

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 28th Sept 2021

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

1 IA(IBC)/142/KOB/2021 IN IBA/04/KOB/2020

This is an IA filed by the RP under Section 67 of IBC, 2016 seeking certain directions against the Corporate Debtor.

Adv Shri Ajaikumar represented the RP through VC. Adv Shri Pradeep Joy appeared for R1 & R2 through VC.

The RP is directed to issue notice to the remaining respondents through email and 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 remaining respondents through email. All respondents are directed to file their counter on or before 15.10.2021.

List on 25.10.2021.

2 IA(IBC)/143/KOB/2021 IN CP(IB)/9/KOB/2021

Learned counsel for the applicant Shri N.R.Krishnan Unni as well as learned counsel for the Respondent/CD Shri Vinod PV appeared through VC.

This is an IA filed by the applicant under Rule 11 of NCLT Rules, 2016 seeking condonation of delay in submission of rejoinder.

On hearing the parties, this Tribunal is of the opinion that the prayer of the Applicant/RP to condone the delay in submission of the rejoinder may be allowed. Hence the **IA(IBC)/143/KOB/2021 IN CP(IB)/9/KOB/2021 stands allowed. Registry is directed to place the rejoinder on record.**

3 IA(IBC)/144/KOB/2021 IN IA(IBC)/108/KOB/2021 IN CP(IB)/9/KOB/2021

Learned counsel for the applicant Shri N.R.Krishnan Unni as well as learned counsel for the Respondent/CD Shri Vinod PV appeared through VC.

This is an IA filed by the applicant under Rule 11 of NCLT Rules, 2016 seeking condonation of delay in submission of rejoinder.

On hearing the parties, this Tribunal is the opinion that the prayer of the Applicant/RP to condone the delay in submission of the rejoinder may be allowed. Hence the **IA(IBC)/144/KOB/2021 IN IA(IBC)/108/KOB/2021 IN CP(IB)/9/KOB/2021 stands allowed. Registry is directed to place the rejoinder on record.**

4 IA(C/ACT)/21/KOB/2021 IN CP/10/KOB/2021

Learned senior counsel for the applicant Shri Viswanathan P as well as learned counsel for the Respondent Shri Pranoy Harilal appeared through VC.

This is an IA filed by the applicant under Rule 11 of NCLT Rules, 2016 seeking leave of this Tribunal to file sur-rejoinder to the rejoinder filed by the petitioner.

On hearing the parties, this Tribunal of the opinion that the prayer of the applicant to file sur-rejoinder to the rejoinder may be allowed. Hence the **IA(C/ACT)/21/KOB/2021 IN CP/10/KOB/2021 stands allowed. The applicant may file the sur-rejoinder within 7 days. Registry is directed to accept the said sur-rejoinder in this case.**

IA(C/ACT)/21/KOB/2021 IN CP/10/KOB/2021 stands disposed of accordingly.

5 IA(C/ACT)/22/KOB/2021 IN IA(C/ACT)/12/KOB/2021 IN CP/08/KOB/2021

Learned PCS for the applicant/petitioner Shri P.P.Zibi Jose as well as learned counsel for R1 to R8 Shri Pranoy Harilal, learned counsel for R9 Shri Ashwin Sathyanath and learned PCS for R10 Shri Yogindunath appeared through VC.

This is an IA filed by the applicant/petitioner under Rule 11 of NCLT Rules, 2016 with the prayer to advance the date of hearing in IA(C/ACT)/12/KOB/2021 which is listed on 25.10.2021 along with the CP/08/KOB/2021 at an earlier date.

After taking into consideration of the arguments of both parties, **this IA is allowed and the IA(C/ACT)/12/KOB/2021 IN CP/08/KOB/2021 stands preponed to 08.10.2021 for hearing.**

Respondents are directed to file reply in IA(C/ACT)/12/KOB/2021 IN CP/08/KOB/2021 on or before 06.10.2021.

6 IA(C/ACT)/26/KOB/2021 IN CP/08/KOB/2021

This is an IA filed by the applicant/petitioner under Rule 11 of NCLT Rules, 2016 with the following prayers:

- (i) to direct the Respondents not to indulge in misinterpretation of the Order of this Tribunal with regard to status on share capital and share holding pattern and withdraw instructions given to the Company's share transfer

- agent regarding freezing of demat request of the Petitioner and to others similarly placed; and
- (ii) to award cost to the Petitioner for the wrongful misinterpretation of the Order of this Tribunal causing inconvenience with respect to the rejection of demat request.

Learned PCS for the applicant/petitioner Shri P.P.Zibi Jose as well as learned counsel for R1 to R8 Shri Pranoy Harilal, learned counsel for R9 Shri Ashwin Sathyanath and learned PCS for R10 Shri Yogindunath appeared through VC.

The Respondents have not raised any objection in allowing the prayer of the applicant under (i) above. The other prayer is disallowed.

Respondent Company and their Share Transfer Agent are therefore directed to accept the demat request of the Petitioner and demat requests of similarly placed within two weeks.

IA(C/ACT)/26/KOB/2021 IN CP/08/KOB/2021 stands disposed of accordingly.

Registry is directed to issue copy of this Order to the learned counsel for the Respondents through email for compliance.

7 TIA/130/KOB/2020 (CA/13/2009(CLB)) IN TCP/49/KOB/19

None appeared for the Applicants. Adv Ms Meghan and Adv Jazil Dev appeared for the respondents through VC.

It appears from records that the Applicants have not appeared through VC in the last 4 hearings. Vide order dated 06.07.2021 the applicants were informed that the case will be dismissed in case they are not appearing through VC in the next date of hearing, ie. on 13.08.2021. However, on 13.08.2021, the case was adjourned to 28.09.2021. Today also none appeared for the Petitioners. In the interest of justice, the applicants are given the last and final opportunity **to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

List on 10.11.2021.

8 IA/23(KOB)/2020 IN TCP/49/KOB/19

None appeared for the Applicants. Adv Ms Meghan and Adv Jazil Dev appeared for the respondents through VC.

It appears from records that the Applicants have not appeared through VC in the last 4 hearings. Vide order dated 06.07.2021 the applicants were informed that the case will be dismissed in case they are not appearing through VC in the next date of hearing, ie. on 13.08.2021. However, on 13.08.2021, the case was adjourned to 28.09.2021. Today also none appeared for the Petitioners. In the interest of justice,

the applicants are given the last and final opportunity **to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

List on 10.11.2021.

9 TCP/49/KOB/2019

None appeared for the Petitioners. Adv Ms Meghan and Adv Jazil Dev appeared for the respondents through VC.

It appears from records that the petitioner has not appeared through VC in the last 4 hearings. Vide order dated 06.07.2021 the applicant was informed that the case will be dismissed in case he is not appearing through VC in the next date of hearing, ie. on 13.08.2021. However, on 13.08.2021, the case was adjourned to 28.09.2021. Today also none appeared for the Petitioners. In the interest of justice, the Petitioners are given the last and final opportunity **to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

List on 10.11.2021.

10 IA(IBC)/140/KOB/2021 IN TIBA/07/KOB/2019

This is an IA filed by the Liquidator under Section 44(2) of the IBC Liquidation Process Regulations, 2016 seeking extension of the liquidation period upto 16.03.2022 and to exclude the lockdown period of 90 days (01.05.2021 to 31.07.2021) from the liquidation period and also seeking direction to the Police Authorities / Revenue Authorities to cease two cars and also to hand over the car records / shop room keys / furniture and fixtures to the liquidator to complete the sales process.

Vide Order dated 23.09.2021, the lock down period of 3 months (01.05.2021 to 31.07.2021) was excluded from the period of liquidation process and the Liquidator was directed to complete the Liquidation of the Corporate Debtor on or before 15.12.2021.

By the very same Order, the Suspended Directors and Promoters of the Corporate Debtor were directed to appear through video conferencing, before this Tribunal on 28.09.2021. Today the suspended Directors Shri V.K.Abdul Rahim, Smt Razia Rahim and Shri Zabin Abboobacker appeared through VC and sought time to hand over the Cars and other assets of the CD to the Liquidator.

The Suspended Directors are directed to hand over the two cars along with its keys and records, shop room keys, furniture and fixtures of the Corporate Debtor to the liquidator within 10 days from today.

Registry is directed to issue copy of this order to the Liquidator and Suspended Directors and Promoters through email for compliance.

IA(IBC)/140/KOB/2021 IN TIBA/07/KOB/2019 stands disposed of accordingly.

11 IA(IBC)/125/KOB/2021 IN IBA/35/KOB/2020

Learned counsel for the IRP Smt Pearline Pari as well as learned counsel for the Operational Creditor Shri Vikram Karla appeared through VC.

This is an application filed by the IRP under Section 60(5) of IBC 2016 seeking certain directions from this Tribunal.

Smt Pealine Pari shown the order through screen short from which it is seen that the Hon'ble NCLAT has stayed the constitution of Committee of Creditors and the case is listed before NCLAT on 01.10.2021.

In view of the above, let this IA be adjourned to 25.10.2021.

12 CP(IB)/10/KOB/2021

Learned counsel for the applicant Shri S.V.Ramakrishna as well as learned counsel for the CD Shri Vipin Varghese appeared through VC.

Pleadings are complete. **List on 05.10.2021 for final hearing.**

Learned counsel for both the parties are directed to submit their written submissions in brief (3-4 pages) at least two days before the above date.

13 CP(IBC)/21/KOB/2021

Learned counsel for the Operational Creditor Shri Abraham Chandappalli as well as learned counsel for the Corporate Debtor Shri Harish Abraham appeared through VC.

This is an application filed under Section 9 of IBC 2016 by the Operational Creditor M/s. Blue Star Limited against the Corporate Debtor M/s. V-Tech Electric Pvt Ltd.

Both the counsel submitted that the matter has already been settled. Learned counsel for the OC sought 7 days' time to file the settlement memo with an IA. The learned counsel for the OC is directed to file the settlement memo with IA within 7 days.

List on 04.10.2021. There shall be no adjournment in this matter.

14 IA(C/ACT)/23/KOB/2021 IN CP/24/KOB/2021

Learned PCS for the applicants Smt Sreepriya Kalarikkal as well as learned counsel for the respondents/petitioners Shri Shameem Ahmed appeared through VC.

This is an IA filed by the applicants (respondents in the CP) under Rule 11 of NCLT Rules, 2016 seeking directions with regard to the operation of the Bank Accounts of the R1 Company and also to direct the petitioner to correct the name of R6 in the CP.

Respondents are directed to file reply in this IA within 7 days positively.

List on 09.11.2021 for hearing.

15 IA(C/ACT)/24/KOB/2021 IN CP/24/KOB/2021

Learned counsel for the applicant/petitioner Shri Shameem Ahmed as well as learned PCS for the respondents/respondents Smt Sreepriya Kalarikkal appeared through VC.

This is an IA filed by the applicant/petitioner under Rule 11 of NCLT Rules, 2016 read with Order 1 Rule 10 of CPC 1908 for impleading 7th Additional Respondent.

The applicant/petitioner is directed to issue notice to the proposed 7th Additional Respondent through email and 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 proposed 7th Additional Respondent through email.

Respondents are directed to file reply in this IA within 7 days positively.

List on 09.11.2021 for hearing.

16 IA(C/ACT)/25/KOB/2021 IN CP/24/KOB/2021

Learned counsel for the applicant/petitioner Shri Shameem Ahmed as well as learned PCS for the respondents/respondents Smt Sreepriya Kalarikkal appeared through VC.

This is an IA filed by the applicant/petitioner under rule 11 of NCLT Rules, 2016 read with Order VI Rules 17 of CPC 1908 for the amendment of the CP to include Additional submissions and amendment of reliefs.

Respondents are directed to file reply against this IA within 7 days.

List on 09.11.2021 for hearing.

17 CP/24/KOB/2021

Learned counsel for the petitioner Mr.Shameem Ahmed as well as learned PCS for the respondents Mrs. Sreepriya Kalarickal appeared through VC.

Vide order dated 12.08.2021 the petitioner was directed to file the rejoinder on or before 10.09.2021. Shri Shameem Ahmed submitted that he has received the counter only on 10.09.2021 and filed the soft copy of rejoinder on 25.09.2021, but registry refused to accept the same stating delay in filing.

After hearing the learned counsel for the Petitioner, this Tribunal is of the opinion that the rejoinder may be accepted. The Petitioner is directed to file the hard copy of the rejoinder within 3 days and Registry may take the same on record.

List for final hearing on 09.11.2021.

18 IA(C/ACT)/8/KOB/2021 IN CP(C/ACT)/23/KOB/2021

Due to paucity of time, adjourned to 01.10.2021.

19 CP(C/ACT)/23/KOB/2021

Due to paucity of time, adjourned to 01.10.2021.