

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 25th FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 COMPANY APPEAL/2/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant KERALAINFOONLINE COM PRIVATE LIMITED with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC.

Registry is directed to issue notice to ROC through messenger. ROC is directed to file his report on or before 11.03.2022.

List on 15.03.2022 for hearing.

2 COMPANY APPEAL/3/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant Attingal Properties PRIVATE LIMITED with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC.

Registry is directed to issue notice to ROC through messenger. ROC is directed to file his report on or before 11.03.2022.

List on 15.03.2022 for hearing.

3 COMPANY APPEAL/4/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant Keralal Medicity Medical Services Pvt Ltd with the prayer to restore the

name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC.

Registry is directed to issue notice to ROC through messenger. ROC is directed to file his report on or before 11.03.2022.

List on 15.03.2022 for hearing.

4 COMPANY APPEAL/5/KOB/2022

This Appeal has been filed under Section 252 of the Companies Act, 2013 by the Appellant – Southwest Properties Pvt Ltd with the prayer to restore the name of the Appellant Company in the Register of Companies maintained by ROC.

Learned PCS for the Appellant Shri Mohammed Hazeem H.S. appeared through VC.

Registry is directed to issue notice to ROC through messenger. ROC is directed to file his report on or before 11.03.2022.

List on 15.03.2022 for hearing.

5 IA(IBC)/3/KOB/2022 in TIBA/19/KOB/2019

This IA has been filed under Section 60(5) of the IBC, 2016 READ WITH Rule 11 of NCLT Rules, 2016 seeking direction to the Respondent – Municipal Secretary, Angamaly Municipality for Renewal of the Building permit.

The Corporate Debtor - Atlas Gold Townships (India) Pvt Ltd is under liquidation effective from 04.06.2021. The Liquidator submitted that even after repeated enquiries and reminders communicated, the Angamaly Municipality has not acted upon the renewal process of building permit. According to the liquidator prospective buyers are hesitant to come forward since the building permit has expired. One prospective buyer has submitted his Expression of Interest for buying the Company subject to obtaining the valid building permit. In order to maximize the value of the Asset of the Company, renewal of building permit is inevitable. Hence this IA.

The Secretary, Angamaly Municipality in his reply statement has stated that the following documents are required for taking steps for the renewal of the building permit:

- (i) Permit plan;
- (ii) Lay out plan approved by CTP;
- (iii) Resurvey Number
- (iv) Plot Area details
- (v) Survey map with measurements
- (vi) NoC from Airport

The Bench observed that these documents/details are available in the records of the Angamaly Municipality itself.

On a perusal of the records including the reply statement, we are of the considered opinion that the renewal of the building permit cannot be delayed under the reasons pointed out by the Secretary.

Therefore, in the interest of justice, we hereby direct the Secretary, Angamaly Municipality to renew the building permit of Atlas Gold Township India Pvt Ltd (under liquidation) within three weeks from today so as to complete the liquidation process of the Company within the stipulated time.

With the above direction, IA(IBC)/3/KOB/2022 in TIBA/19/KOB/2019 stands allowed.

6 IA(IBC)/4/KOB/2022

This IA has been filed under Section 30(6) and 31 of the IBC, 2016 by the Resolution Professional for approval of the Resolution Plan in the matter of Tierra Food India Pvt Ltd.

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

Heard the RP.

Hearing concluded. Orders reserved.

7 IA(IBC)/39/KOB/2022

This IA has been filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by 53 applicants seeking certain directions against the Interim Resolution Process of the Corporate Debtor – Mir Realtors Pvt Ltd.

Learned counsel for the applicant Shri Jayesh Mohankumar appeared through VC. Learned IRP appeared through along with his counsel Shri Sankar P. Panicker.

The IRP submitted that he has not yet received the hard copy of the application. Hence, the applicants are directed to serve hard copy of the application to the IRP within 3 days. The IRP is directed to file his Reply Statement against this IA on or before 11.03.2022.

List on 14.03.2022 for hearing.

8 IA(IBC)/40/KOB/2022

This IA has been filed under Regulation 33(2) of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator seeking approval of the private sale and

disposal of Annexure I assets of the Corporate Debtor to the highest quoted person through private sale.

Learned liquidator Shri Aravindakshan Nair appeared through VC along with his counsel Shri Cyriac Tom.

The Bench observed that the highest price of Rs.1,55,000/- offered by the bidder is not at all reasonable.

The liquidator is therefore directed to file a report within 7 days from today with regard to the steps taken by him in respect to the 3 e-auctions already conducted by him.

List on 08.03.2022 for hearing.

9 IA(IBC)/118/KOB/2021 IN IBA/41/KOB/2020

Learned counsel for the Applicant/Corporate Debtor Shri Girish Kumar as well as learned IRP Shri Jasin Jose appeared through VC. Smt. Akhil Suresh appeared for R3 through VC.

Counter filed by R3 is on record. Shri Girish Kumar submitted that he has not yet received the counter of R3. Shri Akhil Suresh is directed to serve the copy of his counter through email within 2 days.

At the request of the learned counsel for the Applicant/CD, the matter is adjourned to 07.03.2022. There shall be no adjournment in this case.

10 IA(IBC)/24/KOB/2022

This IA has been filed under Section 22(3)(b) of the IBC, 2016 by the Committee of Creditors with the prayer to replace the IRP Shri Krishna Raj M by Shri Prathap Pillai Advocate as the Resolution Professional of the Corporate Debtor.

Learned counsel for the Committee of Creditors Shri Unnikrishnan M and learned counsel for R2 Smt Daliparthi Harini appeared through VC. Learned IRP Shri Krishna Raj also appeared through VC.

R2 has not raised any objection in replacement of the IRP.

Heard both sides.

Hearing concluded. Orders reserved.

R2 is permitted to file the hard copy of the counter within 4 days from today.

11 IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019

Learned senior counsel Shri Suresh Kumar appeared for the applicant. Learned counsel for R1 & R2 Shri George G. Poothicote, learned counsel for R4, R9, R10 & R11 Shri Zibi Jose and learned counsel for R3 & R5 Shri Mohan Jacob George appeared through VC.

Heard both sides.

Hearing concluded. Orders reserved.

12 TCP/81/KOB/2019

Learned counsel for the Petitioner Smt Karthika K.J. appeared through VC. Shri T.K.Bhaskar appeared for R1 to R7. None appeared for R8(ROC).

Smt. Karthika sought some more time to file the convenience compilation of the case record.

At the request of the learned counsel for the Petitioner, the case is adjourned to 25.03.2022.

13 TCA/29/KOB/19

Learned counsel for R2 & R3 Smt. Karthika sought some more time to file the convenience compilation of the case record.

At her request, the case is adjourned to 25.03.2022.

14 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 R4 Shri Shinu J. Pillai and learned counsel for R6 Shri Abhilash Nediyaalil Abraham appeared through VC. None appeared for other respondents.

Shri Akhil Suresh submitted that stay order of the Hon'ble High Court of Kerala still exists in this case. The Learned **counsel for R1 & R2** is directed to file the Copy of

the Judgement of the Hon'ble High Court of Kerala in WP(C) No.13114/2020 within two weeks with an affidavit.

List on 22.03.2022.

15 CP/39/KOB/2020

Learned counsel for the Petitioner Shri Jerin Asher Sojan as well as learned counsel for the R3 Shri K.V.Krishnakumar appeared through VC. None appeared for R2.

Learned counsel for the Petitioner submitted that the mediation talks have been failed.

Since mediation talks are failed, list the case on 08.03.2022 for hearing.

Both the parties may file their written submissions in brief (limiting 3-4 pages) 3 days before the date fixed.