

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

Date: 28th October 2021

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

1 CP/(C/ACT)/37/KOB/2021

Learned counsel for the Petitioner Shri Akhil Suresh appeared through VC.

This is a petition filed under Section 271(b) of the Companies Act, 2013 by the applicant M /s. Carnelian Tour Me Tour International Pvt Ltd praying to wind up the applicant Company.

Heard and perused the whole case records.

Reserved for Orders.

2 CA(CAA)/05/KOB/2021

Learned PCS for the Applicants Shri P.P.Zibi Jose appeared through VC.

This is a joint Company Application filed under Section 230/232 of the Companies Act, 2013 by the Transferor Company and Transferee Company in the matter of merger of the Companies.

Heard the learned PCS for the Applicants and perused the whole case records.

Reserved for Orders.

3 IA(IBC)/158/KOB/2021 IN IBA/46/KOB/2019

Learned counsel for the Applicant Shri Santhosh Mathew as well as learned Senior Counsel for the Respondent Shri Joseph Kodianthara appeared through VC.

This case was Reserved for Orders Vide order dated 03.09.2021 after hearing both the learned counsel on that date.

Meanwhile, this IA has been filed under Rule 11 of the NCLT Rules, 2016 by the Applicant/Corporate Debtor. to explore the possibility of an amicable settlement and the following reliefs are sought as part of the settlement proposal:

- (i) Permit the Applicant herein to furnish a Bank Guarantee for an amount of Five Crores in favour of the Respondent herein, within a period of 30 days from the date of this Tribunal passing such an order permitting the applicant and deposit the same before this Tribunal pending the outcome of the Arbitration.
- (ii) Not to pass the final order in IBA/46/KOB/2019 for a further period of 90 days subject to the Applicant depositing the Bank Guarantee: and
- (iii) Pass such further orders in the interests of justice and equity.

On hearing the parties and also on thorough perusal of the records, this Tribunal is of the opinion that the reliefs sought in this IA cannot be allowed since the IBA/46/KOB/2019 has already been Reserved for Orders and that the orders will be pronounced within a couple of days.

Therefore, **IA(IBC)/158/KOB/2021 IN IBA/46/KOB/2019 stands dismissed as not maintainable.**

4 REPORT/86/KOB/2021 IN IBA/37/KOB/2020

This is a Report filed by the IRP Shri Shankar P. Panicker in the matter of Koyenco Autos Pvt Ltd. The IRP in his report stated that Interim Stay has been issued by the Hon'ble High Court of Kerala vide Order dated 13.10.2021 against the Order of this Tribunal dated 06.10.2021 admitting the CD under CIRP.

Learned IRP Shri Shankar P. Panicker appeared in person through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

5 REPORT/87/KOB/2021 IN MA/30/KOB/2019 & IA/71/KOB/2019 IN IBA/240/(IB)/2019/CHENNAI BENCH

This is the 7th Progress Report for the quarter from 01.7.2021 to 30.09.2021 regarding liquidation progress of M/s. Raihan Healthcare Pvt Ltd (under liquidation).

Learned Liquidator Shri Mahalingam Suresh Kumar along with his learned counsel Shri Sathyanarayana appeared through VC.

Perused the Report. Report is taken on record. Registry shall place it on record.

6 MA/76/KOB/2020 IN IBA/240/(IB)/2019/CHENNAI BENCH

Learned Liquidator/Applicant Shri Mahalingam Sureshkumar appeared through VC along with his learned counsel Shri A.G.Satyanarayana. Learned counsel for R1 Shri

Varun, learned counsel for R2 Shri Shinu J Pillai and Learned counsel for the respondents 3 to 8 Shri S. Easwaran also appeared through VC.

Vide order dated 29.09.2021 the **newly impleaded respondents 3 to 8 were directed to file their reply against this MA within two weeks**. But reply has not been filed by them even after 4 weeks. The Registry reported that the counter filed by the Respondent 3 to 8 was returned to them for the reason of delay in filing the counter. Respondents 3 to 8 may file the counter, after curing the defects within a week.

List on 08.11.2021.

7 IBA/11/KOB/2020

Learned counsel for the FC Shri Mohan Jacob George as well as learned counsel for the CD Shri Abraham Mathew appeared through VC.

It appears from records that vide order dated 26.07.2021 at the request of the learned counsel for the respondent, the respondent was given one week's time to file his counter. Since there was delay in filing the counter, the same was returned by the Registry. Since the matter is taking for orders after hearing both parties, Registry is directed to take the counter on record, if it is otherwise in order.

Heard both sides.

Reserved for Orders.

The learned counsel for both the parties may file their written submissions in brief (within 3-4) pages within 6 days.

8 CP(IBC)/26/KOB/2021

Learned counsel for the Operational Creditor Shri Dhruvraj R. Bhavsar appeared through VC. None appeared for the Corporate Debtor.

Shri Dhruvraj submitted that an IA has already been filed through online for withdrawal of the CP(IBC), and that the hard copy has been despatched to this Tribunal. Registry reported that the same is not received till date. However, on verification of the IA received through online filing, the Registry reported that the said IA is defective on account of the following reasons:

- (i) No page number in the soft copy;
- (ii) No separate verifying affidavit
- (iii) Fee not paid through Barathkhosh

The OC is directed to rectify the defects and file the soft copy/hard copy of the IA within 4 days.

List on 09.11.2021.

9 IA/217/KOB/2020 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC.

Heard both sides and perused the records.

Reserved for Orders.

10 CA(CA)/79/KOB/2021 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Applicant Shri K.S.Ravi Chandran as well as learned counsel for R1 Shri Niranjan Sudheer appeared through VC.

Heard both sides and perused the records.

Reserved for Orders.

11 COMP.APPLN/98/KOB/2021 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC.

Heard both sides and perused the records.

Reserved for Orders.

12 COMP.APPLN/100/KOB/2021 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC.

Heard both sides and perused the records.

Reserved for Orders.

13 TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Petitioner Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC.

Heard both sides and perused the records.

Reserved for Orders.

14 TCP/65/KOB/2020 (Writ Petition no.2649/2014 of High Court of Kerala)

Learned counsel for the petitioner Shri Terry V. James appeared through VC. Asst ROC Shri Ramesh appeared through VC for R1. None appeared for other respondents.

This is a Company Petition filed under Section 434 of the Companies Act, 2013. It was originally filed before the Hon'ble High Court of Kerala with the prayer to issue a Writ of Mandamus directing the 1st Respondent (ROC) to consider and pass orders on Ext P2 complaint after considering Ext P1, Ext P3 and Ext P5 within a prescribed time limit at any rate within 14 days.

Shri Ramesh, AROC stated that similar writ petitions are pending before this Tribunal and he would give the case numbers of those petitions within 3-4 days.

He may do so positively on or before 05.11.2021.

List on 10.11.2021.

15 IA/79/KOB/2020 IN CP/127/KOB/2019

Learned counsel for the applicant Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Smt. Aanchal M. Nichani and learned counsel for R5 Shri Zibi Jose also appeared through VC.

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

List on 23.11.2021 (High on Board).

16 IA/92/KOB/2020 IN CP/127/KOB/2019

Learned counsel for the Applicant Smt. Aanchal M. Nichani appeared through VC. Learned counsel for R1 & R2 Shri Bijoy P. Pulipra and learned counsel for R4 Shri PP Zibi Jose appeared through VC. None appeared for 4.

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

List on 23.11.2021 (High on Board).

17 CP/127/KOB/2019

Learned counsel for the applicant Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Smt. Aanchal M. Nichani and learned counsel for R5 Shri Zibi Jose also appeared through VC.

Pleadings are complete

List on 23.11.2021 for final hearing (High on Board).

18 CA/63/KOB/2021 IN CP/05/KOB/2021

Learned counsel for the applicant Shri Terry V James as well as learned counsel for respondents Shri Santhosh Mathew appeared through VC. This CA will be heard along with the main CP.

List on 05.11.2021 (High on Board).

19 CP/05/KOB/2021

Learned counsel for the applicant Shri Terry V James as well as learned counsel for respondents Shri Santhosh Mathew appeared through VC.

Heard the arguments of Shri Terry V. James and the arguments of the respondents partly.

List on 05.11.2021 as part heard (High on Board).

20 CP/34/KOB/2021

This is a Petition filed by Mrs Sunija Darsan against the respondents Mr Shelly Chandrangadan and others alleging violation of the Companies Act, 2013 by the respondents.

Learned counsel for the Petitioner Shri Arun K. Kamalolbhavan as well as learned counsel for the respondents Shri Harikrishnan R Nair appeared through VC.

The respondents were directed to file the counter within three weeks. Shri Harikrishnan sought some more time to file the counter.

The respondents are given the last chance to file the counter within two weeks, failing which, their right to file the counter shall stand forfeited. The Petitioner may file the rejoinder, if any, within 7 days of receipt of the counter.

List on 18.11.2021 for hearing.