

NCLT, KOCHI BENCH**Daily Orders –**

Date: 30th Sept 2021

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

1 CP/35/KOB/2021

This Company Petition is filed under Section 340 read with Section 246 of the Companies Act, 2013 by the Petitioner Shri PM. Johny against the respondents Shri K.J. Paul and 3 others alleging loss or damage to the R4 Company to the tune of Rs.50,01,49,418/- by the mismanagement of respondents.

Learned counsel for the Petitioner Shri Mohan Pulickkal appeared through VC. Shri Sharad Kodianthara appeared for the respondents stating that he will file vakkalath and counter for the respondents.

The respondents are directed to file the counter within 3 weeks.

List on 03.11.2021 for hearing.

2 REPORT/79/KOB/2021 IN IA(IBC)/77/KOB/2021 IN IBA/17/KOB/2020

This is the Preliminary Report filed by the Liquidator under Regulation 13 of the I&B BOI (Liquidation Process) Regulations 2016.

Learned liquidator Shri K.T.Mathew appeared in person through VC.

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

3 REPORT/80/KOB/2021 IN IA(IBC)/68/KOB/2021 IN IBA/21/KOB/2019

This is the Preliminary Report filed by the Liquidator under Regulation 15 of the I&B BOI (Liquidation Process) Regulations 2016.

Learned liquidator Shri Jasin Jose appeared in person through VC.

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

4 MA(IBC)/24/KOB/2021 IN MA/127/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/CB/2019

Learned counsel for the applicant Shri Aditya Venugopal appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Kunal Kanungo and Shri Akhil Suresh.

This is an MA filed by the applicant under Rule 11 and Rule 32 of the NCLT Rules, 2016 read with Section 12 of the Contempt of Courts Act with the prayer to take appropriate action against the Liquidator for failing to adhere to the Order of this Tribunal and to provide necessary documents as sought for in MA/97/KOB/2020 and IA/42/KOB/2020.

Heard both sides and perused the whole case records.

Reserved for Orders.

- 5 MA(IBC)/6/KOB/2021 IN IBA/258/CB/2019
- 6 MA(IBC)/7/KOB/2021 IN IBA/258/CB/2019
- 7 MA(IBC)/8/KOB/2021 IN IBA/258/CB/2019
- 8 MA(IBC)/9/KOB/2021 IN IBA/258/CB/2019

None appeared for the applicants. Learned liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

The reply filed by the Liquidator is on record.

Reserved for Orders.

- 9 MA(IBC)/10/KOB/2021 IN IBA/258/CB/2019
- 10 MA(IBC)/11/KOB/2021 IN IBA/258/CB/2019
- 11 MA(IBC)/12/KOB/2021 IN IBA/258/CB/2019
- 12 MA(IBC)/13/KOB/2021 IN IBA/258/CB/2019
- 13 MA(IBC)/14/KOB/2021 IN IBA/258/CB/2019
- 14 MA(IBC)/15/KOB/2021 IN IBA/258/CB/2019
- 15 MA(IBC)/16/KOB/2021 IN IBA/258/CB/2019
- 16 MA(IBC)/18/KOB/2021 IN IBA/258/CB/2019
- 17 MA(IBC)/19/KOB/2021 IN IBA/258/CB/2019
- 18 MA(IBC)/20/KOB/2021 IN IBA/258/CB/2019
- 19 MA(IBC)/21/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the applicant Shri Jayesh S. Pillai as well as learned liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

The reply filed by the Liquidator is on record. **Reserved for Orders.**

20 IA(IBC)/124/KOB/2021 IN IBA/24/KOB/2020

Learned RP Shri Mohanan T.S. appeared through VC.

This is an IA filed by the Resolution Professional with the prayer to approve the Resolution Plan submitted by M/s. Dasmesh Warehousing Private Ltd (Resolution Applicant).

This matter will be heard in detail in the next date of hearing.

List on 08.11.2021.

21 CP(IBC)/27/KOB/2021

Learned counsel for the Operational Creditor Ms Jinnu Sara George appeared through VC.

This is a petition filed by the Operational Creditor M/s. Uralungal Labour Contract Co-operative Society Ltd against the Corporate Debtor M/s. Perambra Coconut Producer Company Ltd.

Vide Order dated 09.08.2021 the Operational Creditor was directed to issue fresh notice to the respondent through Registered Post with A/D and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date of hearing. But the proof of service with an affidavit has not been filed till date.

Smt. Jinnu Sara George submitted that settlement talks are going on between the parties and hence sought an adjournment.

The Operational Creditor is given the last opportunity to issue fresh notice to the Corporate Debtor through Registered Post with A/D / Speed Post and submit proof of service (A/D card or Postal Track Report) with an affidavit within two weeks, failing which law will take its own course.

The Corporate Debtor is directed to file the reply within 14 days serving advance copy to the Operational Creditor.

List on 09.11.2021.

22 IA/26/KOB/2019 IN CP/74/KOB/2019

Learned counsel for the Applicant Shri Philip Mathew as well as learned counsel for R2 Shri Anil D. Nair appeared through VC. None appeared for other respondents.

Both sides submitted that no stay order has been granted by the NCLAT in regard to the appeal filed in this matter.

In view of the above, list this IA on 15.11.2021 for hearing.

23 IA/47/KOB/2020 IN CP/74/KOB/2019

None appeared for the applicant. Learned counsel for R2 Shri Philip Mathew as well as learned counsel for R1 Shri Anil D Nair appeared through VC. None appeared for other respondents.

Both learned counsel submitted that no stay order has been granted by the NCLAT in regard to the appeal filed in this matter.

In view of the above, list this IA on 15.11.2021 for hearing.

24 CP/74/KOB/2019

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for R1 Shri Anil D Nair appeared through VC. None appeared for other respondents.

Both sides submitted that no stay order has been granted by the NCLAT in regard to the appeal filed in this matter.

Pleadings are complete.

In view of the above, list this CP on 15.11.2021 for hearing. Learned counsel for the parties are directed to submit their written submissions in brief (3-4 pages) at least two days before the next date of hearing.

25 CP/53/KOB/2020

Learned counsel for the Petitioner Smt Merin Thaliath as well as learned PCS for R1 to R3 Shri Vivek Kumar appeared through VC.

Vide order dated 27.07.2021 the petitioner was given the last and final opportunity to file the rejoinder, if any, within two weeks, failing which it was ordered that her rights to file the rejoinder shall stand forfeited.

Smt. Merin Thaliath submitted that she has filed the soft copy of rejoinder, but registry refused to accept the same stating delay in filing.

The Petitioner is directed to file an IA along with the hard copy of rejoinder on or before 15.10.2021 for condonation of delay in filing the Rejoinder.

List on 09.11.2021 for final hearing.