

NCLT, KOCHI BENCH

Daily **Orders** – Purely for reference purpose only

Date: 25th Jan 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 REVW.APPLN/1/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 Petitioner with the prayer to modify the Order dated 21.12.2021 in TCP/26/KOB/2019.

Learned counsel for the Review Applicant Shri Aswin Gopakumar as well as learned counsel for the Respondents Dr. K.S.Ravi Chandran appeared through VC.

Shri Aswin Gopakumar sought an adjournment stating that an Order from the Hon'ble High Court of Kerala in this matter is expecting in the first week of February 2022 and that he wants to produce the same. He may do so as per rules.

At the request of Shri Aswin Gopakumar the case is adjourned to 15.02.2022.

2 CP(IB)/8/KOB/2021

Learned counsel for the Financial Creditor Shri Sunil Shankar as well as learned counsel for the Corporate Debtor Shri C.K.Karunakaran appeared through VC.

Shri Sunil Shankar sought an adjournment stating that the petitioner has applied for a copy of Certificate of Registration of Charge with the Registrar of Companies, and is awaiting the same.

At the request of the learned counsel for the FC, the case is adjourned to 23.02.2022. The Petitioner may submit the Certificate of Registration of Charge at least three days before the next date.

List this **CP(IB)** as **PART HEARD** on **23.02.2022**, along with the related IAs.

2 IA(IBC)/149/KOB/2021 IN CP(IB)/8/KOB/2021

This is an IA filed by the applicant/Corporate Debtor against the Respondent/ Financial Creditor under Rule 11 of NCLT Rules, 2016 praying to accept the additional objections.

Learned counsel for both the parties appeared through VC.

This IA will be considered along with the main CP(IB).

List on 23.02.2022.

2 IA(IBC)/150/KOB/2021 IN CP(IB)/8/KOB/2021

This is an IA filed by the Applicant/Corporate Debtor against the Respondent Financial Creditor under Rule 11 of NCLT Rules 2016 praying for consideration of question of maintainability of the Petition filed under Section 7 by the FC as a preliminary issue.

Learned counsel for both the parties appeared through VC.

This IA will be considered along with the main CP(IB).

List on 23.02.2022.

2 IA(IBC)/12/KOB/2022 in CP(IB)/8/KOB/2021

This IA has been filed by the Applicant/FC with the prayer to accept on record the additional document produced by the applicant and grant further time to produce the certificate of registration of charge.

Learned counsel for both the parties appeared through VC.

This IA will be considered along with the main CP(IB).

List on 23.02.2022.

3 CP/36/KOB/2021

Learned counsel for the Petitioners Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Ms Nidhi Jacob appeared through VC.

Ms Nidhi Jacob sought an adjournment to enable her senior to argue the case, as he is infected with covid 19. At her request the case is adjourned to 03.03.2022.

List on 03.03.2022 as PART HEARD.

3 MA(C/ACT)/1/KOB/2022 in CP/36/KOB/2021

This Application has been filed under Rule 11 of the NCLT Rules, 2016 by the applicant challenging the validity of the Reply filed by the Respondents 2 & 3.

Learned counsel for the Applicant Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Ms Nidhi Jacob appeared through VC.

The respondents are directed to file the Reply Statement against this MA within two weeks.

List on 03.03.2022 for hearing.

3 MA(C/ACT)/3/KOB/2022 in CP/36/KOB/2021

This Application has been filed under Rule 154 of the NCLT Rules, 2016 by the applicant seeking rectification of the Order dated 08.12.2021 in CP/36/KOB/2021.

Learned counsel for the Applicant Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Ms Nidhi Jacob appeared through VC.

List on 03.03.2022 for hearing.

3 MA(C/ACT)/4/KOB/2022 in CP/36/KOB/2021

This application has been filed under Rules 11 & 155 of the NCLT Rules, 2016 read with Section 242 of the Companies Act, 2013 with the prayer to pass appropriate orders to array Mrs Accamma Eapen as Party in CP/36/KOB/2021.

Learned counsel for the Applicant Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Ms Nidhi Jacob appeared through VC.

The respondents are directed to file the Reply Statement against this MA within two weeks, serving copy to the applicant, who may file rejoinder, if any, at least 3 days before the next date fixed.

List on 03.03.2022 for hearing.

3 IA(C/ACT)/9/KOB/2022 in CP/36/KOB/2021

This IA has been filed under Section 424(2) of the Companies Act, 2013 read with Rules 11, 39, 40 and 52 of the NCLT Rules, 2016 seeking cross examination of parties and calling witnesses and records.

Learned counsel for the Applicant Shri Shivshankar R. Panicker as well as learned counsel for R1 to R3 Ms Nidhi Jacob appeared through VC.

This IA will be heard along with the main CP.

List on 03.03.2022 for hearing.

4 MA(IBC)/36/KOB/2021 IN IBA/258/CB/2019

This MA has been filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Adv Divya representing the learned counsel for the Applicant Shri Jayesh Pillai appeared through VC and sought an adjournment to enable her senior to argue the case. Learned Liquidator Shri Ravindra Chaturvedi also appeared through VC along with his counsel Shri Kunal Kanungo.

The applicant is granted final opportunity to file an IA, if any, to condone the delay within 7 days.

In the meantime, reply statement of respondent may be filed.

List on 04.02.2022 for hearing. There shall be no further adjournment in this case.

4 MA(IBC)/37/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Adv Divya representing the learned counsel for the Applicant Shri Jayesh Pillai appeared through VC and sought an adjournment to enable her senior to argue the case. Learned Liquidator Shri Ravindra Chaturvedi also appeared through VC along with his counsel Shri Kunal Kanungo.

The applicant is granted final opportunity to file an IA, if any, to condone the delay within 7 days.

In the meantime, reply statement of respondent may be filed.

List on 04.02.2022 for hearing. There shall be no further adjournment in this case.

4 MA(IBC)/38/KOB/2021 IN IBA/258/CB/2019

This is an MA filed by the Applicant Shri Sunil K. under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 against the decision dated 30.08.2020 of the Liquidator.

Adv Divya representing the learned counsel for the Applicant Shri Jayesh Pillai appeared through VC and sought an adjournment to enable her senior to argue the

case. Learned Liquidator Shri Ravindra Chaturvedi also appeared through VC along with his counsel Shri Kunal Kanungo.

The applicant is granted final opportunity to file an IA, if any, to condone the delay within 7 days.

In the meantime, reply statement of respondent may be filed.

List on 04.02.2022 for hearing. There shall be no further adjournment in this case.

5 CP(IBC)/37/KOB/2021

Learned counsel for the FC Shri Vinod PV appeared through VC. Adv Smt. Liza Meghan appeared through VC for the Personal Guarantor. Learned RP Shri Jossy Stephen also appeared in person through VC.

Both sides and the RP argued and concluded their submissions.

Reserved for Orders.

5 IA(IBC)/8/KOB/2022 in CP(IBC)/37/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Personal Guarantor with the prayer to condone the delay, if any, in filing the Reply Statement and to admit the Reply Statement into file.

Learned counsel for the Personal Guarantor Smt Liza Meghan appeared through VC.

After hearing the learned counsel for the applicant, this Tribunal is of the considered opinion that in the interests of justice, the prayer of the applicant be allowed. **Hence IA(IBC)/8/KOB/2022 in CP(IBC)/37/KOB/2021 stands allowed and Reply Affidavit filed by the Personal Guarantor is taken on record.** Registry is directed to place the Reply Affidavit in **CP(IBC)/37/KOB/2021** .

6 CP(IBC)/38/KOB/2021

Learned counsel for the FC Shri Vinod PV appeared through VC. Adv Smt. Liza Meghan appeared through VC for the Personal Guarantor. Learned RP Shri Jossy Stephen also appeared in person through VC.

Both sides and the RP argued and concluded their submissions

Reserved for Orders.

6 IA(IBC)/6/KOB/2022 in CP(IBC)/38/KOB/2021

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Personal Guarantor with the prayer to condone the delay, in any, in filing the reply statement and to admit the same into file.

Learned counsel for the Personal Guarantor Smt Liza Meghan appeared through VC.

After hearing the learned counsel for the applicant, this Tribunal is of the considered opinion that in the interests of justice, the prayer of the applicant be allowed. **Hence IA(IBC)/6/KOB/2022 in CP(IBC)/38/KOB/2021 stands allowed and Reply Affidavit filed by the Personal Guarantor is taken on record.** Registry is directed to place the Reply Affidavit in **CP(IBC)/38/KOB/2021.** .

7 CP/69/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

7 IA/32/KOB/2019 IN CP/69/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

7 CONTEMPT PETITION/05/KOB/2020 IN IA/31/KOB/2020 IN CP/69/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

8 CP/71/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

8 IA/33/KOB/2019 IN CP/71/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

8 CONTEMPT PETITION/04/KOB/2020 IN IA/32/KOB/2020 IN CP/71/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

9 CP/72/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

9 IA/34/KOB/2019 IN CP/72/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

9 CONTEMPT PETITION/03/KOB/2020 IN IA/33/KOB/2020 IN CP/72/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned counsel Shri Anil D Nair stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 22.03.2022.

In view of the above, let the matter be adjourned to 04.04.2022.

10 CP/39/KOB/2021

This Petition has been filed by the Petitioner Smt. Accamma Eapen represented by her Power of Attorney Holder Shri M.K.Varghese against the Respondents Sungkai Plantations Pvt Ltd and 7 others alleging oppression and mismanagement of the R1 Company by Respondents 2 and 3.

Learned counsel for the Petitioner Shri Anil D. Nair appeared through VC. Learned counsel for R1 to R3 Ms Nidhi Jacob and learned counsel for R4, R6 and R7 Shri Shivashankar R. Panicker also appeared through VC.

Ms Nidhi Jacob sought an adjournment to enable her senior to argue the matter, as he is infected with covid 19. At her request the case is **adjourned to 03.03.2022 for hearing.**

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

This Application has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/R4 for joint hearing of the CP/36/KOB/2021 and CP/39/KOB/2021.

Learned counsel for the applicant Shri Anil D. Nair appeared through VC. Learned counsel for R1 to R3 Ms Nidhi Jacob and learned counsel for R4, R6 and R7 Shri Shivashankar R. Panicker also appeared through VC.

Ms Nidhi Jacob sought an adjournment to enable her senior to argue the matter, as he is infected with covid 19. At her request the case is **adjourned to 03.03.2022 for hearing.**

11 CP/43/KOB/2021

This Petition has been filed under section 241 & 242 of the Companies Act, 2013 read with Rule 81 of the NCLT Rules, 2016 by the Petitioner Smt Mabin Jose seeking 5 main reliefs along with 6 interim reliefs.

Learned counsel for the Petitioner Shri Aswin Gopakumar appeared through VC. None appeared for the respondents.

Shri Aswin Gopakumar submitted that notice to R3 has not yet been served since the postal department reported that “door is locked”. The Petitioner is directed to paste the notice on the door of the R3 within 7 days. He is also directed to inform the matter to the Registrar of Companies to verify the company is maintaining the Registered Office at the place shown in this Petition.

The Petitioner is also directed to make necessary paper publications in English Daily “Financial Express” and Malayalam Daily “Mathrubhoomi” which have wide circulation, not less than 10 days before the date fixed for the hearing and file proof of publication with an affidavit before the next date fixed.

List on 04.03.2022 for hearing.