

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 27th Sept 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Rajesh Sharma, Member (Technical)**

1 CP(IBC)/13/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Guarantor Shri Shri Akhil Suresh appeared through.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr. Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

2 CP(IBC)/14/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar appeared through VC. None appeared for the respondent/guarantor.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the

Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr.Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

3 CP(IBC)/15/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Guarantor Shri Adv Shri Akhil Suresh appeared through.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code,2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr.Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

4 CP(IBC)/16/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Guarantor Shri Adv Shri Akhil Suresh appeared through.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code,2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr.Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-

18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

5 CP(IBC)/17/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Guarantor Shri Adv Shri Akhil Suresh appeared through.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr. Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

6 CP(IBC)/18/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar appeared through VC. None appeared for the respondent/guarantor.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr. Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for

the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

7 CP(IBC)/19/KOB/2021

Learned counsel for the Petitioner/Financial Creditor Shri Sunil Shankar as well as learned counsel for the Respondent/Guarantor Shri Adv Shri Akhil Suresh appeared through.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. During the hearing on 18.08.2021 the learned counsel for the FC has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. However, the learned counsel for the FC has filed a memo on 25.09.2021 suggesting the name of a Bankruptcy Trustee, viz: Mr. Sujata Chattopadhyay (Reg No./IBBI/IPA-003/IP-N00044/2017-18/10353). But on scrutiny of the records, it is noted that the name of the aforesaid person is not listed in the names of IRPs approved by IBBI for NCLT-Kochi Bench for the period 1.7.21 to 31.12.21. During the hearing today, the learned counsel for the FC stated that he has no objection in appointing an RP from the aforesaid list.

Detailed Orders passed vide separate sheets.

8 CP(IBC)/22/KOB/2021

Learned counsel for the financial creditor Smt. Umarani as well as learned counsel for the corporate debtor Shri V.K. Peer Mohammed Khan appeared through VC.

Smt Umarani submitted that a case in respect of the Corporate Debtor is pending before the Hon'ble Supreme Court and hence she sought an adjournment. Shri Peer Mohammed Khan also agreed to the request of Smt. Umarani.

In view of the above, the case is **adjourned sine die. Both parties may approach this Tribunal after the orders of Hon'ble Supreme Court.**

9 IA/43/KOB/2019 IN TCP/55/KOB/2019

Learned senior counsel for the applicant Shri Joseph Kodianthara as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

Both the parties submitted that settlement talks are going on in the matter and hence sought an adjournment.

At the request of the parties, the matter is adjourned to 23.11.2021.

10 IA/44/KOB/2019 IN TCP/55/KOB/2019

Learned senior counsel for the applicant Shri Joseph Kodianthara as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

Both the parties submitted that settlement talks are going on in the matter and hence sought an adjournment.

At the request of the parties, the matter is adjourned to 23.11.2021.

11 IA/68/KOB/2019 IN TCP/55/KOB/2019

Learned senior counsel for the applicant Shri Joseph Kodianthara as well as learned counsel for R2 to R5 Shri Akhil Suresh appeared through VC.

Both the parties submitted that settlement talks are going on in the matter and hence sought an adjournment.

At the request of the parties, the matter is adjourned to 23.11.2021.

12 TCP/55/KOB/2019

Learned counsel for the Petitioners Shri Akhil Suresh as well as learned senior counsel for R3 to R6 Shri Joseph Kodianthara appeared through VC.

Both the parties submitted that settlement talks are going on in the matter and hence sought an adjournment.

At the request of the parties, the matter is adjourned to 23.11.2021.

13 TCP/58/KOB/19 (TCP/235/17)

Learned counsel for the Petitioners Smt. Jayalakshmi appeared through VC. Adv. Shri K. Manoj Menon appeared for the respondents through VC.

Smt. Jayalakshmi sought an adjournment stating that the appeal in the matter is still pending before the Hon'ble NCLAT and the date of posting is yet to be decided. However, Mr. Menon stated that this matter may be disposed of without waiting for the orders of Hon'ble NCLAT. Since a matter relating to the respondent is pending before the Hon'ble NCLAT, adjournment request of the petitioner is allowed.

List on 24.11.2021.

14 CP/31/KOB/2020

Learned counsel for the Petitioners Shri Akhil Suresh as well as learned senior counsel for R3 to R6 Shri Joseph Kodianthara appeared through VC.

Both parties submitted that settlement talks are going on in the matter and hence sought an adjournment.

At the request of the parties, the matter is adjourned to 23.11.2021. List along with the connected matter.

15 CA/13/KOB/2021

None appeared for the Appellants through VC. Hence adjourned to 08.11.2021.

Report of the ROC is on record.

The appellants may note that in case there is no appearance during the next date of hearing, the appeal will be dismissed.

List on **08.11.2021** for final hearing.