitioner, the case is adjourned to 24.01.2022 for hearing (High on Board).

4 IA(C/ACT)/8/KOB/2021 IN CP(C/ACT)/23/KOB/2021

Adv Shri Sherry Samuel Oommen represented the learned counsel for the applicant Shri P.G.Jayashankar and sought for an adjournment stating that there is a bereavement in the family of Shri Jayashankar. Shri CS Vivek Kumar, PCS appeared for the respondents.

Pleadings are complete in the main CP. Hence this IA will be heard along with the main CP.

List on 24.01.2022 for hearing (High on Board).

5 COMPANY APPEAL/20/KOB/2021

This CA has been filed under Section 252 of the Companies Act, 2013 by M/s. Septagon Builders and Developers Pvt Ltd against the Registrar of Companies for restoration of the Appellant Company in the Register of Companies.

The report submitted by ROC is on record.

Learned counsel for the Appellant Shri G. Sivasankar argued and concluded his submissions.

Reserved for Orders.

6 **IA(IBC)/173/KOB/2021 IN IBA/04/KOB/2020**

This IA has been filed by the Resolution Professional against the Respondents seeking direction to compensate for loss made by the Respondents.

Learned RP Shri K. Easwara Pillai appeared through VC along with his learned counsel Shri Muralikrishnan. Learned counsel for R1 & R2 Shri Pradeep Joy, learned counsel for R3 Shri Navod Prasannan and learned counsel for R5 Shri G.R.Lakshmanan appeared through VC. It appears from records that notice was duly served on R4. But he neither appeared through VC nor filed any reply statement. **Hence R4 is hereby set ex-parte. Even though sufficient time was granted, Respondents 3&5 have not filed their reply statement. It is presumed that they are not interested to file reply in this matter.**

Learned counsel for all the parties argued and concluded their submissions.

Reserved for Orders.

6 **IA(IBC)/142/KOB/2021 IN IBA/04/KOB/2020**

This IA has been filed by the RP under Section 67 of IBC, 2016 seeking certain directions against the Corporate Debtor.

Learned RP Shri K. Easwara Pillai appeared through VC along with his learned counsel Shri Muralikrishnan. Learned counsel for R1 & R2 Shri Pradeep Joy, learned counsel for R3 Shri Navod Prasannan and learned counsel for R5 Shri G.R.Lakshmanan appeared through VC.

It is noted that the prayers in this IA are similar to IA(IBC)/173/KOB/2021. During the course of argument, the learned counsel for the RP Shri Muralikrishnan submitted that since IA(IBC)/173/KOB/2021 is Reserved for Orders, he wants to withdraw this IA. Hence, **IA(IBC)/142/KOB/2021 stands dismissed as withdrawn.**

7 **IA(IBC)/188/KOB/2021 With Memo IN TCP/59/KOB/2019**

This IA has been filed under Section 33(2)(d) of the IBC, 2016 by the Liquidator seeking private sale of the asset under liquidation.

Learned Liquidator Shri Kizhekkakara Kuriakose Jose, who appeared in person through VC, submitted that as per the directions of this Tribunal dated 09.12.2021 he has published the E-Auction notice in Business standard and Business Line (All India editions) and Malayala Manorama (all Kerala editions) on 17.12.2021. The has stated that the next E-Auction is proposed to be held on 10.01.2022.

In view of the above, list on 19.01.2022 for further directions.

8 CP/09/KOB/2020

Learned counsel for the Petitioner Shri M.A.Shaji appeared through VC. None appeared for R1. Asst.ROC Shri Ramesh also appeared. It appears that in the last occasion also none appeared for R1 even though vakkalath and Reply Statement are on record.

Report of ROC/R2 is also on record. Assistant ROC stated that the matter may be disposed of considering the report of ROC.

Shri M.A.Shaji argued and concluded his submissions.

Reserved for Orders.