

NCLT – KOCHI BENCH

Daily Orders – For reference purpose only

Date 28th FEB 2022

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

Shri Ashok Kumar Borah
Hon'ble Member (Judicial)

1 CP/4/KOB/2022

This Petition has been filed under Section 96 and 97 read with Section 101 of the Companies Act, 2013 by the Petitioner Shri Anto CC against the Respondent – Casino Cultural Auditorium Limited and others seeking 7 main reliefs and 2 interim reliefs.

Shri Yogindunath, learned counsel appeared for the petitioner through VC. Adv Shri Pranoy Harilal appeared through VC stating that he represents Respondents 1 to 6 and vakalath will be filed within a day or two. Learned PCS for Respondents 7 to 10 Shri PP Zibi Jose appeared through VC.

We have heard submissions of both sides. The learned counsel for the petitioner during argument has insisted to pass orders on interim reliefs sought in item (i) & (ii). Considering the materials on record, we are of the view that it would not be justified to pass any order on interim relief (i) without perusing the counter of the respondents. **However, in the interest of justice, the respondents are directed to maintain status quo as on 28.12.2021 with regard to the fresh issuance of shares and composition of the Board of Directors of the R1 Company until further orders.**

The Respondents are directed to submit their Reply Statement within 2 weeks from today, serving copy to the Petitioner, who may file his rejoinder, if any, at least two days before the next date fixed.

List on 23.03.2022 for hearing.

2 CP/2/KOB/2022

This Petition has been filed under Section 252(3) of the Companies Act, 2013 read with Rule 87 A of NCLT Rules, 2016 by the Petitioner Shri Pandurang S. Nayak against the Registrar of Companies with the prayer to restore the name of Hindustan Cashew Products Pvt Ltd into the Register of Companies, Kerala.

Heard the learned counsel for the Petitioner.

Hearing concluded. Orders reserved.

3 CP(IB)/6/KOB/2022

This Petition has been filed under Section 7 of the IBC, 2016 read with Rule 4 of IB (AAA) Rules, 2016 by the Financial Creditor Kosamattam Finance Limited with the prayer to initiate Corporate Insolvency Resolution process against the Corporate Debtor Mangomeadows Agricultural Pleasure Land (P) Limited.

Learned counsel for the Financial Creditor Shri P.Sathisan appeared through VC. Shri Akhil Suresh appeared for the Corporate Debtor and sought some more time to file the reply statement. Vide order dated 07.02.2022 the CD was directed to file the Reply Statement within two weeks.

However, the prayer of the learned counsel for CD is allowed and the CD is given the last opportunity file his Reply Statement on or before 09.03.2022. The FC may file rejoinder, if any, at least 3 days before the next date fixed.

List on 16.03.2022 for hearing.

4 IA(IBC)/128/KOB/2021 IN MA/05/KOB/2020 IN TIBA/1/KOB/2019

Learned liquidator Shri Shawn Jeff Christopher appeared in person through VC.

This IA has been filed by the liquidator under Section 54(2) & 60(5) of IBC 2016 read with Regulation 44 of IBBI (Liquidation Process) Regulations 2016 and Rule 11 of NCLT Rules seeking the order of dissolution of the Corporate Debtor M/s. Achariya Techno Solutions (India) Pvt Ltd.

This IA will be heard along with the related IA.

List on 15.03.2022 for hearing.

4 IA(IBC)/41/KOB/2022

This IA has been filed under Sections 35(1)(n) & 60(5) of IBC, 2016 by the Liquidator for impleading the following officials as party respondents:

1. Sub Registrar, SRO, Mavelikkara.
2. Village Administrative Officer, Thekkekkara, Mavelikkara.

Learned Liquidator Shri Shawn Jeff Christopher appeared through VC.

On hearing the learned liquidator and on perusal of the records, we are of the view that the prayer of the liquidator be allowed. Accordingly, the Sub Registrar, SRO, Mavelikkara and Village Administrative Officer, Thekkekkara, Mavelikkara are hereby impleaded in this case. The other prayers of the Liquidator in this IA will be considered after receipt of reply statement from the respondents.

The liquidator is directed to issue fresh notice to the above impleaded respondents enclosing a copy of this IA 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 the impleaded respondents through email. They are directed to file Reply Statement, if any, on or before 14.03.2022.

List the matter on 15.03.2022 for hearing.

4 CAVEAT/5/KOB/2022

This Caveat Petition has been filed under Rule 19 of the NCLT Rules, 2016 read with Section 148A of CPC by Shri Reji Sivankutty and another against the expected Petitioner Shri Shawn Jeff Christopher, Liquidator of Acharya Techno Solutions (India) Pvt Ltd with the prayer that no Orders be passed in the matter preferred by the Liquidator without service of Notice to the Caveators.

Learned counsel for the Caveat Petitioner Shri Simod Sivan appeared through VC.

The Bench observed that since the liquidation proceedings have already been initiated against the Corporate Debtor – Acharya Techno Solutions (India) Pvt Ltd., this Caveat Petition is not at all maintainable and hence stands dismissed.

However, in view of the fact that this Tribunal had directed the liquidator vide Order dated 24.02.2022 to implead these Caveat Petitioners in IA(IBC)/38/KOB/2022 in TIBA/1/KOB/2019, the Caveat Petitioners – Shri Reji Sivankutty and Smt. Revathy Radhakrishnan - are directed to file their reply Statement in IA(IBC)/38/KOB/2022 in TIBA/1/KOB/2019 on or before 12.03.2022.

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

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

Learned counsel for the Petitioners Shri K.S.Ravi Chandran appeared through VC. Adv. Shri K. Manoj Menon appeared for the respondents through VC.

Shri Ravi Chandran stated that there is a Stay Order by NCLAT in a related case (TCP/57/KOB/2019) and hence sought an adjournment.

At the request of the learned counsel for the Petitioner, the case is adjourned to 06.04.2022 for hearing.

6 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.

Report of the ROC/R7 is on record.

Head the learned counsel for the Appellant.

Hearing concluded. Orders reserved.

7 CA/55/KOB/2020

Learned counsel for the Appellant Shri Bijoy P. Pulipra as well as learned counsel for R1 & R2 Smt. Jinnu Sara George appeared through VC.

The Appellant has filed an IA with the prayer to take the documents annexed on record as additional documents along with other documents produced by the appellant in CA/55/KOB/2020.

Smt. Jinnu Sara George stated that she wants to submit reply statement against the said IA. Prayer allowed.

Respondents may file Reply Statement against the aforesaid IA within two weeks.

List on 15.03.2022 for hearing along with the related IAs.

7 IA(C/ACT)/3/KOB/2022 in CA/55/KOB/2020

This IA has been filed under Rule 11 of the NCLT Rules, 2016 with the prayer to permit the applicant (respondent in the CA) to produce the additional documents and accept such those documents marked from Additional Annexures B5 – B10.

Learned counsel for the applicant Shri Jinnu Sara George as well as learned counsel for the Respondent Shri Bijoy P. Pulipra appeared through VC.

This IA will be heard along with the main CA.

List on 15.03.2022 for hearing.

8 TCP/61/KOB/ 2019 (CP/531/2019)

Learned counsel for the Petitioner Shri Shameem Ahmed as well as learned counsel for the Respondents Shri K.S.Ravi Chandran appeared through VC.

Heard both sides. During the hearing Shri K.S.Ravi Chandran stated that this is a family feud and the respondents are exploring the possibility of settling the matter through compromise talks. Besides, the Company is not having much income except some rental income. So, the respondents want to settle the matter amicably.

The submission of Shri K.S.Ravi Chandran is recorded.

In view of the above submissions, the matter is adjourned. The parties may file the settlement memo 3 days before the next date fixed.

List on 28.03.2022 for hearing.

8 IA/56/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the Applicant Shri Shameem Ahmed as well as learned counsel for the Respondents Dr. K.S.Ravi Chandran appeared through VC.

This IA will be heard along with the hearing of the main TCP.

List on 28.03.2022 for hearing.

8 IA/57/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the Applicant Shri Shameem Ahmed as well as learned counsel for the Respondents Shri K.S.Ravi Chandran appeared through VC.

Heard both sides.

Reserved for Orders.