

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 29th October 2021

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

1 CA/65/KOB/2021 IN CP/25/KOB/2021

Learned counsel for the Applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC.

Orders pronounced. **CA/65/KOB/2021 IN CP/25/KOB/2021 stands disposed of vide separate order.**

2 CA/66/KOB/2021 IN CP/26/KOB/2021

Learned counsel for the Applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC.

Orders pronounced. **CA/66/KOB/2021 IN CP/26/KOB/2021 stands disposed of vide separate order.**

3 CP(CAA)/2/KOB/2021 IN CA(CAA)/7/KOB/2020

Learned counsel for the Petitioners Shri Jerin Asher Sojan appeared through VC.

Orders pronounced. **CP(CAA)/2/KOB/2021 IN CA(CAA)/7/KOB/2020 stands allowed vide separate order.**

4 CP/114/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

Shri Sukumar Ninan Oommen and Shri Sherry Samuel Oommen concluded their arguments.

List for the arguments of the learned counsel for the respondents on 03.11.2021. (HOB)

5 IA/58/KOB/2019 IN CP/114/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

6 IA 83/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

7 IA/87/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen as well as learned counsel for respondents Shri George G. Poothicote, PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

8 IA/95/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

9 CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen appeared through VC. Learned counsel for R1 & R2 Shri George G. Poothicote, learned PCS for R3 Shri P.P. Zibi Jose and learned PCS for R4 Shri Sumit Agarwal appeared through VC.

Shri Sukumar Ninan Oommen and Shri Sherry Samuel Oommen concluded their arguments.

List for the further arguments of the learned counsel for the respondents on 03.11.2021. (HOB)

10 IA/65/KOB/2019 IN CP/119/KOB/2019

IA/65/KOB/2019 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

11 IA/84/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

12 IA/86/KOB/2020 IN CP/119/KOB/2019

IA/86/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

13 IA/93/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

14 CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri George Poothicote, learned PCS for R3 Shri P.P.Zibi Jose and learned PCS for R4 Shri Sumit Agarwal appeared through VC.

Shri Sukumar Ninan Oommen and Shri Sherry Samuel Oommen concluded their arguments.

List for the further arguments of the learned counsel for the respondents on 03.11.2021.

15 IA/85/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

16 IA/88/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

17 IA/94/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Ninan Oommen as well as learned counsel for Respondents Shri George G. Poothicote, and PCSs Shri PP Zibi Jose and Shri Sumit Agarwal appeared through VC.

This IA will be heard along with the main CP.

List on 03.11.2021 as part heard (High on Board).

18 CONT.APPL(IBC)/3/KOB/2021 IN MA/44/KOB/2019 IN TIBA/11/KOB/2019

Learned counsel for the Contempt Applicant Shri Bijoy P. Pulipra appeared through VC.

This Contempt Application will be **heard on 05.11.2021** along with **MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019.**

19 MA(IBC)/17/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019

This is an application filed by the Monitoring Agent under Section 60(5) of IBC, 2016 against the respondents/suspended directors of the Corporate Debtor.

Learned Monitoring Agent Shri Bijoy Pulipra appeared through VC.

Vide Order dated 04.10.2021 the Respondents were directed to handover the vehicles along with the keys and RC documents and also the keys of the cabin of the Managing Director, original set of keys of the locker inside the Cabin, Original Licenses and Permits of the various facilities of the Corporate Debtor, etc within 10 days. The Respondents/Suspended Directors of the Corporate Debtor were also directed to appear before this Tribunal through Video Conferencing today.

Adv. Shri V.K.Sajith appeared for the Respondents through VC and submitted that he has filed his vakalath through online and that the hard copy will be filed before the Registry today itself. It is also stated that the vehicles along with the keys and RC documents, keys of the cabin of the Managing Director, original set of keys of the locker inside the cabin, Original Licenses and Permits of the various facilities of the Corporate Debtor, etc. will be handed over to the Monitoring Agent on or before 03.11.2021. His submission is recorded. The respondents are directed to hand over the above to the Monitoring Agent on or before 03.11.2021. Learned counsel for the respondents stated that there is a bereavement in the family of the respondents.

Hence, they could not appear through VC today. Since the respondents are not present today, they are directed to appear through VC in the next date of hearing positively.

List on 05.11.2021 for the appearance of the Respondents/Suspended Directors.

Registry is directed to issue copy of this Order to the learned counsel of both the parties and also to the Respondents / Suspended Directors through Email.

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

Learned counsel for the Applicants Shri Prasanth Kumar and Shri Krishnan Unni as well as learned counsel for the CD Shri P.V.Dinesh and Shri Vinod PV appeared through VC.

The Bench observed that the relief sought in the IA is not specific. Consequently, the learned counsel for the applicants sought permission to withdraw the IA with liberty to file a fresh IA. They may do so within two weeks.

Accordingly, the **IA(IBC)/108/KOB/2021 IN CP(IB)/9/KOB/2021 stands dismissed as withdrawn.**

21 CP(IB)/9/KOB/2021

Learned counsel for the Petitioners Shri Prasanth Kumar and Shri Krishnan Unni as well as learned counsel for the CD Shri P.V.Dinesh and Shri Vinod PV appeared through VC.

Since the Petitioners are permitted to file fresh IA in this CP vide today's proceedings, **list this CP(IB) on 16.11.2021.**

22 IA(IBC)/157/KOB/2021 IN CP(IBC)/23/KOB/2021

Learned counsel for the Applicant/Corporate Debtor Shri Shameem Ahamed as well as learned counsel for the respondent/Operational Creditor Shri Manav Thomas appeared through VC.

This is an IA filed by the Corporate Debtor under Rule 11 of the NCLT Rules, 2016 for condonation of delay in filing the counter.

The CD submitted that the delay in filing the counter was neither intentional nor wilful and if the same is not taken on record, the same would adversely affect the CD.

After hearing the learned counsel for both the parties, this Tribunal is of the considered opinion that in the interests of justice, the delay in filing the counter may be condoned. Hence the delay in filing the counter stated to be 13 days is allowed.

Therefore, Registry is directed to accept the counter and take it on record, if it is otherwise in order.

IA(IBC)/157/KOB/2021 IN CP(IBC)/23/KOB/2021 stands allowed accordingly.

23 CP(IBC)/23/KOB/2021

Learned counsel for the Operational Creditor Shri Manav Thomas as well as learned counsel for the Corporate Debtor Shri Shameem Ahmed appeared through VC.

Since direction has been given to the Registry to accept the counter filed by the CD, the OC may file rejoinder, if any, within two weeks from today.

List on 22.11.2021 for hearing. There shall be no adjournment in this matter.

24 IA(C/ACT)/31/KOB/2021 IN CP/128/KOB/2019

Learned counsel for the Applicants Ms Karthika K. as well as learned counsel for R1 & R2 Shri Babu Cherukara and learned counsel for R3 to R5 Shri M.A.Shaji appeared through VC. None appeared for R6 (ROC).

This is an IA filed by the Applicants Laila Babu and 2 others against the Respondents (Petitioners & Respondents in the CP) with the prayer to allow them to participate in the further proceedings of the CP by impleading them as Additional Respondents 5 to 7 or as interveners in the Company Petition.

The learned counsel for R1 to R5 have not raised any objection in impleading the applicants as Respondents 5 to 7 in the Company Petition.

In view of the above, the **IA(C/ACT)/31/KOB/2021 IN CP/128/KOB/2019 stands allowed.**

Registry is directed to carry out the impleadment in the CP.

25 MA(C/ACT)/03/KOB/2021 IN CP/128/KOB/2019

Learned counsel for the Applicants Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri M.A.Shaji appeared through VC. None appeared for R4(ROC).

This is an MA filed by the Applicants/Petitioners 1 & 2 under Rule 11 of the NCLT Rules 2016 seeking the relief to purchase the entire shares of R2 & R3 at a price of Rs.16,397/- per share and for direction to the respondents to make available the entire shares for purchase by the petitioners.

This MA will be heard along with the main CP.

List on 18.11.2021 for hearing.

26 IA(C/ACT)/2/KOB/2021 IN CP/128/KOB/2019

Learned counsel for the Applicants Shri M.A.Shaji as well as learned counsel for R1 & R2 Shri Babu Cherukara appeared through VC. None appeared for R3(ROC).

This is an IA filed by the applicants/R1 to R3 under Rule 11 of the NCLT Rules seeking an order allowing them to purchase the shares held by respondents/ Petitioners 1 & 2 at a price of Rs.17,400/- per share.

This IA will be heard along with the main CP.

List on 18.11.2021 for hearing.

27 CP/128/KOB/2019

Learned counsel for the Petitioner Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri M.A.Shaji appeared through VC.

Respondent Nos 2 and 3 have already filed the affidavit in compliance with the Order of this Tribunal dated 16.09.2021.

Pleadings are complete.

List on 18.11.2021 for hearing.

28 CP/12/KOB/2020

Learned counsel for the Petitioners Shri Jagan Abraham M George appeared through VC. Learned counsel for R1 to R4 Shri Alexander and learned counsel for R5 Shri Terry V. James also appeared through VC.

Shri Terry V. James submitted that R5 passed away on 20.9.2021. His submission is recorded. The company is at liberty to appoint another Auditor, if they so desire,

Pleadings are Complete.

List on 01.12.2021.

29 CP/10/KOB/2021

Learned counsel for the petitioner Shri Javed Gaya as well as learned senior counsel for R1 and R4 Smt. Nimmy K.J. and learned PCS for R2 & R3 Shri PP Zibi Jose appeared through VC.

Pleadings are complete

List on 10.12.2021 for hearing.

Learned counsel for both the parties may file their written submissions in brief (3-4 pages) at least 2 days before the above date.

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

Learned counsel for the applicant Shri P.G.Jayashankar as well as learned PCS for the respondents Shri CS Viivek Kumar appeared through VC.

Pleadings are complete in the main CP. Hence this IA will be heard along with the main CP.

List on 24.11.2021 for hearing.

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

Learned counsel for the applicant Shri P.G.Jayashankar as well as learned PCS for the respondents Shri CS Viivek Kumar appeared through VC.

Pleadings are complete.

List on 24.11.2021 for hearing.