

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

Date: 28th Jan 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP(IB)/3/KOB/2022

This Petition has been filed under Section 59 of the IBC, 2016 by the liquidator with the prayer to dissolve Kerala GAIL Gas Limited (in Voluntary liquidation).

Learned liquidator Smt Midhuna KC appeared in person through VC along with his counsel Shri Sandeepkumar.

Heard and perused the records.

Reserved for Orders.

2 IA(IBC)/14/KOB/2022 in CP(IB)/05/KOB/2021

This IA has been filed under Section 23(3)(b) of IBC, 2016 by the IRP with the prayer to appoint Shri K. Parameswaran Nair as Resolution Professional of the Corporate Debtor.

Learned IRP Shri Lukose Jose appeared in person through VC along with his counsel Shri M.A.Shaji.

The IRP and his learned counsel could not submit any valid explanation as to why the IRP is to be changed. For their clarification, the matter is adjourned.

Adjourned to Monday, 31.01.2022 for hearing.

3 IA(C/ACT)/8/KOB/2022 in TCP/7/KOB/2019

This IA has been filed by the applicant/Addl 6th Respondent for condonation of delay in filing the Reply Statement.

Learned counsel for the Applicant Shri Alexander as well as learned counsel for the respondent Shri C.K.Karunakaran appeared through VC. Shri Karunakaran stated that he has no objection in allowing the IA.

On hearing the parties, and on the submission of the respondents, we are of the considered opinion that in the interest of justice, the prayer of the Applicant/Additional 6th respondent may be allowed. Hence the **IA(C/ACT)/8/KOB/2022 in TCP/7/KOB/2019 stands allowed and Registry is directed to place the Reply Statement of the Additional 6th Respondent in TCP/7/KOB/2019, if otherwise in order.**

The Petitioner may file rejoinder against the above Reply Statement of the Additional 6th Respondent within two weeks.

4 IA(IBC)/134/KOB/2021 IN IBA/22/KOB/2020 & IBA/23/KOB/2020

Learned RP Shri Renahan Vamakesan appeared through VC along with his counsel Shri Akhil Suresh.

This IA has been filed by the RP for dissolution of the company under Section 54(1) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016.

Shri Vinod PV, who appeared for SBI stated that SBI has already filed a Petition against the Personal Guarantors under Section 95 of the IBC, 2016. Registry reported that the said petition is under scrutiny.

In the light of the submissions of the learned counsel for FC State Bank of India, let this IA be adjourned to 01.03.2022.

4 MA(IBC)/1/KOB/2022

This MA has been filed under Section 425 of the Companies Act, 2013 by the Interim Resolution Professional with the prayer to initiate contempt proceedings against the Respondents.

Learned IRP Shri Renahan Vamakesan appeared in person through VC along with his counsel Shri Akhil Suresh

When the Bench raised the question as to whether a contempt petition can lie against a company without mentioning the name of the concerned person who has committed the contempt of court, Shri Akhil Suresh stated that he wants to withdraw this MA.

In view of the submission of the learned counsel for the IRP, MA(IBC)/1/KOB/2022 stands dismissed as withdrawn.

5 CP(IB)/44/KOB/2021

This CP has been filed under Section 7 of the IBC, 2016 read with Rule 4 of the IB (AAA) Rules, 2016 by the Financial Creditor Malayalam Vehicles India Pvt for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor Malayalam Motors Pvt Ltd

Learned counsel for the FC Shri Anil D Nair as well as learned senior counsel for the CD Shri Joseph Kodianthara appeared through VC.

Shri Joseph Kodianthara sought an adjournment stating that he is under post Covid treatment. It is also stated that the pleadings are complete.

At the request of the learned counsel for the CD, the case is adjourned to 02.03.2021 for final hearing. Since this is an IBA matter, there shall be no further adjournment in this case.

6 TCP/52/KOB/2019

Learned counsel for the Petitioners Smt Pushpitha appeared through VC. Learned senior counsel Shri Aravindh Pandian along with Adv Jolly John appeared for the respondents. Asst ROC Shri Ramesh also appeared for ROC(R14).

Smt. Pushpitha sought an adjournment to enable her senior Shri T.K.Bhaskar to argue matter. Shri Jolly John submitted that the petitioners are dragging the matter unnecessarily.

List on 10.02.2022 for hearing. There shall be no further adjournment in this case and that since the matter is of 2019, the same will be taken up for final disposal on that date.

7 CP/33/KOB/2020

Learned PCA for the Petitioner Shri Arun K. Kamalobhavan appeared through VC. Asst ROC Shri Ramesh also appeared through VC for R4/ROC.

It appears from records that notice was duly served on R1 to R3. In spite of receipt of notice, they neither appeared through VC nor filed any Reply statement. **Therefore, R1, R2 and R3 are hereby set ex parte.**

R4/ROC is directed to file his report/reply statement within two weeks.

List on 18.02.2021 for hearing.

7 CA/30/KOB/2021 in CP/33/KOB/2020

Learned PCA for the Petitioner Shri Arun K. Kamalobhavan appeared through VC. Asst ROC Shri Ramesh also appeared through VC for R4/ROC.

This CA will be heard along with the main CP.

List on 18.02.2021 for hearing.

8 CP/35/KOB/2020

Learned counsel for the Petitioner Shri Pratap Pillai appeared through VC. Adv. Alind Joseph appeared on behalf of Shri CS Manu for respondents.

Vide Order dated 03.12.2021 the petitioner was directed to produce the latest Order of the Hon'ble High Court of Kerala in this matter before the next date fixed. Though Shri Pratap Pillai stated that he has filed the same through e-filing, hard copy has not yet been filed. He is directed to file the hard copy of the Order of the High Court of Kerala within a week.

List on 10.03.2022.

9 CP/46/KOB/2021

This CP has been filed under Section 241 and 242 of the Companies Act, 2013 by Kuruvath Soman and 3 others against New Via Chits Pvt Ltd and 12 others seeking 6 main reliefs and 8 interim reliefs.

Learned counsel for the Petitioners Smt. Nikita Paulson as well as learned counsel for R6 Shri Nebil Nizar appeared through VC.

It appears from records that notice was duly served to all respondents except R4 and R11.

The Petitioner is therefore directed to issue fresh notice enclosing a copy of the Petition to R4 and R11 through Registered Post with A/D / Speed Post and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to R4 & R11 through email.

Since R1, R2, R3, R5, R7, R8, R9, R10, R12 and R13 have neither appeared through VC nor filed any Reply Statement even after receipt of notice, they are hereby set ex-parte.

R6, R4 and R11 are directed to file their Reply Statement on or before 20.2.2022, serving copy to the Petitioner, who may file rejoinder, if any, at least 3 days before the next date fixed.

List on 02.03.2022 for hearing.