

NCLT, KOCHI BENCH

Daily Orders

Date: 26th Nov 2021

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

1 IA(C/ACT)/44/KOB/2021 IN CP/22/KOB/2020

This IA has been filed by the applicant/R3 against the Respondents/Petitioners under Rule 32 of NCLT Rules, 2016 with the prayer to allow the applicants to file the sur-rejoinder.

Learned counsel for the Applicants Shri Nikhil Narayanan appeared through VC.

On hearing the learned counsel for the applicant and also on thorough perusal of the records, we are of the considered opinion that the sur-rejoinder may be accepted and considered during the hearing of the main CP. Hence the **IA(C/ACT)/44/KOB/2021 IN CP/22/KOB/2020 stands allowed. Registry is directed to accept the Sur-Rejoinder and place it on record with proper indexing.**

2 IA(IBC)/177/KOB/2021 IN IBA/51/KOB/2019

This IA has been filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by Dr.Bharath Chandran (erstwhile Promoter and Resolution Applicant) against the Resolution professional and CoC seeking 6 Nos of reliefs, which include to stay any application that may be filed by the RP for liquidation of the CD till the pendency of this IA.

Learned counsel for the Applicant Shri Raghunath as well as learned RP Shri Raju PK and learned counsel for SBI Shri Vinod PV appeared through VC.

The respondents (RP and CoC) are directed to file their reply statement to this IA before the next date fixed.

List on 30.11.2021 for hearing.

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

3 IA(IBC)/180/KOB/2021 IN IBA/51/KOB/2019

This IA has been filed by the Resolution Professional under Section 33(1)(a) of the IBC, 2016 for liquidation of the Corporate Debtor.

Learned RP Shri Raju PK appeared in person through VC.

This IA will be considered after the reply statement of the respondents in IA(IBC)/177/KOB/2021 is filed.

List on 30.11.2021.

4 IA(IBC)/181/KOB/2021 IN IBA/51/KOB/2019

This IA has been filed by the counsel for the applicant under Rule 11 of the NCLT Rules, 2016 with the prayer to pass an order advancing the matter from 02.12.2021 to a nearer date.

Learned counsel for the Applicant Shri Pradeep appeared through VC. Learned RP Shri Raju PK also appeared in person through V C.

The Prayer of the applicant is allowed and the hearing of the IA(IBC)181/KOB/2021 is advanced to 30.11.2021. List IA (IBC)/181/KOB/2021 on 30.11.2021.

5 TCP/20/KOB/2019

Learned proxy counsel for the applicant Shri Arjun Prakash as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R4 Shri Sankar P. Panicker appeared through VC.

This is a part heard case.

During the hearing on 16.11.2021, based on the submission of the learned senior counsel for the respondents Shri Joseph Kodianthara that he will produce the share certificate issued to the petitioner, this Tribunal directed him to produce the Share Certificate duly acknowledged by the petitioner on or before 23.11.2021. Shri Joseph Kodianthara submitted that he has filed IA/107/KOB/2021 in compliance with the above direction.

Shri Arjun Praksh sought time to file reply statement to the aforesaid IA. His request is allowed. The Petitioner is directed to file reply statement on or before 05.12.2021.

List on 09.12.2021 for hearing – Part Heard (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 for both the parties through email immediately.

6 COMP.APPLN/104/KOB/2021 IN TCP/20/KOB/2019

Learned counsel for both the parties appeared through VC.

List on 09.12.2021 for hearing along with the main TCP – Part Heard (High on Board).

7 IA/194/KOB/2020 IN IA/55/KOB/2019 IN TCP/20/KOB/2019

Learned Proxy counsel for the applicant Shri Arjun Prakash as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R4 Shri Sankar P. Panicker appeared through VC.

Vide Order dated 16.11.2021 the R1 Company was directed to file with enclosure all the credit entries in the Current Account No.9705 maintained in the name of R1 Company for the period November and December 2011 and January to March 2012 on or before 23.11.2021. However the said documents are not produced. R1 is given last opportunity to produce the aforesaid documents on or before 5.12.2021, failing which it will be presumed that the R1 cannot produce the same.

List on 09.12.2021 for hearing along with the main TCP – Part Heard (High on Board).

8 MA(CA)/02/KOB/2021 IN TCP/20/KOB/2019

Learned Proxy counsel for the applicant Shri Arjun Prakash as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R4 Shri Sankar P. Panicker appeared through VC.

This MA will be heard along with the related IA. List on 09.12.2021 (High on Board).

9 COMP.APPLN/107/KOB/2021 IN TCP/20/KOB/2019

This CA has been filed under Rule 39 of the NCLT Rules, 2016 by the Applicants/R1 to R3 against the Respondent/Petitioner with the prayer to accept Annexure A1 to A7 as additional documents and take the same on record.

Learned senior counsel for R1 Shri Joseph Kodianthara and learned Proxy counsel for the Respondent Shri Arjun Prakash appeared through VC.

During the hearing on 16.11.2021, based on the submission of the learned senior counsel for the respondents in the TCP Shri Joseph Kodianthara that he will produce the share certificate issued to the petitioner, this Tribunal directed him to produce the Share Certificate duly acknowledged by the petitioner on or before 23.11.2021. This IA is filed in compliance with the aforesaid direction.

Shri Arjun Prakash sought time to file reply statement against this IA. His request is allowed. The Respondent/Petitioner is directed to file reply statement to this IA/107/KOB/2021 on or before 05.12.2021.

List on 09.12.2021 for hearing along with the main TCP (High on Board). There shall be no adjournment in this case.

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

10 IA(IBC)/124/KOB/2021 IN IBA/24/KOB/2020

Learned RP Shri Mohanan T.S. appeared in person through VC along with his counsel Shri Prasanth Kumar.

This is an IA filed by the Resolution Professional with the prayer to approve the Resolution Plan submitted by M/s. Dasmesh Warehousing Private Ltd (Resolution Applicant).

Heard the RP and perused the whole case records.

Reserved for Orders.

11 REPORT/99/KOB/2021 IN CP(IBC)/13/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and stated that this is his final report in the matter..

Perused the Report. Report is taken on record. Registry shall place it on record.

12 CP(IBC)/13/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for the Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

13 REPORT/100/KOB/2021 IN CP(IBC)/14/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and submitted that this is his final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

14 CP(IBC)/14/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

15 REPORT/101/KOB/2021 IN CP(IBC)/15/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and that this is the final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

16 CP(IBC)/15/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

17 REPORT/102/KOB/2021 IN CP(IBC)/16/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and stated that this is the final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

18 CP(IBC)/16/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor

In view of the above, let the matter be adjourned to 05.01.2022.

19 REPORT/103/KOB/2021 IN CP(IBC)/17/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and this is the final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

20 CP(IBC)/17/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

21 REPORT/104/KOB/2021 IN CP(IBC)/18/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and this is the final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

22 CP(IBC)/18/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

23 REPORT/105/KOB/2021 IN CP(IBC)/19/KOB/2021

This Report has been filed under Section 99 of the IBC, 2016 by the Resolution Professional recommending for approval of the application filed under Section 95 by the Petitioner/Creditor.

Learned RP Shri Francis Mathew appeared in person through VC and this is the final report in the matter.

Perused the Report. Report is taken on record. Registry shall place it on record.

24 CP(IBC)/19/KOB/2021

Learned RP Shri Francis Mathew as well as learned counsel for the Petitioner Shri Unnikrishnan and learned counsel for Respondent/Guarantor Shri Anu Balakrishnan appeared through VC.

Both the parties submitted that the Hon'ble High Court granted stay in the CIR Process to be taken against the guarantor.

In view of the above, let the matter be adjourned to 05.01.2022.

25 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the applicant Shri George G. Poothicote appeared through VC. Learned senior counsel for R1 & R2 Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned PCS for R11, R15, R16, R17 and R18 Shri PP Zibi Jose, learned counsel for R10 & R12 Shri Mohan Jacob George and learned counsel for R14 Shri Vinod PV also appeared through VC. None appeared for R13 & R14.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

Learned senior counsel for R1 & R2 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

26 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned senior counsel for the applicant Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 & R2 Shri George G. Poothicote, learned PCS for R4, R8, R9, R10 & R11 Shri PP Zibi Jose and learned counsel for R5 Shri Mohan Jacob George also appeared through VC. None appeared for R6 & R7.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

27 IA/67/KOB/2020 IN TCP/34/KOB/2019

Learned senior counsel for the applicant Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 & R2 Shri George G. Poothicote, learned PCS for R4, R8, R9, R10 & R11 Shri PP Zibi Jose and learned counsel for R3 & R5 Shri Mohan Jacob George also appeared through VC. None appeared for R6 & R7.

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

28 IA/204/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for the applicant Shri George G. Poothicote appeared through VC. Learned senior counsel for R1 & R2 Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. None appeared for R3

Since pleadings are complete in the main TCP, this IA will be heard along with the final hearing of the TCP.

Learned senior counsel for R1 & R2 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

29 CA/9/KOB/2021 IN TCP/34/KOB/2019

Learned senior counsel for the applicant Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 Shri Vinod PV and learned counsel for R2 & R3 Shri George G. Poothicote also appeared through VC. None appeared for R4 & R5.

Since pleadings are complete in the main TCP, this CA will be heard along with the final hearing of the TCP.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

30 IA(C/ACT)/32/KOB/2021 IN IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019

This IA has been filed by the Applicant/R1 under Rule 11 read with Rule 15 of the NCLT Rules 2016 read with Section 151 of the Code of Civil Procedure, 1908 with the prayer to accept the objection filed by the R1 in the IA(C/Act/17/KOB/2021 by condoning the delay in filing the objection.

Learned counsel for both the parties appeared through VC.

On hearing the learned counsel for the parties and on a thorough perusal of the records, we are of the considered opinion that the prayer of the Applicant may **be allowed**. IA is allowed and Registry is directed to accept the Objection filed by R1 in IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019 and place it on record with proper index.

IA(C/ACT)/32/KOB/2021 IN IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019 stands disposed of.

31 IA(C/ACT)/33/KOB/2021 IN IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019

This IA has been filed by the Applicant/R3 with the prayer to accept the objection filed by the R3 in the IA(C/Act/17/KOB/2021 by extending the time in filing the objection.

Learned counsel for both the parties appeared through VC.

On hearing the learned counsel for the parties and on a thorough perusal of the records, we are of the considered opinion that the prayer of the Applicant may **be allowed**. Registry is directed to accept the Objection filed by R3 in IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019 and place it on record, with proper index.

IA(C/ACT)/33/KOB/2021 IN IA(C/ACT)/17/KOB/2021 IN TCP/34/KOB/2019 stands disposed of.

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

Learned senior counsel for the applicant Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 & R2 Shri George G. Poothicote and learned counsel for R4, R9, R10 & R11 Shri Zibi Jose, learned counsel for R3 & R5 Shri Mohan Jacob George and learned counsel for R14 Shri Vinod PV also appeared through VC. None appeared for R6 & R7.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

33 IA(C/ACT)/41/KOB/2021 IN TCP/34/KOB/2019

This IA has been filed by the applicant/R3 with the following prayers:

- (i) Pass an order directing the Company Petitioners 1 & 2 to produce the original of Annexure A17 MoU before this Tribunal within a time limit specified and allow R3 to adduce evidence to contradict the same.
- (ii) Pass an order allowing the applicant to challenge Annexure A17 by adducing evidence including by way of cross examination of the makers and signatories of Annexure A17.

Learned counsel for the Applicant Shri Mohan Jacob George appeared through VC. Learned senior counsel for R1 to R9 Shri Sureshkumar appeared through VC along with Adv. Renjith Rajappan. Learned counsel for R10 & R11 Shri George G. Poothicote, learned counsel for R12, R16-R19 Shri Zibi Jose and learned counsel for R22 Shri Vinod PV appeared through VC. None appeared for R14 & R15.

Learned senior counsel for R1 to R9 Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

In view of the above, let this matter be adjourned to 18.01.2022 for hearing.

34 TCP/34/KOB/2019

Learned senior counsel for the Petitioner Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 & R2 Shri George G. Poothicote, learned counsel for R4, R9, R10 & R11 Shri Zibi Jose, learned counsel for R3 & R5 Shri Mohan Jacob George and learned counsel for R14 Shri Vinod PV appeared through VC. None appeared for R6 & R7.

Learned senior counsel for the Petitioner Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

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

35 TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)

Learned senior counsel for the Applicant Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan. Learned counsel for R1 Shri George G.

Poothicote and learned counsel for R2 Shri Mohan Jacob George also appeared through VC. None appeared for R3.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

36 TCP/53/KOB/2019 (CP/33/17)

None appeared for the Petitioner. Learned counsel for R1 Shri George G. Poothicote and learned senior counsel for R2 Shri Suresh Kumar appeared through VC along with Adv Shri Renjith Rajappan.

Pleadings are complete.

Learned senior counsel for the applicant Shri Suresh Kumar stated that compromise talks are going on in this case and hence sought an adjournment. His request is allowed.

List on 18.01.2022 for hearing.

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

37 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 senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

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

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

39 CP/69/KOB/2019

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

40 **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 senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

41 **IA/33/KOB/2019 IN CP/71/KOB/2019**

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

42 **CP/71/KOB/2019**

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

43 **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 senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

44 **IA/34/KOB/2019 IN CP/72/KOB/2019**

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

45 **CP/72/KOB/2019**

Learned counsel for both the parties appeared through VC.

Learned senior counsel Shri Om Prakash stated that the Hon'ble NCLAT has stayed the proceedings in this case and the matter is posted before NCLAT on 20.01.2022.

In view of the above, let the matter be adjourned to 25.01.2022.

46 CA/48/KOB/2021 IN CP/13/KOB/2021

Learned counsel for the Applicant Shri Nithsh R. Shenoy as well as learned PCS for the Respondent Shri P.P.Zibi Jose appeared through VC.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

47 CP/13/KOB/2021

Learned PCS for the Petitioner Shri P.P.Zibi Jose and learned counsel for R5 Shri Nitish Shenoy appeared through VC.

At the request of both the parties, the case is adjourned to 19.01.2022.

48 CA/49/KOB/2021 IN CP/14/KOB/2021

Learned counsel for the Applicant Shri Nitish Shenoy as well as learned PCS for the Respondent Shri P.P.Zibi Jose appeared through VC.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

49 CP/14/KOB/2021

Learned PCS for the Petitioner Shri P.P.Zibi Jose as well as learned counsel learned counsel for R5 Shri Nitish Shenoy appeared through VC.

At the request of both the parties, the case is adjourned to 19.01.2022.

50 CA/51/KOB/2021 IN CP/15/KOB/2021

Learned counsel for the Applicant Shri Nitish Shenoy as well as learned PCS for the Respondent Shri P.P.Zibi Jose appeared through VC.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

51 CP/15/KOB/2021

Learned PCS for the Petitioner Shri P.P.Zibi Jose as well as learned counsel for R5 & R6 Shri Nitish Shenoy appeared through VC.

At the request of both the parties, the case is adjourned to 19.01.2022.

52 CA/50/KOB/2021 IN CP/16/KOB/2021

Learned counsel for the Applicant Shri Nitish Shenoy as well as learned PCS for the Respondent Shri P.P.Zibi Jose appeared through VC.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

53 CP/16/KOB/2021

CP/16/KOB/2021

Learned PCS for the Petitioner Shri P.P.Zibi Jose as well as learned counsel for R2 Shri Sherry Samuel Oommen and learned counsel for R8 Shri Nitish Shenoy appeared through VC.

At the request of both the parties, the case is adjourned to 19.01.2022.

54 CA/52/KOB/2021 IN CP/17/KOB/2021

Learned counsel for the Applicant Shri Sherry Samuel Oommen appeared through VC. None appeared for the respondent.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

55 CP/17/KOB/2021

Shri Nikhil Narayanan appeared for the Petitioner. Learned counsel for R1 & R13 Shri Nitish Shenoy appeared through VC.

At the request of R1 & R13, the case is adjourned to 19.01.2022.

56 CA/53/KOB/2021 IN CP/18/KOB/2021

Learned counsel for the Applicant Shri Nitish Shenoy as well as learned PCS for the Respondent Shri P.P.Zibi Jose appeared through VC.

The respondent is permitted to file the counter against this CA within three weeks.

List on 19.01.2022.

57 CP/18/KOB/2021

Learned PCS for the Petitioner Shri P.P.Zibi Jose as well as learned counsel for R5 & R7 Shri Nitish Shenoy appeared through VC.

At the request of both the parties, the case is adjourned to 19.01.2022.

58 IA(IBC)/167/KOB/2021 IN IBA/41/KOB/2020

This IA has been filed by the IRP under section 40(2) of CIRP Regulation and Section 12(2) of IBC, 2016 seeking the following reliefs:

- (i) Exclude the stay period of 153 days from CIRP;
- (ii) Approval from this Tribunal for the meeting conducted on 28.10.2021; and
- (iii) Take on record the updated creditors list.

Learned IRP Shri Jasin Jose appeared in person through VC.

The IRP submitted that CIR Process in this case was ordered on 09.04.2021 and the 180 days to complete the Process ended on 17.10.2021. The CIR Process was

stayed for the period from 20.05.2021 to 20.10.21 as per Annexure A1 to A4 Stay Orders by the Hon'ble High Court of Kerala.

Hence the IRP prayed to exclude the stay period of 153 days (from 20.05.2021 to 20.10.2021) from the period of CIR Process.

On hearing the IRP and on perusal of the records, this Tribunal is of the opinion that the prayer of the Applicant/IRP mentioned under (i) and (iii) be allowed. The relief sought for as per Item (ii) is stand rejected.

IA(IBC)/167/KOB/2021 IN IBA/41/KOB/2020 stands disposed of partly allowing the same.

59 TCP/6/KOB/2019

Learned counsel for the Petitioner Shri K.S.Ravi Chandran as well as learned counsel for R2 Smt. Christina Aruna Paul appeared through VC.

Heard both sides and perused the whole case records. Arguments concluded. Mr.Ravichandran stated that he will be producing the decision cited by him within five days. Allowed. **Reserved for Orders.**