

NCLT, KOCHI BENCH**Daily Orders – Purely for reference only**

Date: 27th Jan 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 IA(IBC)/13/KOB/2022 in IBA/27/KOB/2020

This IA has been filed under Section 12 A of IBC, 2016 read with Regulation 30A(1)(a) of CIRP Regulation and also read with Section 60(5)(a) of the IBC, 2016 by the IRP for withdrawal of the CIR Process.

Learned IRP Shri K. Easwara Pillai appeared in person through VC.

Heard the IRP and perused the records.

IA(IBC)/13/KOB/2022 stands allowed vide separate Order.

In view of the above, IBA/27/KOB/2020 is also disposed of vide separate Order.

2 REPORT/14/KOB/2022 in CA(CAA)/2/KOB/2021 & CA(CAA)/3/KOB/2021

This report has been filed by the Chairman appointed by this Tribunal for conducting the meeting of the unsecured creditors in the matter of Henry and Farad Pvt Ltd.

Shri Shawn Jeff Christopher, the Chairman appointed by this Tribunal appeared in person through VC.

Report is taken on record. Registry is directed to place the Report in CA(CAA)/2/KOB/2021 & CA(CAA)/3/KOB/2021.

3 REPORT/15/KOB/2022 IN TIBA/09/KOB/2019

This report has been filed under Regulation 15(1)(a) of the IBBI (Liquidation Process) Regulations, 2016 by the Liquidator in the matter of Palm Lagoon Backwater Resorts Pvt Ltd (under liquidation).

Learned Liquidator Shri R. Velu appeared in person through VC.

Report is taken on record. Registry is directed to place the Report in IN TIBA/09/KOB/2019.

4 REPORT/16/KOB/2022 IN CP(IB)/91/CB/2018

This Report has been filed by the liquidator in the matter of Unitek Power Solutions (India) Ltd (under liquidation).

Learned counsel for the Liquidator Smt. Merin Thaliath appeared through VC.

Report is taken on record. Registry is directed to place the Report in CP(IB)/91/CB/2018 .

5 CP(IB)/42/KOB/2021

Learned counsel for the Financial Creditor Shri Alexander appeared through VC. None appeared for the Corporate Debtor.

Shri Alexander stated that the Corporate Debtor filed reply statement in this matter and sought an adjournment to enable him to file the rejoinder. Allowed. He may file the rejoinder within 7 days.

List on 08.02.2022 for hearing.

6 TCP/8/KOB/2019

Learned Senior counsel for the Applicant Shri Kaushik Sharma as well as learned senior counsel for R1 to R4 Shri Ramakrishna appeared through VC.

Shri Kaushik Sharma submitted that he wants to file a reply against the IA filed by the respondents to suspend the Order dated 13.10.2020 in TIA/102/KOB/2020 pending disposal the Company Appeal TA No.53/2021 and hence sought an adjournment. Allowed.

List on 17.03.2022 for hearing.

6 TIA/103/KOB/2020 IN TCP/8/KOB/2019

Learned counsel for the Applicant Shri Kaushik Sharma appeared through VC. Learned senior counsel for R1 to R4 Shri Ramakrishnan appeared through VC.

This TIA will be heard along with the main TCP.

List on 17.03.2022 for hearing.

6 IA(C/ACT)/7/KOB/2022

This IA has been filed under Section 242(4) of the Companies Act, 2013 by the Applicants (R1 & R3 in the CP) against the Respondent (Petitioner in the CP) with the prayer to suspend the Order dated 13.10.2020 in TIA/102/KOB/2020 pending disposal of Company Appeal TA No.53/2021.

Learned senior counsel for the applicants Shri Ramakrishna as well as learned senior counsel for the Respondent Shri Kaushik Sharma appeared through VC.

The Respondent is directed to file Reply Statement to this IA within 3 weeks.

List on 17.03.2022 for hearing.

7 TCP/11/KOB/2019

Learned senior counsel for the Applicant Shri Ramakrishna as well as learned Senior counsel for R2, R3 & R5 Shri Kaushik Sharma appeared through VC. appeared through VC.

At the request of both the parties, the case is **adjourned to 17.03.2022 for hearing.**

8 CP/09/KOB/2021

Learned counsel for the Respondent Shri Clint Li Johny appeared through VC.

At the request of Shri Clint Li Johny, the case is **adjourned to 21.02.2022.**

8 COMP.APPLN/108/KOB/2021

This application has been filed under Rule 32 of NCLT Rules, 2016 by the applicants (R1 to R4 in the CP) with the prayer to vacate the status quo direction of this Tribunal dated 03.03.2021 with regard to the shareholding pattern of the Company so as to permit the Directors to proceed with issuing share capital at its discretion.

Learned counsel for the Applicant Shri Clint Li Johny appeared through VC.

At the request of Shri Clint Li Johny, the case is adjourned to 21.02.2022.

9 CP/44/KOB/2021

This Petition has been filed under Section 73(4) of the Companies Act, 2016 by the Petitioner Shri C. Viswanathan against the Respondent Grameen Kairali Agro Pvt

Ltd with the prayer to make payment of the amount deposited with the Respondent for Share Certificate.

Learned counsel for the Petitioner Shri Abraham John appeared through VC and sought further time to send notice to Respondent as he could not trace out the correct address of the respondent company. **At his request, the case is adjourned to 04.03.2022. The Petitioner is directed to file the proof of service with an affidavit before the above date.**

10 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.

Learned counsel for the Petitioner Smt. Rosin J appeared through VC. Adv Abraham Mathew for R1 & R2 and PCS Smt Sreepriya Kalarikkal for R3 appeared through VC and stated that they will be filing vakalath/memo of appearance and sought time to file reply statement in the matter. They are directed to file the Reply Statement within 2 weeks.

List 07.03.2022 for hearing.

11 COMPANY APPEAL/15/KOB/2021

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC and submitted that she has already filed reply statement for R 1 to 4.

AROC Shri Ramesh appeared through VC for R5 and stated that since no relief has been sought against the ROC, he is not filing any reply statement in this CA.

Smt. Urmila Zacharia submitted that R2 is under the custody of the Enforcement Directorate.

Shri Philip Mathew sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

List on 17.03.2022 for hearing.

12 COMPANY APPEAL/16/KOB/2021

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC and submitted that she has already filed reply statement for R 1 to 4.

AROC Shri Ramesh appeared through VC for R5 and stated that since no relief has been sought against the ROC, he is not filing any reply statement in this CA.

Smt. Urmila Zacharia submitted that R2 is under the custody of the Enforcement Directorate.

Shri Philip Mathew sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

List on 17.03.2022 for hearing.

13 COMPANY APPEAL/17/KOB/2021

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC and submitted that she has already filed reply statement for R 1 to 4.

AROC Shri Ramesh appeared through VC for R5 and stated that since no relief has been sought against the ROC, he is not filing any reply statement in this CA.

Smt. Urmila Zacharia submitted that R2 is under the custody of the Enforcement Directorate.

Shri Philip Mathew sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

List on 17.03.2022 for hearing.

14 COMPANY APPEAL/18/KOB/2021

Learned counsel for the Appellant Philip Mathew as well as learned counsel for the R1 to R4 Smt Urmila Zacharia appeared through VC and submitted that she has already filed reply statement for R 1 to 4.

AROC Shri Ramesh appeared through VC for R5 and stated that since no relief has been sought against the ROC, he is not filing any reply statement in this CA.

Smt. Urmila Zacharia submitted that R2 is under the custody of the Enforcement Directorate.

Shri Philip Mathew sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

List on 17.03.2022 for hearing.

15 CA/22/KOB/2021

This CA has been filed under Section 59 of the Companies Act, 2013 by the Appellant Shri Govindankutty N against Chirayath Benefit Fund Nidhi Ltd and 7 others seeking direction to the 7th Respondent to remove the appellant's name from the rolls of the R1 to R4 Companies.

Learned counsel for the Appellant Shri A.N.Rajan Babu appeared through VC.

It appears from records that even though the AD cards have been produced, the seal of the Company (respondent) has not been affixed in the Acknowledgement Cards for the notice served to R1 to R4. The petitioner is therefore directed to file the proof of service (Postal Tracking Report) in respect of the above Companies within two weeks.

It is noted that notice was duly served to R6 (Regional Director) and R7 (ROC). But they neither appeared through VC nor filed any Reply Statement till date. Accordingly, it is presumed that they have no reply to file in this case.

Even though notice was duly served to R8, he neither appeared through VC nor filed any Reply Statement till date. Hence, R8 is hereby set ex parte.

List on 21.02.2022 for hearing.