

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

Date: 29th December 2021

Coram:

Shri Ashok Kumar Borah, Hon'ble Member (Judicial)
Shri Anil Kumar B., Hon'ble Member (Technical) -

1 MA(IBC)/39/KOB/2021 IN TIBA/07/KOB/2019

This MA has been filed under Section 42 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the suspended Managing Director of Sargam Builders Pvt Ltd (under liquidation) seeking direction to the Respondent/Liquidator to admit the claim of the applicant for Rs.2,93,17,492.65.

Learned counsel for the applicant Shri Babu Karukapadath appeared through VC. None appeared for the Liquidator.

The Applicant is directed to issue notice enclosing a copy of the application to the Liquidator 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 Liquidator through email immediately. The Liquidator is directed to file the Reply Statement on or before 10.01.2022.

List on 20.01.2022 for hearing.

2 IA(IBC)/196/KOB/2021 IN IBA/13/KOB/2020

This IA has been filed under Section 66 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 by the applicant/Resolution Professional alleging fraudulent transactions by the respondents and hence seeking certain directions against R1 to R5.

Learned RP Shri K. Parameswaran Nair appeared through VC along with his counsel Shri Vinod PV. Adv Shri Abdul Latheef appeared through VC stating that he represents R1 to R5 and would file the vakkalath during the course of the day.

The RP is directed to issue notice enclosing a copy of the application to R6 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 R6 through email immediately.

Respondents are directed to file their Reply Statement on or before 10.01.2022.

List on 20.01.2022 for hearing.

3 IA(C/ACT)/61/KOB/2021 IN CP/50/KOB/2020

This IA has been filed by the Applicants (Respondents 1 to 5) with the prayer to condone the delay in filing the counter affidavit in CP/50/KOB/2020.

Learned counsel for the Applicants Shri A.N.Rajan Babu appeared through VC. None appeared for the respondents.

On hearing the learned counsel for the applicant and on perusal of the records, we are of the considered opinion that the prayer of the Applicant be allowed.

Therefore, IA(C/ACT)/61/KOB/2021 IN CP/50/KOB/2020 stands allowed and Registry is directed to accept the counter, if it is otherwise in order.

4 IA(C/ACT)/62/KOB/2021 IN CP/51/KOB/2020

This IA has been filed by the Applicants (Respondents 1 to 5) with the prayer to condone the delay in filing the counter affidavit in CP/51/KOB/2020.

Learned counsel for the Applicants Shri A.N.Rajan Babu appeared through VC. None appeared for the respondents.

On hearing the learned counsel for the applicant and on perusal of the records, we are of the considered opinion that the prayer of the Applicant be allowed.

Therefore, IA(C/ACT)/62/KOB/2021 IN CP/51/KOB/2020 stands allowed and Registry is directed to accept the counter, if it is otherwise in order.